



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 07/29/2024	BCC Date: 08/20/2024
Case Number:	240808SU
CDP-AR:	31591
Type of Case:	Special Use Permit: For a warehouse in Regional Business (B-4) zoning.
Owner	Acristo Investments, LLC.
Applicant	Chad Linn, Linn Engineering & Design Inc.
Street Address	No address assigned
Parcel Number	9025-0621-03
Property Size	±1.04 acres
Future Land Use	Commercial (COM)
Zoning Classification	Regional Business (B-4)
Overlay Zone/Scenic Area	Urban Growth Boundary (UGB), Primary Springs Protection Zone (PSPZ)
Staff Recommendation	DENIAL
P&ZC Recommendation	Denial
Project Planner	Ken Weyrauch, AICP, Deputy Director
Related Case(s)	N/A

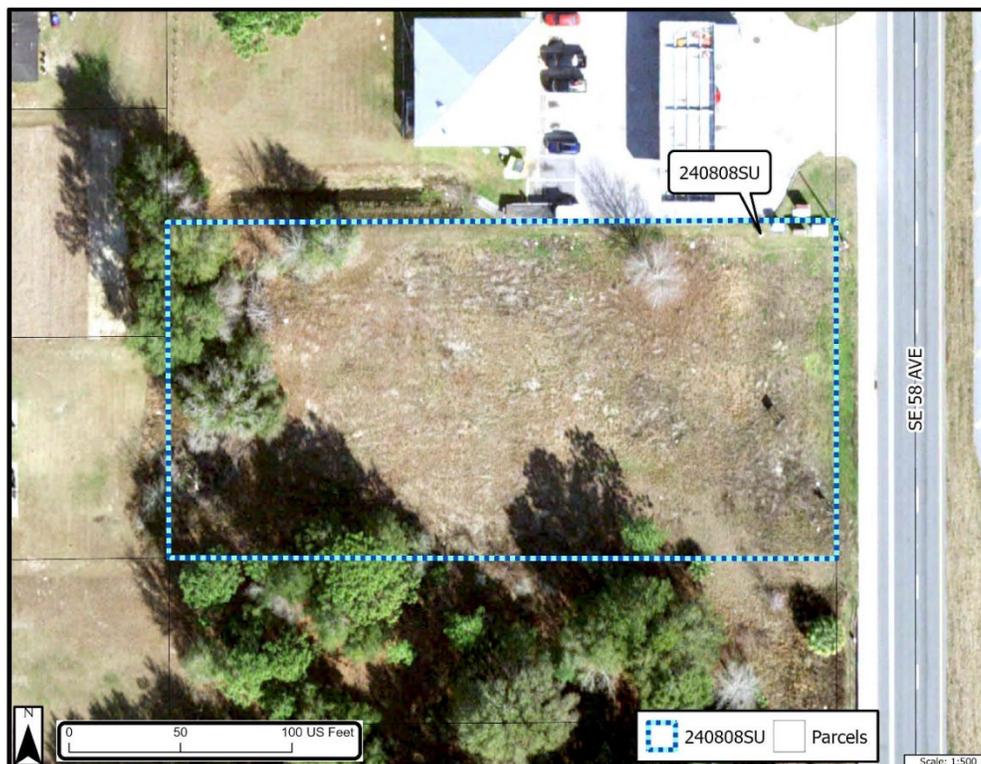
I. ITEM SUMMARY

Chad Linn, with Linn Engineering & Design Inc., on behalf of the property owner, Acristo Investments LLC., has filed a Special Use Permit (SUP) application to allow for a warehouse in B-4 zoning. Within LDC Section 4.2.18(c), a warehouse is listed as a potential special use in this zoning classification. The proposed warehouse would be 10,421 sq. ft., and the total improvements on-site would be 24,338.48 sq. ft.

There are concerns regarding traffic flow from this property as large commercial vehicle trips would be frequent and there is no accessible route to the north from the property. Based on traffic concerns, a warehouse with large commercial vehicle traffic may be ill-suited for the subject property

The Parcel Identification Number associated with the property is 9025-0621-03 and there is no street address assigned at this time. The Property is located in the Urban Growth Boundary (UGB) as well as the Primary Springs Protection Zone (PSPZ). The legal description is included in the application (Attachment A). While the requested use is compatible with the surrounding area and will not have an adverse affect on the public interest, there are concerns regarding traffic flow from this site and the impacts that could potentially have on the surrounding properties. Staff is recommending **DENIAL**.

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** with conditions specified in Section VII.B. of this Staff Report. If approved, staff has recommended conditions that would be imposed to address compliance with the requirements in Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B, and 4.2.20.

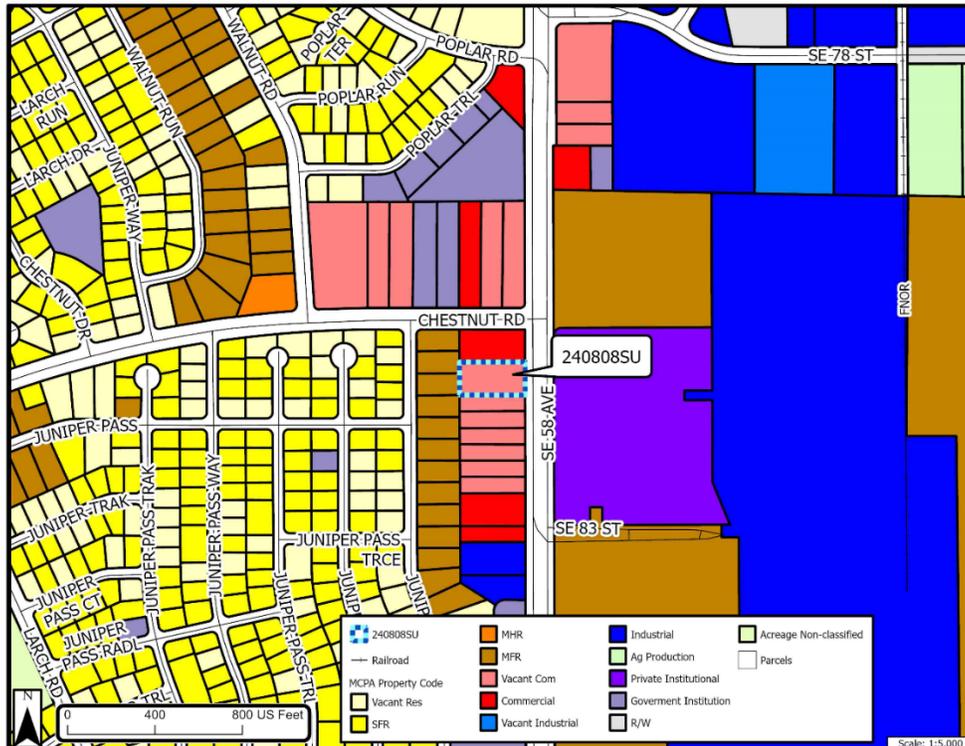
III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (22 property owners) within 300 feet of the subject property on July 12th, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on July 12th, 2024, where site photos were also collected (Attachment B) and consistent with LDC Section 2.7.3.E due public notice was published in the Ocala Star-Banner on July 15th, 2024. As of the date of the initial distribution of this staff report, no letters of opposition have been received.

IV. BACKGROUND/CHARACTER OF THE AREA

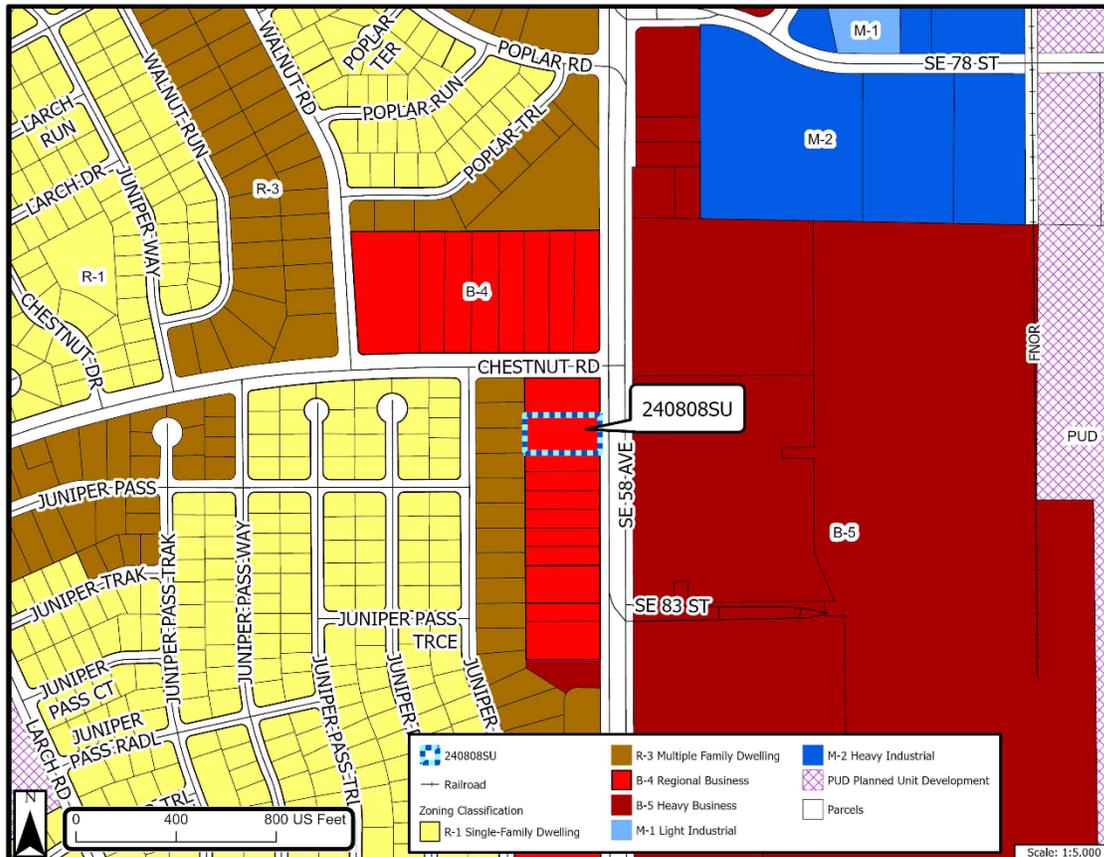
A. *Existing site conditions.* The property card shows that the site is vacant commercial. Figure 2 shows that the property is currently listed as vacant commercial by the Marion County Property Appraiser's Office. The site is surrounded by a mix of commercial and residential properties.

Figure 2
Existing Conditions Map



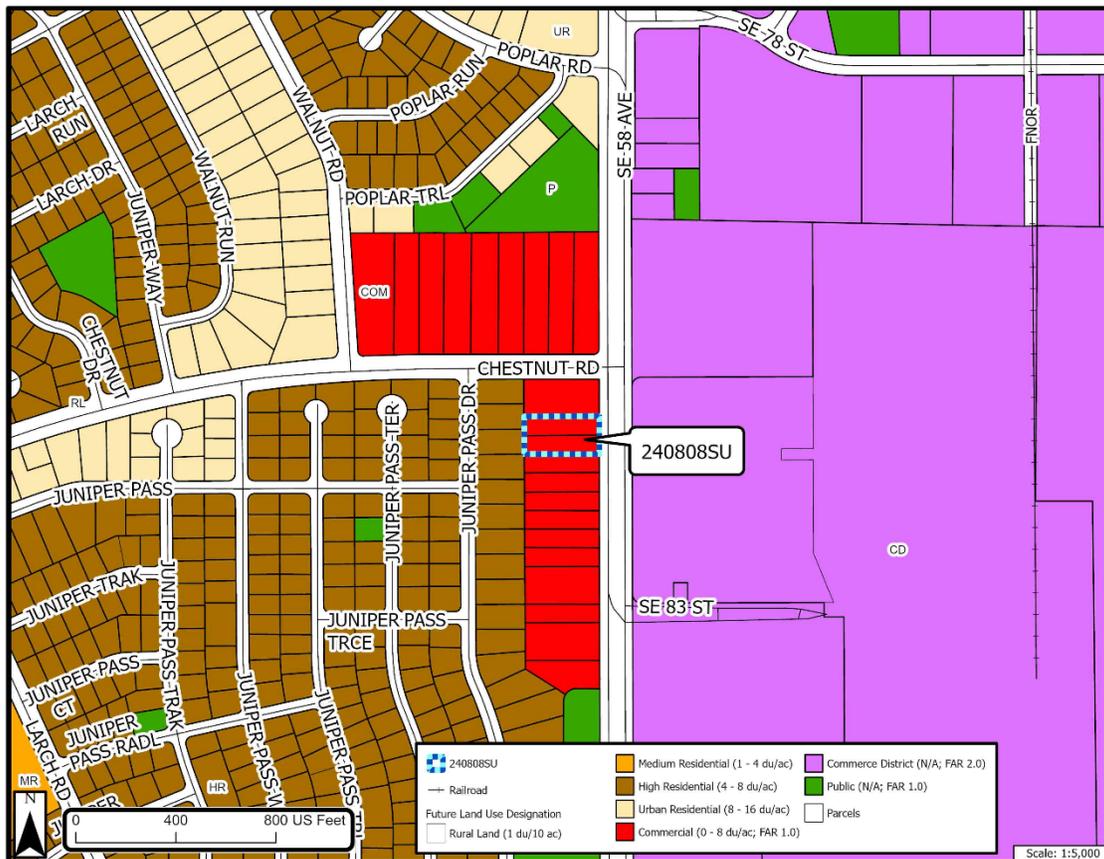
- B. *Zoning district map.* Figure 3 shows the subject property is classified as Regional Business (B-4). This is the property's initial zoning classification.

Figure 3
Zoning Classification



- C. *FLUMS designation.* Figure 4 is the FLUMS and it shows that the subject property is designated Commercial (COM), allowing a maximum FAR of 1.0 and up to 8 dwelling units per acre. This is the property's initial land use designation.

Figure 4
FLUMS Designations



V. ANALYSIS

LDC Section 2.8.2.D provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding the SUP addresses nine (9) specific requirements. LDC Section 2.8.3.B requires consistency with the Comprehensive Plan. Staff's analysis of compliance with these ten (10) requirements are addressed below.

- A. *Provision for **ingress and egress** to property and proposed structures thereon with reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Analysis: The ingress/egress point will be from SE 58th Ave. However, a right-in/right-out at this location would be problematic in regards to the flow of heavy commercial traffic. Cross access to the north and south will need to be included during the major site plan, and a potential negotiation for a cross-access easement from the north (Gas station) shall need to be obtained during the development review process if approved. Additionally, trucks would not have direct access to a northbound route as proposed in the concept plan, unless cross access is obtained. Due to the issues regarding traffic circulation of large commercial

vehicles at this location, a warehouse may not be suitable at the subject property. Notwithstanding, staff imposes the following condition if approved:

- *The applicant shall be responsible for obtaining cross access easements to the north and shall be responsible for establishing cross access to the southern property.*

- B. *Provision for **off-street parking and loading areas**, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the SUP on adjoining properties and properties generally in the surrounding area.*

Analysis: Given the nature of the commercial use and structure of the warehouse, the unloading area identified on the concept plan (Attachment A, page 16) would suffice as defined by the LDC.

- C. *Provisions for **refuse and service area**, with particular reference to the items in (1) and (2) above.*

Analysis: Waste removal shall be through Marion County garbage services and a dumpster shall be placed behind the building and be surrounded by appropriate buffering.

- D. *Provision for **utilities**, with reference to locations, availability, and compatibility.*

Analysis: The property is currently vacant and will be required to connect with the City of Belleview Utilities as noted in the DRC comments from Utilities (Attachment C). The findings of facts included with the application reference the applicants willingness to comply with this condition. The power company for this parcel is Duke energy.

- E. *Provision for **screening and buffering** of dissimilar uses and of adjacent properties where necessary.*

Analysis: The site plan provided as part of this application shows that the buffering along all property lines adjacent to the Right-of-Way shall be a C-type buffer, which is consistent with the Marion County LDC. The property is adjacent to another commercial property and, as defined in the LDC, no buffering is required between these commercial activities. A 20' B-type buffer with a wall will be placed adjacent to the western residential properties consistent with the LDC. The following condition is imposed:

- *The screening and buffering shall be consistent with the LDC and waivers shall only be obtained through BCC approval.*

- F. *Provision for **signs**, if any, and **exterior lighting** with consideration given to glare, traffic safety, economic effects, and compatibility and harmony with properties in the surrounding area.*

Analysis: The application makes no reference to signage being placed on the property. Motion lights and exterior lighting will be placed consistent with the LDC.

G. *Provision for **required yards and other green space**.*

Analysis: The special use permit will not trigger any need to increase additional greenspace at this time as this use will be consistent with the regulations of the LDC.

H. *Provision for general **compatibility** with adjacent properties and other properties in the surrounding area.*

Analysis: Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Figure 1 is an aerial photograph displaying existing and surrounding properties. At this time, there are some vacant commercial properties in the general vicinity and residential to the west. Staff finds that this use would be compatible with the surrounding area if traffic concerns are able to be resolved within the development process.

I. *Provision for meeting any **special requirements** required by the site analysis for the particular use involved.*

Analysis: Staff notes that unlike a variance, which runs with the land and is recorded in the public records, a special use permit is not recorded. As a result, a subsequent owner will not have notice of the requirements. Due to the structure being the essence of the SUP request, if the property is sold the use of a warehouse would still remain. To ensure that the SUP stays in compliance and has a system of periodic reviews, Staff recommends a list of conditions provided at the end of this report to mitigate the possibility of any negative impacts from this special use. Staff imposes the following conditions:

- *No outdoor storage will be permitted as part of this commercial operation.*
- *This special use permit runs with the property and not the owner.*

J. *Consistency with the Comprehensive Plan.*

1. Policy 2.1.5: **Permitted & Special Uses** – The county shall identify permitted and special uses for each land use designation and zoning classification, as further defined in the Comprehensive Plan, Zoning, and LDC.

Analysis: LDC Section 4.2.18 requires a Special Use Permit for a warehouse in Regional Business (B-4) zoning. Thus, the application is consistent with FLUE Policy 2.3.21.

Based on the above findings, Staff concludes the SUP is **consistent** with LDC Sections 2.8.2.D and 2.8.3.B provided conditions to address the two (2) requirements are imposed.

VI. ALTERNATIVE RECOMMENDATIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **APPROVE AS CONDITIONED** the special use permit amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance with amended conditions and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE WITH AMENDED CONDITIONS** the special use permit.
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. STAFF RECOMMENDATION

- A. Staff recommends the Planning and Zoning Commission enter into the record the Staff Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **DENY** the special use permit.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:
 - 1. *The applicant shall be responsible for obtaining cross access easements to the north and shall be responsible for establishing cross access to the southern property.*
 - 2. *The screening and buffering shall be consistent with the LDC and waivers shall only be obtained through BCC approval.*
 - 3. *No outdoor storage will be permitted under this commercial operation.*
 - 4. *This special use permit runs with the property and the owner. Any sale of the property will void this SUP and a new owner must obtain one.*

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Denial

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

To be Determined.

X. LIST OF ATTACHMENTS

- A. SUP application.
- B. Site Photos.
- C. DRC Comments.