



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 07/29/2024	BCC Date: 08/20/2024
Case Number:	240809SU
CDP-AR:	31614
Type of Case:	Special Use Permit for a food truck park in Community Business (B-2)
Owner	TIGO Investment Group, LLC
Agent	Luis Betances
Street Address	No Address Assigned
Parcel Number	41200-079-03
Property Size	± 2 acres
Future Land Use	Commercial (COM)
Zoning Classification	Community Business (B-2)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SSPOZ)
Staff Recommendation	Approval with conditions
P&ZC Recommendation	Approval, on Consent (7/29/2024)
Project Planner	Eryn Mertens, Planner II
Related Case(s)	240904SU Bisram

I. ITEM SUMMARY

Green Underline is new since the last meeting. ~~Red Strikethrough is removed since the last meeting.~~

Luis Betances, the applicant, has filed an application for a special use permit for a food truck park in a Community Business (B-2) zoning (see Attachment A). Figure 1 is an aerial photograph showing the location of the subject property. The Property Identification Number associated with the property is 41200-079-03. The site is not addressed but is located on HWY 484, west of I-75, south of the Ocala Sun RV Park, and the legal description is displayed on the deed included as part of the application. The subject property is located within the Silver Springs Secondary Protection Overlay Zone (SSPOZ).

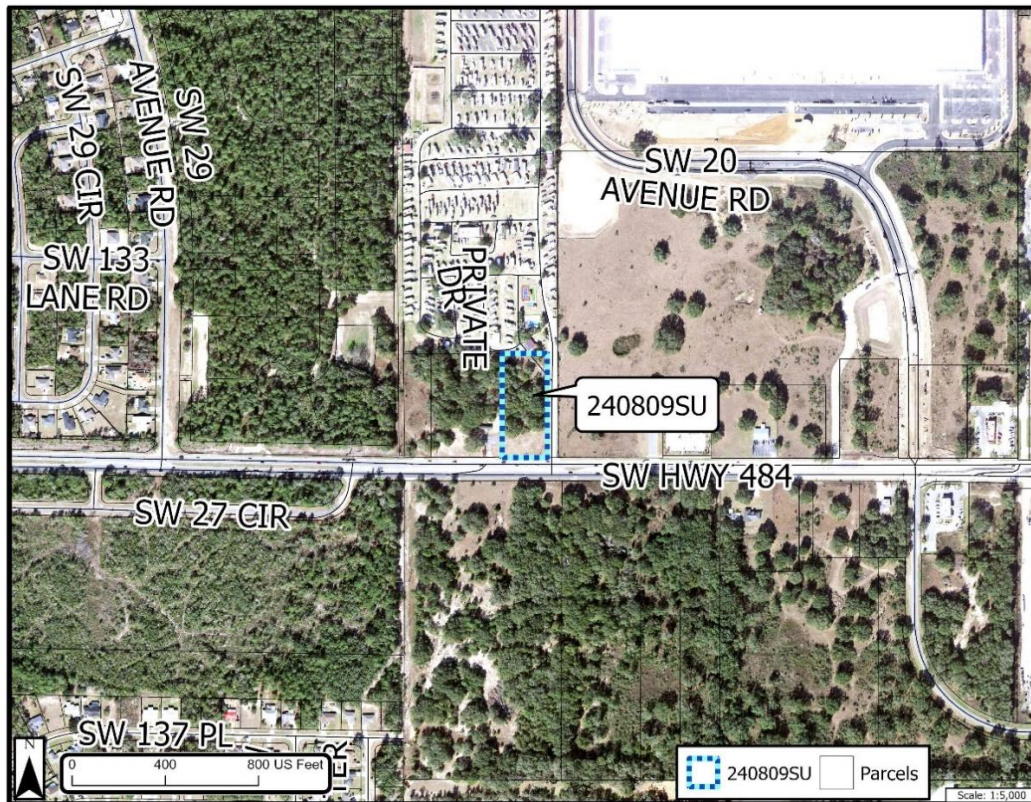
The proposed food truck park provides ~~150~~ 69 parking spaces, ~~45~~ 30 food trucks, picnic tables, restrooms, and dumpsters. The application states that the food trucks will have plastic-lined containers for grease and trash and that the existing vegetation is to be maintained as the proposed buffers. As this is the first food truck park proposed in Marion County, the planning staff, through this report, will make recommendations that if the SUP is approved, the site will be consistent with Marion County's Comprehensive Plan and Land Development Code and compatible with the surrounding area.

The Planning and Zoning Commission met on July 29, 2024, and voted unanimously on Consent to recommend **approval with staff's recommended conditions**. However, some of the applicant's proposals have changed, and therefore, staff's recommended conditions have been adjusted in response.

On November 19, 2024, the applicant's agent submitted a new conceptual plan (see Figure 3.1 below). The new concept plan reduces the number of food trucks from 45 to **30**, reduces the number of parking spaces from 150 to **69**, and the number of tables from 78 to **60**. The new plan proposes grass parking for employees (8 spaces) because the food trucks are mostly stationary and do not come and go from the site. The new plan also proposes three large storage containers and only two restrooms for the site. If approved, the project will still require a traffic study and a major site plan because 16 or more food trucks will generate more than 100 peak-hour trips per OCE traffic. Connection to Marion County water and sewer is required, buffers are required, and other Land Development Code (LDC) provisions will apply. These provisions include shade tree requirements, parking, landscaping, landscape islands, stabilized drive aisles for Fire Rescue, and any other requirement of commercial development.

*Update from 12/09/2024- There are concerns about alcohol consumption onsite either by alcohol sales or customers bringing in their own alcohol. Alcohol sales or the consumption of alcohol onsite was not part of the Special Use Permit request. Any onsite consumption would be a code violation. Any future onsite consumption, either via alcohol sales or via bottle club, will require another Special Use Permit.

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL with conditions** because with these recommended conditions, the request is consistent with the Marion County Comprehensive Plan, compatible with the surrounding area, and will not adversely affect the public interest specified in Section VI.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirements in LDC Sections 2.8.2.D and 2.8.3.B

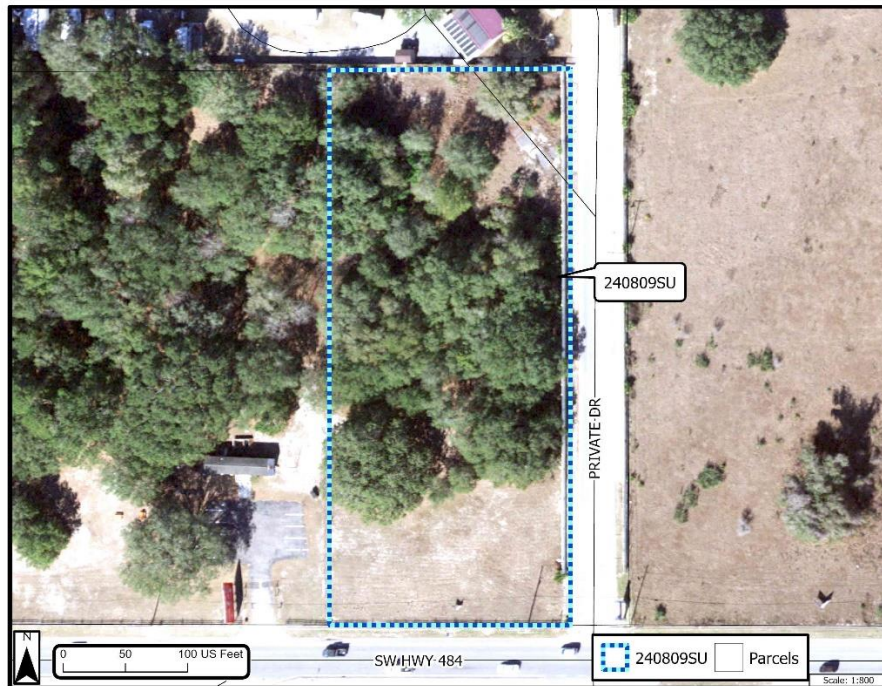
III. NOTICE OF PUBLIC HEARING

The Growth Services Director has interpreted the requirements of Land Development Code (LDC) Sections 2.7.3.C and 2.7.3.B to apply to SUP applications. LDC Section 2.7.3.C requires notice of public hearing be mailed to all property owners within 300 feet of the subject property and notice was mailed to (4) owners on July 12, 2024, and four (4) again on November 8, 2024. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on July 15, 2024, and again on December 3, 2024, and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on July 15, 2024, and again on November 11, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference.

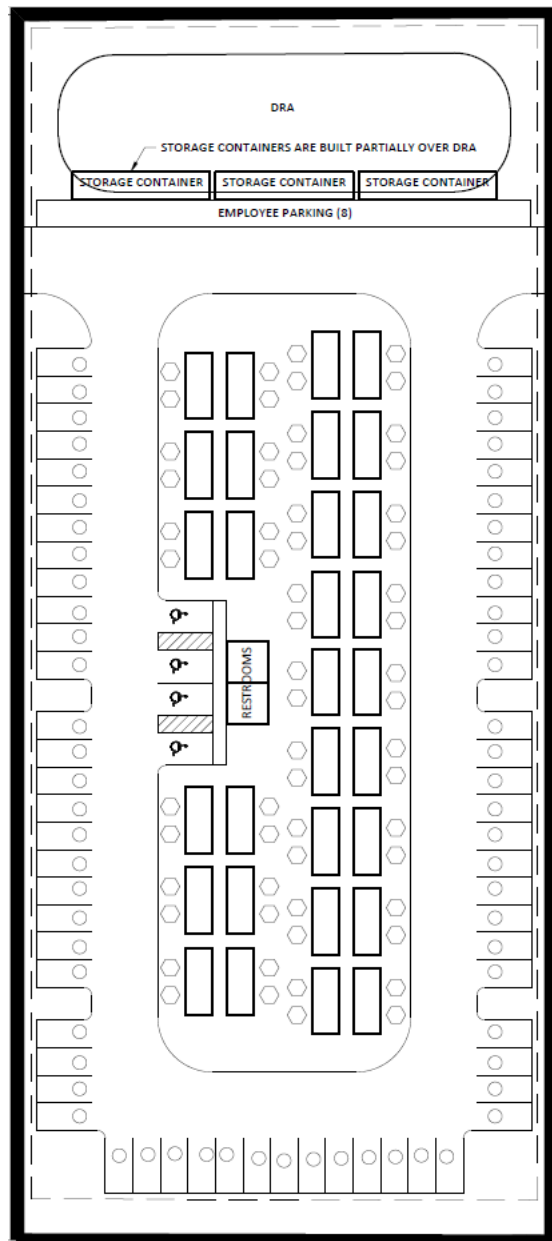
IV. BACKGROUND/CHARACTER OF THE AREA

- A. *Existing site conditions.* The subject property is currently undeveloped with several large mature shade trees on it, as shown in Figure 2.

Figure 2
Close Up Aerial of Site



**Figure 3.1
Concept Plan**



SITE:
TOTAL AREA ~~±3.14 A~~ **±2.0 acres**

LAND USE & ZONING:
FUTURE LAND USE: EMPLOYMENT CENTER
CURRENT ZONING: B2
PROPOSED ZONING: B2 W/ SUP

FOOD TRUCK:
10' X 24' 30

STORAGE CONTAINERS:
10' X 50' 3

DINNING TABLES: 60

PARKING:
10' X 20' 65
12' X 20' (HANDICAP) 4

PARKING SPACES REQUIRED PER TABLE - 1.0

Figure 3.2
Previous Concept Plan

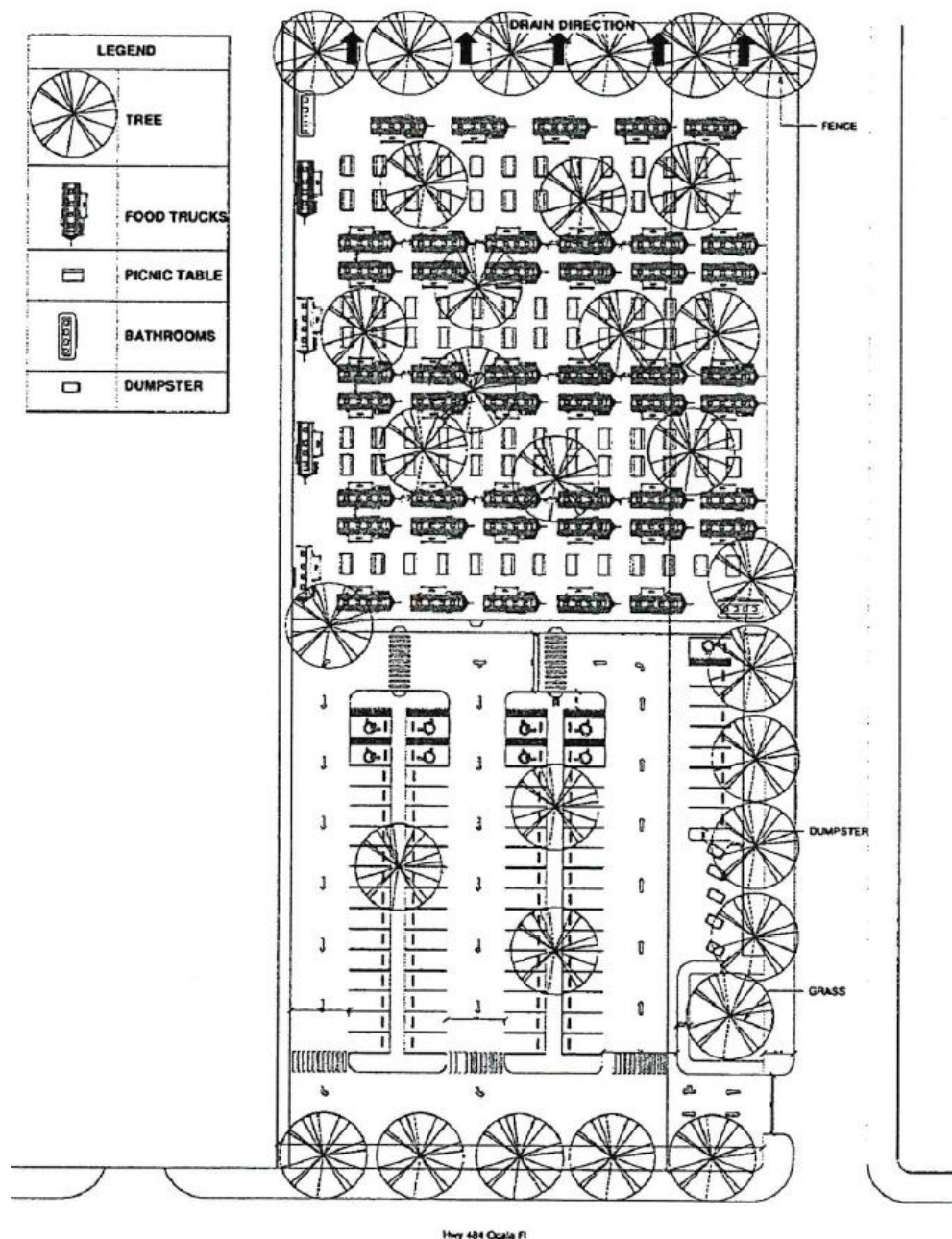


Figure 4
Existing Conditions Map

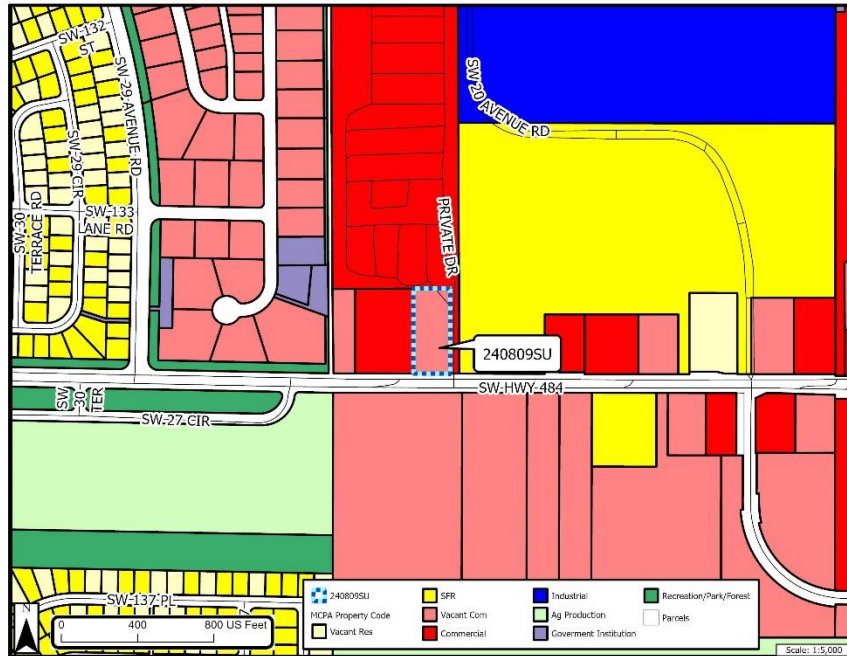
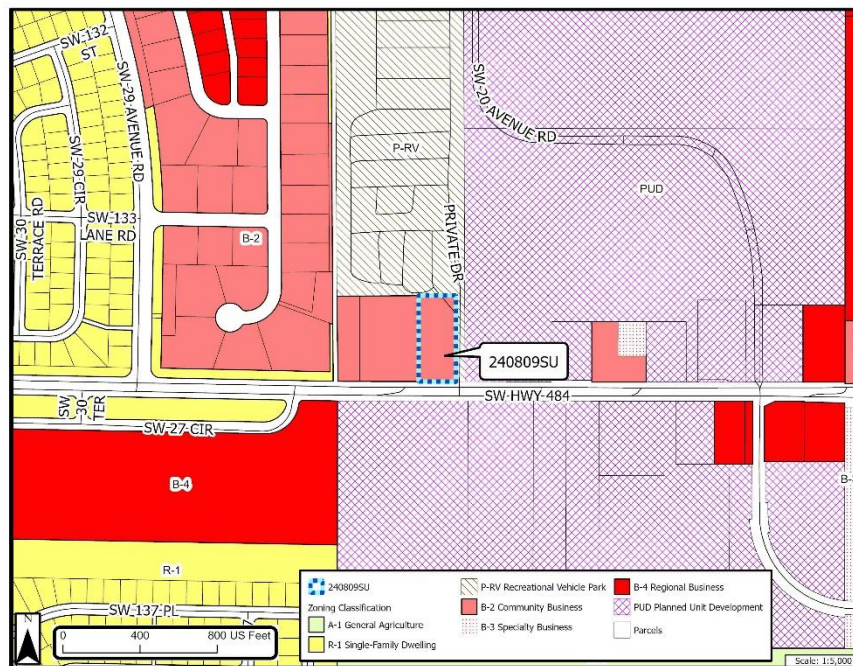


Figure 5
Zoning Classification



- B. *Zoning district map.* Figure 5 shows the subject property is classified as B-2. This is the subject property's initial zoning classification. The surrounding zonings are

a combination of Planned Unit Development (PUD), and Recreational Vehicle Park (P-RV).

Figure 6
FLUMS Designations



- C. *FLUMS designation.* Figure 6 is the FLUMS and it shows the subject property and abutting properties are designated Employment Center (EC), which allows for commercial, light industrial, and residential uses. The maximum Floor Area Ratio (FAR) is 2.0 and the density allowance is 0-16 du/ac.

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 particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Analysis: Ingress, egress, circulation, multimodal, and sidewalk considerations will be part of the development review process during the site plan review. Due to

traffic trip generation, a traffic methodology and a traffic study will be required with the site plan.

- 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: parking, loading areas, lighting, and odor considerations will be part of the development review process during the site plan review.

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

Analysis: refuse and service area considerations will be part of the development review process during the site plan review. However, a condition will be placed below to mitigate any potential negative impacts.

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

Analysis: Utilities considerations will be part of the development review process during the site plan review.

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

Analysis: screening and buffering considerations will be part of the development review process during the site plan review. However, a condition will be placed below to mitigate any potential negative impacts.

- 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: Signs and lighting will need to meet the standards of the LDC and will be part of the development review process during the site plan review.

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

Analysis: For items A-G above, a Site Plan approval is required for all development on this site. The Site Plan process will ensure the site meets the minimum standards of the Marion County Land Development Code, thus, ensuring all of these items are addressed properly. Ingress and Egress will be from HWY 484 and potential cross access will be required. Any outdoor lighting will need to be shown on the plan to ensure the lighting meets the standards of the LDC. Buffers adjacent to the right of way and dissimilar uses will also be required by the LDC. However, since the RV park to the north is considered commercial, staff will

make a buffer recommendation along that boundary line because people in the RV park are living on site. Planning staff make the following recommendations to ensure clarity about the requirement of a Site Plan.

- The project shall be developed in a manner consistent with the conceptual plan that was submitted with this application [and the Marion County Land Development Code](#).
- A Major Site Plan approval from the Development Review Committee is required for all development on the subject property.
- Cross access to adjacent properties, when required, must be paved.
- The buffer along the northern boundary, adjacent to the RV Park, shall be a modified Type A buffer, the modification shall include a 6' opaque vinyl fence. [A Type C Buffer is required along HWY 484 ROW](#).
- Garbage shall not be allowed to accumulate and overflow the dumpsters. Garage shall be removed from the site regularly and in a timely manner.
- Owner/Applicant to work with Utilities during DRC process to install grease traps to the county's standards.

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

Analysis: Compatibility is defined in Chapter 163.3164(9) of the Florida Statutes, under the Community Planning Act, 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.”

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

Analysis: The applicant states they will be willing to meet and requirements set in place for the special use permit. 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. To mitigate future issues, staff recommends.

- Hours of Operation: 9am - 10pm
- Lighting standards: A photometric plan shall be provided during Site Plan development through the Development Review Committee (DRC)
- Permanent restroom facilities shall be provided meeting FL Building Code for Commercial bathrooms.
- The site shall be connected to central water and sewer services.
- Concrete pads for the food trucks shall be installed with no food trucks parking on open ground without a concrete pad.
- Fire truck access – During DRC site plan approval, if it's found that the requested number of food trucks will not allow required emergency services circulation through the site, the number must be reduced to provide

necessary space in the event that emergency services must access the property.

- The Special Use Permit will terminate in the event there is a division or subdivision of the site.
- The Special Use Permit shall run with Luis Betances and not with the property.

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 4.2.9.C allows for Special Use Permits for commercial vehicles in the R-1 zoning classification. Thus, the application is consistent with FLUE Policy 2.1.5.

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 ten (10) 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 **DENY** 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 Board enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a

recommendation to adopt a proposed Ordinance to **APPROVE AS CONDITIONED** the special use for operating a foodtruck park.

- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:

Green and underlined conditions have been added for clarity since the last meeting.

1. The project shall be developed in a manner consistent with the conceptual plan that was submitted with this application and the Marion County Land Development Code.
2. A Major Site Plan approval from the Development Review Committee is required for all development on the subject property.
3. Cross access to adjacent properties, when required, must be paved.
4. The buffer along the northern boundary, adjacent to the RV Park, shall be a modified Type A buffer, the modification shall include a 6' opaque vinyl fence. Buffer along HWY 484 shall be a Type C Buffer.
5. Garbage shall not be allowed to accumulate and overflow the dumpsters. Garbage shall be removed from the site regularly and in a timely manner.
6. Owner/Applicant to work with Utilities during DRC process to install grease traps to the county's standards.
7. Hours of Operation: 9am - 10pm
8. Lighting standards: A photometric plan shall be provided during Site Plan development through the Development Review Committee (DRC)
9. Permanent restroom facilities shall be provided meeting FL Building Code for Commercial bathrooms.
10. The site shall be connected to central water and sewer services.
11. Concrete pads for the food trucks shall be installed with no food trucks parking on open ground without a concrete pad.
12. Fire truck access – During DRC site plan approval, if it's found that the requested number of food trucks will not allow required emergency services circulation through the site, the number must be reduced to provide necessary space in the event that emergency services must access the property.
13. The Special Use Permit will terminate in the event there is a division or subdivision of the site.
14. The Special Use Permit shall run with Luis Betances and not with the property.

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval with conditions, on Consent (7/29/2024).

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. Application.
- B. DRC Comments.
- C. Site Photos
- D. New Concept Plan, submitted 11/19/2024
- E. Resolution Draft for Related case, 240904 Bisram SUP