



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

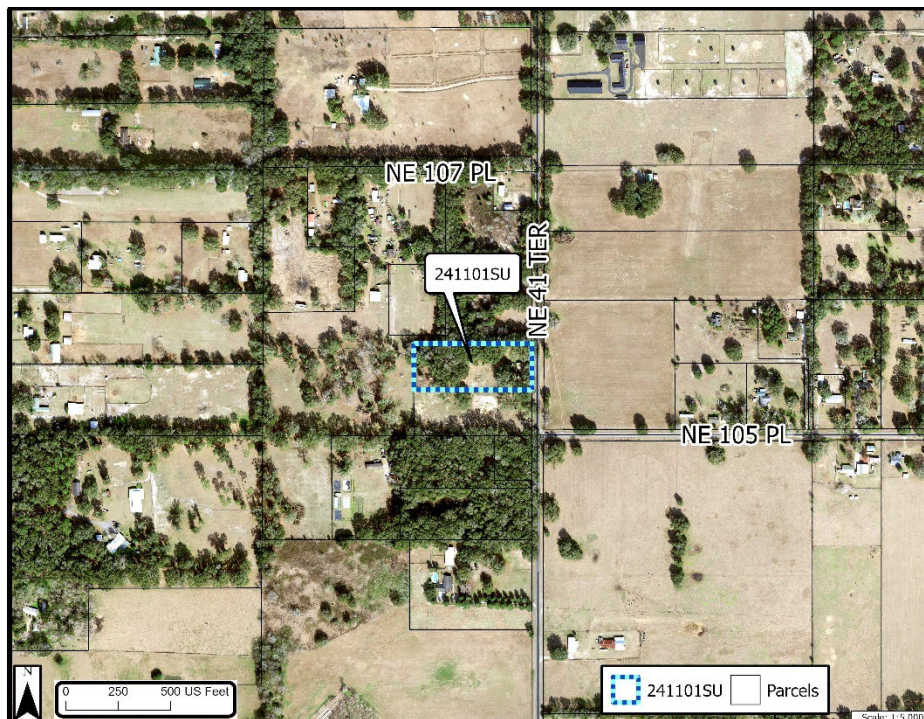
**PLANNING & ZONING SECTION
STAFF REPORT**

Public Hearing Date:	P&Z: 10/28/2024	BCC: 11/19/2024
Case Number:	241101SU	
CDP-AR:	31590	
Type of Case:	Special Use Permit: Parking one commercial vehicle - truck/cab unit with logging trailer unit	
Owner	Homero Garcia Mollinedo	
Applicant	Same as owner.	
Street Address	10530 NE 41 st Terrace	
Parcel Number	13994-000-00	
Property Size	± 2.84 acres	
Future Land Use	Rural Land (RL)	
Zoning Classification	General Agriculture (A-1)	
Overlay Zone/Scenic Area	Outside the Urban Growth Boundary (UGB), Silver Springs Primary Springs Protection Overlay Zone (PSPOZ)	
Staff Recommendation	APPROVAL WITH CONDITIONS	
P&ZC Recommendation	APPROVAL – ON CONSENT	
Project Planner	Christopher D. Rison, Senior Planner	
Related Case(s)	Code Case 960778 - Two commercial vehicles on the property for logging business (Source: Code Officer, Open: 7/29/24, Status: Pending - SUP App submitted 8/13/24, 2 nd truck/cab sold & removed).	

I. ITEM SUMMARY

Homero Garcia Mollinedo filed an application for a special use permit to allow the parking of one (1) commercial vehicle (tractor/cab) with trailer (logging trailer) in a General Agriculture (A-1) zone (see Attachments A, B, and C). Figure 1 is an aerial photograph showing the general location of the subject property. The Property Identification Number(s) associated with the property is 13994-000-00, the street address is 10530 NE 41st Terrace, Anthony, 32617, and the legal description is displayed on the deed included as part of the application. The subject property's future land use designation is Rural Land and it not within the Urban Growth Boundary (UGB) or Farmland Preservation Area (FPA) and is within the Silver Springs Primary Springs Protection Overlay Zone (PSPOZ).

The application submittal was prompted by a Code Enforcement Case regarding commercial vehicle parking on the site, wherein two vehicles were identified as parked on the site – the requested white truck/cab and logging trailer (the subject of this request), and a red truck/cab (now sold & removed and not part of this application). The requested proposed truck/cab and trailer is one of the vehicles identified by Code Enforcement (See Attachment B). Land Development Code (LDC) Section 4.3.21 enables considering the parking of a commercial vehicle in an agricultural zoning classification on parcels less than 5-acres in size by Special Use Permit (See Attachment D).



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** due to the request being 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, subject to conditions recommended by staff in order to address compliance with the requirements in LDC Sections 2.8.2.D, 2.8.3.B, and 4.3.21

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 pursuant to Division 1.4.2. Per LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (11 owners) within 300 feet of the subject property on October 11, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on October 18, 2024 and consistent with LDC Section 2.7.3.E., and due public notice was published in the Ocala Star-Banner on October 14, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition have been received, and one letter of support has been received.

IV. BACKGROUND/CHARACTER OF THE AREA

A. *Existing site conditions.* The subject property includes a 912 square foot single-family residence built in 1966 per the Marion County Property Appraiser's Office (MCPA) data. The north, west, and south boundaries of the site include varying vegetation, predominantly trees, and including a few along the east boundary shared with NE 41st Terrace. Figure 2 provides a conceptual plan of the property while Figure 3 illustrates existing uses in relation to the subject property. The property to the north is currently vacant and significantly forested, while two properties to the northwest and north-northwest include manufactured homes; however, those homesites are $\pm 540'$ and $\pm 730'$ away from the identified commercial vehicle parking area. The property south of the site features a new single-family residence completed in April 2024; that residence functionally replaced an older single-wide manufactured removed from the site in 2021 and is located $\pm 200'$ from the parking area. East of the site across NE 41st Terrace are larger agricultural production sites with one including a single-family residence. West of the site is part of a larger parcel that includes the referenced residence located $\pm 730'$ north-northwest of the commercial vehicle parking area; however, this portion of the parcel is vacant/agricultural production. A site visit was conducted and photos were taken showing the site (See Attachment G).

Staff notes that locations to accommodate commercial vehicle parking are not readily available in the surrounding area; however, potential sites for such proposed uses are available and subject to being appropriately developed in a way consistent with the LDC. However, the lack of an existing available location is not

the basis for granting the proposed request; and staff notes the proposed request is an SUP Application Type enabled by LDC Section 4.3.21 as previously noted.

Figure 2
Concept Plan

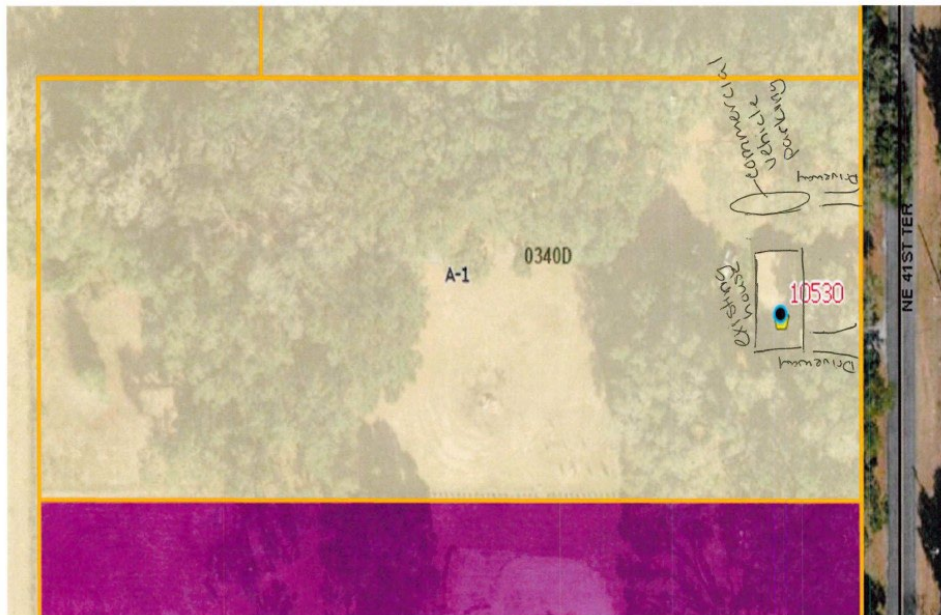
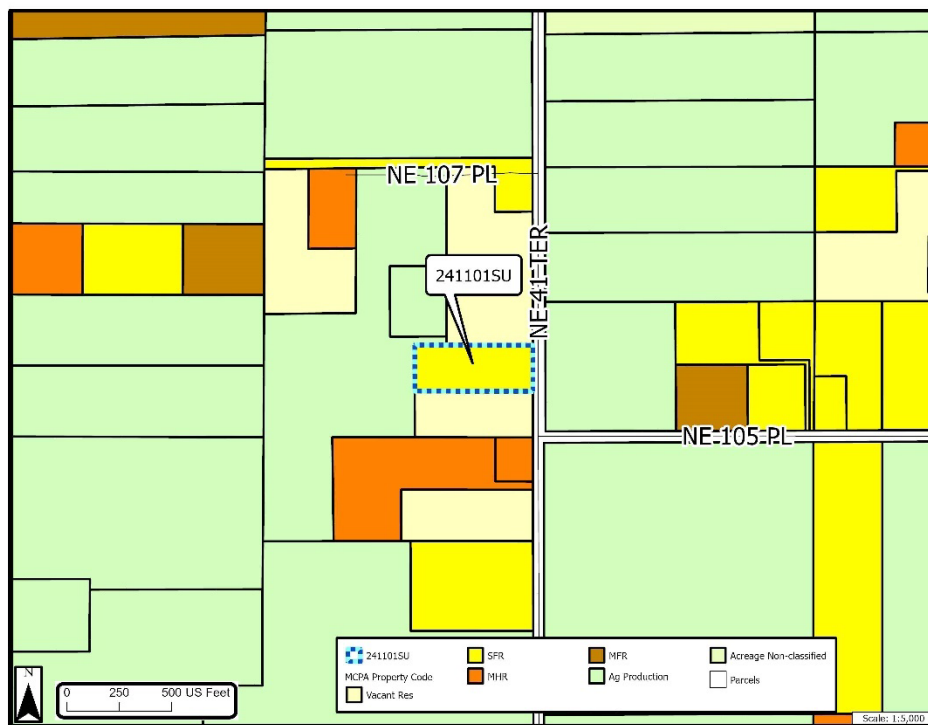
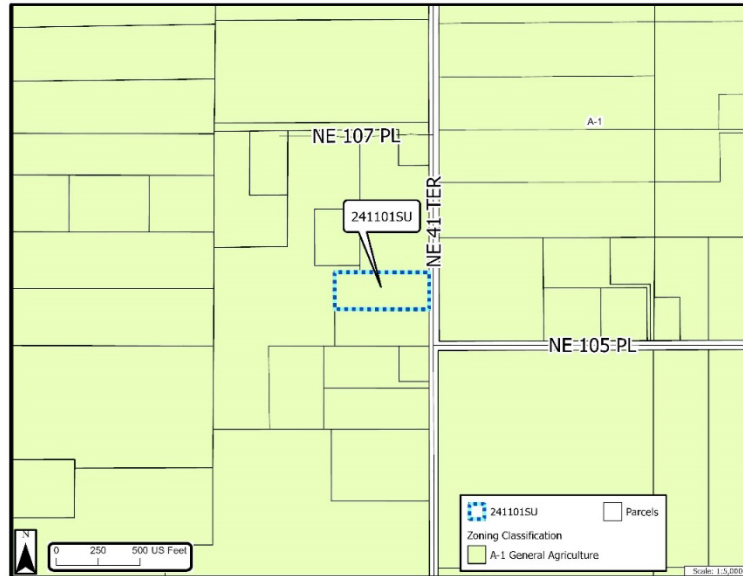


Figure 3
Existing Uses Per Property Appraiser Use Code



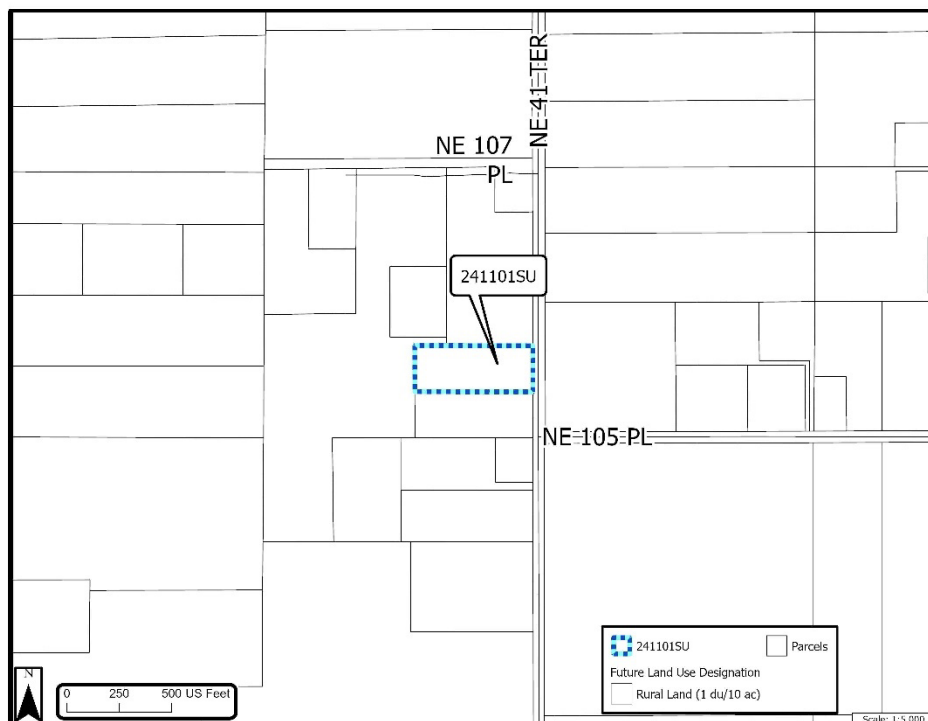
- B. *Zoning district map.* Figure 4 shows the subject property and the surrounding properties are classified as General Agriculture (A-1).

Figure 4
Zoning Classification



- C. *FLUMS designation.* Figure 5 shows the subject property and the surrounding's Rural Land (RL) future land use designation, allowing a maximum density of one dwelling unit per 10 acres (1 DU/10 AC) or per parcel of record.

Figure 5
FLUMS Designations



- D. *Summary.* Table A summarizes the above area characteristics. The subject property and surroundings are Rural Land designated with A-1 zoning. Surrounding properties are acreage tracts of varying sizes and no formal subdivisions are located in the immediate surroundings. Except for the new residence to the south, all other homesites in the surroundings are at least 500' away from the proposed commercial vehicle parking area. NE 41st Terrace is minor local paved roadway maintained by Marion County, and is not part of an assessment unit area.

TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Rural Land (RL)	General Agriculture (A-1)	Vacant
South	Rural Land (RL)	General Agriculture (A-1)	Single-Family Residence BP# 2022122394, CO'd 4/26/24
East	Rural Land (RL)	General Agriculture (A-1)	Vacant
West	Rural Land (RL)	General Agriculture (A-1)	Manufactured Home (1985)

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: The application's Findings of Facts and Concept Plan(s) indicate the commercial vehicle will access NE 41st Terrace. NE 41st Terrace is a designated minor local roadway with a posted speed limit of 40 miles per hour (MPH). An existing paved driveway provides access to the residence's carport at the southeast corner of the residence. An unpermitted historic access lies along the north side of the existing residence providing access to the side and rear of the property; this historic access is the proposed access and parking location of the requested commercial vehicle, and where the previously cited commercial vehicles were located. The traffic division of the Office of the County Engineer did not object to the proposed commercial vehicle access, but did note that a paved driveway apron for the commercial vehicle parking, in compliance with LDC driveway design standards would be required if approved. The applicant verbally indicated the operator typically enters forward into the property and then proceeds deeper into the site, and then loop/turns around in the western portion of the site to then pull

into the proposed parking area facing NE 41st Terrace so as to avoid “backing maneuver” to or from the site. *As such staff recommends the following condition:*

- *A stabilized concrete driveway apron shall be provided for the parking location of the commercial vehicle meeting right-of-way permitting requirements.*
- *The commercial vehicle shall enter the site from NE 41st Terrace and then loop/turn-around in the northwest of the existing residence to the parking area, and be parked so the vehicle is facing and exiting forward to NE 41st Terrace; access to NE 41st Terrace shall not be provided by using a “backing up” maneuver in either accessing direction.*

- 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: The Findings of Facts and Concept Plan(s) included with the application identify a vehicle parking location on the north side of the residence as previously noted. The request proposes parking for the truck/cab unit and a logging trailer with the current vehicle identification number (VIN) as follows: Truck/Cab – QFUJA6CKX5LU78796 and Logging Trailer – 995433063194071. *As such, staff recommends the following condition:*

- *The SUP is solely for the parking/storage of a commercial vehicle to consist of one truck/cab unit and one trailer unit (logging trailer) with vehicle identification numbers as follows:*
 - a. Truck/Cab – QFUJA6CKX5LU78796 and*
 - b. Logging Trailer – 995433063194071.*

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

Analysis: The applicant states they do not contract for waste removal by a private hauler, and instead dispose of waste personally, and waste potentially generated in relation to the truck/cab will be included in the current waste removal. Staff notes the site is eligible for direct self-disposal at Marion County’s Collection Facilities as the site is subject to the County’s annual Solid Waste Assessment. *As such, staff recommends that any trash generated related to parking the commercial vehicle on-site be removed and disposed of with the household garbage on a minimum of a weekly basis, whether by private hauler or self-disposal as follows:*

- *Trash collection and disposal shall be addressed by property owner, on at least a weekly basis, by private contracted haul service or the owner’s self-disposal at a Marion County Solid Waste Collection Facility consist with Marion County LDC and Code of Ordinances.*

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

Analysis: The subject property is already developed with a home on the property using on-site well and on-site treatment and disposal septic tank.

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

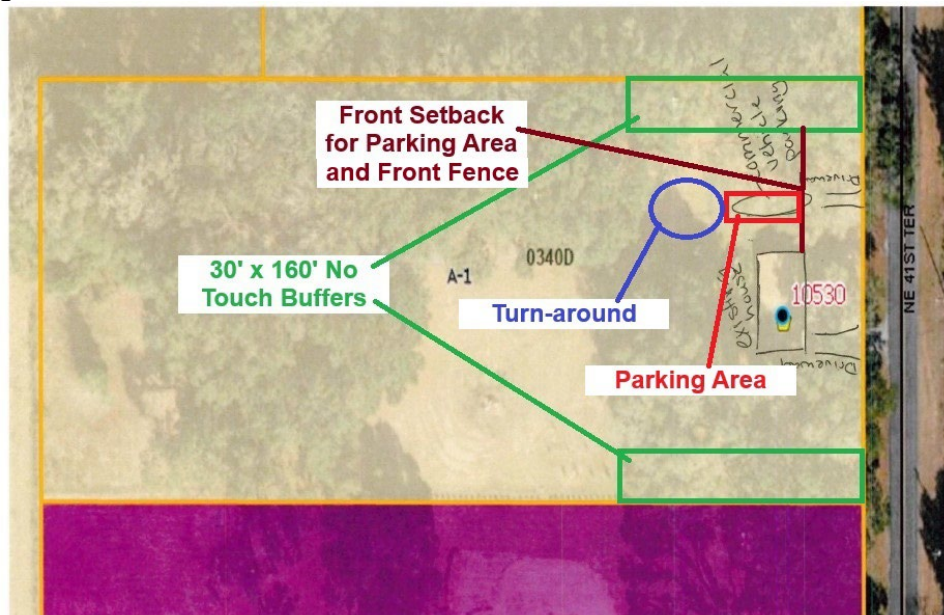
Analysis: LDC Sections 4.3.21.A(1)(b and c) state:

- “(b) No proposed parking of a commercial vehicle shall be allowed in an established front yard and must be parked within the side or rear yard in a location that is a minimum of 100 feet from the nearest neighboring residential structure; and*
- (c) The commercial vehicle must be stored within an enclosed structure, or behind an opaque wall or fence high enough to screen the vehicle from the neighboring properties and the right-of-way serving the property (walls and fences may require a building permit from the County)...”*

The proposed parking location for the commercial vehicle is located on the site's north side, generally north and northwest of the existing residence, with the access route extending east to NE 41st Terrace. A new residence completed in 2024 is located on the adjoining parcel to the south, in a southwesterly direction from the commercial vehicle parking area wherein an area of on-site trees runs along the southern boundary of the site, as well as along the north boundary of the site to screen views of the truck parking area. The eastern side of the vehicle parking area does not include vegetation or fencing; and the applicant has not proposed any additional fencing for the site at this time. *Staff recommends at a minimum the following conditions to address screening and buffering to the surrounding residential neighborhood:*

- *The commercial vehicle parking location shall be setback and screened as follows, as reflected in the accompanying diagram:*
 - a. *The truck/cab and trailer shall be parked on the north side of the property and west of the front setback functionally established by the front/east wall of the existing residence extended to the north ($\pm 40'$ from the NE 41st Street right-of-way), wherein the truck/cab and trailer shall not extend or protrude eastward of that functional setback when the commercial vehicle is parked.*
 - b. *An undisturbed / “no touch” buffer area extending a minimum of 160' east-to-west in length from the NE 41st Terrace right-of-way and a minimum 30' in width north-to-south shall be established and maintained along the site's north and south boundaries.*
 - c. *A minimum 6' high vinyl opaque fence shall be established and maintained parallel to NE 41st Terrace across the front of the commercial vehicle parking area and extend an additional 10' north and south of the commercial vehicle parking area; and shall be kept closed to obscure the appearance of the vehicles when parked.*

- d. The minimum 6' high fencing shall be installed within six (6) months of approval of this SUP.
- e. The owner/applicant is not prohibited from further extensions of the 6' high opaque fencing, such as to provide for an enclosed fenced area around the commercial vehicle parking area and/or other portions of the site's side and/or rear yards. Any such additional fencing shall not compromise and/or replace the undisturbed / "no touch" buffer required in preceding item b.; further, the six month deadline for installation of the 6' fencing across the parking area required in preceding item d. may not be delayed based on the desire/intent to provide additional fencing beyond the minimum required.
- f. Diagram:



- 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 Findings of Facts included with the application generally states exterior lighting is placed to avoid glare and ensure safety without disturbing neighboring properties. The placement of an already operating light post significantly enhances traffic safety. It clearly indicates the entry and exit points to prevent confusion, and lighting will ensure that the parking area is visible at night, preventing any, if not all hazards. Staff notes that the LDC provisions for all agricultural zoning district classifications require that outdoor "ground and building lights shall not cast direct light on adjacent properties." The applicant has not requested an exception to that standard, and as such, any site lighting for site and/or security lighting will be required to comply with existing LDC provisions.

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

Analysis: Open space is available in the back yard. However, with this being agricultural with a residence, the required yards/green space are already existing on-site. Additionally, the vehicle parking location is on a portion of the property north of the on-site residence with an available turn-around area to the northwest of the residence.

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.”

Previous Figures 1, 3, 4, and 5 display the site and surroundings’ location in relation to the surroundings which consists of a Rural future land use designation and General Agriculture (A-1) zoning. NE 41st Terrace is a paved, county maintained minor local roadway. As an owner/operator access the site on a workday basis, significant commercial traffic is not expected from the site with one exiting trip in the AM, and one entering trip in the PM. *Staff recommends at a minimum the following conditions to further address compatibility with the surrounding area:*

- *The site shall be developed and operated consistent with the conceptual plan and Special Use Permit conditions as provided.*
- *The owner and operator of the commercial vehicles (truck/cab and trailer units) shall reside onsite.*
- *No mechanical repairs/maintenance on the commercial vehicle (truck/cab and trailer) shall take place on the subject property.*

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, wherein, a subsequent owner will not have notice of the requirements. Further, as noted LDC Section 4.3.21 establishes a series of operating conditions related to commercial vehicle parking request such as this application, *staff recommends at following conditions to address to address the authorized party to conduct the use and the length of the use:*

- *The Special Use Permit shall run with the property owner, not the parcel.*

- *The Special Use Permit shall expire on November 19, 2027; At which point, it may be renewed administratively for up to three times for a period not to exceed 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent at that time), unless:*
 - a. *There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,*
 - b. *Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or*
 - c. *The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).*

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 4.2.3.C allows for Special Use Permits for commercial vehicles the A-1 zoning classification and LDC Section 4.2.31.A (1) establishes desired standards for the parking of commercial vehicles on A-1 zoned properties such as the subject property. Thus, the application is consistent with FLUE Policy 2.1.5. The special use permit review evaluates the request with LDC specified criteria and in regards to the Comprehensive Plan. The site represents an large acreage property in the Rural designated and A-1 zoned lands outside of a residentially zoned neighborhood that is located directly on a paved county maintained roadway that is not subject to an assessment unit for road paving and/or maintenance. Further, compliance with the provisions of LDC Section 4.2.31.A (1) and the proposed staff conditions will ensure the proposed request is compatible with the surrounding uses, consistent with the Comprehensive Plan, and will not adversely affect the public interest.

As noted in the preceding staff report, staff concludes the SUP is consistent with LDC Sections 2.8.2.D and 2.8.3.B, as recommend, to ensure compliance with LDC Section 4.2.31.A (1) and the Comprehensive Plan.

VI. ALTERNATIVE RECOMMENDATIONS

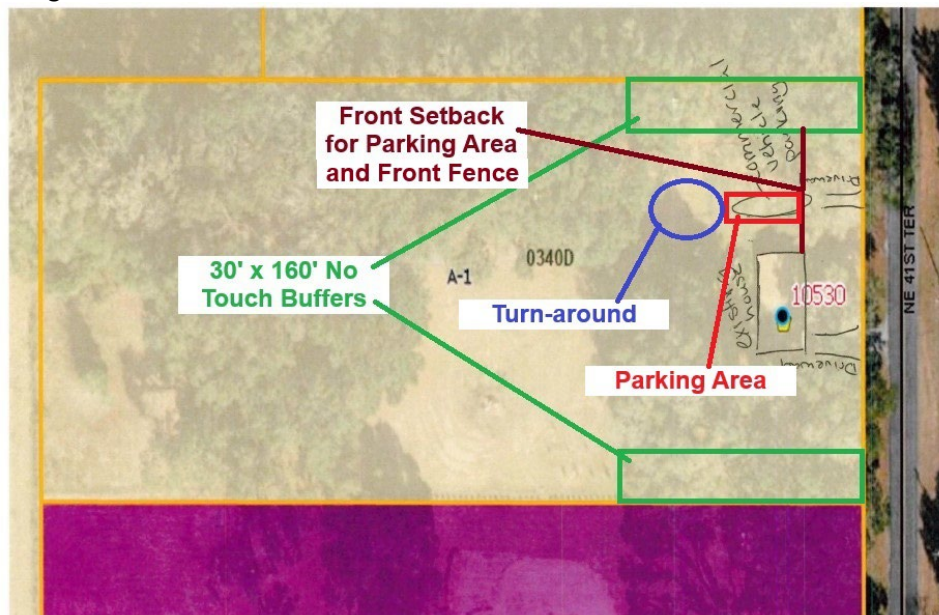
- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **DENY** the special use permit amendment.

- 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 **APPROVE** the special use permit to park one commercial vehicle consisting of a tractor/cab unit and trailer unit on the subject subject to the following conditions to address compliance with LDC Sections 2.8.2.D and 2.8.3.B and Section 4.3.21.A(1):
1. *The site shall be developed and operated consistent with the conceptual plan and Special Use Permit conditions as provided.*
 2. *The owner and operator of the commercial vehicles (truck/cab and trailer units) shall reside onsite.*
 3. *The special use permit shall run with the property owner, not the parcel.*
 4. *The SUP is solely for the parking/storage of a commercial vehicle to consist of one truck/cab unit and one trailer unit (logging trailer) with vehicle identification numbers as follows:*
 - a. *Truck/Cab – QFUJA6CKX5LU78796 and*
 - b. *Logging Trailer – 995433063194071.*
 5. *No mechanical repairs/maintenance on the commercial vehicle (truck/cab and trailer) shall take place on the subject property.*
 6. *Trash collection and disposal shall be addressed by property owner, on at least a weekly basis, by private contracted haul service or the owner's self-disposal at a Marion County Solid Waste Collection Facility consist with Marion County LDC and Code of Ordinances.*
 7. *A stabilized concrete driveway apron shall be provided for the parking location of the commercial vehicle meeting right-of-way permitting requirements.*
 8. *The commercial vehicle shall enter the site from NE 41st Terrace and then loop/turn-around in the northwest of the existing residence to the parking area, and be parked so the vehicle is facing and exiting forward to NE 41st Terrace; access to NE 41st Terrace shall not be provided by using a "backing up" maneuver in either accessing direction.*
 9. *The commercial vehicle parking location shall be setback and screened as follows, as reflected in the accompanying diagram:*

- a. The truck/cab and trailer shall be parked on the north side of the property and west of the front setback functionally established by the front/east wall of the existing residence extended to the north ($\pm 40'$ from the NE 41st Terrace right-of-way), wherein the truck/cab and trailer shall not extend or protrude eastward of that functional setback when the commercial vehicle is parked.
- b. An undisturbed / "no touch" buffer area extending a minimum of 160' east-to-west in length from the NE 41st Terrace right-of-way and a minimum 30' in width north-to-south shall be established and maintained along the site's north and south boundaries.
- c. A minimum 6' high vinyl opaque fence shall be established and maintained parallel to NE 41st Terrace across the front of the commercial vehicle parking area and extend an additional 10' north and south of the commercial vehicle parking area; and shall be kept closed to obscure the appearance of the vehicles when parked.
- d. The minimum 6' high fencing shall be installed within six (6) months of approval of this SUP.
- e. The owner/applicant is not prohibited from further extensions of the 6' high opaque fencing, such as to provide for an enclosed fenced area around the commercial vehicle parking area and/or other portions of the site's side and/or rear yards. Any such additional fencing shall not compromise and/or replace the undisturbed / "no touch" buffer required in preceding item b.; further, the six month deadline for installation of the 6' fencing across the parking area required in preceding item d. may not be delayed based on the desire/intent to provide additional fencing beyond the minimum required.
- f. Diagram:



10. The Special Use Permit shall expire on November 19, 2027; At which point, it may be renewed administratively for up to three times for a period not to exceed 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent at that time), unless:
 - a. There have been unresolved violations of the County Land Development

- Code, the County Code of Ordinances, and/or the conditions of the Permit,*
- b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or*
 - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).*

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning & Zoning Commission voted to agree with staff's findings and recommendation and recommend **APPROVAL WITH CONDITIONS** of the Special Use Permit on motion by Commissioner Behar, second by Commissioner Gaekwad, as part of the Consent Agenda; motion passed on a vote of 6-0.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application filed on August 13, 2024.
- B. SUP Concept Plan and Com. Vehicle Photo (cab/tractor and trailer)
- C. Applicant's Finding of Facts and Additional Side Note
- D. LDC Section 4.3.21 – Parking of commercial vehicles
- E. DRC Staff Review Remarks
- F. Code Enforcement Photos
- G. Site and Area Photos