



**Marion County
Board of County Commissioners**

Growth Services

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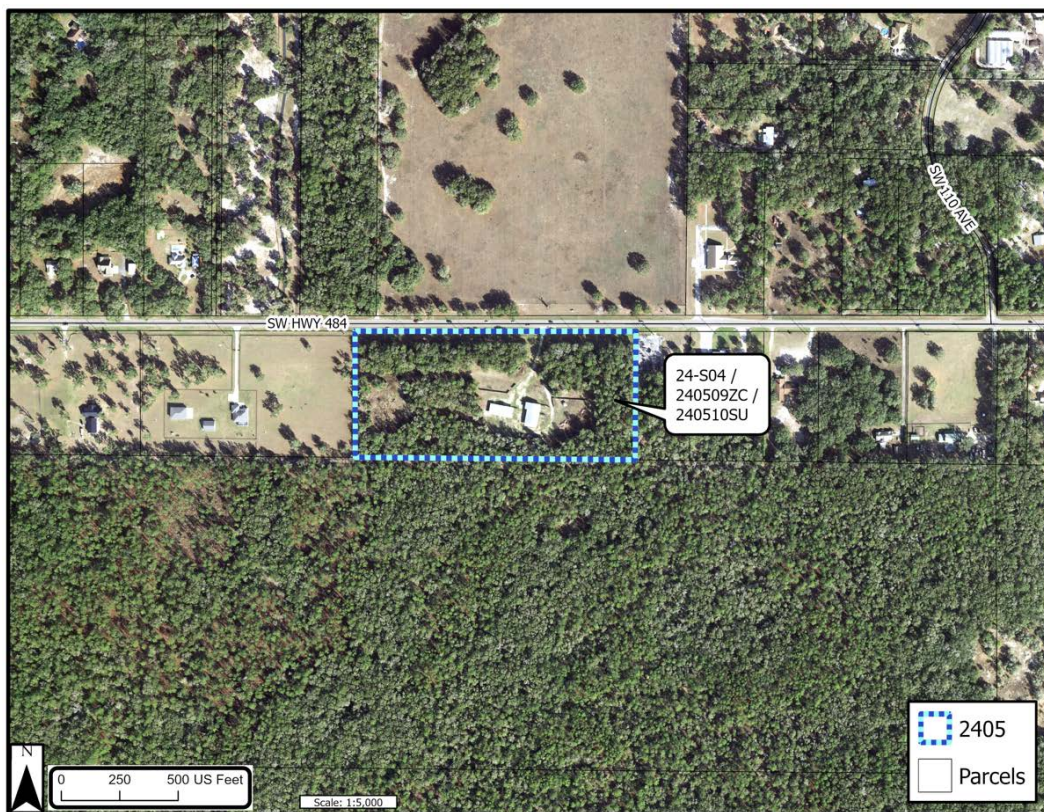
**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 04/29/2024	BCC Date: 05/21/2024
Case Number:	240510SU
CDP-AR:	31245
Type of Case:	Special Use Permit for outside storage of boats, recreational vehicles, and trailers in a Neighborhood Business (B-1) zoning classification.
Owner	1415 Brothers Holdings, LLC.
Applicant	Tillman & Associates Engineering
Street Address	11374 SW Hwy 484, Dunnellon, FL 34432
Parcel Number	35300-215-02
Property Size	±15 acres
Future Land Use	Commercial (COM)
Zoning Classification	Neighborhood Business (B-1)
Overlay Zone/Scenic Area	Silver Springs - Secondary Protection Overlay Zone (SSPOZ)
Staff Recommendation	Denial
P&ZC Recommendation	TBD
Project Planner	Kathleen Brugnoli, Planner II
Related Case(s)	Concurrent Small Scale Land Use Amendment 24-S04 – From Rural Land (RL) to Commercial (COM) and 240509ZC – Rezoning from General Agriculture (A-1) to Neighborhood Commercial (B-1).

I. ITEM SUMMARY

Tillman & Associates Engineering, LLC., on behalf of 1415 Brothers Holdings LLC., has filed an application for a special use permit to allow for outside storage of boats, recreational vehicles, and trailers in a Neighborhood Business (B-1) zoning classification (see Attachment A). Figure 1 is an aerial photograph showing the location of the subject property. The Property Identification Numbers associated with the property is 35300-215-02, the street address is 11374 SW Hwy 484, Dunnellon, and the legal description is displayed on the deed included as part of the application. The subject property is located within Silver Springs Secondary Protection Overlay Zone (SSSPOZ).

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** due to request being inconsistent with the Marion County Comprehensive Plan, incompatible with the surrounding area, and will 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.

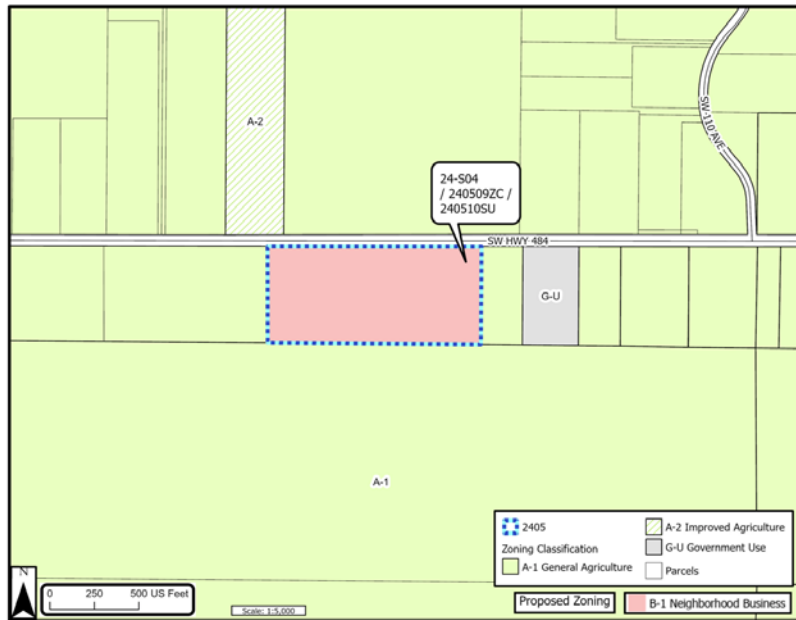
III. NOTICE OF PUBLIC HEARING

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 eight (8) property owners on April 12, 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 April 2, 2024 and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on April 15, 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.* Figure 2 provides zoning classification information while Figure 3 shows the FLUMS designation for the area. Table 1 outlines the existing uses of the surrounding area, while Figure 4 illustrates those uses in relation to the subject property. As illustrated, the subject property is currently listed as acreage non-classified by the MCPA's office. The surrounding area is largely Agriculture and some Residential uses with the entirety of the southern area contiguous to this parcel being labeled Government Institution; this is the area preserved for and used as a part of the Florida Greenway. A site visit was conducted on April 2, 2024 to post public notice and photograph the property (Attachment B). The property and surrounding area appeared rural in nature with few structures on nearby properties and a very large number of trees and open pasture area. The driveway on to the property appears to be some sort of stone or lime rock, it is not paved, and shows degradation at the transition from road to property as well as some drop-offs that risk breaking at the edges of the road with heavy traffic. SW Hwy 484, at the time of the visit, was busy with long lines of vehicles offering little space to enter the road safely, an issue that has been brought up by Traffic in their DRC comments (Attachment C). The site is guarded from view by mature tree growth and a fence around the property, but what can be seen are the structures shown in the site photos and largely unimproved open areas similar in nature to those surrounding the subject site.
- B. *Zoning district map.* Figure 2 shows the subject property designated as Neighborhood Business (B-1) with all surrounding properties being classified as Agriculture, with the exception of one parcel to the east zoned Government Use (G-U) and is the location of Fire Station #31.

Figure 2
Zoning Classification



- C. *FLUMS designation.* Figure 3 is the FLUMS and shows the subject property as the only Commercial (COM) land use designation in the area; allowing a maximum intensity of 1.0 FAR or up to eight (8) dwelling units per acre.

Figure 3
Future Land Use Map Series

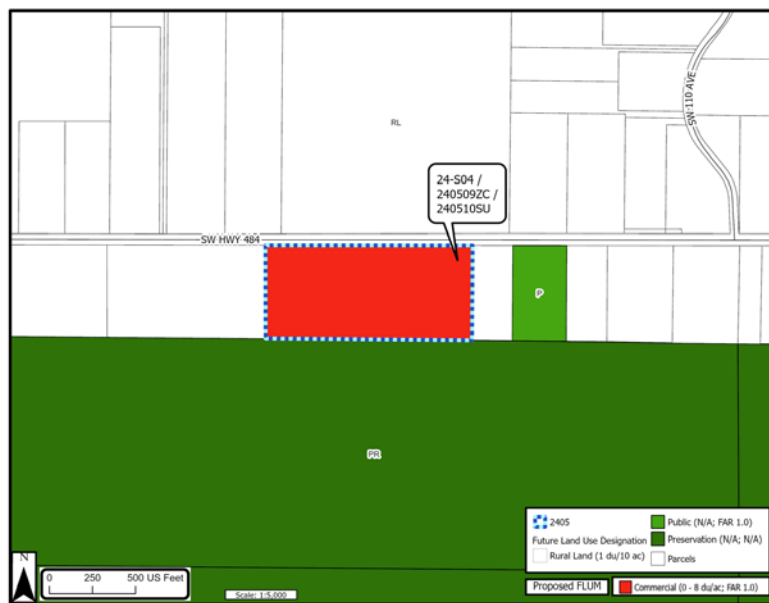
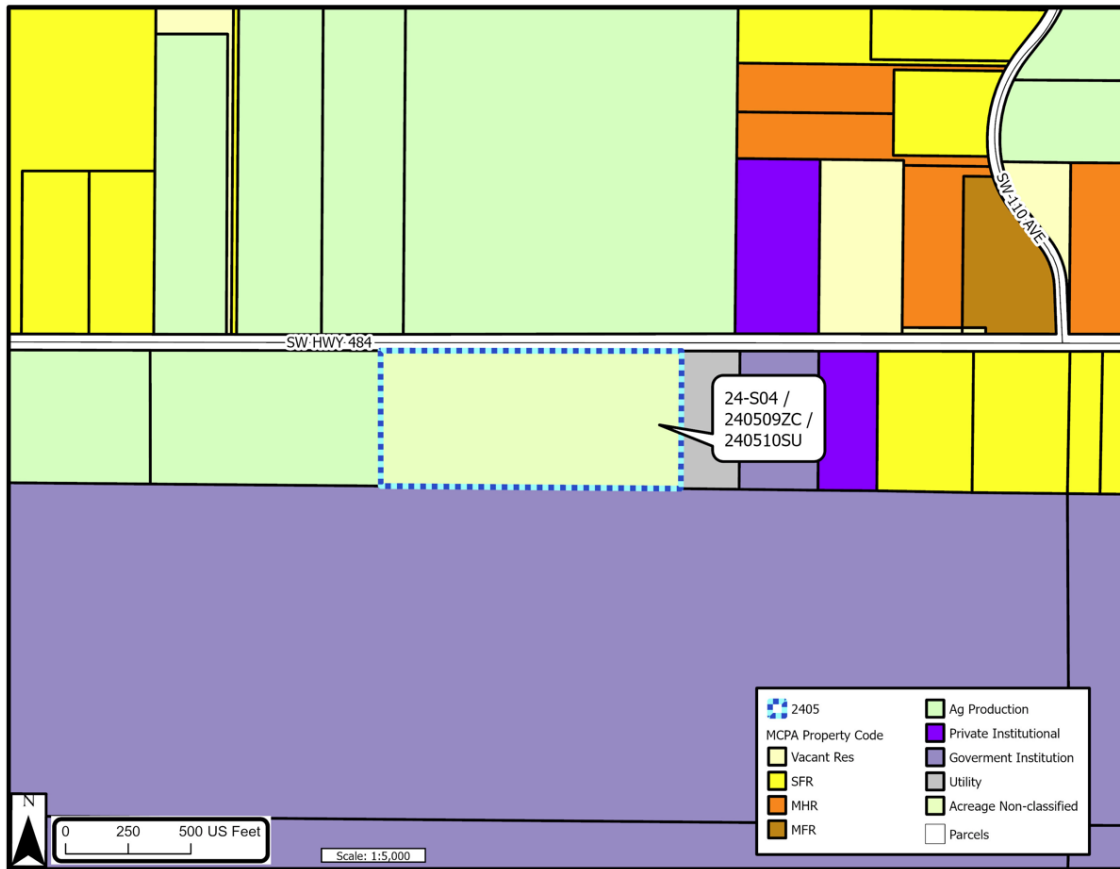


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Commercial (COM)	Neighborhood Business (B-1)	Acreage Non-Classified
North	Rural Land (RL)	General Agriculture (A-1) Improved Agriculture (A-2)	Grazing Land
South	Preservation (PR)	General Agriculture (A-1)	State Property
East	Rural Land (RL)	General Agriculture (A-1)	Utilities
West	Rural Land (RL)	General Agriculture (A-1)	Grazing Land

Figure 4
MCPA Property Uses



While the comments provided focus on the land use, the special use permit does not limit the owner to one specific use; even without the special use permit, any use permitted in B-1 could happen here with the potential for substantial changes in traffic. The conceptual plan provided indicates the western 80' of the property will be a "multimodal path" to the Greenway with no proposal for any other sort of connection or sidewalk; the path simply ends at the right-of-way/property boundary. Staff concludes that the application **is not consistent** with provisions for ingress and egress.

- 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 Fact and conceptual plan propose 502 paved storage stalls, a dump station, and an office at the entrance/exit. Buffers will be discussed in detail in item E below, with the finding being that none of the minimum requirements per the LDC are being met to mitigate issues of noise, glare, etc. that may come from the up to 502 boats, RVs, vehicles, or trailers that could potentially be stored here if this special use permit is granted. Staff concludes that the application **is not consistent** with off-street parking and loading areas because the amount of parking and lack of attention to buffering of this use in relation to surrounding parcels does not offer enough proof that negative impacts will be mitigated. In an effort to provide alternatives to outright denial, staff provides the following condition:

- Parking will be limited to the three "lines" of parking internal on the property with no parking along the property boundary line or right-of-way frontage.

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

Analysis: A single restroom, as well as a dump station and wash off station for items parked at the property are proposed with the findings of facts. A wash off station poses concern not only because this property abuts a Greenway area, but because approximately four (4) acres of the subject site are located within a FEMA designated flood zone with contours dropping in elevation towards the Greenway. A DRA is proposed to the South which has the potential to catch the used water containing substances that may be harmful; However, to ensure all risk of this type of runoff is mitigated, staff concludes the application **could be consistent** with removal of the wash station.

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

Analysis: The subject property currently has well and septic on site and is served by Duke Energy. Staff concludes the application **is consistent** with the provision of utilities.

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

Analysis: The most intense buffering proposed is fronting SW Hwy 484 and is a modified C-Type offering less vegetative buffering than what is required by the LDC. All other areas of the property appear to be utilizing existing vegetation and the findings state, "Adequate vegetative buffer to be installed." The LDC provides buffering requirements based on the intensity of development in relation to surrounding uses and these would be the adequate buffers to install; C-Type along the roadway, C-Type to the east abutting the Duke energy substation, D-Type to the south contiguous to the Greenway, and B-Type to the west abutting the residential home. Both D and B-Type buffers require a buffer wall which, given the incompatibility of the proposed use and intensity of parking, would be one of the only safeguards for surrounding properties to mitigate noise, glare, etc. Section 4.2.15 also notes screening is required for the particular use being described, "Areas used for parking of commercial vehicles, or storage of vehicles, or outdoor storage or uses shall be screened, buffered or fenced in such a manner as to screen said areas from view from access streets, freeways and incompatible adjacent properties. Such screening shall form a complete opaque screen up to a point eight feet in vertical height." This particular requirement is also not addressed and will be included in the provided conditions to ensure the minimum requirements are being followed. Based on the above, the application is **not consistent** with the screening and buffering requirements. To become consistent with this provision, staff recommends

- Buffers shall be installed consistent with LDC requirements with no waivers to any of the buffering requirements.
- Screening shall be installed consistent with LDC requirements with no waiver to any of the screening requirements.

- 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: One on-site sign is proposed with internal directional signage for parking. Lighting, "All lighting to be shielded as to not cast glare on adjacent properties." Based on this information and the proposed condition, it is concluded that the application is **consistent** with the signs and exterior lighting requirements of this section.

- A photometric plan shall be provided during the Development Review Phase.

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

Analysis: Open space as required by Land Development Code Section will be reviewed by DRC during formal site plan review.

- 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.”

Figure 1 is an aerial photograph displaying existing and surrounding properties. Figure 4 displays the same properties based on their use code per Marion County Property Appraiser. The pattern of development seen in the area is mostly Agriculture, Public, and Residential; uses low in density and intensity incompatible with the requested use. To assist in some way to mitigate this incompatibility, staff recommends the following conditions

- This site shall be developed consistent with the proposed conceptual plan.
- Property is limited to a single use while operating under this special use permit.
- Subdividing this property in any way nullifies this special use.
- The Special Use Permit runs with this property owner and not the land. If land is sold or exchanged in a manner that changes property owner, this special use permit will be nullified.

- 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. The subject property will require a major site plan before development may commence. The major site plan will ensure that the development is consistent with the Land Development Code and with the Silver Springs CRA design requirements. Staff concludes that no special requirements are needed beyond the conditions provided in this report.

- 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 4.2.17.C allows for Special Use Permits within the B-1 zoning classification. Thus, the application is consistent with FLUE Policy 2.1.5.

Based on the above findings, staff concludes the SUP is still not consistent with LDC Sections 2.8.2.D and 2.8.3.B, even with the provided conditions to attempt to address the ten (10) requirements imposed.

VI. ALTERNATIVE RECOMMENDATIONS

- A. 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 **APPROVE AS CONDITIONED** the special use permit.
- 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 the Board of County Commissioners to adopt a proposed Ordinance to **DENY** the special use permit based on incompatibility in the area and the risk of negative impacts on surrounding rural areas.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed in the event that the Board chooses to go against staff recommendation and approve the special use with conditions:
 - 1. Parking will be limited to the three “islands” of parking internal on the property with no parking along the property boundary line or right-of-way frontage.
 - 2. Buffers shall be installed consistent with LDC requirements with no waivers to any of the buffering requirements.

3. Screening shall be installed consistent with LDC requirements with no waiver to any of the screening requirements.
4. A photometric plan shall be provided during the Development Review Phase.
5. This site shall be developed consistent with the proposed conceptual plan.
6. Property is limited to a single use while operating under this special use permit.
7. Subdividing this property in any way nullifies this special use.
8. The Special Use Permit runs with this property owner and not the land. If land is sold or exchanged in a manner that changes property owner, this special use permit will be nullified.

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

To be determined.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

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