



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 06/24/2024	BCC Date: 07/16/2024
Case Number:	240711SU
CDP-AR:	31466
Type of Case:	Special Use Permit for a warehouse in Community Business (B-2) zoning classification for the use of telecom equipment storage.
Owner	YPSG Inc.
Applicant	Menadier Engineering, LLC.
Street Address	13414 E Hwy 25 Ocklawaha, FL, 32179
Parcel Number	4879-003-001 and 4879-003-006
Property Size	±0.56-acres
Future Land Use	Commercial (COM)
Zoning Classification	Community Business (B-2)
Overlay Zone/Scenic Area	Environmentally Sensitive Overlay Zone (ESOZ) Secondary Springs Protection Overlay Zone (SSPOZ)
Staff Recommendation	Approval with Conditions
P&ZC Recommendation	TBD
Project Planner	Kathleen Brugnoli, Planner II
Related Case(s)	None

I. ITEM SUMMARY

Menadier Engineering, LLC., on behalf of YPSG INC., has filed an application for a special use permit to allow for warehouse style structures within Community Business (B-2) 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 two properties are 4879-003-001 and 4879-003-006, the street address is 13414 E Hwy 25 Ocklawaha, FL, 32179, 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 (SSSPOZ) and also within the Environmentally Sensitive Overlay Zone (ESOZ).

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** 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. The recommended conditions are being imposed to address compliance with the requirements in LDC Sections 2.8.2.D and 2.8.3.B.

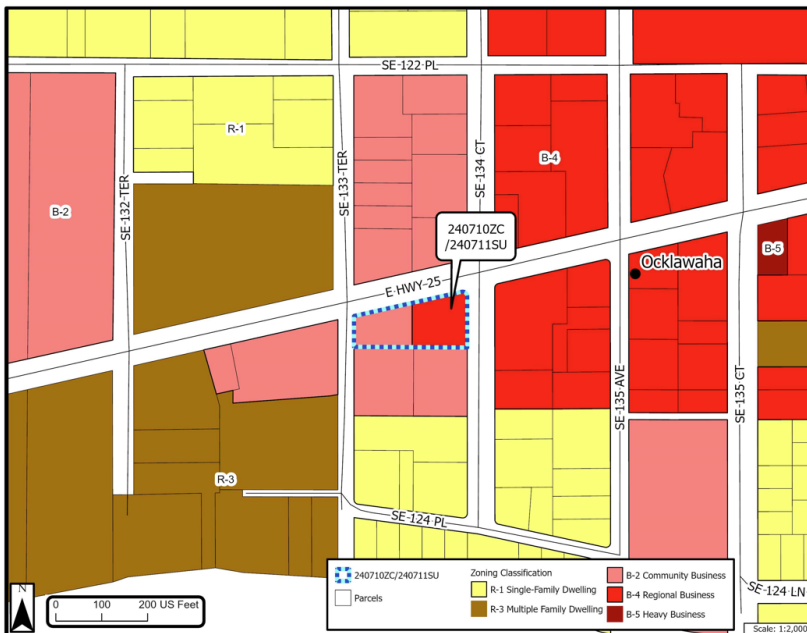
III. NOTICE OF PUBLIC HEARING

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 (24) property owners on June 5, 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 June 11, 2024 and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on June 10, 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 Commercial by the MCPA's office. The surrounding area is a mix of Commercial, Private Institutional (Church), and Residential also in the area. A site visit was conducted on June 12, 2024 to post public notice and photograph the property (Attachment B). The property and surrounding area appeared to be a commercial node for the area serving residents of Ocklawaha. Nearby uses include a CenturyLink office, hardware store, Chamber of Commerce, a church, post office, and a few retail stores offering gas, groceries, etc. The eastern property included within this application has an existing on-site commercial structure built in 1972 and has already been operating in the manner that's being proposed with this special use permit as was permitted with its previous Regional Business (B-4) zoning classification. The site is approximately 500' north of Lake Weir and is located within the platted & recorded subdivision of "Alada."
- B. *Zoning district map.* Figure 2 shows the subject property designated as Community Business (B-2), with properties to the north, south, and west also being B-2 and properties to the east being B-4.

Figure 2
Zoning Classification



C. *FLUMS designation.* Figure 3 is the FLUMS and shows the subject property as Commercial (COM) land use with similar land use to the north, south, and east, while properties to the west are designated High Residential (4-8 du/ac). Commercial land use allows a maximum intensity of 1.0 FAR or up to eight (8) dwelling units per acre, similar to the High Residential nearby.

Figure 3
Future Land Use Map Series

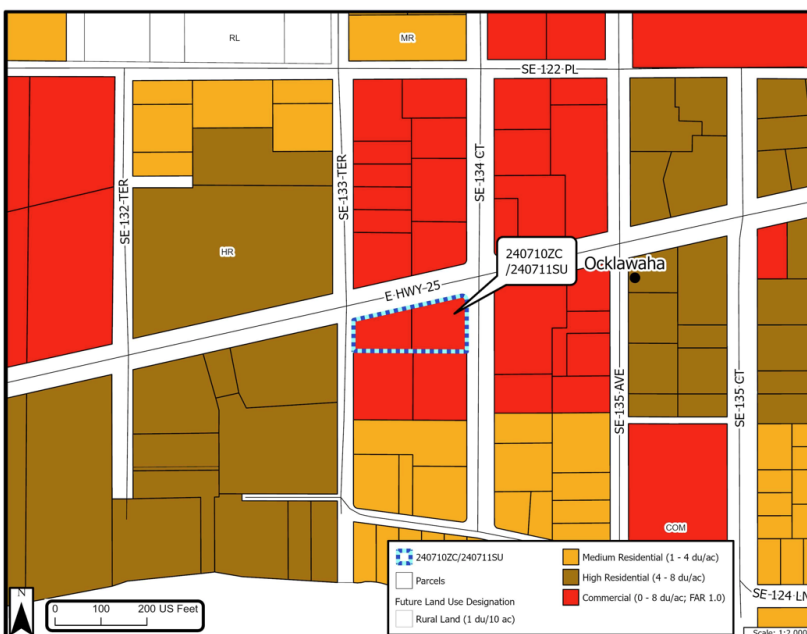
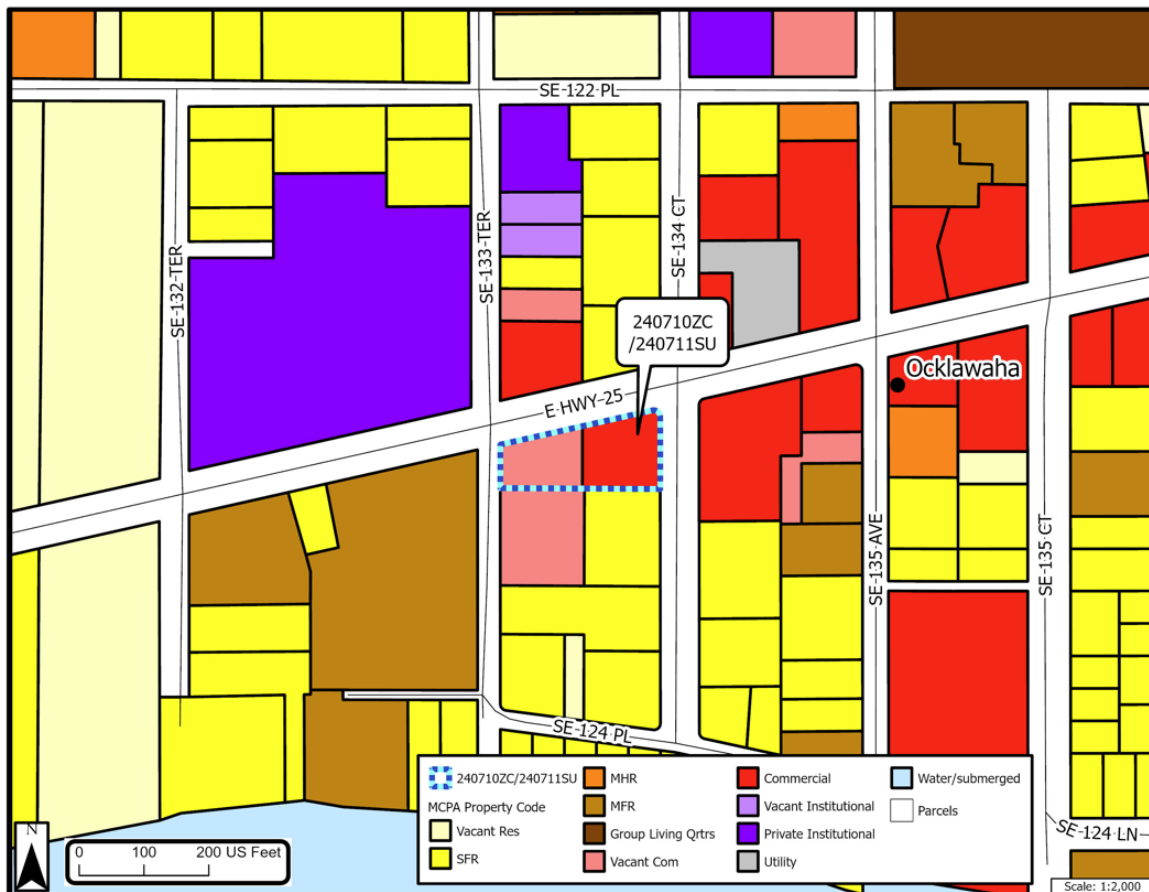
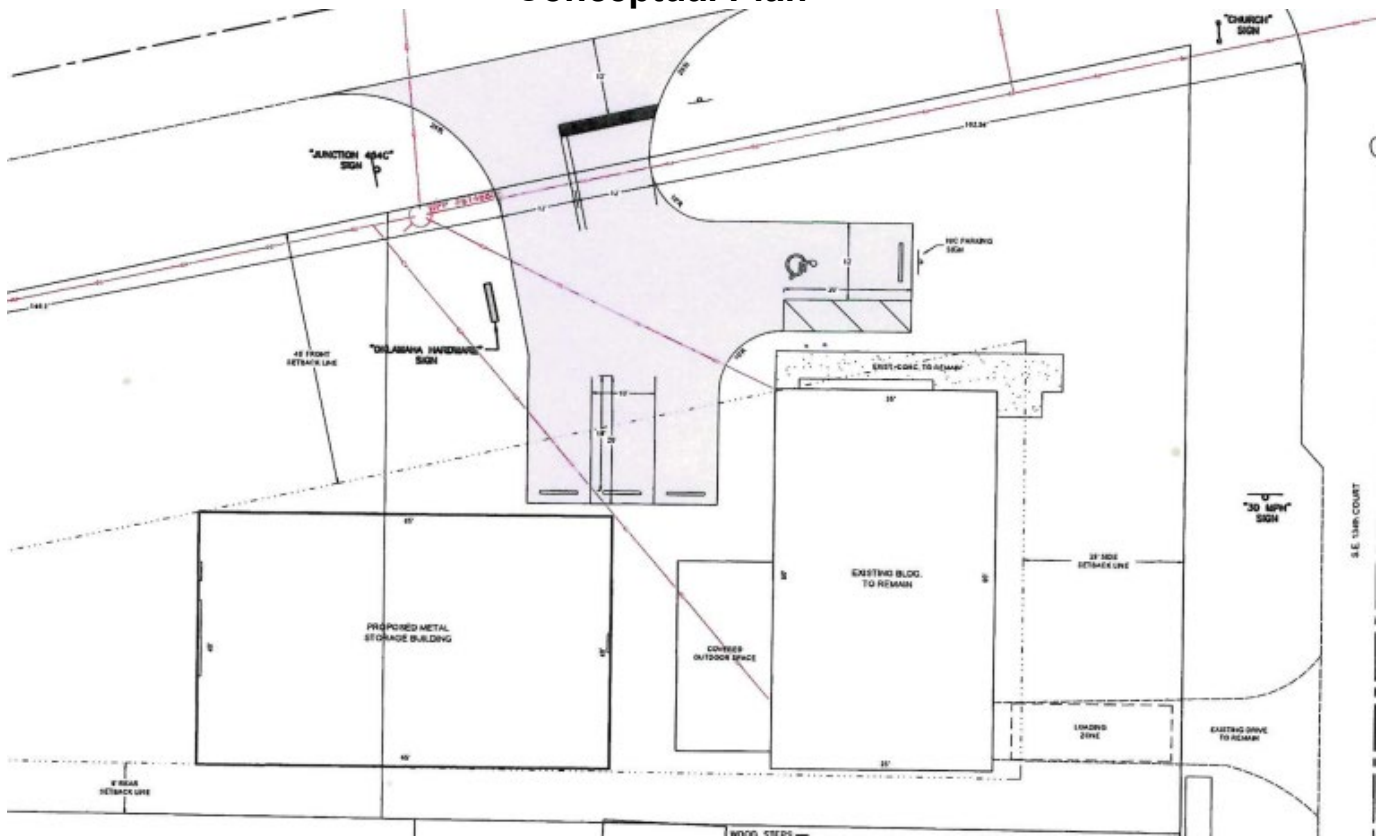


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Commercial (COM)	Community Business (B-2)	Vacant & Improved Commercial
North	Commercial (COM)	Community Business (B-2)	Improved Commercial and Single-Family Residential
South	Commercial (COM)	Community Business (B-2)	Vacant Commercial and Single-Family Residential
East	Commercial (COM)	Regional Business (B-4)	Improved Commercial
West	High Residential (HR)	Community Business (B-2)	Multi-Family Residential

Figure 4
MCPA Property Uses



**Figure 5
Conceptual Plan**



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 Findings of Facts state, "Access to the site will be provided through one redesigned driveway along E Hwy 25. No structures, landscaping, or other appurtenances would obstruct the view for passenger vehicles. There are no sidewalks within the right-of-way off Hwy 25, therefore pedestrian safety will remain as-is, as part of this request. The site spans Hwy 25 from the corner of SE 133rd Terrace to SE 134th Court, with adequate circulation for first responders in case of an emergency. The conceptual site plan included with the SUP shows

paved access, defined parking, and circulation measures.” Staff concludes that the application **is 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: Off street parking is provided to the north and northeast between the buildings and the road. Paved lined parking, including the required handicap accessible parking, is provided. A loading area will be provided off of SE 134th Court. The application is **consistent** with provisions for ingress and egress.

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

Analysis: The property is already operating as a warehouse storage facility for telecom equipment and is merely looking to expand its operation under B-2 zoning. Garbage removal is managed by owners and is **consistent** with this provision.

- 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 contiguous parcels are also zoned B-2, however, not all of these parcels are being used commercially. The parcels to the south of the subject site, while zoned B-2, are being used residentially. Based on the existing use and lack of complaints from neighboring residential uses, staff would be comfortable proposing an opaque fence, rather than a wall, along the southern boundary; additionally, loading and unloading of items takes place at the front or side of the building and property. North, west, and east property boundary lines face rights-of-way and require a 15' wide C-Type buffer. Meeting these requirements, the application will be consistent with the provision on screening and buffering.

- 15' wide C-Type buffer will be required along rights-of-way.
- 6' opaque fencing along southern property boundary.

- 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 pylon sign currently exists, but this will be replaced with a newer sign in the same location. This will be done at later point in time and will go

through the Building Department for Building permits. Additionally, lighting is not proposed but, in the event, that it is found that lighting is added, a photometric plan will be provided in accordance with the LDC. 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 if additional lighting is proposed to be added to the site.

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 commercial to the east and high residential to the west. The commercial zoning classifications in the area are predominately B-4 and B-2, B-2 being the current request and similar to the surrounding area. If approved, a major site plan review will be required through Development Review Committee (DRC) to further ensure compatibility is being met by the proposed development. To assist in mitigating any sort of incompatibility, staff recommends the following conditions

- This site shall be developed consistent with the proposed conceptual plan.
- The properties shall be combined prior to development.
- Subdividing this property in any way nullifies this special use.
- The Special Use Permit runs with the property.
- No outside storage is permitted.

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 additional development may commence as is noted in DRC comments (Attachment C). The major site plan will ensure that the

development is consistent with the Land Development Code. 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 4.2.18.C allows for Special Use Permits within the B-2 zoning classification. Within this section of code, storage warehouses are listed as a special use that may be requested. 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, 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 Commission to adopt a proposed Ordinance to **DENY** 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 Commission 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 Commission 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 Commission to adopt a proposed Ordinance to **APPROVE AS CONDITIONED** the special use permit based on compatibility in the area,

compliance with the Comprehensive Plan, and a lack of adverse impacts to the surrounding area.

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 agree with staff recommendation and approve the special use with conditions:

1. 15' wide C-Type buffer will be required along rights-of-way.
2. 6' opaque fencing along the southern property boundary.
3. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.
4. This site shall be developed consistent with the proposed conceptual plan.
5. The properties shall be combined prior to development.
6. Subdividing this property in any way nullifies this special use.
7. The Special Use Permit runs with the property.
8. No outside storage is permitted.

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.