



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 10/28/2024	BCC Date: 11/19/2024
Case Number:	240904SU
CDP-AR:	31712
Type of Case:	Special Use Permit for a food truck park in Community Business (B-2)
Owner	Krissondatt Bisram, and Bissoondial Bisram
Agent	Luis Betances
Street Address	No Address Assigned
Parcel Number	41200-079-02
Property Size	± 1.14 acres
Future Land Use	Commercial (COM)
Zoning Classification	Community Business (B-2)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SSPOZ)
Staff Recommendation	Deny
P&ZC Recommendation	Deny
Project Planner	Eryn Mertens, Planner II
Related Case(s)	None

I. ITEM SUMMARY

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), on behalf of his partnership interest in the food truck park which has been operating on this site since before April of 2024. Figure 1 is an aerial photograph showing the location of the subject property. The Property Identification Number associated with the property is 41200-079-02. 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 (SPOZ).

The proposed food truck park provides 80 parking spaces, 20 food trucks, 40 picnic tables, 4 restrooms, and 3 dumpsters. The application states that there will be a designated visitors' parking area which promises to accommodate up to 74 more vehicles. After speaking with Mr. K. Bisram, it is his understanding that those spaces will be located on the parcel next door, which is not a part of this application. The Parcel ID number for that parcel is 41200-079-00. That parcel is owned by Mr. Juaquin Palermo, who is not included on this application.

It is worth noting that the applicant on this application, is also the applicant on a similar, but unrelated application, 240809SU for Tigo Investment Group, LLC, which is due to come before this Planning & Zoning Commission in November, and is scheduled to be considered by the Board of County Commissioners in December.

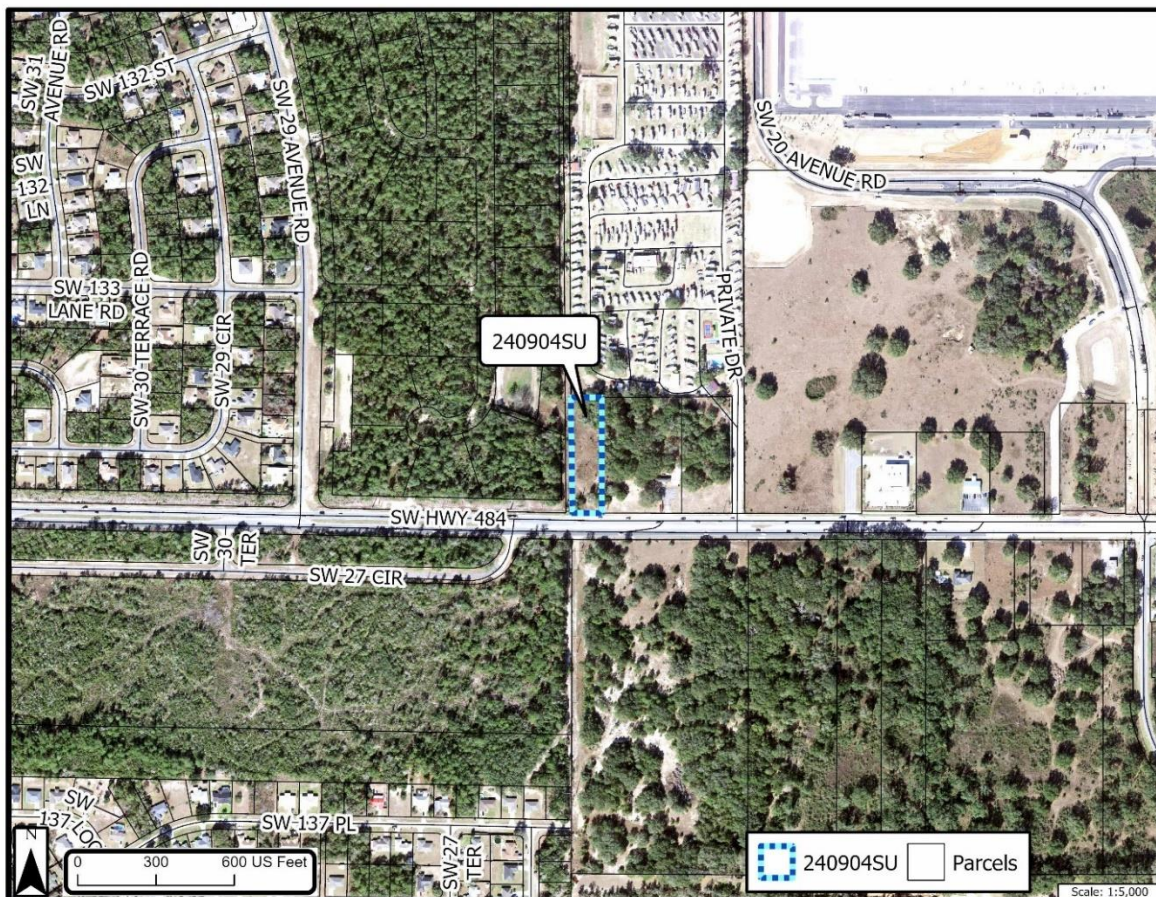
For clarity, it is staff's understanding that Mr. Oniel Garcia, who is not an applicant on this application, owns/manages the Food Truck Court business, and began leasing the subject property from Mr. K. Bissondial, and Mr. B. Bissondial in the months prior to Code Enforcement's first visit to the property in April of 2024, at which point there were several violations levied against the subject property, as well as the property owned by Mr. Palermo, where, as staff understands, the operation originally was camped and operating business. Staff understands there to have been a falling out between the Food Truck Court business, and Mr. Palermo, once this applicant, Mr. Luis Betances, engaged a partnership with Mr. Garcia, which is why they moved next door and began leasing the Bisram property (subject property).

Planning staff, Zoning staff, Building Safety staff, and Code Enforcement staff met with the applicants on subject property also in April of 2024, and advised the applicant that they needed to seek a special use permit for the business they were operating on this B-2-zoned property, as it was not a permitted use, and was further advised that until that Special Use Permit application is submitted, the code violations would proceed to a Code Board hearing. In response, the applicant submitted the Tigo Investment Group ("Tigo") application for the property to the far east (Parcel ID Number 41200-079-03). Applicant was again advised by planning staff as well as Code Enforcement staff that the Tigo application (submitted May of 2024), if approved, would not cure the code violations, and therefore those violations would proceed forward until and unless an application is submitted for the site they currently occupy. This application was received in June of

2024, however, it was not complete until August of 2024, when Mr. B. Bisram (90% ownership interest in this property) had finally affixed his signature to the application.

**After the Planning and Zoning Commission meeting, Planning staff met with the applicants, agent, and engineer for the Tigo Application and worked through some concerns for the Bisram property application. The applicants clarified that the intention for the Bisram property was for operations to be temporary, not to extend beyond three (3) years in anticipation of the Tigo Application being approved, a site plan approved, and all improvements constructed for long-term occupancy on that property. In consideration of this clarification, staff has amended some of the recommended conditions, as identified in Paragraph VII, below. The main concerns held by the applicant are the need for operations to continue with without shutting down, and that the sewer connection requirement would be overburdensome for the project. The applicant only wishes to occupy the current property for up to three (3) years and not be required to construct long-term improvements. They would like to use a septic tank instead of sanitary sewer services. Given the temporary intent for the operations on the subject property, staff would support the septic option on the condition that the bathroom facilities installed be built as a permanent structure.

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** due to the request being inconsistent with the Marion County Comprehensive Plan, incompatible with the surrounding area, and the adverse affect it would have on the public interest specified in Section VI.B. of this Staff Report. In the event this Board recommends Approval, staff has recommended alternative conditions be 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 five (5) owners on October 11, 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 October 18, 2024 and consistent with LDC Section 2.8.3.E. 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.

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
Street View of Subject Property, Google Maps, June 2023

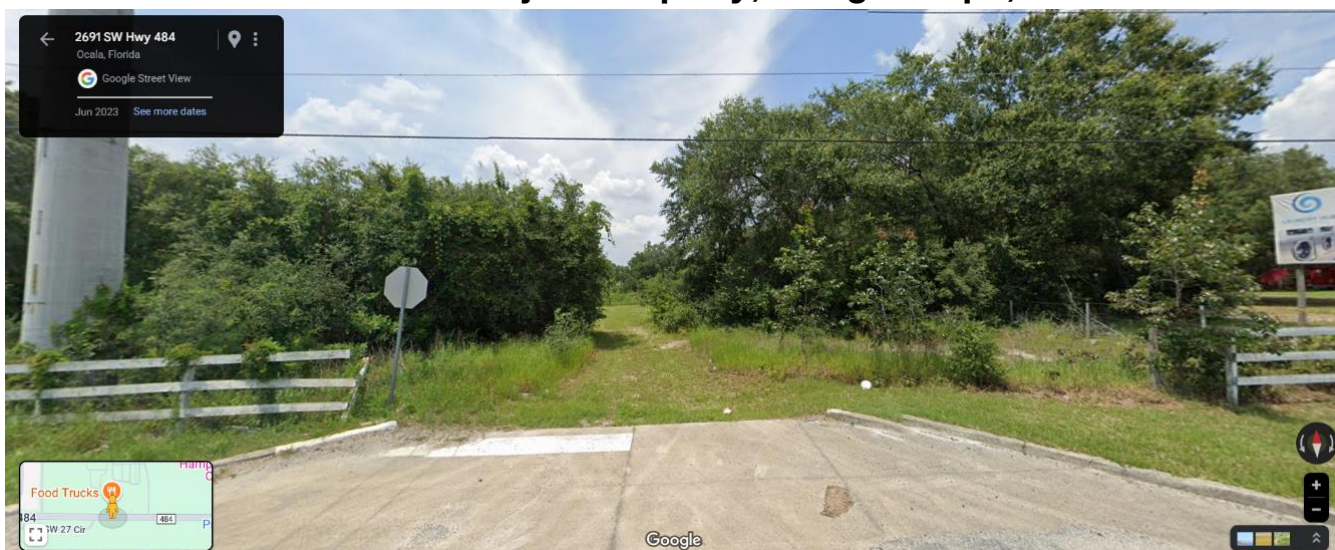


Figure 4
Street View of Subject Property, Planning Staff, Oct. 2024



Figure 5
Street View of Subject Property, Planning Staff, Oct. 2024



Figure 4
Concept Plan

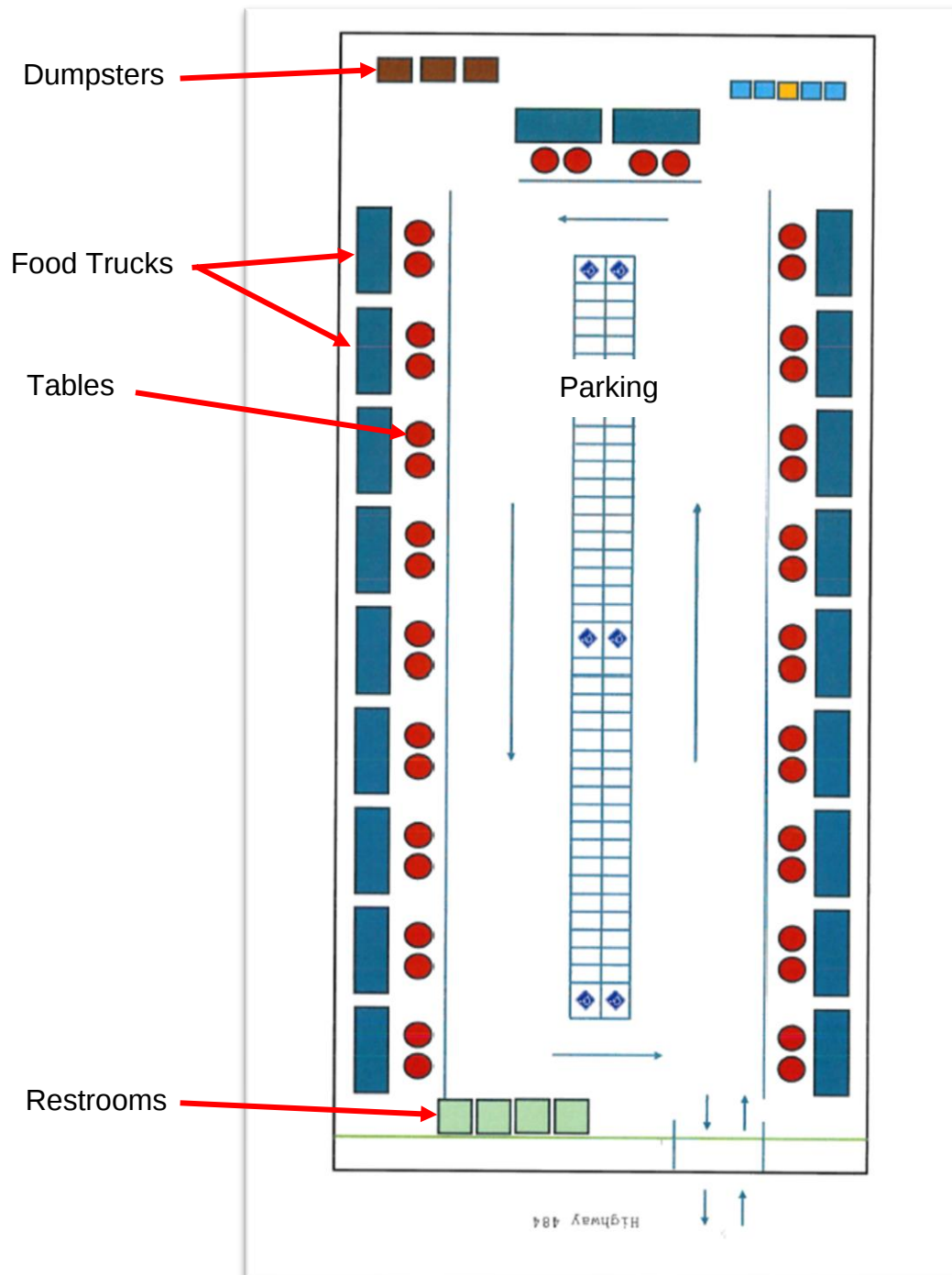


Figure 4
Existing Conditions Map

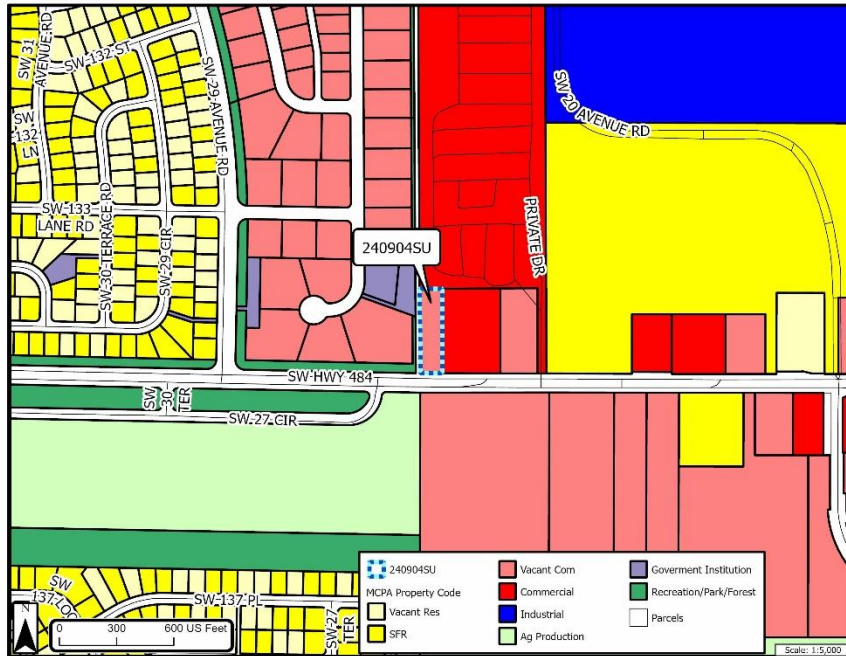
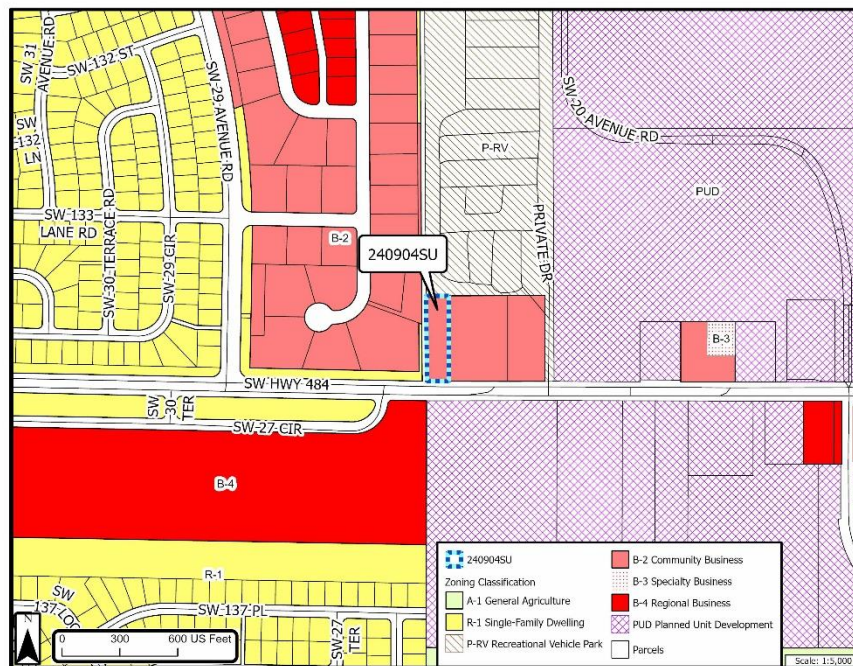


Figure 5
Zoning Classification



- 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. However, the site is within connection distance of centralized water and will have to connect to Marion County Utilities (MCU) for water. Sanitary sewer connection distance connection distance has not been established due to the unknown size of each food truck.

- 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 the property. To ensure that the site is properly cleaned up and developed in a manner consistent with the LDC, staff was also recommending that all of the existing uses vacate the premises and the site be cleared of Code Enforcement Cases before the application of any site plans. After meeting with the applicant post-Planning & Zoning hearing, the applicant has expressed a significant concern that this might kill his business. Staff acknowledges that the community has demonstrated an embrace for this operation. As long as the code violations are cleared immediately, staff would support removing that condition. Planning staff made the following original recommendations to ensure clarity about the requirement of a Site Plan. These conditions have been amended as reflected in Paragraph VII:

- The project shall be developed in a manner consistent with the conceptual plan that was submitted with this application.
- All existing uses vacate the property and the existing Code Enforcement cases must be satisfied and cleared before a site plan through the Development Review Committee may be applied for.
- A major site plan approval from the Development Review Committee is required for all development on the subject property. All required improvements must be completed before operations of the food truck court may start.
- 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.
- Garbage shall not be allowed to accumulate and overflow the dumpsters. Garage shall be removed from the site regularly and in a timely manner.
- Dumpsters shall be on concrete pads and screened and enclosed as required by the LDC.
- 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.”

Figure 1 is an aerial photograph displaying existing and surrounding properties. The proposed SUP is requesting a food truck park in B-2 zoning. The food truck park is currently on site without permission. The uses on site spill over on to

adjacent properties and currently there is no buffering to help mitigate any adverse impacts. Currently, the HWY 484 corridor is congested and a traffic study has not been completed to determine the amount of improvements required for this type of operation. Trees were removed and improvements made to the property without permits or approved development orders. Staff is recommending denial due to the reasons provided above and the unknowns of the operations of the site. This site is operating without permits or permission.

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 and future issue, staff recommended these original conditions to carry over from previous SUPs. A fence would be helpful to protect neighboring properties from spill-over of this operation. These have been amended as reflected in Paragraph VII:

- Hours of Operation shall be 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 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 inconsistent with LDC Sections 2.8.2.D and 2.8.3.B, and should the Board disagree, staff has 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, amend the findings and conclusions contained herein so as to support the approval of the Ordinance with amended conditions, and adopt a proposed Ordinance to **APPROVE WITH AMENDED CONDITIONS** the special use permit.
- B. 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 **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 **DENY** the special use permit for a food truck court.
- B. Should the Board decided to go against Planning Staff's recommendation and approve the application, the following conditions are recommended (*as amended after the Planning & Zoning Commission hearing, with the understanding and applicant acknowledgment that this project is intended not to extend beyond 3 years, and the intention is to have moved the operation by the end of that time, and remain permanently to the Tigo property, two parcels to the east*): **Green-Staff changed conditions after the meeting with the applicant and agents. Blue-applicant requested conditions change.**
 - 1. The project shall be developed in a manner consistent with the conceptual plan that was submitted with this application.
 - 2. All existing Code Enforcement cases must be satisfied and cleared before a site plan through the Development Review Committee may be applied for.
 - 3. A major site plan approval from the Development Review Committee is required for all development on the subject property. A major site plan must be submitted within 6 months of approval of this Special Use Permit.
 - 4. Cross access to adjacent properties, when required, must be paved.
 - 5. 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. **All other boundaries must provide a 6' fence to prevent spill-over onto neighboring properties. The applicant would like to have other options to delineate the boundaries.**
 - 6. Parcel ID 41200-079-00 may not be used for any part of this project, including garbage receptacles, or visitors' parking.

7. Garbage shall not be allowed to accumulate and overflow the dumpsters. Garbage shall be removed from the site regularly and in a timely manner.
8. Owner/Applicant to work with Marion County Utilities during DRC process to install grease traps to the county's standards.
9. Hours of Operation limited to 9am - 10pm.
10. Lighting standards: A photometric plan shall be provided during Site Plan development through Development Review Committee (DRC)
11. Permanent restroom facilities shall be provided meeting FL Building Code for Commercial bathrooms. **The applicant would like to use portable toilets on the site for up to three years.*
12. The site shall be immediately connected to central water.
13. *Sanitary sewer shall be determined during the Development Review Process for connection distance, however, a septic tank may not be used for more than the temporary three year period.*
14. Concrete pads for the food trucks shall be installed with no food trucks parking on open ground without a concrete pad. *The applicant does not want to install concrete pads.*
15. 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.
16. *The Special Use Permit will terminate in the event there is a division or subdivision of the site, or if and when Luis Betances terminates his tenancy on the subject property (Parcel ID 41200-079-02), or on November 18, 2027, whichever is sooner.*
17. The Special Use Permit shall run with Luis Betances and not with the property.

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Denial.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application.
- B. DRC Comments.
- C. Site Photos
- D. SUP Applicant Authorization