



**Marion County
Board of County Commissioners**

Growth Services

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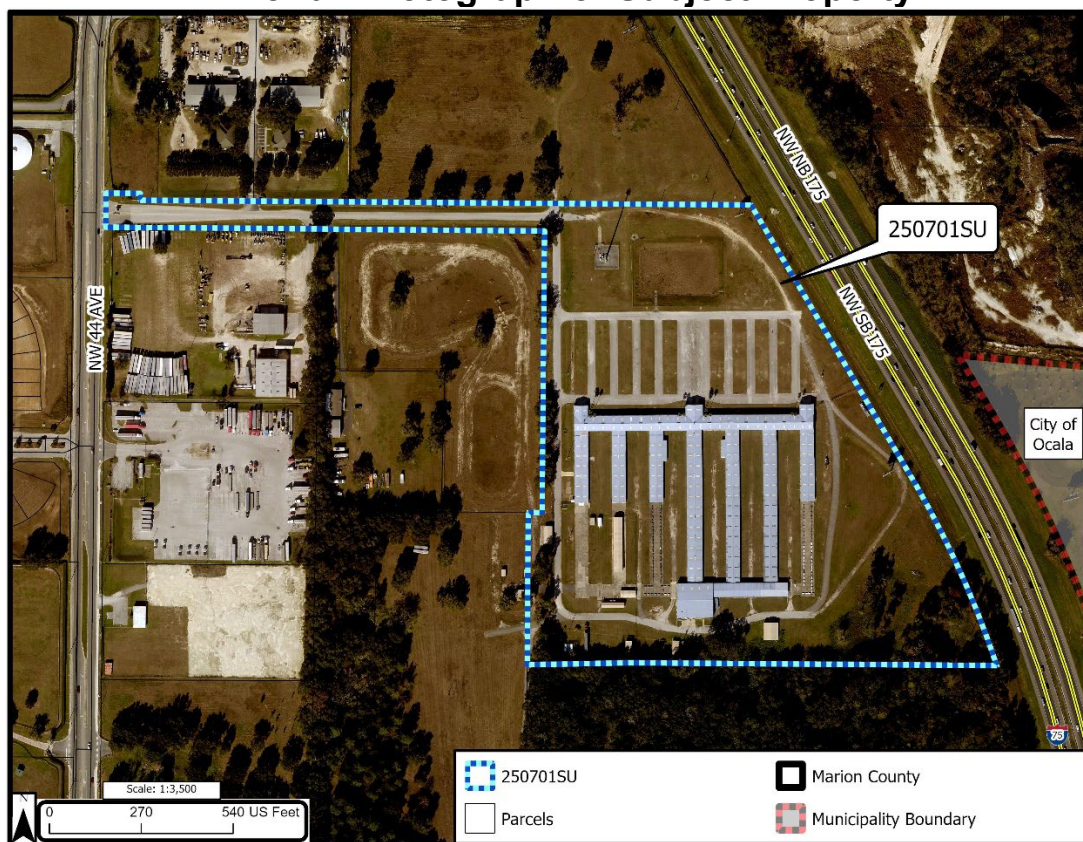
**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 06/30/2025	BCC Date: 07/21/2025
Case Number:	250701SU
CDP-AR:	32720
Type of Case:	Special Use Permit for outside music events, carnivals, trade shows, expos, car shows, food truck rallies, festivals, parties, company events, speaking events, circus, dance galas, and charity events
Owner	Raneys 13708, LLC.
Applicant	Bobbi Deskin
Street Address	4121 & 4125 NW 44 th Ave.
Parcel Number	13708-000-00
Property Size	±33.21 acres
Future Land Use	Commerce District (CD)
Zoning Classification	Heavy Business (B-5)
Overlay Zone/Scenic Area	Urban Growth Boundary (UGB), Secondary Springs Protection Overlay Zone (S-SPOZ)
Staff Recommendation	Denial
P&ZC Recommendation	TBD
Project Planner	Kathleen Brugnoli, Planner
Related Case(s)	Open Code Case 975812 – Amusement/Carnival with no special event permits.

I. ITEM SUMMARY

Bobbi Deskin, on behalf of Raneys 13708, LLC., has filed an application for a special use permit to allow for an outside music events, carnivals, trade shows, expos, car shows, food truck rallies, festivals, parties, company events, speaking events, circuses, dance galas, and charity events (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 13708-000-00, Addresses: 4121 & 4125 NW 44th Ave. Ocala, FL, 34482, and the legal description is displayed on the deed included as part of the application. The subject property is located within the Urban Growth Boundary (UGB) as well as the Secondary Springs Protection Overlay Zone (S-SPOZ).

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **Denial** due to the request being consistent with the Marion County Comprehensive Plan, but incompatible with the surrounding area, and adversely affecting the public interest specified in Section VI.B. of this Staff Report. The recommended conditions are being imposed to address compliance with requirements in LDC Sections 2.8.2.D and 2.8.3.B, should the Board choose to go against staff recommendation and approve the special use permit request. However, **staff does not believe that even with**

the addition of these conditions, adverse impacts would be successfully mitigated for surrounding properties. In addition, the conceptual plans provided indicate utilization of a northern property separate from the subject parcel and not included with the special use permit application.

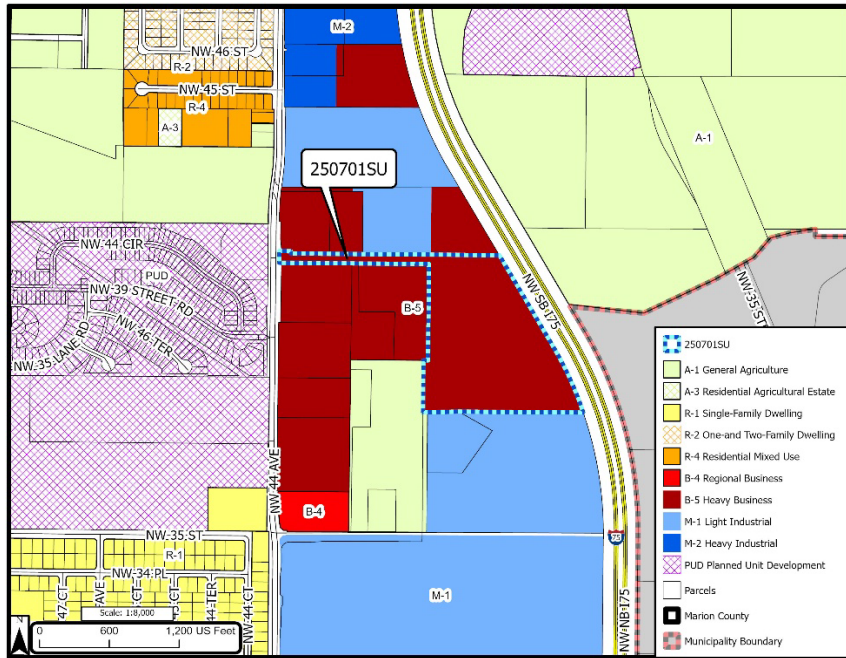
III. NOTICE OF PUBLIC HEARING

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 (16) property owners on April 11, 2025. As of the date of the initial distribution of this staff report, twenty (20) letters of opposition have been received from neighboring property owners. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on June 17, 2025, and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on April 14, 2025. 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 developed as Commercial. A site visit was conducted on June 17, 2025. The property is developed with paved aisles, paved/grass parking, and the flea market building. A cell tower is located on the northern portion of the property and a monument sign is placed towards the eastern portion of the property abutting I-75. (Attachment B). Figure 5 shows proposed plans FDOT has for the site should they acquire it for road expansion/infrastructure purposes. This item was discussed at a Development Review Committee (DRC) meeting on October 18, 2024 (Attachment C). The concept plan proposes the eastern portion of the subject property being used for a water retention serving I-75.
- B. *Zoning district map.* Figure 2 shows the subject property designated as Heavy Business (B-5). Surrounding properties are a mix of Light Industrial (M-1), Heavy Business (B-5), and General Agriculture (A-1).

Figure 2
Zoning Classification



- C. *FLUMS designation.* Figure 3 is the FLUMS and shows the subject property as Commerce District (CD) land use with surrounding properties being the same land use.

Figure 3
Future Land Use Map Series

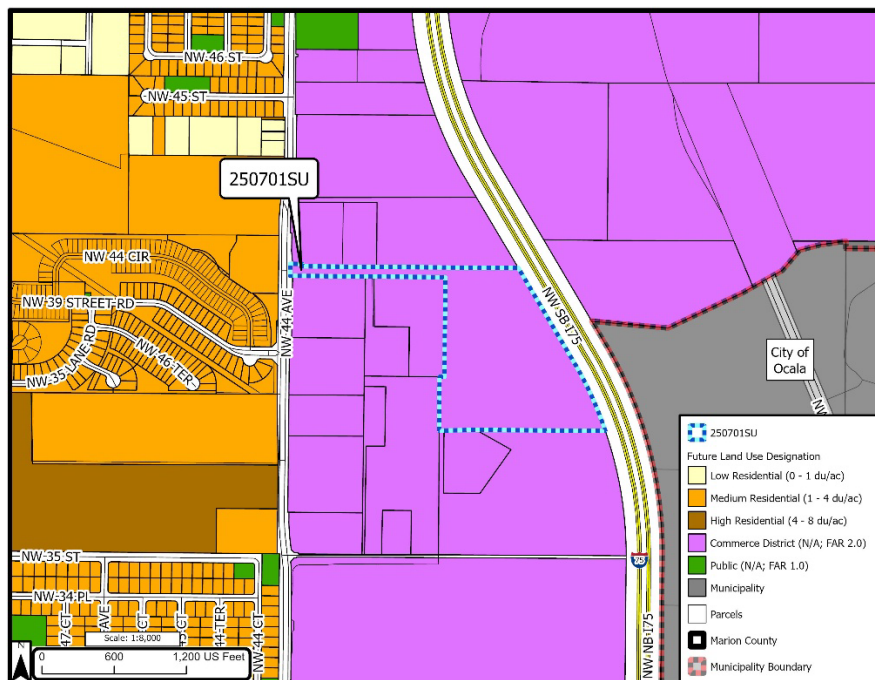


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Commerce District (CD)	Heavy Business (B-5)	Commercial
North	Commerce District (CD)	Heavy Business (B-5) Light Industrial (M-1)	Ag Production Industrial
South	Commerce District (CD)	Light Industrial (M-1) General Agriculture (A-1)	Vacant Commercial Ag Production
East	Commerce District (CD) Municipality (M)	General Agriculture (A-1) Municipality	Mining Distribution
West	Commerce District (CD)	General Agriculture (A-1) Heavy Business (B-5)	Ag Production Vacant Commercial

Figure 4
MCPA Property Uses

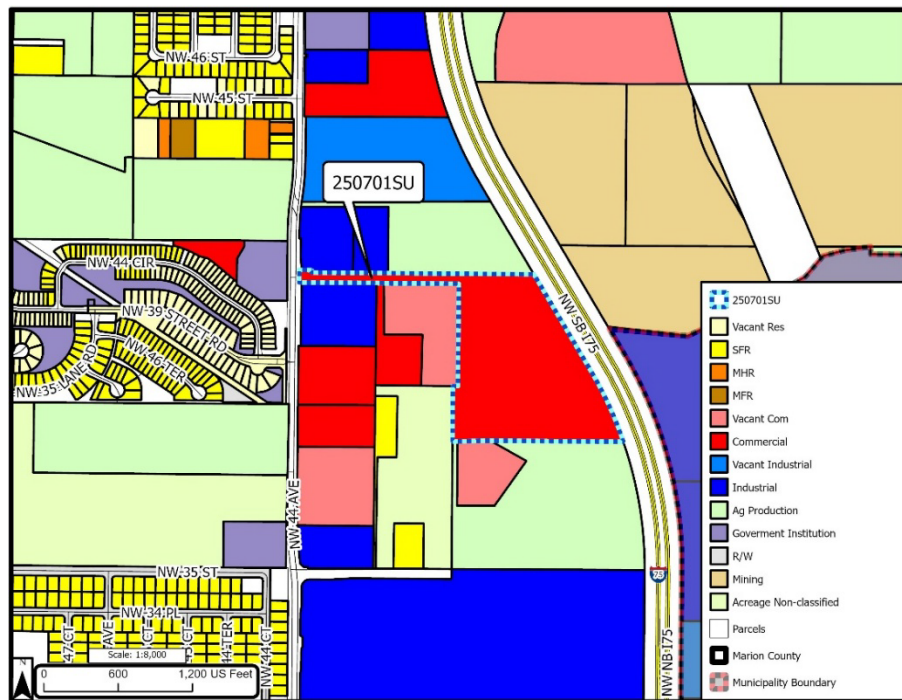


Figure 5

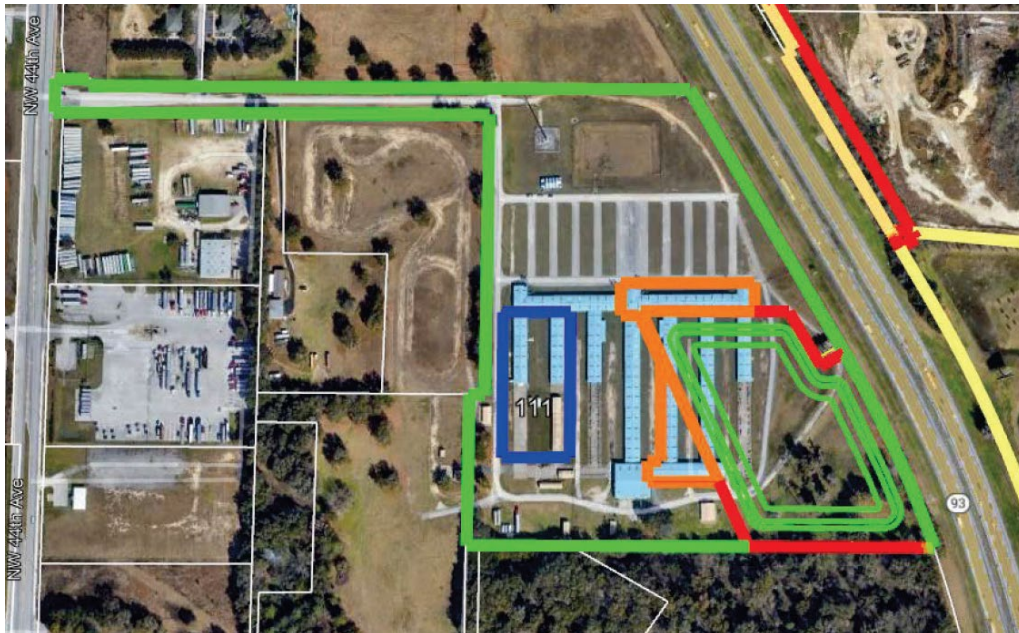
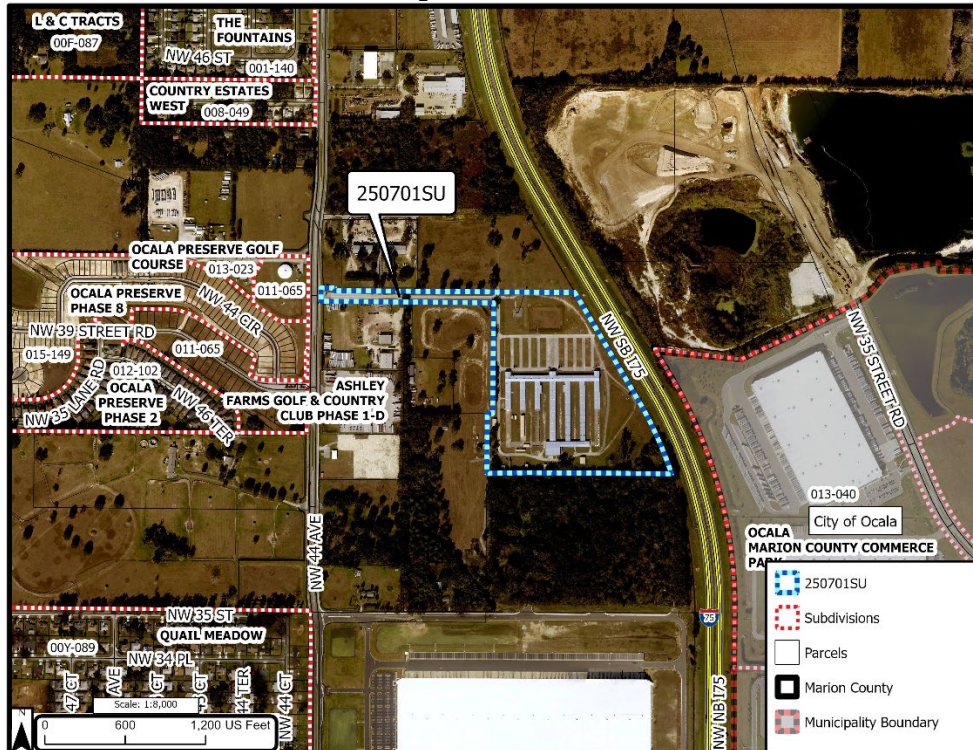


Figure 6



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 parcel has a flag as its single access that leads to NW 44th Ave., a Marion County maintained collector road. The ingress/egress for the subject site intersects NW 44th Ave. where there is a full access with no traffic light to assist with traffic flow which is a concern for Staff given the potential trips generated for some of the event types listed. There are no additional points of ingress/egress to or from the property in the event of an emergency. DRC comments (Attachment D) from Traffic state the following, "The proposed purpose includes hosting a wide range of event types that cannot be synthesized in to a cohesive traffic model that can be demonstrated as being support by this site, OCE Traffic does not have a specific objection to the types of events being proposed, however, each event should require a special event permit whereby the impact on local traffic can be assessed within the context of definite boundaries set by a particular event at a particular time." Staff concludes that the application **is not consistent** with provisions for ingress and egress as the large number of events looking to be hosted on the property have varying intensities of Traffic, some of which may exceed what the property and single-access are capable of handling.

- 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: Findings of Facts state paved parking is available for handicap-accessible parking spaces but that all other parking takes place on grass with paved aisles for driving. Based on the aerial of the property from the County's interactive map (Figure 1), the center "aisle" of the parking area looks to be paved with parking stops for spots with all other parking aisles provided for grass parking. A number of the proposed events would be placing tents, rides, foods trucks, and vendors in those areas designated as parking, thereby using the designated parking areas for uses other than spectator parking. Additionally, concept plans provided with the application package (Attachment A Pages 5-6, 12) include parking areas that are located on a parcel not included with this application. Also, the parking and driving areas include no screening or buffering of glare to I-75, a concern when considering the cut-off time for some of the proposed events being 10:00 or 11:00 PM and the lighting/glare that may be created from drivers entering

and existing the property looking to park. Based on the information included with the analysis, staff finds the application is **not consistent** with provisions for off-street parking and loading areas. However, a condition to address screening and buffering is being provided in provision E.

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

Analysis: Waste removal for the property is addressed in the findings of facts, "Events organizers are responsible for waste collection. In the event that they fail to remove trash, our waste removal services are provided through Q&Q Removal. Trash cans are strategically placed throughout the property for each event." Staff concludes the application is **consistent** with provisions for refuse.

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

Analysis: DRC comments provided by Utilities state, "Parcel 13708-000-00 is located within the Marion County Utility Service Area with water and sewer services immediately available at the front of the parcel along NW 44th Ave. The proposed SUP activities area considered temporary site uses and therefore do not require utility connections at this time (Attachment C)." Based on the information provided by the applicant and the review analysis by Utilities, the application **consistent** with the provision for utilities.

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

Analysis: There are currently no buffers in place for any of the property boundary lines. The provision for off-street parking and loading areas discusses staff concerns with the boundary line abutting I-75 and conditions to buffer should the special use permit be approved with conditions. Uses to the north, south, and southwest are listed as Ag Production and would, by today's standards, be required to provide a 15' wide D-Type buffer with a wall. The buffer along the eastern boundary line abutting I-75 would be a minimum 15' wide C-Type buffer. The applicant states screening and buffering were not installed as the property is surrounded by industrial businesses and wooded areas that serve as a natural buffer. Staff finds the application is **not consistent** with the provision of screening and requires additional screening and buffering.

- Buffering and screening requirements for the property shall meet today's LDC standards.

- 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: There is an existing illuminated sign located at the entrance on NW 44th Ave. Motion activated lights are already installed around the buildings. Any changes to the monument sign will need to be permitted through the Building Department and additional lighting will require a photometric plan to be reviewed by DRC. Meeting these requirements, the application is **consistent** with the signs and exterior lighting requirements of this section.

- Construction of signage shall be permitted through the Building Department.
- Additional lighting on the property will require a photometric plan to be reviewed through DRC.
- Lighting, including potential strobes and lasers, shall not be directed toward Interstate 75, nor shall the lighting cast glare toward Interstate 75.

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

Analysis: Based on the Property Appraiser's Property Record Card (Attachment A, Pages 23-28), the property is ±33.21 acres in size with existing impervious of ±10.6-acres bringing the impervious coverage to approximately 31%. Initial development of the structure took place in the late 90's and its likely there was not a stormwater review to a major site plan at that time. In order to ensure compliance with open space and stormwater requirements for the present day, staff proposes the condition provided below regarding future additions to impervious. With the proposed condition, the application is **consistent** with yards and other green spaces.

- Future additions to impervious coverage shall require a major 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. While the use according to MCPA is commercial in nature, the “business” being proposed would include both indoor and outdoor events/activities likely to draw a large number of people to the area simultaneously causing staff concerns with traffic complications entering and exiting the property along with the potential for noise. In the past, the parcel has been cited for noise (Attachment E) while a carnival was on-site, without a necessary special event permit, which is one of the uses being requested with this SUP. Given that some of the contiguous

parcels are Agriculture in nature and with a majority of the western side of NW 44th Ave. being residential as shown in Figure 6, the varying intensity of uses proposed could negatively impact the surrounding area. The application is **not consistent** with the provision for compatibility.

In an effort to mitigate issues of compatibility, the special event permit (Attachment F) was created which limits the time and frequency of special events on a property and requires the event holder/owner ensure to Growth Services that certain requirements are met such as tent, stage, bleacher safety via Building, Law Enforcement coverage for traffic, crowd control, and security, Fire & EMS Units, and Environmental Health to ensure waste disposal, bathroom facilities, and safe food handling practices are being met. The special event permit was created following Ordinance 10-17 (Attachment G) that was enacted to promote the health, safety, and welfare of Marion County citizens. To allow special events by special use permit without the requirements set in place with the special event permit application would **not be consistent** with ensuring general compatibility with the area.

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. Staff recommends the following policy for future development of the property.

- The special use permit shall expire on 07/21/2026. A special use permit renewal will be required to continue the special use and will need to follow the standard public hearing process.
- The special use permit shall be voided if the property is sold, transferred to another owner, or subdivided.
- Within 60 days of approval, Growth Services shall be provided with a written document from the Marion County Fire Marshal stating their concerns as provided in DRC comments were addressed to their satisfaction.
- An approved special event permit, meeting the requirements of the standard special event application, will be required for all events, individually, to be held on the property.
- Events will not start before 8 a.m. or go past 9 p.m.

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: Special events such as those requested in the application are not a permitted use by right in any zoning classification and would require a special use permit. Thus, the application is **consistent** with FLUE Policy 2.1.5.

Based on the above findings, staff concludes the SUP is **not consistent** with LDC Sections 2.8.2.D and 2.8.3.B as well as the Comprehensive Plan.

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 **APPROVE** 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 adopt a proposed Ordinance to **DENY** the special use permit based on incompatibility in the area, compliance with the Comprehensive Plan, and 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 disagree with staff recommendation and approve the special use with conditions:
 - 1. Buffering and screening requirements for the property shall meet today's LDC standards.
 - 2. Construction of signage shall be permitted through the Building Department.
 - 3. Additional lighting on the property will require a photometric plan to be reviewed through DRC.
 - 4. Future additions to impervious coverage shall require a major site plan review.

5. The special use permit shall expire on 07/21/2026. A special use permit renewal will be required to continue the use and will need to follow the standard public hearing process.
6. The special use permit shall be voided if the property is sold, transferred to another owner, or subdivided.
7. Within 60 days of approval, Growth Services shall be provided with a written document from the Marion County Fire Marshal stating their concerns as provided in DRC comments were addressed to their satisfaction.
8. An approved special event permit meeting the requirements of the application will be required for all events, individually, to be held on the property.
9. Events will not start before 8 a.m. or go past 9 p.m.

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. FDOT Plans.
- D. DRC Comments.
- E. Code Case.
- F. Special Event Application.
- G. Ordinance 10-17.
- H. Surrounding Property Notification.