



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
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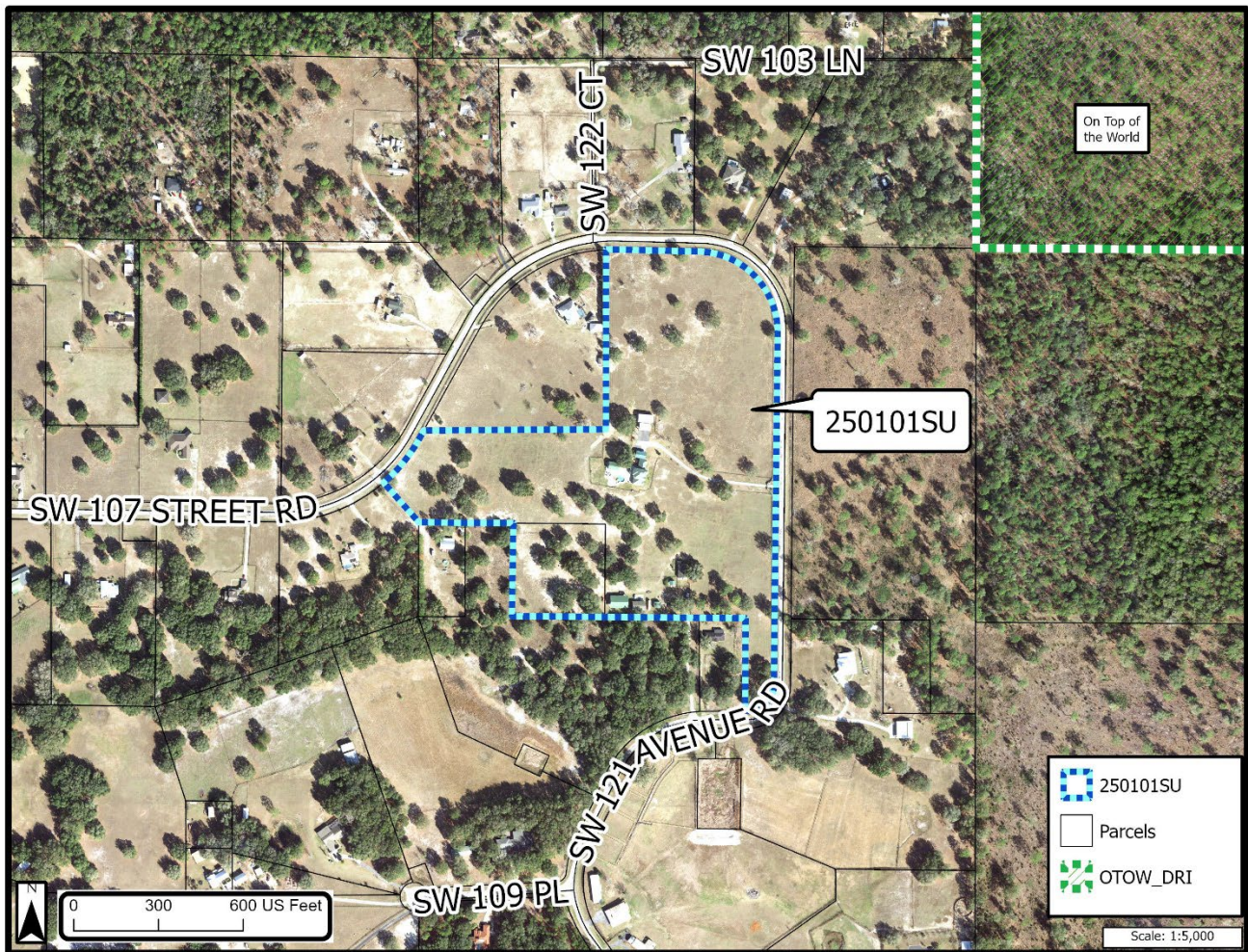
**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 12/30/2024	BCC Date: 1/13/2025
Case Number:	250101SU
CDP-AR:	32153
Type of Case:	Special Use Permit: For parking six (6) commercial vehicles (Tractor & Trailer) in A-1 and A-3 Zoning
Owner	Juan Manuel Rodriguez & Joselyn Lendor
Applicant	Same
Street Address	10640 SW 121 st Avenue Road, Dunnellon, FL 34432
Parcel Number	3496-003-011 & 35300-107-00
Property Size	±23.79 acres ±2.50 acres (±26.29 Acres)
Future Land Use	Rural Land (RL)
Zoning Classification	General Agriculture (A-1) and Residential Agriculture Estate (A-3)
Overlay Zone/Scenic Area	Secondary Springs Protection Zone
Staff Recommendation	DENIAL
P&ZC Recommendation	Denial 7-0
Project Planner	Kenneth Odom
Related Case(s)	965433: Unauthorized Commercial Vehicle Operations in Residential/Agriculture Zone

I. ITEM SUMMARY

Juan Manuel Rodriguez & Joselyn Lendor, owners of the subject property, have filed for a Special Use Permit (SUP) to allow for the parking of six (6) tractor-trailer combinations with a weight greater than 16,000 Pounds on a property with a zoning of General Agriculture (A-1) (See attachment A) and Residential Agriculture Estate (A-3). Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Numbers associated with the properties are 3496-003-011 and 35300-107-00 and the street address is 10640 SW 121st Avenue Road, Dunnellon, FL 34432. The property is located within the Secondary Springs Protection Zone. The legal descriptions are included as Attachment A. LDC Sec. 4.3.21 - Parking of Commercial Vehicles, only allows for one (1) vehicle on properties greater than 10 acres when associated with bona fide agricultural operations. Staff is recommending **DENIAL**.

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** due to the analysis provided within this staff report. If approved, staff recommends the conditions specified in Section VII.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirements in Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B, and 4.2.6(f).

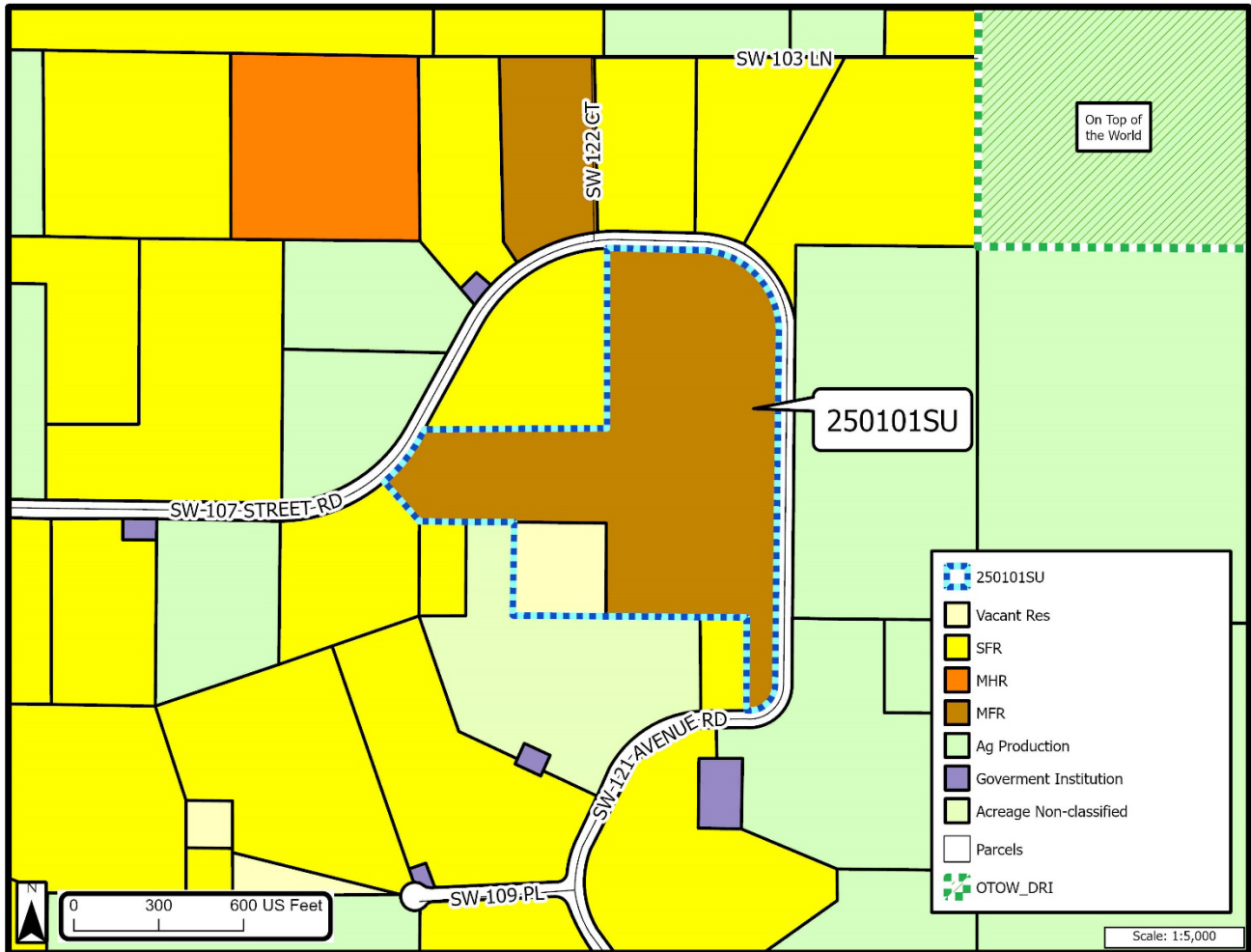
III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (10 property owners) within 300 feet of the subject property on December 13th, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on December 6th, 2024, where site photos were also collected (Attachment B) and, consistent with LDC Section 2.7.3.E, due public notice was published in the Ocala Star-Banner on December 16th, 2024. As of the date of the initial distribution of this staff report, no letters of opposition have been received. Evidence of the above-described public notices are on file with the Growth Services Department and are incorporated herein by reference.

IV. BACKGROUND/CHARACTER OF THE AREA

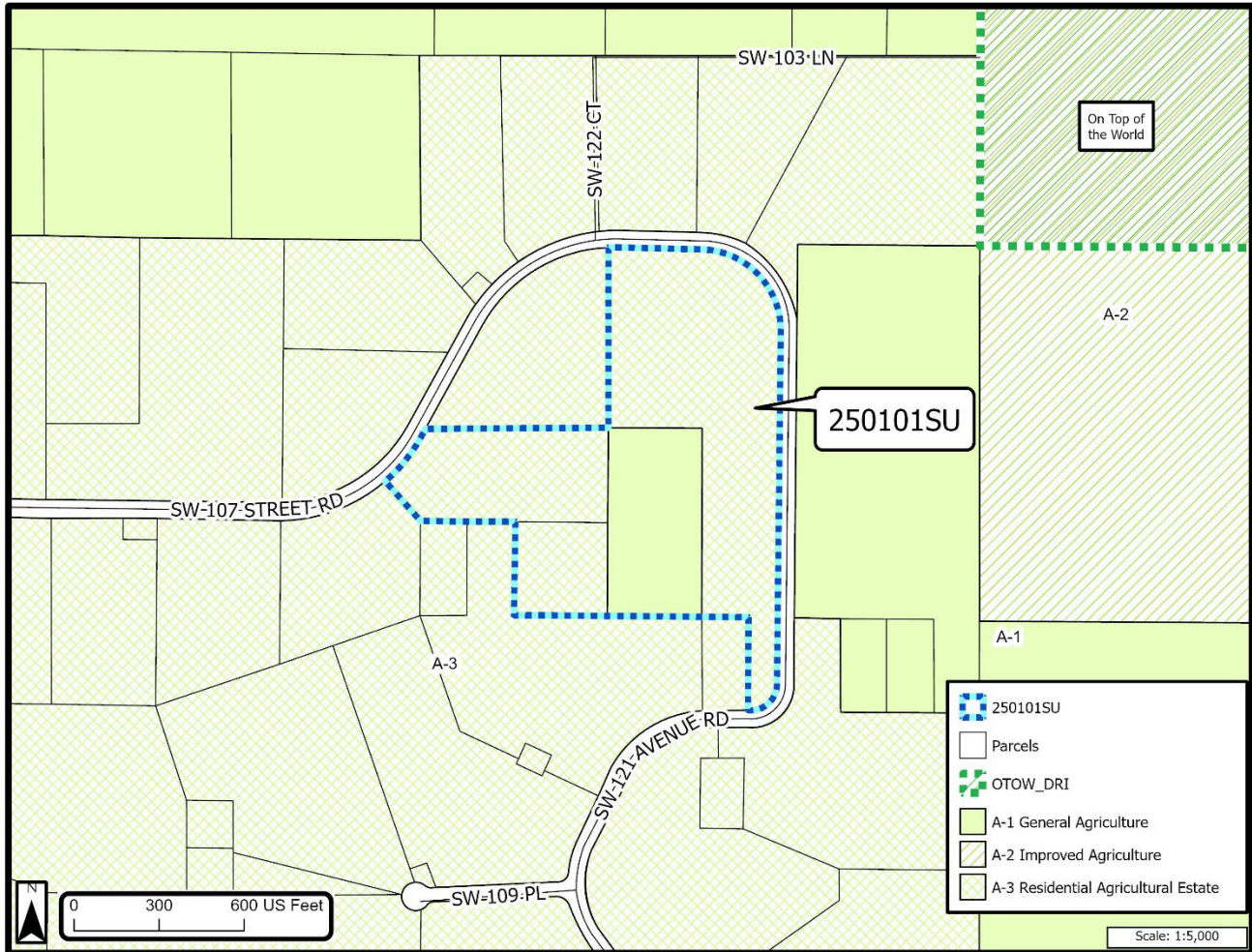
A. *Existing site conditions.* PID 3496-003-011 contains two site-built residences. The site is surrounded by other residential parcels with site built and manufactured agricultural residential properties, all of which are greater in size than one acre.

Figure 2 Existing Conditions Map



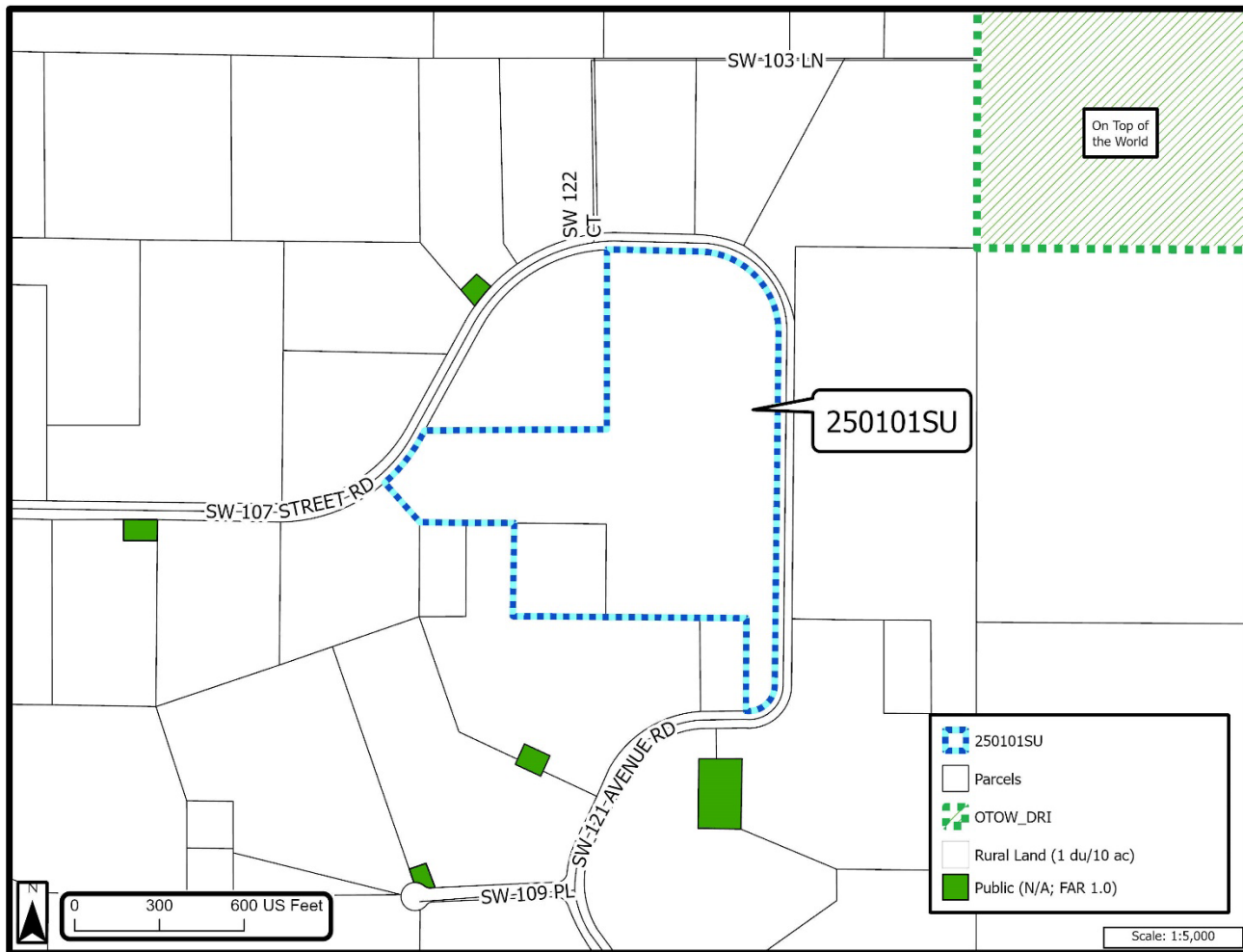
- B. *Zoning district map.* Figure 3 shows the subject property is classified as General Agriculture (A-1) and Residential Agricultural Estate (A-3). This is the property's initial zoning classification. No agricultural exemption has been filed for either of the subject parcels.

Figure 3
Zoning Classification



- C. *FLUMS designation.* Figure 4 is the FLUMS which shows the subject properties are designated Rural Land (RL), allowing a maximum development of one dwelling unit per 10 acres. This is the property's initial land use designation.

Figure 4
FLUMS Designations



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 reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Analysis: Private vehicular ingress/egress currently accesses SW 121st Avenue Road directly east of the primary home. The commercial vehicle access currently being utilized, and requested to be maintained through this SUP, is to the south but it transits across PID 3496-003-012, which is not owned by the applicant.

However, an easement is available at this location, but it is directly adjacent to a neighbor who has voiced opposition to the use as proposed. Should the SUP be approved, the following conditions are imposed:

- *Commercial vehicle ingress/egress shall only utilize the access point on NW 121st Avenue Road that currently exists on the applicant's property, not the easement on the south side of the applicant's property.*
- *The Applicant shall construct a commercial driveway apron that will be permitted through the Office of the County Engineer.*

- 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 is contained on the subject parcel and is proposed to continue under the SUP. The applicant is currently requesting to park up to six tractor and trailers on site at any given time. The number is proposed to be reduced to four tractors and trailers within six-months of the approval of the proposed SUP. Additionally, there are currently a number of disabled semi-tractor vehicles, partially disassembled semi-tractor vehicles and a multitude of semi-tractor and trailer vehicle parts that are currently being stored in and around the parking area of the subject parcels. The applicant has indicated that the some of the vehicles and parts will be sent to auction within thirty days of the approval of the SUP and that all extra vehicles and parts will be removed from the property within the time allotted in the following conditions.

- *All tractor-trailer parking will be contained on parcel 35300-107-00.*
- *Six tractor-trailer combinations may be parked on site for the first active six-months of the SUP. The number will be reduced to four tractor-trailer combinations by the end of that six-month period.*
- *All disabled tractor-trailer combinations will be removed from the property within thirty days of the approval of the SUP.*
- *All disassembled tractor-trailer combinations and tractor-trailer parts will be removed from the property within thirty days of the approval of the SUP.*
- *Loaded vehicles and storage of commercial freight is not permitted on the subject parcels at any time.*

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

Analysis: No additional refuse or service area is referenced within this application. Notwithstanding, the following condition is imposed.

- *No mechanical repairs or maintenance on the commercial vehicle(s) shall take place on-site.*

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

Analysis: The property currently is connected to well & septic, and the requested special use will not impose a burden that would require any additional water or power generation.

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

Analysis: The proposed storage/parking area for the freight vehicles is located on parcel 35300-107-00. Should a home be constructed on parcel 3496-003-012, (adjacent to the south and west), an eight-foot opaque fence shall be constructed in order to shield any view of the tractor-trailer combinations that are proposed to be parked on site. No additional buffering or screening shall be required.

- In the event that a home is constructed on PID 3496-003-012, the applicant shall construct an eight-foot opaque fence on the western and southern boundaries of the applicant's parcel adjacent to that land.

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 application makes no reference to signs being placed on the property. Notwithstanding the following condition is imposed:

- *Lighting on the exterior of any accessory structure related to the commercial vehicles shall be placed in a way that is non-obtrusive and will not be pointed directly at residential units within this neighborhood.*
- *There shall be no advertising signs on the subject property.*

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

Analysis: The special use permit will not trigger any need to increase additional greenspace at this time.

H. *Provision for general **compatibility** with adjacent properties and other properties in the surrounding area.*

Analysis: Compatibility is defined 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. At this time, there are several large lot

agricultural/residential properties, both vacant and improved. The following condition is imposed.

- *This special use permit runs with the owner and not property. Any sale of the property will void this special use.*

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 has recommended a condition that will void the SUP if the property changes hands. To ensure that the SUP stays in compliance and has a system of periodic reviews, Staff recommends a list of conditions provided at the end of this report to mitigate the possibility of any negative impacts from this special use. Notwithstanding, staff imposes the following condition:

- *This special use permit will allow for six (6) tractor-trailer vehicle combinations with a weight of 16,000 pounds or more for the first six months. After the first six month, the applicant shall only be permitted to operate four (4) tractor-trailer vehicle combinations with a weight of 16,000 pounds or more. The first six vehicle combinations permitted vehicles shall only include:*
 - 2013 Peterbilt, VIN# 1XPHDP9X3DD193242
 - 2014 Freightliner, VIN# 3AKJGLDV9ESFW0368
 - 2011 Peterbilt, VIN# 1XPHD49X8BD125062
 - 2012 Peterbilt, VIN# 1XPHD49X4CD134388
 - 2014 Peterbilt, VIN# 1XPWSP9X9ED250861
 - *To Be Determined*

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 4.2.31 requires a Special Use Permit for parking of commercial vehicles over an excess of 16,000 pounds in A-1 and A-3 zoned properties of five acres or more. Only one of which may be parked if all the required conditions can be met. This application proposed six, and eventually a reduction to four commercial vehicles. Additional concerns also arise from the fact that:

- The neighborhood roadways that surround the subject parcel are in deteriorated condition in several locations and were never designed

for the regular transit of heavy commercial vehicles. The continued operation of these types of vehicles, loaded or unloaded, will continue to degrade their condition and will pose additional burden on other vehicles belonging to residents that reside in the immediate area. Per the Office of the County Engineer, *"RECOMMEND DENIAL - The applicant proposes to park six semi-trucks in this residential area. The parking of six semi-trucks at this location suggests the applicant is running a trucking business with multiple drivers in this residential location as one person can't operate six trucks at one time. The roads that these parcels are located on are subdivision streets. Subdivision streets are not designed to handle routine heavy truck traffic. These roads in particular are in poor condition. Per County policy, the resurfacing of these subdivision streets is required to be paid under an MSTU by the residents of the subdivision. Routine heavy vehicle traffic will further degrade the pavement. In addition, routine heavy vehicle traffic does not typically mix well with other road users typically found on subdivision streets including pedestrians, bicyclists, and horses (which can be found in this subdivision)."*

- The residential area is somewhat secluded and the applicant is essentially requesting to operate a logistics company out of an (A-1) General Agriculture and Residential Agricultural Estate (A-3) parcel;
- Growth Services staff have already received numerous notices of opposition from surrounding neighbors expressing multiple concerns over the operations currently occurring with the tractor-trailers at this site, citing issues that they have already experienced including the condition of parcel 35300-111-00, which experiences excessive dust, raised by the vehicles, impacting her parcel as they travel on the adjacent easement which is currently the only ingress/egress that the applicants utilize.

Based on the above findings, Staff concludes the SUP is **not consistent** with FLUE Policy 2.3.21 or LDC Sections 2.8.2.D and 2.8.3.B and staff recommends **DENIAL**. However, should the Board of County Commissioners or the Planning & Zoning Commission disagree with recommendation by staff, the following conditions in **Section VII. STAFF RECOMMENDATION** has been provided to address the eight (8) requirements and staff recommend that they be imposed to mitigate impacts to the surrounding properties.

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 **APPROVE WITH CONDITIONS** 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 Planning and Zoning Commission 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 recommend **DENIAL** of the special use permit.
- B. In the event that the Commission disagrees with staff recommendation, to address compliance with LDC Sections 2.8.2.D and 2.8.3.B, staff recommends that the following conditions are imposed:
 1. *Commercial vehicle ingress/egress shall only utilize the access point on NW 121st Avenue Road that currently exists on the applicant's property, not the easement on the south side of the applicant's property.*
 2. *The Applicant shall construct a commercial driveway apron that will be permitted through the Office of the County Engineer.*
 3. *All tractor-trailer parking will be contained on parcel 35300-107-00.*
 4. *Six tractor-trailer combinations may be parked on site for the first active six-months of the SUP. The number will be reduced to four tractor-trailer combinations by the end of that six-month period.*
 5. *All disabled tractor-trailer combinations will be removed from the property within thirty days of the approval of the SUP.*
 6. *All disassembled tractor-trailer combinations and tractor-trailer parts will be removed from the property within thirty days of the approval of the SUP.*
 7. *Loaded vehicles and storage of commercial freight is not permitted on the subject parcels at any time.*
 8. *No mechanical repairs or maintenance on the commercial vehicle(s) shall take place on-site.*
 9. *In the event that a home is constructed on PID 3496-003-012, the applicant shall construct an eight-foot opaque fence on the western and southern boundaries of the applicant's parcel adjacent to that land.*

10. *Lighting on the exterior of any accessory structure related to the commercial vehicles shall be placed in a way that is non-obtrusive and will not be pointed directly at residential units within this neighborhood.*
11. *There shall be no advertising signs on the subject property.*
12. *This special use permit will allow for six (6) tractor-trailer vehicle combinations with a weight of 16,000 pounds or more for the first six months. After the first six month, the applicant shall only be permitted to operate four (4) tractor-trailer vehicle combinations with a weight of 16,000 pounds or more. The first six vehicle combinations permitted vehicles shall only include:*
 - *2013 Peterbilt, VIN# 1XPHDP9X3DD193242*
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 - *2012 Peterbilt, VIN# 1XPHD49X4CD134388*
 - *2014 Peterbilt, VIN# 1XPWSP9X9ED250861*
 - *To Be Determined*
13. *The Special Use Permit shall expire on January 21, 2030.*

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Denial 7-0

The proposed Special Use Permit is not consistent with;
The Comprehensive Plan,
The Land Development Code.

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application filed on October 17, 2024.
- B. Site Photos
- C. DRC Comments
- D. Code Enforcement Report