



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 05/29/2024	BCC Date: 06/18/2024
Case Number:	240603SU
CDP-AR:	31278
Type of Case:	Special Use Permit: For parking three commercial vehicles in A-1 Zoning
Owner	Ricardo and Dunia Rosales
Applicant	Same as Owner
Street Address	7745 SW 15 th PL, Ocala, FL, 34474
Parcel Number	2331-009-019
Property Size	±1.14 acres
Future Land Use	Low Residential (LR)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Zone
Staff Recommendation	Approval with Conditions for One (1) Commercial Vehicle only.
P&ZC Recommendation	APPROVAL AS CONDITIONED BY STAFF
Project Planner	Marcus Lloyd
Related Case(s)	211216SU

I. ITEM SUMMARY

Ricardo and Dunia Rosales , applicants and owners, have filed for a Special Use Permit (SUP) to allow for the parking of two (2) commercial vehicles with a weight greater of 16,000 Pounds on property with a zoning of General Agriculture (A-1) (See attachment A). Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 2331-009-019 and the street address is 7745 SW 15th P, Ocala, FL, 34474. The Property is located inside of the Secondary Springs Protection Zone. The legal description is included as Attachment A. With the provided conditions, staff is recommending **approval with conditions**, as LDC Sec. 4.3.21, Parking of Commercial Vehicles, only allows for one (1) vehicle on properties less than 1 acre. If approved, would extend the previously granted SUP (See Attachment D). Staff is recommending approval due to the requested use being compatible with the surrounding area, will not adversely affect the public interest, and will be consistent with the Marion County Comprehensive plan.

In this application, there is a reference to 3 separate trucks, as one truck is under the weight threshold for weight, weighing 8,000 pounds, then this truck is allowed under rules under LDC Section 4.3.21. Under a previously approved SUP, 211216SU, this applicant was allowed to park one commercial vehicle. The VIN number associated with the commercial vehicle and dry van trailer is found in Attachment D. In total, this SUP request would be for 3 semitrucks, with two new trucks being requested under this SUP. Upon conducting a site visit, staff found that the conditions imposed under the original SUP that the applicant had made all necessary improvements to be in compliance.

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** with 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).

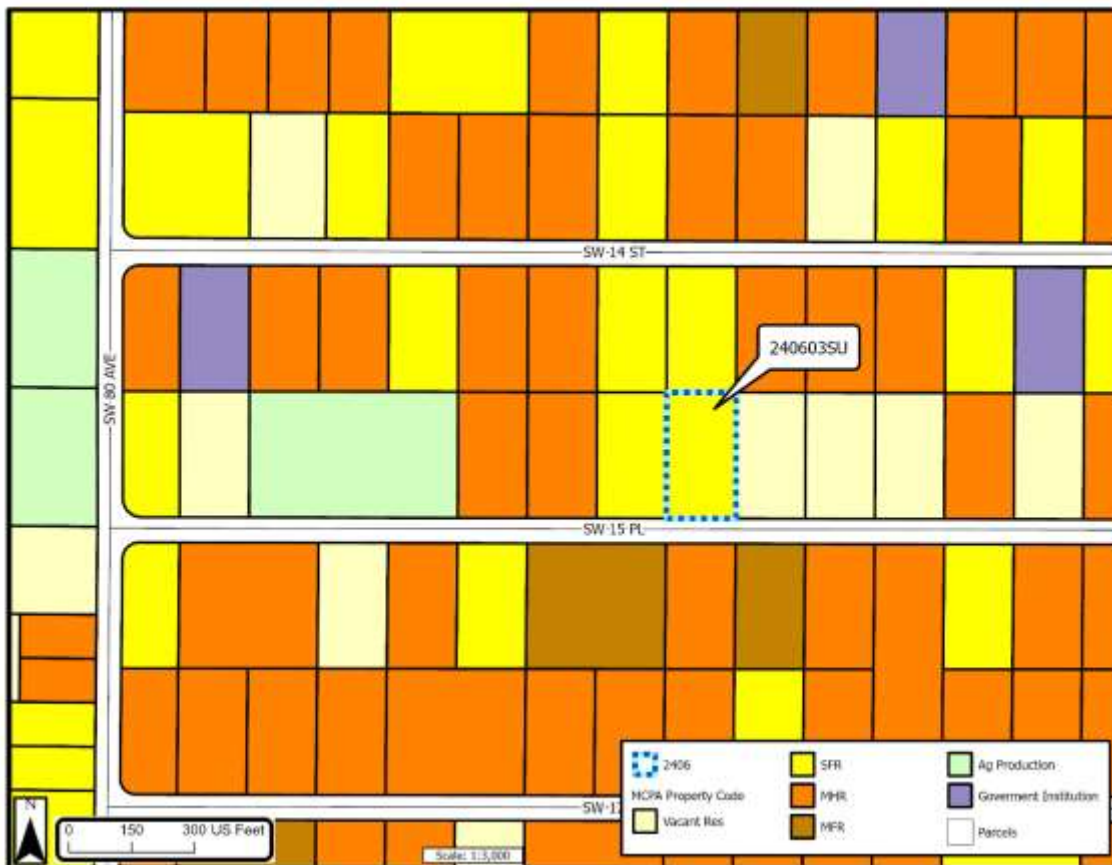
III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (22 property owners) within 300 feet of the subject property on May 10th, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on May 3, 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 May 13th, 2024. As of the date of the initial distribution of this staff report, no letters of opposition have been received. Found within Attachment A (Page 6 & 7) is a letter with signatures from nine (9) neighbors supporting the request for two trucks. 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

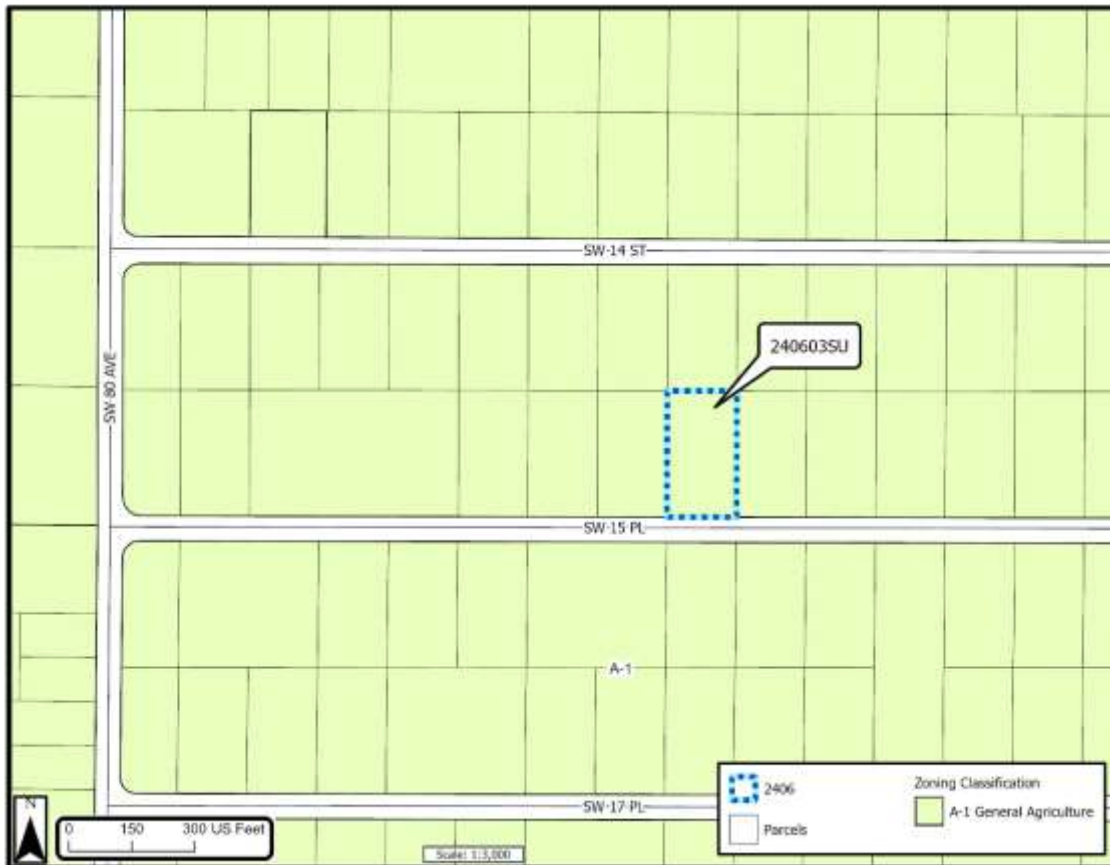
A. *Existing site conditions.* The property card shows that the site is vacant commercial. Figure 3 shows that the property is currently listed as commercial by the Marion County Property Appraiser's Office. The site is surrounded by larger residential parcels with similar zonings.

Figure 2
Existing Conditions Map



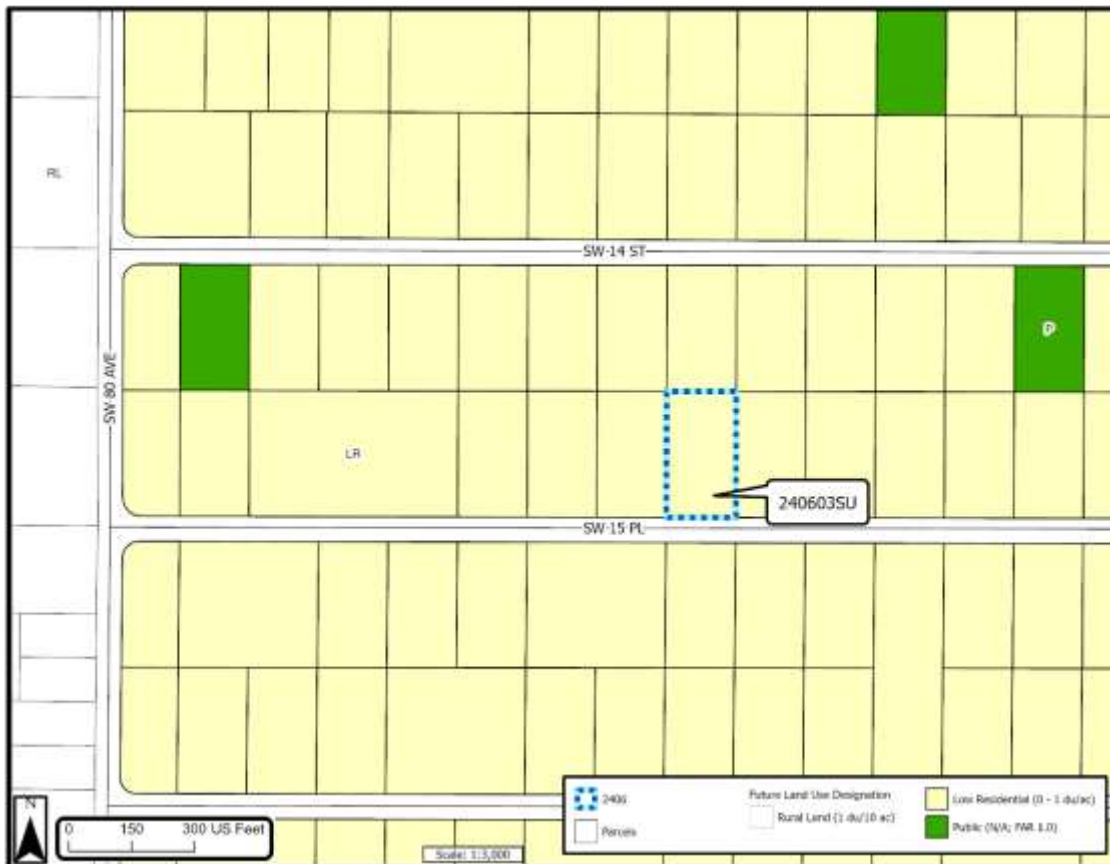
- B. *Zoning district map.* Figure 4 shows the subject property is classified as General Agriculture (A-1). This is the property's initial zoning classification.

Figure 3
Zoning Classification



- C. *FLUMS designation.* Figure 5 is the FLUMS and it shows that the subject property is designated Low Residential (LR), allowing a maximum development of 1 dwelling units per 1 acre. This is the property's initial land use designation.

Figure 5
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: The ingress/egress currently comes from SW 15th Street, where under the 2021 SUP there was a condition to make driveway apron improvements and the applicant worked with County staff to be compliant with this condition. Notwithstanding, the following conditions are imposed:

- *Ingress/Egress shall continue to come from SW 15th Street.*
- *The commercial vehicles shall be parked on a concrete pad connected to a paved driveway that connects to the driveway apron.*

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 property owner has made some improvements to the property to allow for parking of the commercial vehicles, however the unloading and loading of any materials has not been referenced in the application.

- *No unloading or loading of materials shall not take place on the subject property.*

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, washing, 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 truck parking area already has a fence with a height of (6 ft?) to the adjacent residential lots.

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.*

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 some vacant properties to the east of where the commercial vehicles are parked. Notwithstanding, the following conditions are 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 one (1) commercial vehicle with a weight of 16,000 pounds or more, and will allow the dry van trailer associated with that truck. The original approved commercial vehicle is associated with VIN #HSRUAHR2VH430617 & the dry van trailer is associated with VIN #1GRAA06253G327988.*

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 zoned properties less than 5 acres. Thus, the application is consistent with FLUE Policy 2.3.21.

Based on the above findings, Staff concludes the SUP is **not consistent** with LDC Sections 2.8.2.D and 2.8.3.B provided conditions to address the eight (8) requirements are imposed.

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 **DENY** 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 adopt a proposed Ordinance to **APPROVE AS CONDITIONED** the special use permit.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:
 1. *The Ingress/Egress shall continue to come from SW 15th Street.*
 2. *The commercial vehicles shall be parked on a concrete pad connected to a paved driveway that connects to the driveway apron.*
 3. *No unloading or loading of materials shall not take place on the subject property.*

4. *No mechanical repairs, washing, or maintenance on the commercial vehicle(s) shall take place on site.*
5. *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.*
6. *This special use permit runs with the owner and not property. Any sale of the property will void this special use.*
7. *This special use permit will allow for one (1) commercial vehicle with a weight of 16,000 pounds or more, and will allow the dry van trailer associated with that truck. The original approved commercial vehicle is associated with VIN #HSRUAHR2VH430617 & the dry van trailer is associated with VIN #1GRAA06253G327988.*
8. *The Special Use Permit shall expire on February 1st, 2029; however it may be renewed administratively three times for up to 5 years each by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:*
 - a) *There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the permit,*
 - b) *Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or*
 - c) *The Growth Services Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).*

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

APPROVAL FOR 1 COMMERCIAL VEHICLE, AS CONDITIONED BY STAFF.

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

To be Determined.

X. LIST OF ATTACHMENTS

- A. SUP application filed on March 8, 2024.
- B. Site Photos
- C. DRC Comments.
- D. Resolution NO.21-R-678, resolution for 211216SU.