



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 9/29/2025	BCC Date: 10/20/2025
Case Number:	251001SU
CDP-AR:	33130
Type of Case:	Special Use Permit: To allow for multiple seasonal, civic and military remembrance events as well as a monthly weekend flea market.
Owner	American Legion Post #58 - Dunnellon
Applicant	Post Commander Carl E. Kester (CJ)
Street Address	10730 South US 41
Parcel Number	33607-001-00
Property Size	1.69
Future Land Use	Commercial (COM)
Zoning Classification	Community Business (B-2)
Overlay Zone/Scenic Area	Secondary Springs Protection Zone
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	TBD
Project Planner	Kenneth Odom, Transportation Planner
Related Case(s)	Code Case: 980852

I. ITEM SUMMARY

Post Commander Carl (CJ) Kester, on behalf of the applicant Wall-Rives American Legion Post #58, has filed for a Special Use Permit (SUP) to allow for multiple seasonal, civic, and military remembrance events, as well as a monthly weekend flea market without the need for acquisition of a Special Event Permit. Typically, the Special Event Permit mechanism has limitations of one event per quarter. This permit proposes to exceed that. Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 33607-001-00 and the street address is 10730 South US 41, Dunnellon, FL 34432. The property is located within the Secondary Springs Protection Zone. The legal description is included as Attachment A. Staff is recommending **APPROVAL**

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** 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).

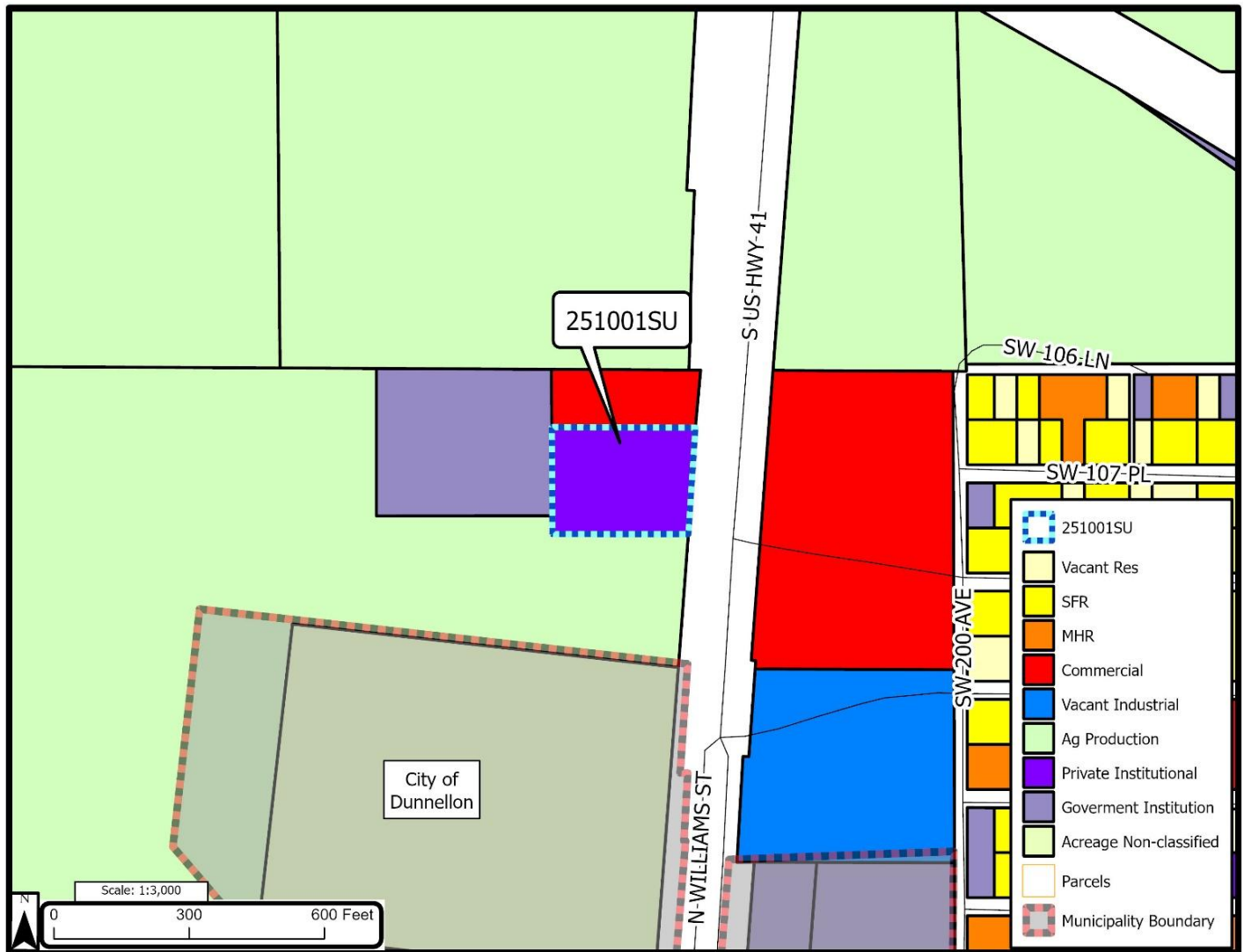
III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (5 property owners) within 300 feet of the subject property on September 12th, 2025. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on September 11th, 2025, 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 September 15th, 2025. 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 is on file with the Growth Services Department and are incorporated herein by reference.

IV. BACKGROUND/CHARACTER OF THE AREA

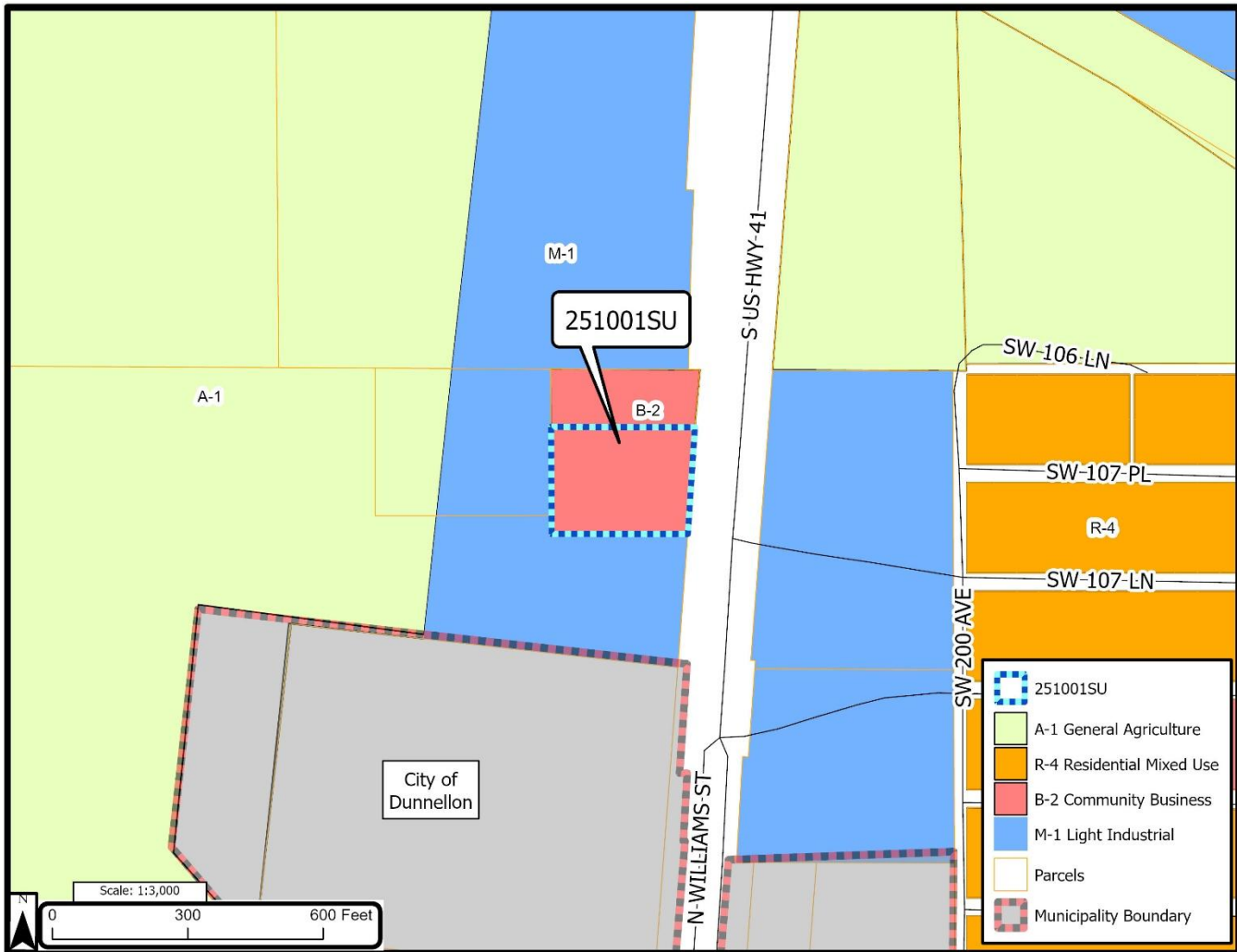
A. *Existing site conditions.* Figure 3 shows that the property is currently listed as Private Institutional by the Marion County Property Appraiser's Office. This site is located in unincorporated Marion County, just north of the City of Dunnellon's northern boundary on US 41.

Figure 2
Existing Conditions Map



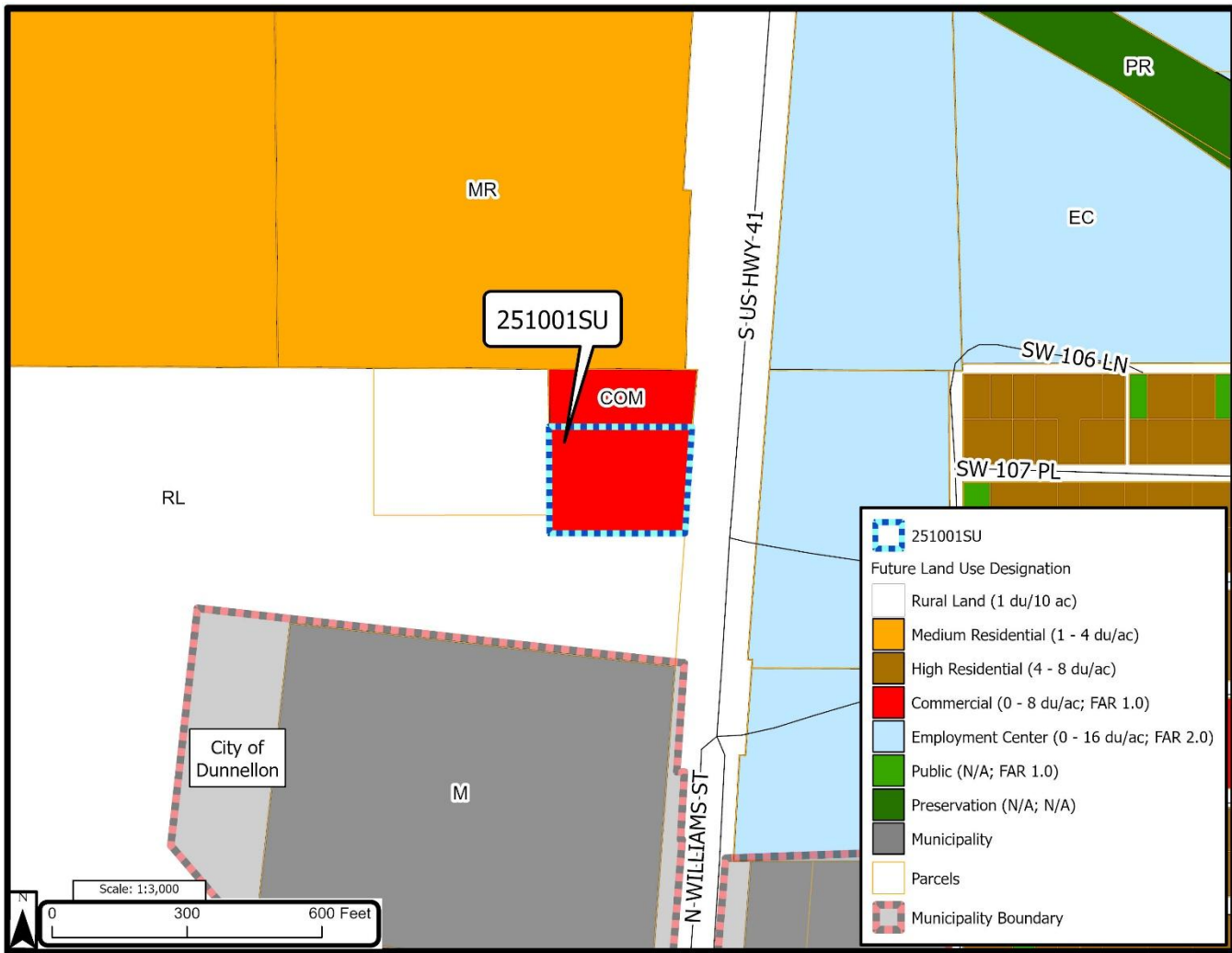
- B. *Zoning district map.* Figure 3 shows that the subject property is classified as Community Business (The Community Business (B-2) classification provides for the shopping and limited service needs of several neighborhoods, a community, or a substantial land area. Retail stores are intended to include general merchandise, fashion, durable goods, and personal services. However, the current use could be accommodated in the Neighborhood Classification (B-1) as it allows for *clubs, private lodges, fraternities, and sororities*. The surrounding parcels are primarily Light Industrial (M-1) and General Agriculture (A-1), with the Chatmire community directly to the east being comprised of Residential Mixed Use (R-4). The City of Dunnellon incorporated area lies directly to the south.

Figure 3
Zoning Classification



- C. *FLUMS designation.* Figure 4 is the FLUMS, which shows the subject property is designated Commercial (COM). Policy 2.1.22: Commercial (COM) This land use designation is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).

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 that 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 is 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: Access to the Post currently exists from US 41 via an asphalt driveway that has expanded radii for large vehicle ingress/egress. No new access points or improvements to the existing driveway shall be required.

- 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: Paved parking currently exists for regular post operations, all of which is currently contained on site and will be for all future events. Due to the limited number of events that are projected to take place annually, overflow parking for special events and the monthly flea market can be accommodated by the utilization of the expansive grassed areas that currently exist.

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

Analysis: Established dumpster locations exist on the site currently. Commercial pick up of refuse occurs weekly. During and after any events on site, post members monitor the site to make certain that any refuse is immediately picked up and deposited into the appropriate receptacles. Special event refuse remains on site longer than twenty-four hours, where it is removed by post members and taken to the transfer station located at 4232 US 41.

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

Analysis: Septic and well services exist on the site currently. The requested special use permit will not require hookup to municipal water or sanitary sewer services.

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

Analysis: No additional buffering will be required at this location if this Special Use is approved.

- 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: Any additional signage, temporary or permanent, included in the future will adhere to Marion County Land Development Code. No future signage is planned at this time.

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

Analysis: No new additional improved space will be required to accommodate the proposed use.

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

Analysis: The flea market and special events have been occurring for many years. They have not posed a negative impact on the community or adjacent properties during that time. While there is a significant number of individual events, the vast majority of them are very limited in scope and primarily remembrance ceremonies that are very limited in attendance. Continuation of those activities, in their current limited configuration, should not pose any significant impact. The list of the specified events is as follows:

January

New Years Day

Indoor outdoor flea market on Saturday and Sunday once per month

February

Four Chaplains Ceremony

Valentines Day

Indoor Outdoor Flea Market on Saturday and Sunday once per month

March

St Patrick's Day

Vietnam War Veterans Day

Indoor Outdoor Flea Market on Saturday and Sunday once per month

April

Army Day

Former POW Recognition Day

Easter

Indoor Outdoor Flea Market on Saturday and Sunday once per month

May

Military Spouses Day

Mother's Day

Armed Forces Day

Memorial Day

Indoor Outdoor Flea Market on Saturday and Sunday once per month

June

D-Day

US Army Birthday

Father's Day

National PTSD Awareness Day

Indoor Outdoor Flea Market on Saturday and Sunday once per month

July

US Army Air Corps Birthday

Independence Day Fourth of July

Indoor Outdoor Flea Market on Saturday and Sunday once per month

August

US Coast Guard Birthday
Indoor Outdoor Flea Market on Saturday and Sunday once per month

September

9/11 Ceremony
Patriot Day
Auxiliary Birthday
US Air Force Birthday
POW/MIA Recognition Day
Indoor Outdoor Flea Market on Saturday and Sunday once per month

October

US Navy Birthday
Halloween
Indoor Outdoor Flea Market on Saturday and Sunday once per month

November

Election Day
US Marine Corps Birthday
Veterans Day
Thanksgiving
Indoor Outdoor Flea Market on Saturday and Sunday once per month

December

Pearl Harbor Remembrance Day
US Space Force Birthday
Christmas Eve
Christmas Day
Indoor Outdoor Flea Market on Saturday and Sunday once per month

- I. *Provision for meeting any **special requirements** required by the site analysis for the particular use involved.*

Analysis: The applicants have stated that they will work with staff in order to ensure that all conditions are consistently met. 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 conditions 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.

- J. *Consistency with the Comprehensive Plan.*

Sec. 10-30. - Definition.

(a) As used in this article, special event shall mean any preplanned festival, activity, parade, or gathering of a group of persons, animals or vehicles or a

combination thereof, having a common purpose on any public/private street, sidewalk, alley, park, lake or other public/private property or building, that substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public/private property or building so as to preempt normal use of property by the general public or which deviates from the established use of property as permitted in that specific zoning classification. All events meeting the definition of a special event require a special event permit.

- (b) As used in this article, operator means an individual or entity that owns, operates, conducts, manages, hosts, or arranges an event, including a special event.*

Based on the above findings, Staff concludes the SUP is **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 **APPROVAL WITH CONDITIONS** 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 Special Use Permit shall run with the Wall-Rives American Legion Post #58. Should the property be sold, sublet, or the use changed, the Special Use Permit shall be terminated.

2. Flea Market operations shall be limited to one weekend per month for a total of twelve per year.
3. The applicant shall adhere to the conceptual plan as presented in this application. Any new constructs, other than storage facilities (sheds, barns, etc.) or minor amenities (fire pits, pergolas, small gaming areas, etc.) may necessitate that this Special Use Permit be modified and reheard by the Board of County Commissioners, at the expense of the applicant. In this event, the applicant shall notify the Growth Services Director to indicate that a deviation from the conceptual plan is proposed. Should the applicant neglect this notification, it may result in the revocation of the Special Use Permit.
4. This Special Use Permit does not grant the applicant the right to hold any Special Events that are not listed in this document. Any additional events shall be listed as any other standard special event and shall have to be separately permitted through Marion County.
5. The Special Use Permit shall expire October 21, 2030; however, it may be renewed administratively for 5-year periods up to 3 consecutive times by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit.
 - 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
 - The Growth Services Director 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 with conditions.

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

TBD

X. LIST OF ATTACHMENTS

- A. SUP application filed on July 29, 2025.
- B. Site Photos
- C. DRC Comments
- D. Site Plan
- E. Code Enforcement Violation #980852