



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

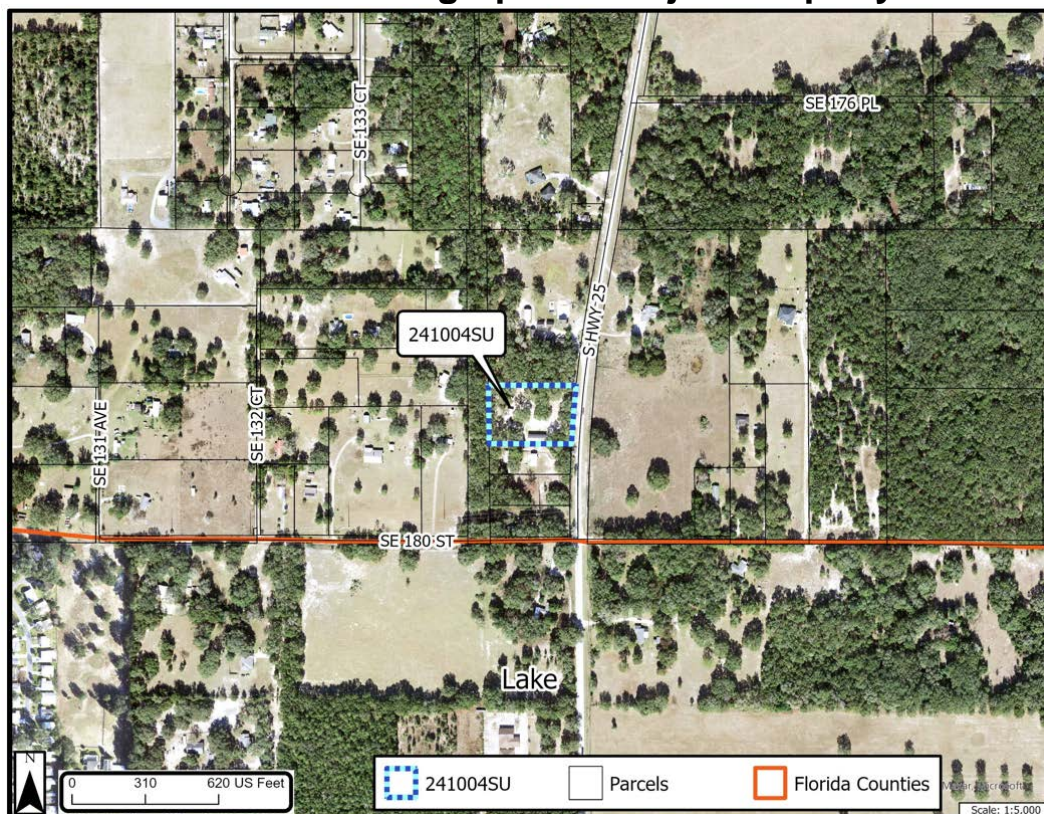
**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 09/30/2024	BCC Date: 10/15/2024
Case Number:	241004SU
CDP-AR:	31852
Type of Case:	Special Use Permit , to amend previously approved 221104SU, to increase the size of the proposed storage building to 36'x55' with a 12'x55' lean-to.
Owner	Finney's Pro Pressure Washing, LLC.
Applicant	Jeffery and Virginia Finney
Street Address	17900 S Hwy 25 Weirsdale, FL, 32195
Parcel Number	50063-001-01
Property Size	±2.79-acres
Future Land Use	Commercial (COM)
Zoning Classification	Community Business (B-2)
Overlay Zone/Scenic Area	Environmentally Sensitive Overlay Zone (ESOZ) Secondary Springs Protection Overlay Zone (SSPOZ)
Staff Recommendation	Approval with Conditions
P&ZC Recommendation	Approved (on consent)
Project Planner	Kathleen Brugnoli, Planner II
Related Case(s)	221104SU – Storage of personal and business property and equipment (Approved); 220707Z – B-2 to RC-1 (Approved).

I. ITEM SUMMARY

Jeffery and Virginia Finney, applicant and owner of the subject site and Finney's Pro Pressure Washing LLC., have filed an application to amend an existing special use permit to allow for warehouse style structures within Rural Commercial (RC-1) zoning classification (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 50063-001-01, the street address is 17900 S Hwy 25, Weirsdale, FL, 32195, 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 (SSSPOZ).

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** due to the request being consistent with the Marion County Comprehensive Plan, compatible with the surrounding area, and will not adversely affect the public interest specified in Section VI.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirements in LDC Sections 2.8.2.D and 2.8.3.B.

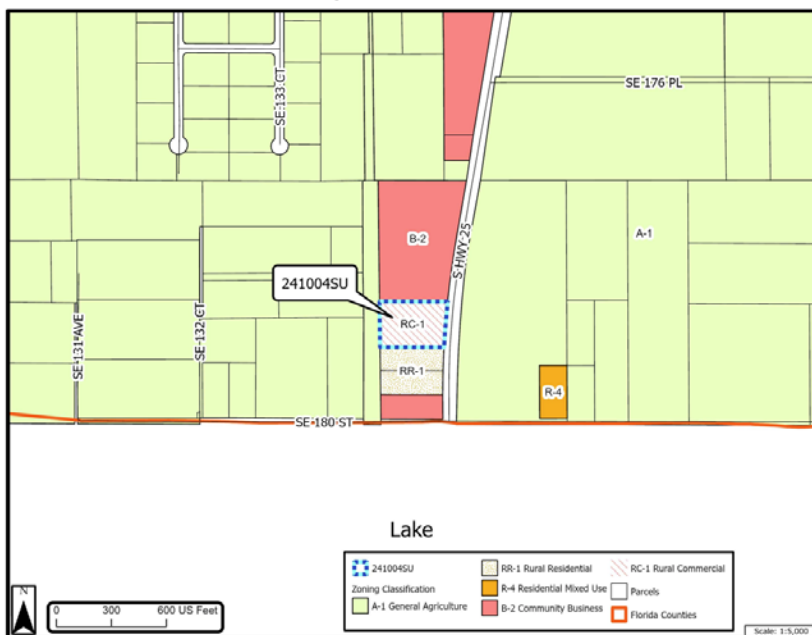
III. NOTICE OF PUBLIC HEARING

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 (9) property owners on September 13, 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 September 11, 2024 and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on September 16, 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.* 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 currently listed as Vacant Residential by the MCPA's office. However, the property currently has a mobile home on-site and should be designated as improved mobile home. The surrounding area is a mix of Multi-family, Agriculture, and Residential. A site visit was conducted on September 11, 2024 to post public notice and photograph the property (Attachment B). The property and surrounding area are residential in nature with some agricultural uses. To the north is "Morgan Manor Apartments" a collection of cottages built in the 1930's. To the south of the subject property is a residential parcel including two mobile homes, and across S Hwy 25 is a large parcel of agricultural use. The area is rural in nature and near the county line with Lake County. Approximately a mile north of the subject site is a commercial node that includes retail and industrial uses. Most of the industrial area is related to the citrus industry and packing.
- B. *Zoning district map.* Figure 2 shows the subject property designated as Rural Commercial (RC-1), with the contiguous property to the south being Rural Residential (RR-1), the north being Community Business (B-2), and properties to the east and west being General Agriculture (A-1).

Figure 2
Zoning Classification



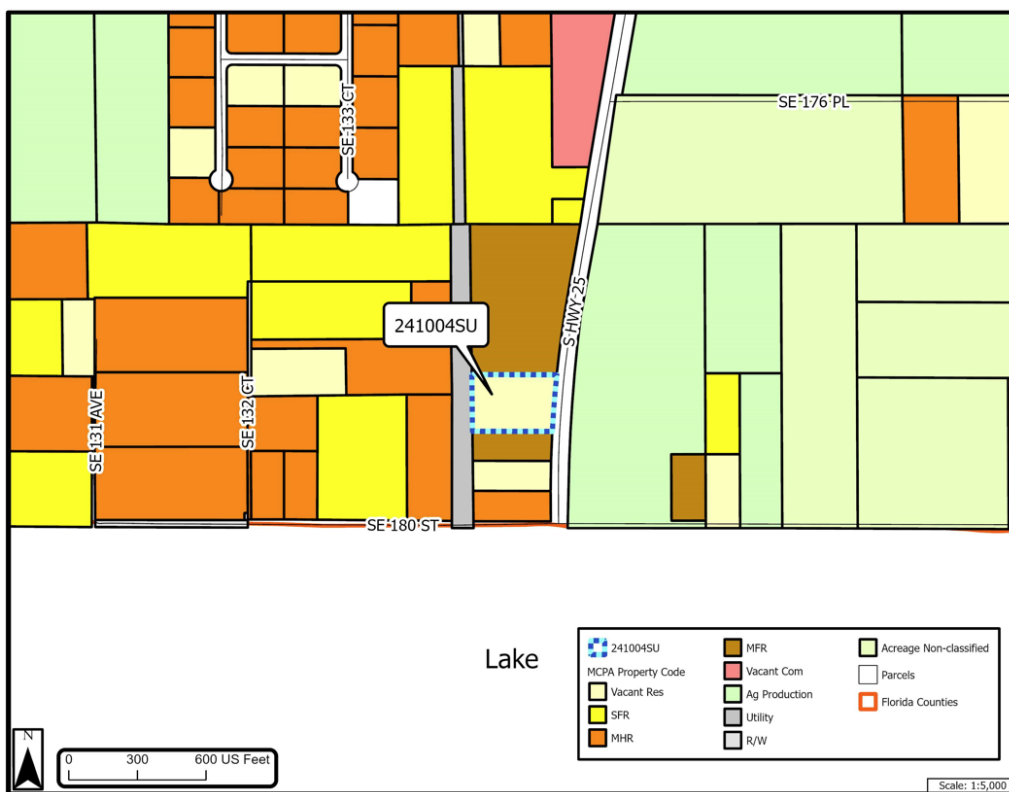
C. *FLUMS designation.* Figure 3 is the FLUMS and shows the subject property as Rural Land (RL) (1 du/10 acres) with all surrounding properties sharing the same land use.

Figure 3
Future Land Use Map Series

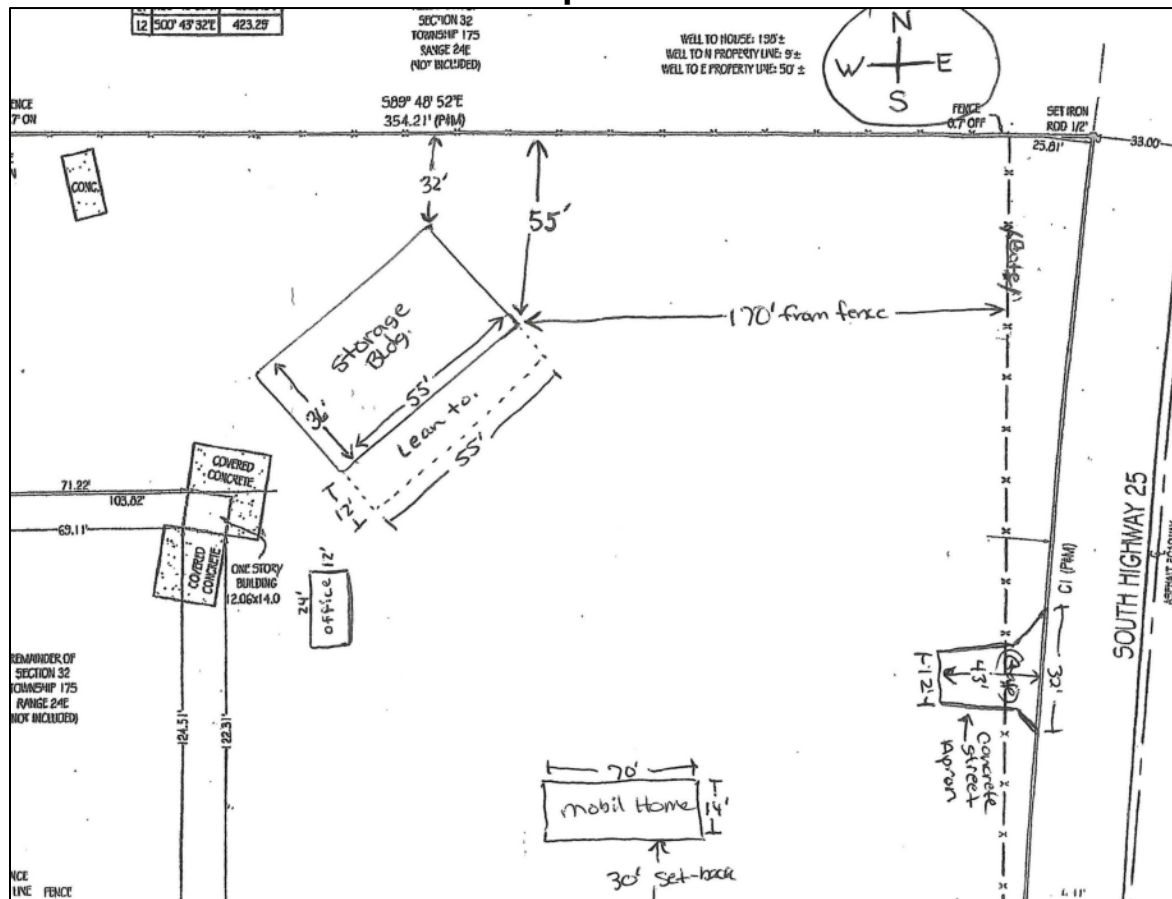


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Rural Land (RL)	Rural Commercial (RC-1)	Improved Residential
North	Rural Land (RL)	Community Business (B-2)	Multi-Family
South	Rural Land (RL)	Rural Residential (RR-1)	Multi-Family
East	Rural Land (RL)	General Agriculture (A-1)	Grazing Land
West	Rural Land (RL)	General Agriculture (A-1)	Utilities

Figure 4
MCPA Property Uses



**Figure 5
Conceptual Plan**



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: There is an existing concrete driveway apron leading from the property on to HWY C-25 with an unpaved driveway on-site. Staff concludes that the application **is consistent** with provisions for ingress and egress.

- 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: Resolution 22-R-668 for the previous special use permit approval stated in condition 1 that all parking areas and unloading/loading areas for vehicles and equipment must be paved with screening and buffering requirements as provided in the LDC. The current storage structure being utilized includes to “lean-to” type structures off the main building that have a roof and a concrete pad for parking of items. During the site visit, it was observed that all parking space meeting the requirement of being paved are currently used with no space for additional parking of vehicles and/or equipment. Any additional parking in the future will require paved parking areas.

- Areas where parking of vehicles and equipment are taking place must be paved.

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

Analysis: The property is already operating as an area for parking of vehicles and equipment related to the pressure washing business as granted in the original special use permit. Garbage removal is managed by owners and is **consistent** with this provision.

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

Analysis: The subject property currently has well and septic on-site and is served by Duke Energy. Staff concludes the application **is consistent** with the provision of utilities.

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

Analysis: The findings of facts state a 4' chain link fence surrounds the property with dense woods on north and west sides. While property boundary line buffering was not a condition of approval for 221104SU, buffering around areas designated for parking and loading/unloading for the business were required to meet buffering per LDC sections 6.8.7 and 6.8.9. Staff concludes the application is **not consistent** with the provision of screening and buffering. To bring the property in to compliance with the already granted SUP, the following conditions must be met before construction on the proposed structure may commence.

- A minimum five-foot wide landscape area consisting of shrubs and groundcovers, excluding turfgrass, shall be provided around the perimeter of parking areas to form a landscape screen with a minimum height of three

feet achieved within one year of planting. A land use buffer that abuts a parking area may satisfy this requirement. (Sec 6.8.7.A)

- Utility areas and loading/unloading areas shall be screened as follows:
 - (1) A planting area a minimum of three feet wide and shall form a continuous three-foot high landscape screen, or
 - (2) Buffer fencing with a minimum height of three feet. (Sec 6.8.9.A)
- Screening and buffering shall be maintained in perpetuity.
- Screening and buffering must meet requirements of previously approved special use permit, also listed here, before construction of the proposed building may take place.
- The applicant must notify the Planning staff once the buffering is installed. Upon staff confirmation that buffering is in place, the address hold will be removed and permits for the proposed building may be pulled.

- 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: Signage and lighting are not proposed with the application. It is concluded that the application is **consistent** with the signs and exterior lighting requirements of this section. In the event that signage is proposed, the following condition is imposed to ensure compatibility with the surrounding area.

- If signage is proposed, all necessary Building permits must be obtained.

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

Analysis: Open space as required by Land Development Code Section will be reviewed by DRC during formal 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. This is the only business in the vicinity with all other uses being some sort of residential or Agricultural. The parcel, however, is used predominantly for the storage of commercial equipment and vehicles/trailers so the traffic generated is minimal. The addition of a building was granted previously and the amendment to now make this building larger will not create an issue of

compatibility more so than the original building approval would. To assist in mitigating any sort of incompatibility, staff recommends the following conditions

- This site shall be developed consistent with the proposed conceptual plan.
- The Special Use Permit runs with the property.

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. To ensure compliance to the best of staff's ability, an address hold is being placed on the property until requirements of the previous special use permit are met. If this amendment is granted and the parcel reaches compliance with the already granted special use conditions, the applicant may then pursue development based on their amendments to the existing special use.

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 4.2.23.C allows for Special Use Permits within the RC-1 zoning classification. Within this section of code, pressure washing and painting services are not listed as a special use. However, a request can be made in RC-1 for a special use not specifically listed. Thus, the application is **consistent** with FLUE Policy 2.1.5.

Based on the above findings, staff concludes the SUP is consistent with LDC Sections 2.8.2.D and 2.8.3.B, even with the provided conditions to attempt to address the ten (10) requirements imposed.

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 **DENY** 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 **APPROVE AS CONDITIONED** the special use permit based on compatibility in the area, compliance with the Comprehensive Plan, and a lack of 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 agree with staff recommendation and approve the special use with conditions:
1. Parking areas shall be paved with screening and buffering requirements provided in 6.8.7 and 6.8.9 being met.
 2. A minimum five-foot wide landscape area consisting of shrubs and groundcovers, excluding turfgrass, shall be provided around the perimeter of parking areas to form a landscape screen with a minimum height of three feet achieved within one year of planting. A land use buffer that abuts a parking area may satisfy this requirement. (Sec 6.8.7.A)
 3. Utility areas and loading/unloading areas shall be screened as follows:
 - (1) A planting area a minimum of three feet wide and shall form a continuous three-foot high landscape screen, or
 - (2) Buffer fencing with a minimum height of three feet.
 4. If signage is proposed, all necessary Building permits must be obtained.
 5. Screening and buffering shall be maintained in perpetuity.
 6. Screening and buffering for the existing storage structure must meet requirements of previously approved special use permit conditions, listed herein, before construction of the proposed building may take place.
 7. The newly proposed structure must also adhere to the above screening and buffering requirements.
 8. The applicant must notify Planning staff once the buffering is installed. Upon staff confirmation that buffering is in place, the address hold will be removed and permits for the proposed building may be pulled.
 9. At a minimum, waste shall be removed weekly from the property with screening complying with requirements provided in LDC Section 6.8.9.

10. Fencing and vegetative buffers must meet Land Development Code requirements.
11. The site shall be developed and operated consistent with the original conditions, included herein, duly adopted December 20th, 2022 as Resolution 22-R-668 as well as the additional conditions imposed with this modification to the special use permit.
12. This special use permit runs with the property.
13. An office may be permitted on-site.
14. The Special Use Permit shall expire on November 15, 2027; however, it may be renewed administratively for up to 5 years 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 Service 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

Approved (remained on consent agenda).

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application.
- B. Site Photos.
- C. DRC Comments.
- D. Surrounding Property Owner Notification.
- E. Resolution No. 22-R-668.