



**Marion County
Board of County Commissioners**

Growth Services

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

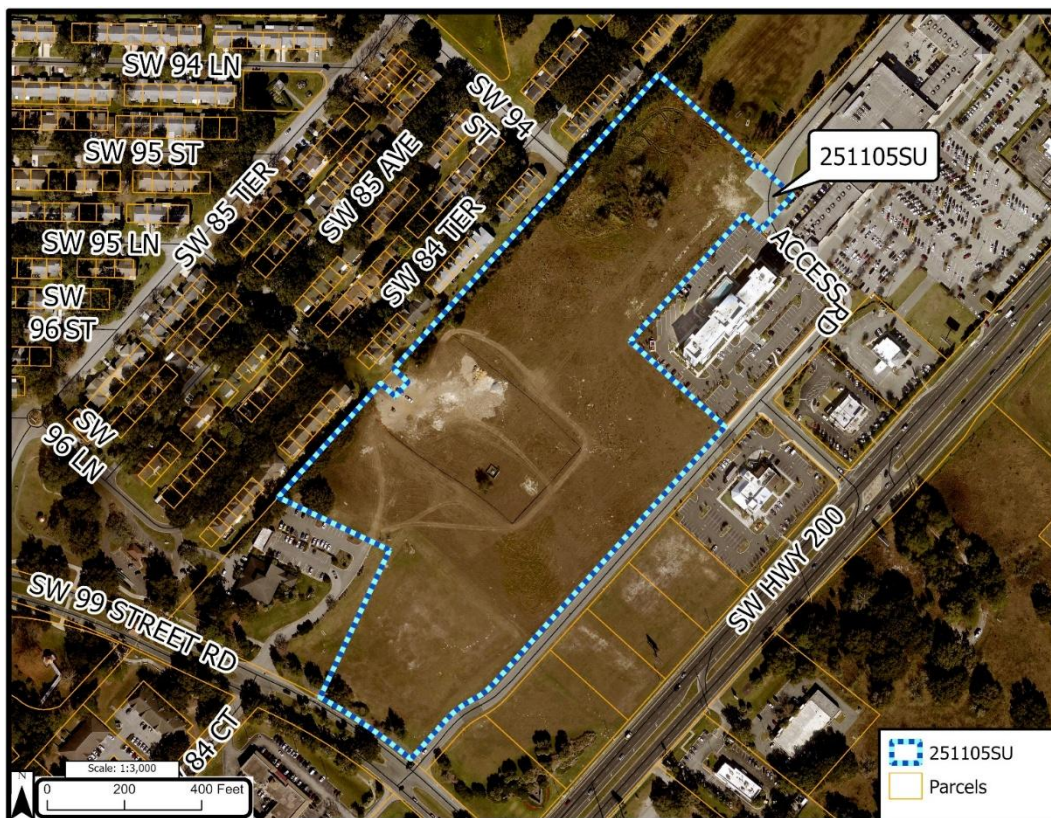
P&ZC Date: 10/27/2025	BCC Date: 11/18/2025
Case Number:	251105SU
CDP-AR:	33244
Type of Case:	Special Use Permit: Outdoor Storage in Community Business (B-2)
Owner	On Top of The World Communities LLC
Applicant	Home Depot USA, Inc.
Street Address	8445 SW 80 th Street, Ocala, FL 34481
Parcel Number	3530-1001-18
Property Size	±13.25 Acres
Future Land Use	Circle Square Woods (VDRI)
Zoning Classification	Community Business (B-2) - <i>Voluntary Dismissal of Approved PUD if permitted</i>
Overlay Zone/Scenic Area	Secondary Springs Protection Zone
Staff Recommendation	Approval With Conditions
P&ZC Recommendation	Approval with Conditions (4-0)
Project Planner	Kenneth Odom
Related Case(s)	NA

I. ITEM SUMMARY

On behalf of the owner On Top of the World Communities LLC, Home Depot Inc. has filed for a Special Use Permit (SUP) to allow for outdoor sales on property with a zoning that is proposed to revert back to Community Business (B-2) from the current designation of Planned Unit Development (PUD). This was approved under 240306ZP for the use of multi-family dwellings, specifically a proposed apartment complex. The current owner proposes to rescind that PUD zoning designation. Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 3530-1001-18, with no street address assigned. The Property is located inside the Secondary Springs Protection Zone. The legal description is included as Attachment A.

Staff is recommending **Approval** of this request in order to allow for outdoor sales in a Community Business (B-2) zoning designation.

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** due to the analysis provided throughout this report. If approved, staff has provided recommended conditions to be 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

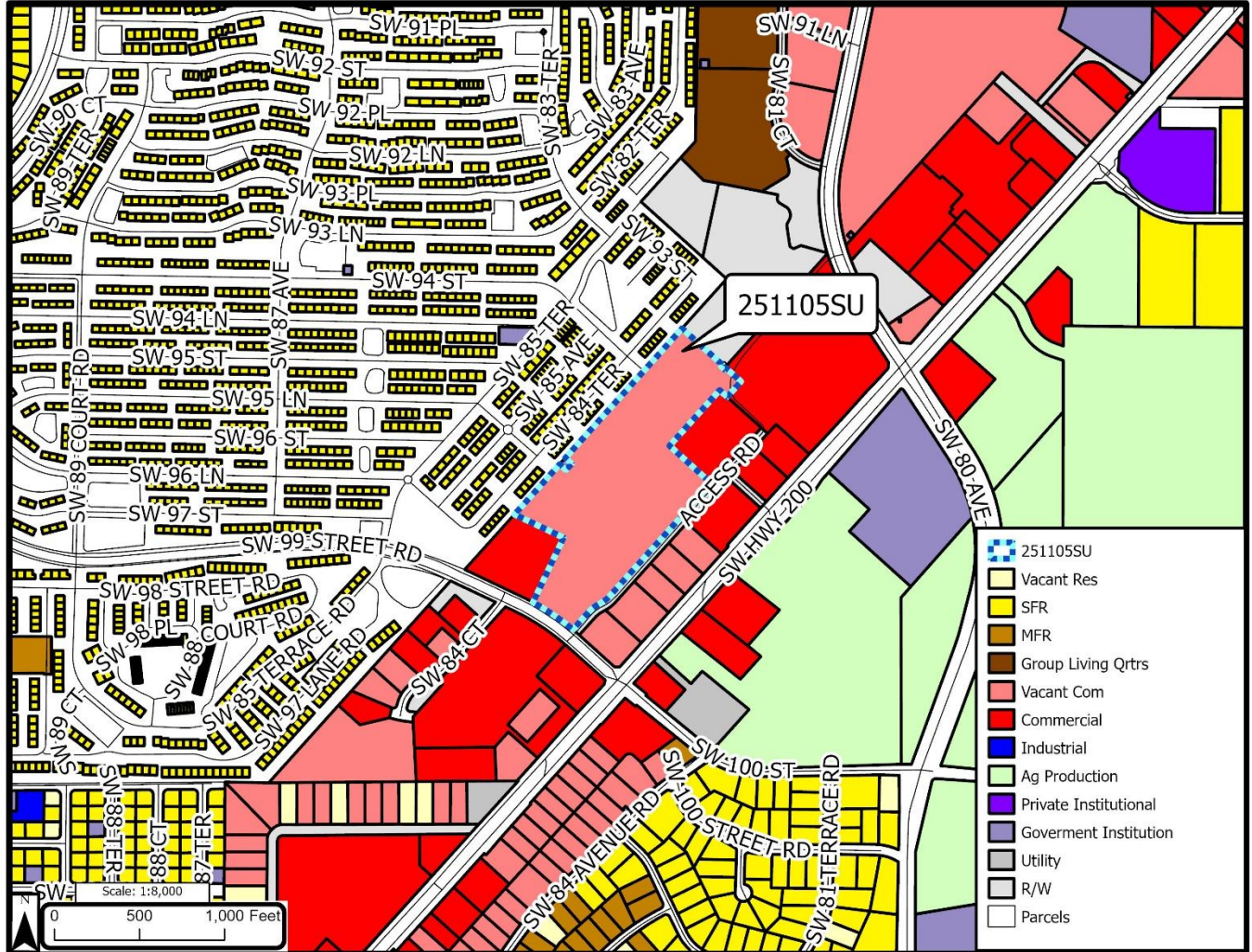
Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (104 property owners) within 300 feet of the subject property on October 10th, 2025. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on October 15th, 2025, where site 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 October 13th, 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 is incorporated herein by reference.

IV. BACKGROUND/CHARACTER OF THE AREA

A. *Existing site conditions.* Figure 2 shows that the property is currently recorded card shows that the site is classified as Planned Unit Development (PUD). Residential PUD and Community Business (B-2) properties comprise the uses within the immediate area. This special use permit is being analyzed, at the request of the applicant, under the assumption that the current owner is requesting to rescind the PUD that was approved under 240306ZP, which converted this property from Community Business (B-2) to PUD.

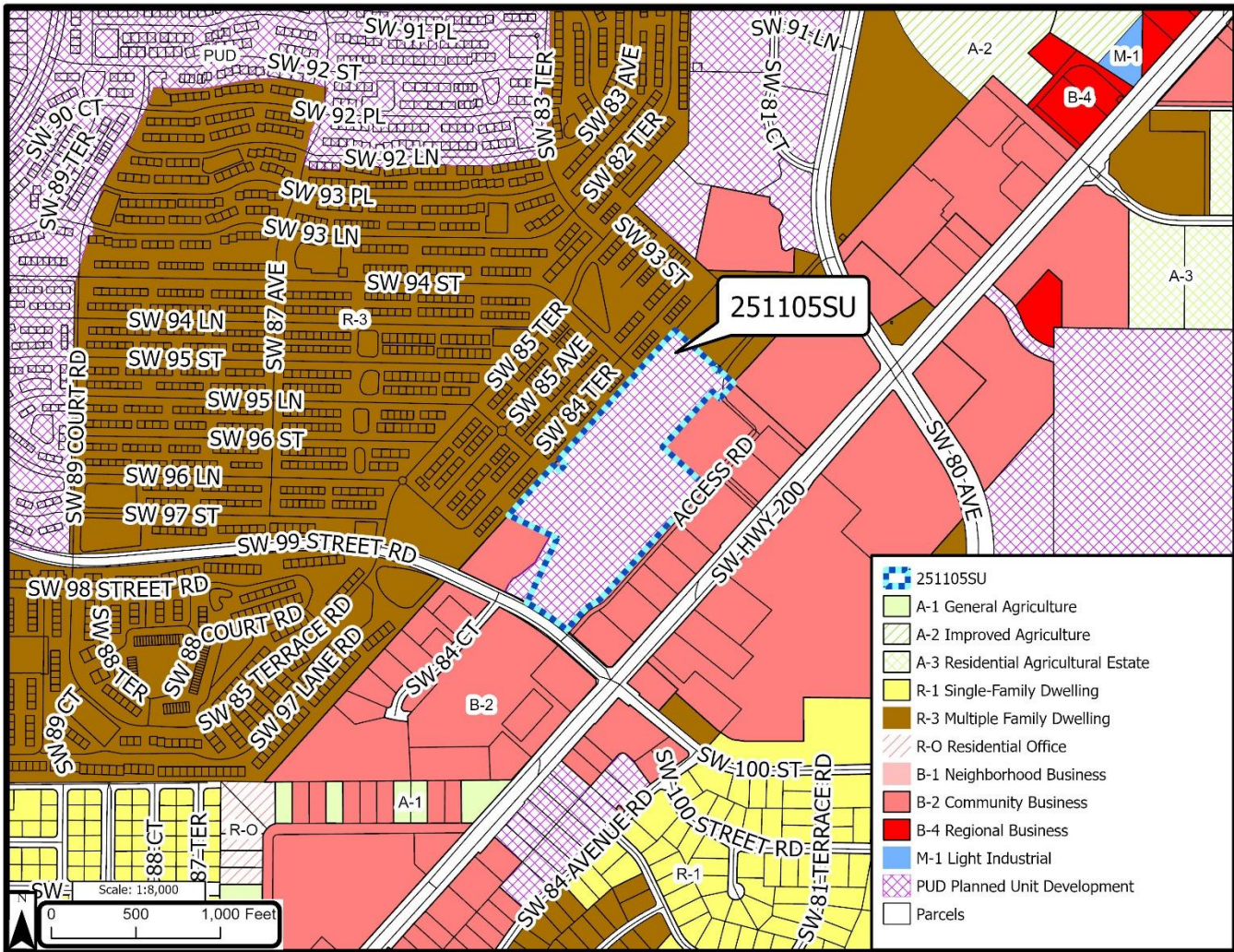
Figure 2

Existing Conditions Map



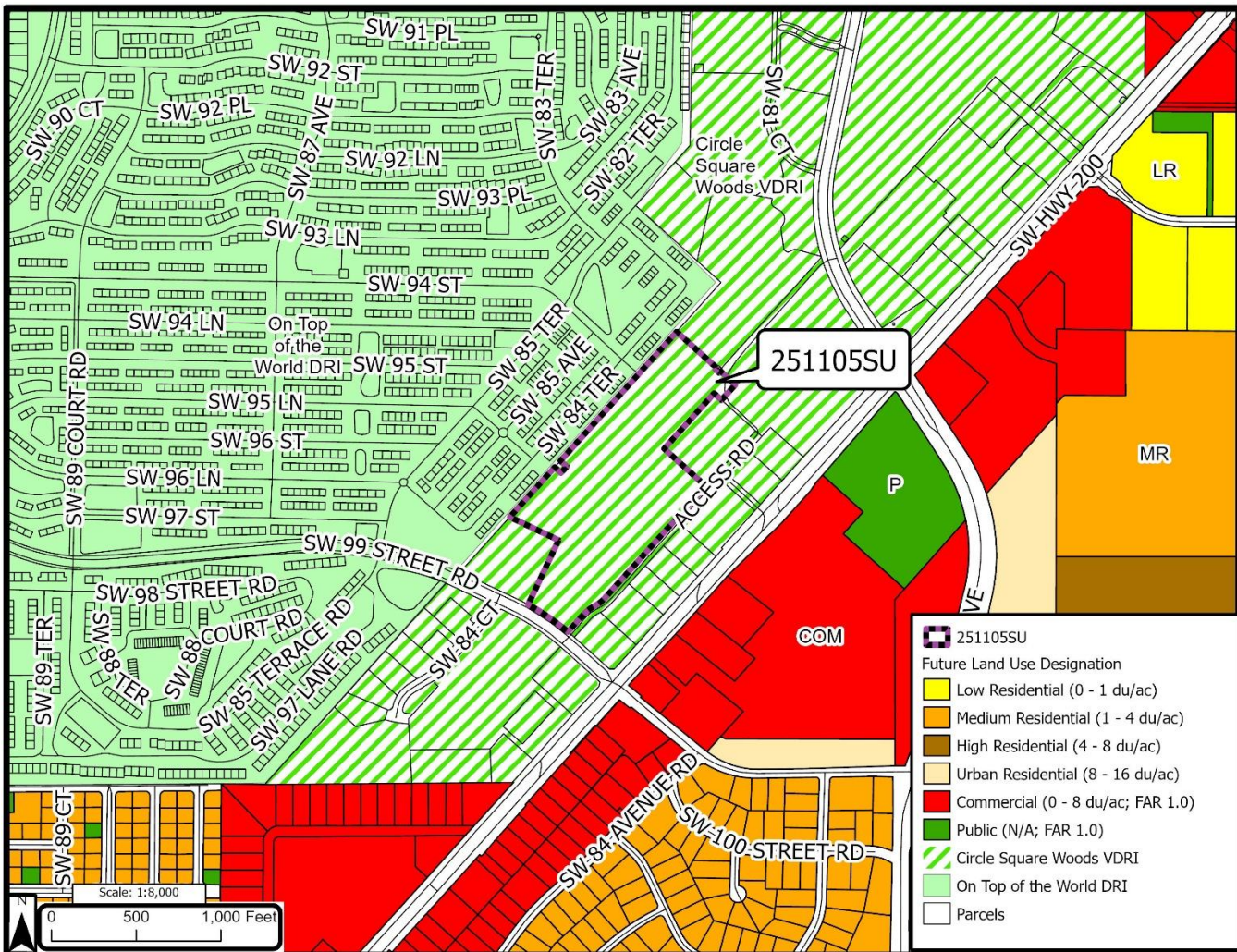
- B. *Zoning district map.* Figure 3 shows that the subject property has been recently classified as Planned Unit Development (PUD) with the intent of constructing an apartment complex (240306ZP), which was approved on 4/22/2024. However, it was previously zoned Community Business (B-2), and the property owner wishes to voluntarily rescind the PUD designation and revert back to Community Business (B-2). This is the property's initial zoning classification. It is surrounded by other commercial zoning properties to the east, west, and south, with residential properties to the north, which is already mostly buffered by existing foliage.

Figure 3
Zoning Classification



- C. *FLUMS designation.* Figure 4 is the FLUMS, and it shows that the subject property is designated as Circle Square Woods VDRI, which encompasses the On Top of The World community. 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 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 store will be from three points of ingress/egress located on the private access road south of the site, as shown on the conceptual plan.

- 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 and loading areas will be provided as required by the Marion County Land Development Code. Outdoor storage and sales areas are shown on the Conceptual Plan. Additional landscape buffering and setbacks are provided between the outdoor storage and sales areas and neighboring properties.

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

Analysis: A trash compactor is approximately 200' from the closest property line, and loading docks are approximately 160'. Both of these facilities will be located on the north (rear) side of the primary structure. Waste removal will be provided by a commercial waste removal company.

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

Analysis: Electrical services will be provided by Duke Energy Inc. Water and sewer services will be provided by the Bay Laurel Center Community Development District.

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

Analysis: The current Land Development Code requires internal buffering within a PUD, and if the currently assigned zoning designation of PUD is rescinded, adjacent uses to the east, south, and west are all Community Business (B-2) types of uses that would not necessitate buffering. However, the applicant has stated that landscape buffers will be installed at these locations. In addition to the code required buffering on the east, south, and west property lines, additional landscape will be added near outdoor display areas to shield the display from public view. On the north side of the site, a modified Type 'B' buffer is proposed, consisting of a 20' wide buffer preserving existing vegetation and fencing. This area is heavily vegetated in its present condition. Additional landscaping will be added in areas of open views to provide additional screening. All storage items will remain 100+ feet from the property lines adjacent to residential development. The site is also situated approximately 360' from SR 200, and visual impacts from the public right of way are not anticipated. See Figure 5.

- A Type 'C' buffer shall be installed on the southern parcel boundary, adjacent to the access road, as depicted in Figure 5A.
- Elective buffers shall be installed on the eastern and western boundaries, adjacent to commercial uses. These shall have one shade tree per twenty-five linear feet with a continuous hedge. (See Figure 5A)

- A modified Type 'B' buffer shall be installed on the northern parcel boundary adjacent to the residential uses. This buffer will maintain the existing natural indigenous flora that currently exists and will use additional planting installations to fill in any gaps that may exist. A wall is not required in this buffer as the existing fence line will be utilized.

Figure 5
Landscape and Buffers

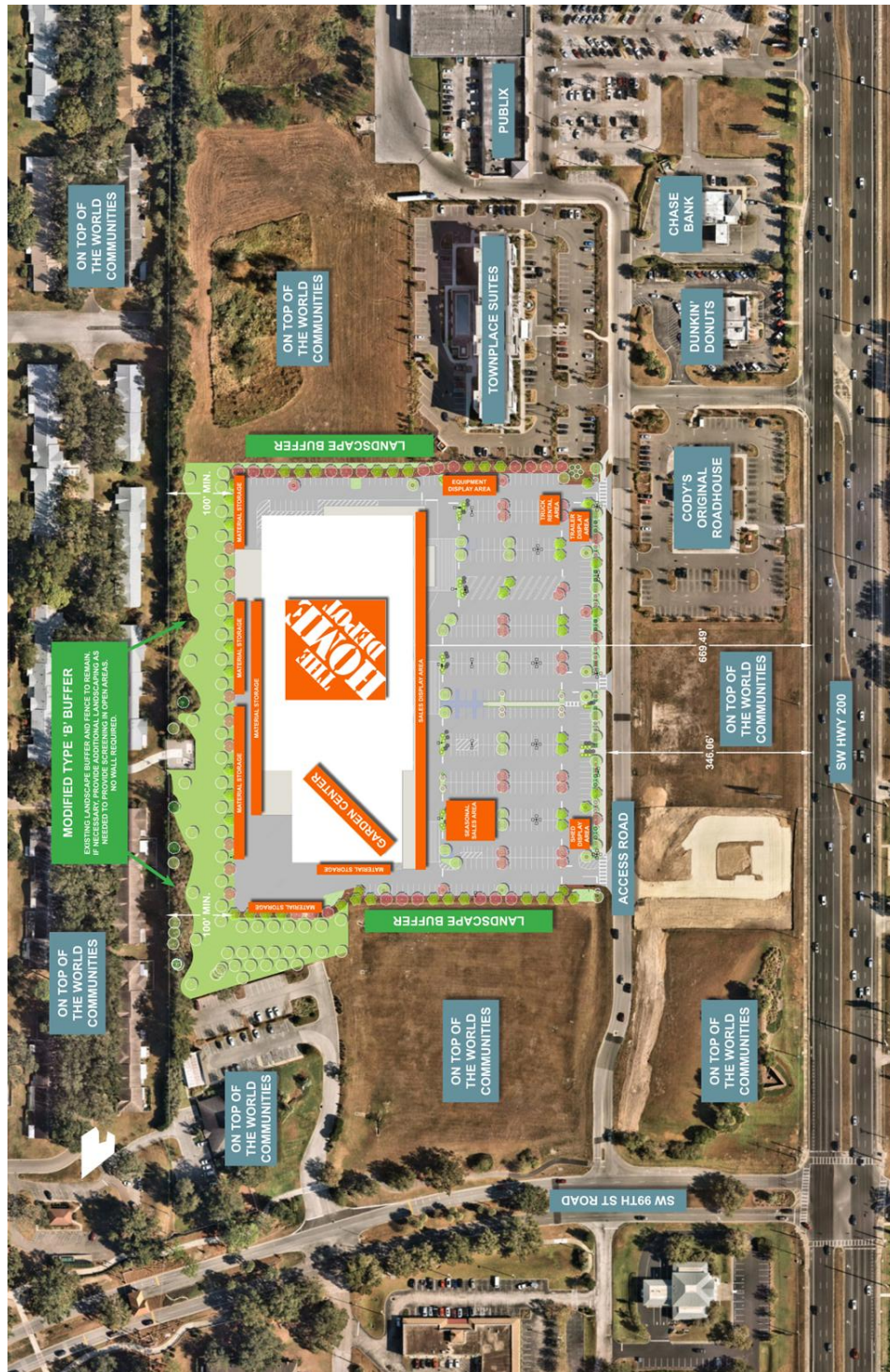


Figure 5A
Sales Areas & Buffer Areas



- 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: Business signage will be located on the south side of the primary structure and on the south side of the overall parcel at the Access Road. Monument signs and exterior lighting will comply with all land development code requirements.

- *All lighting shall be pointed inward and downward and will be shielded if necessary in order to keep light from bleeding onto adjacent properties. A photometric study will be required during the site plan review process.*

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

Analysis: The special use permit will not trigger any need to increase additional green space at this time. However, the site plan indicates that approximately twenty-nine percent of the subject parcel will be open space.

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. The adjacent property to the north is zoned R-3 (Multiple-Family Dwelling). The adjacent properties to the east, west, and south are zoned B-2 (Community Business). This commercial development is being proposed on a parcel that was historically zoned B-2.

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.

J. *Consistency with the Comprehensive Plan.*

Code Section - Sec. 4.2.18.F(1)

All commercial activities involving retail sales or rentals shall take place in a completely enclosed building. Restaurant, garden center, plant nursery, boat, golf cart, LSV, bicycle, and lawnmower sales, rentals, and displays may take place outside, if any lawnmowers, golf carts, LSVs, and bicycles being displayed outside are stored inside the sales building after business hours.

Special Use Request:

Display of any retail sale and rental items may be stored outside during all hours.

Applicant Comment:

Customer access to the items must occur outside of the building. Code required buffering will be provided on the east, south, and west property lines. The northern buffer will remain as existing, with heavily vegetated screening and the existing

fence. All storage items will remain 100+ feet from the property lines adjacent to residential development.

Analysis: The standard Home Depot sales model incorporates outdoor sales of plants, lawnmowers, and all-terrain vehicles into the business plan at all of its locations. It is a standard that big box Home Improvement businesses typically utilize outdoor sales practices, and it has become an accepted format and has thus become minimally impactful when incorporated into appropriate areas. This area was platted for commercial uses, and the outdoor sales areas will be well-buffered from residential uses to the north.

Based on the above findings, the Staff concludes the SUP is **consistent** with LDC Sections 2.8.2.D and 2.8.3.B, even with conditions 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, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners 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 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 that 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 WITH CONDITIONS** the special use permit.
- B. In the event the Board chooses to approve the application, the following conditions are the staff's recommendation:

1. *A Type 'C' buffer shall be installed on the southern parcel boundary, adjacent to the access road, as depicted in Figure 5A.*
2. *Elective buffers shall be installed on the eastern and western boundaries, adjacent to commercial uses. These shall have one shade tree per twenty-five linear feet with a continuous hedge. (See Figure 5A)*
3. *A modified Type 'B' buffer shall be installed on the northern parcel boundary, adjacent to residential uses. This buffer will maintain the existing natural indigenous flora that currently exists and will use additional planting installations to fill in any gaps that may exist. A wall is not required in this buffer as the existing fence line will be utilized.*
4. *All lighting shall be pointed inward and downward and will be shielded if necessary in order to keep light from bleeding onto adjacent properties. A photometric study will be required during the site plan review process.*
5. *The Special Use Permit shall run with the applicant. If this business ceases to continue operations at this location, this SUP will be nullified and will not be conveyable to another commercial enterprise.*

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval with Conditions (4-0)

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

TBD

X. LIST OF ATTACHMENTS

- A. SUP application filed on August 26, 2025.
- B. Site Photos
- C. DRC Comments.
- D. Signage Plan