



**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: 10/28/2024	BCC Date: 11/19/2024
Case Number:	241102SU
CDP-AR:	31920
Type of Case:	Special Use Permit: For parking one commercial vehicle (Tractor & Dump Trailer) in A-1 Zoning
Owner	Valdria Baker
Applicant	Same
Street Address	3295,3305 & 3309 NE 127 th Place, Sparr, FL
Parcel Number	08367-000-00
Property Size	±5.00 acres
Future Land Use	Rural Land (RL)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Primary Springs Protection Zone
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	Approval with Conditions (Consent)
Project Planner	Kenneth Odom
Related Case(s)	Code Case: 959203, Commercial Dump Trailer on Property with No Agricultural Exemption

I. ITEM SUMMARY

Valdria Baker, owner of the subject property, has filed for a Special Use Permit (SUP) for Wallace Baker, truck operator, to allow for the parking of one (1) commercial vehicle (Tractor & Dump Trailer) with a weight greater than 16,000 Pounds on a property with a zoning of General Agriculture (A-1) (See attachment A). The vehicle is owned by Pritchett Trucking, out of Lake Butler, FL, not by Mr. Baker. However, the primary service area that the vehicle operates in is in and near the Marion County area. Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 08367-000-00 and the street address is 3295, 3305, 3309 NE 127th Place, Sparr, FL. The property is located inside the Secondary Springs Protection Zone. The legal description is included as Attachment A. The Marion County Land Development Code (LDC) Sec. 4.3.21 - Parking of Commercial Vehicles, only allows for one (1) vehicle on properties less than 5 acres through a Special Use Permit. However, similar uses currently exist in close proximity to the subject parcel. 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).

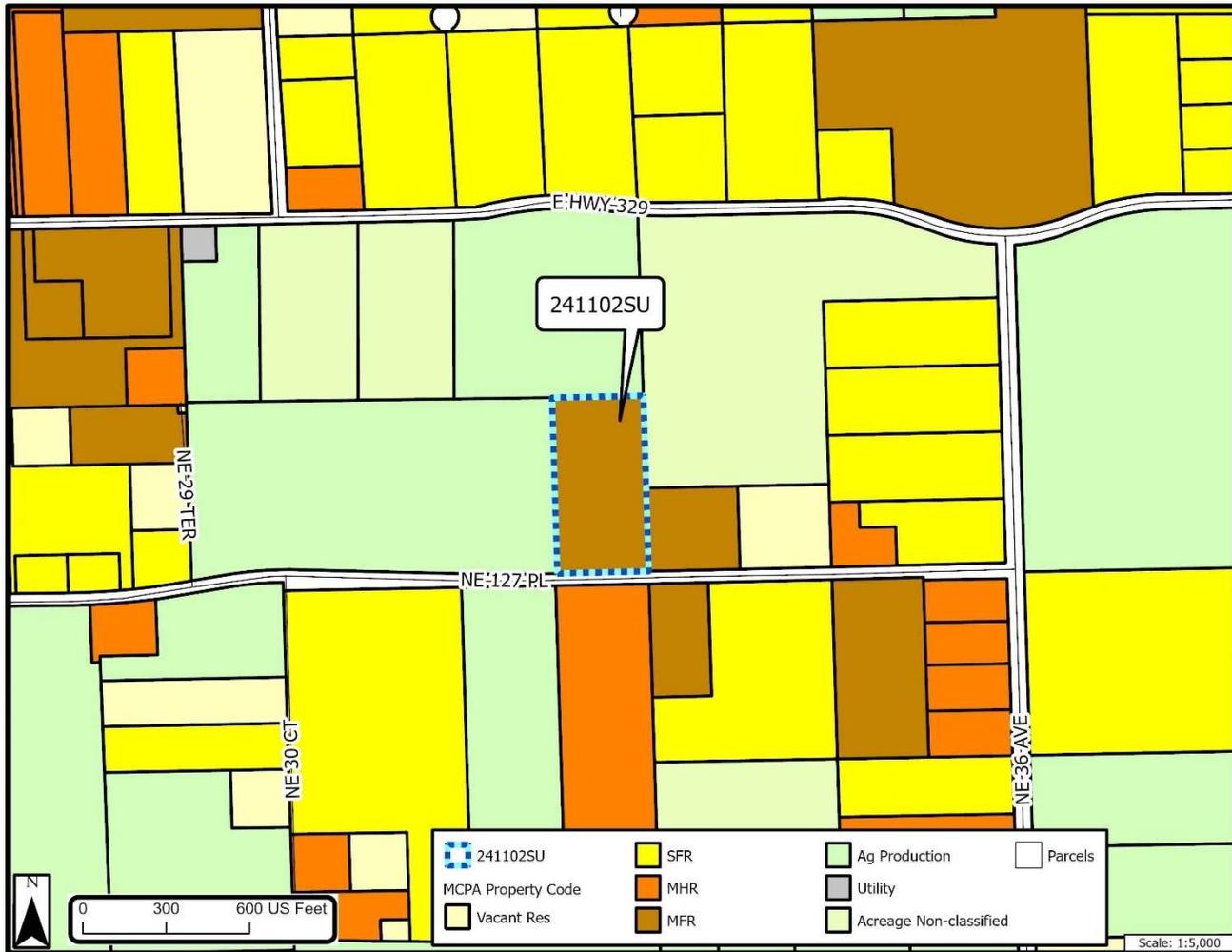
III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (8 property owners) within 300 feet of the subject property on October 11th, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on October 17th, 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 October 14th, 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

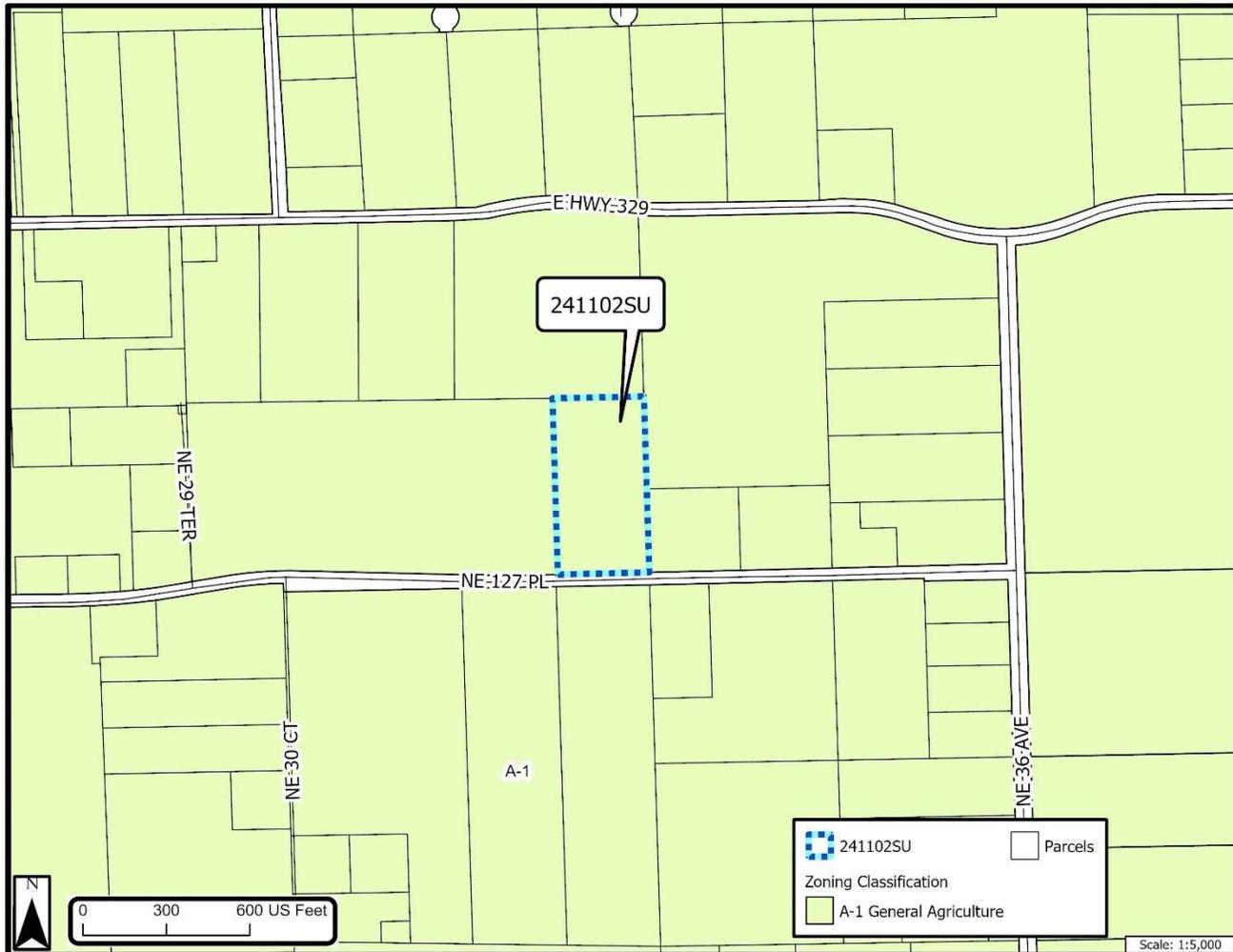
A. *Existing site conditions.* Figure 2 shows that the property is currently listed as Manufactured home residential by the Marion County Property Appraiser's Office. The site is surrounded by larger residential parcels.

Figure 2 Existing Conditions Map



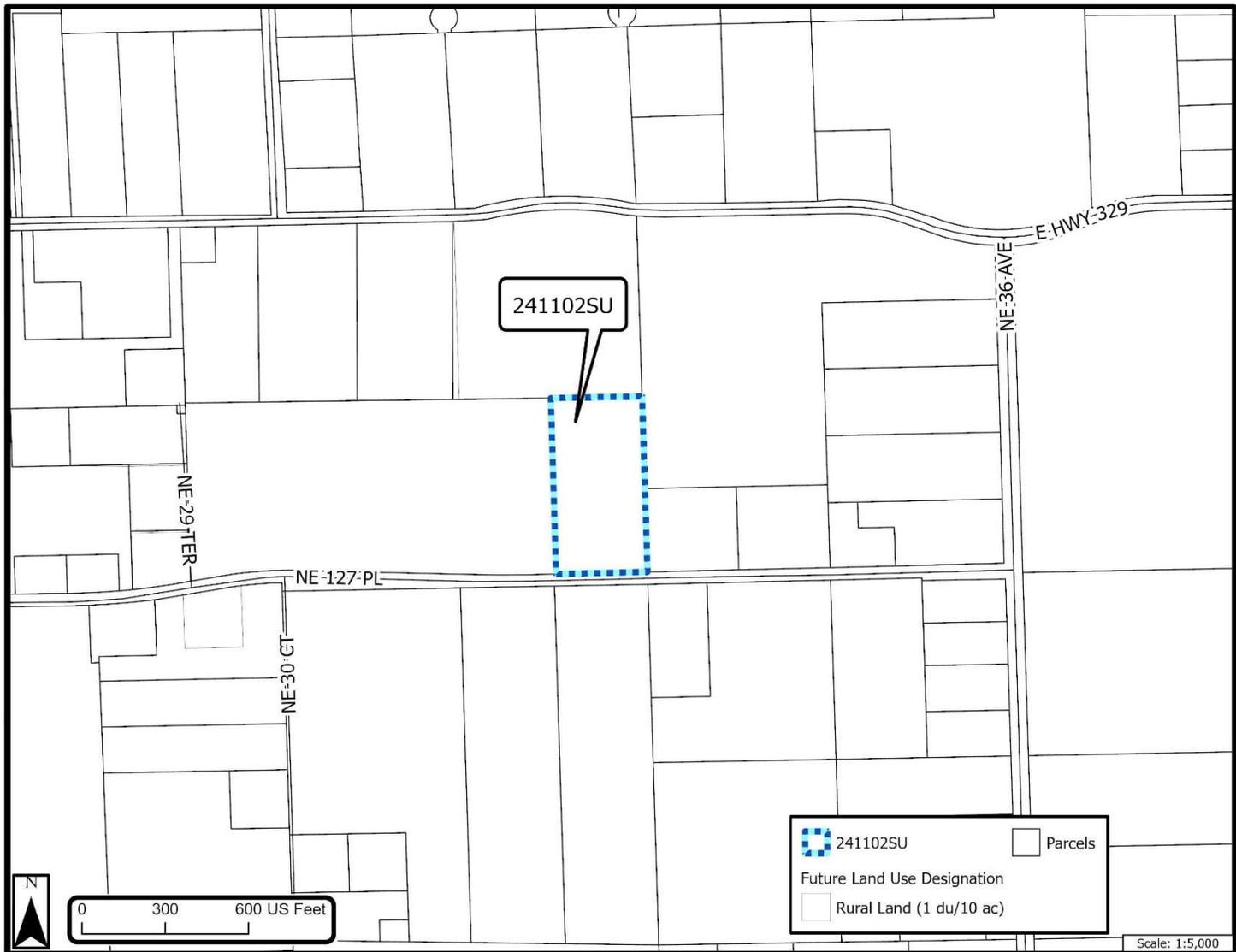
- B. *Zoning district map.* Figure 3 shows the subject property is classified as General Agriculture (A-1). This is the property's initial zoning classification. No agricultural exemption has been filed for the subject parcel.

Figure 3
Zoning Classification



- C. *FLUMS designation.* Figure 4 is the FLUMS which shows the subject property is 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: The ingress/egress currently comes from NE 127th Place, where there is a concern as this roadway was not designed to handle larger commercial vehicles. Notwithstanding, the following conditions are imposed:

- *Ingress/Egress shall continue to utilize NE 127th Place only.*
- *The Applicant shall construct a driveway apron that will be acceptable to the Office of the County Engineer in order to protect the ingress/egress point onto NE 172th Place.*

- 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:

- *All parking is contained on the subject parcels. The parking area for this commercial vehicle is in front of the subject parcel adjacent to the Baker residence.*

- 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: Heavy tree lines exist around the perimeter of the subject parcel. No buffering exists at the front of the subject parcel.

- *The applicant shall maintain all natural tree lines.*

- 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 residential properties. 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 one (1) commercial vehicle and one (1) commercial trailer with a weight of 16,000 pounds or more. This shall be:*
 - *Tractor: 2022 Mack, VIN# 1M1AN2GY3NM029795.*
 - *Trailer: Open Dump VIN# MAD52436GC037132*

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 of five acres or more. Thus, the application is consistent with FLUE Policy 2.3.21.

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. *Ingress/Egress shall continue to utilize NE 127th Place only.*

2. *The Applicant shall construct a driveway apron that will be acceptable to the Office of the County Engineer in order to protect the ingress/egress point onto NE 127th Place.*
3. *No unloading or loading of materials/junk shall take place on the subject property.*
4. *No mechanical repairs 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. *There shall be no advertising signs on the subject property.*
7. *This special use permit runs with the owner and not property. Any sale of the property will void this special use.*
8. *This special use permit will allow for one (1) commercial tractor and one (1) commercial trailer, with a weight of 16,000 pounds or more.*
 - *Tractor: 2022 Mack, VIN# 1M1AN2GY3NM029795.*
 - *Trailer: Open Dump VIN# MAD52436GC037132.*
9. *The Special Use Permit shall expire on November 19th, 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 with Conditions (Consent)

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

TBD

X. LIST OF ATTACHMENTS

- A. SUP application filed on August 21, 2024.
- B. Site Photos
- C. DRC Comments.