



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 04/29/2024	BCC Date: 05/21/2024
Case Number:	240503SU
CDP-AR:	31230
Type of Case:	Special Use Permit for parking of one commercial vehicle.
Owner	Ausberto Desarden Carrero
Applicant	Ausberto Desarden Carrero
Street Address	3170 SW 133 rd Lane Road, Ocala, FL 34473
Parcel Number	8007-1121-01
Property Size	± 0.26 acres
Future Land Use	Medium Residential (MR)
Zoning Classification	Single-Family Dwelling (R-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SSPOZ)
Staff Recommendation	Approve with conditions
P&ZC Recommendation	TBD
Project Planner	Kathleen Brugnoli, Planner II
Related Case(s)	Open code case: 944783 – Parking of Semi-truck in R-1.

I. ITEM SUMMARY

Ausberto Desarden Carrero, property owner, has filed an application for a special use permit to allow for the parking of one (1) commercial vehicle in a Single-Family Dwelling (R-1) zoning (see Attachment A). Figure 1 is an aerial photograph showing the location of the subject property. The Property Identification Numbers associated with the property is 8007-1121-01, the street address is 3170 SW 133rd Lane Road, Ocala, FL 34473, and the legal description is displayed on the deed included as part of the application. The subject property is located within Marion Oaks Subdivision Unit 7 and Silver Springs Secondary Protection Overlay Zone (SPOZ).

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 (31) owners on April 12, 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 April 2, 2024 and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on April 15, 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.* The subject property has a single-family residence on it that was built in 2022. The parcel is part of the overall Marion Oaks Subdivision and within Unit 7 which was platted and recorded in June of 1973. Figure 2 provides a conceptual plan of the property while Figure 3 illustrates nearby uses in relation to the subject property. As illustrated, the subject property is currently listed as improved residential by the Marion County Property Appraisers office. The area surrounding this parcel also belongs to the same unit of Marion Oaks and is residential in use. A site visit was conducted and photos were taken showing the truck and property (Attachment B). The truck can only be viewed from SW 31st Terrace Road; it cannot be seen from SW 133rd Lane Road. There are existing homes to the east and west of the subject property with much of the southern and southeastern area being heavily treed and thus far, undeveloped. Based on the height of the neighbor's opaque fencing observed, light from the truck driving in to park would be blocked from their view.

Staff conducted a thorough search of the area to recommend any alternative parking in the vicinity and also contacted the Ocala Metro Chamber & Economic Partnership to confirm if there were resources in the area that were being overlooked. Two storage facilities were provided, both being Neighborhood Business (B-2) which doesn't allow outside storage (additionally, most storage facilities do not allow commercial truck parking). Florida Crossroads Commerce Park is located approximately two miles southwest and has a very high volume of commercial truck traffic, but doesn't have long-term truck parking accommodations. The closest truck stop to the subject site is roughly a mile southeast, The Flying J, located at the I-75 and SW Hwy 484 interchange. After speaking with their Guest Services Department, it was confirmed parking at this truck stop requires the driver to be present on-premises at all times; A driver could not park and leave their truck there. Based on limited resources and a lack of alternative parking accommodations, staff believes allowing the special use with conditions to be the most appropriate course of action to allow reasonable use of the land.

Figure 2
Concept Plan

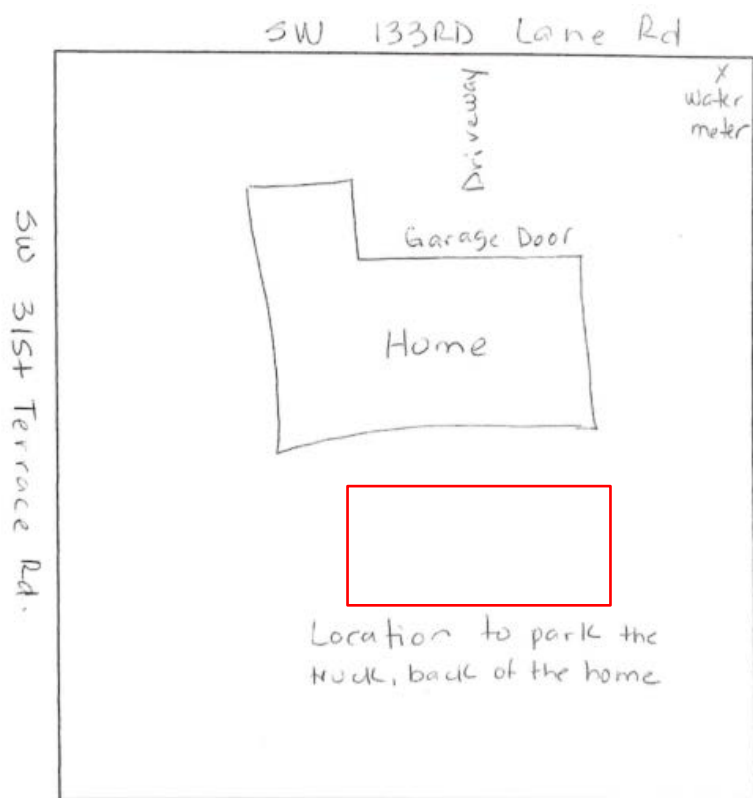


Figure 3
Existing Conditions Map

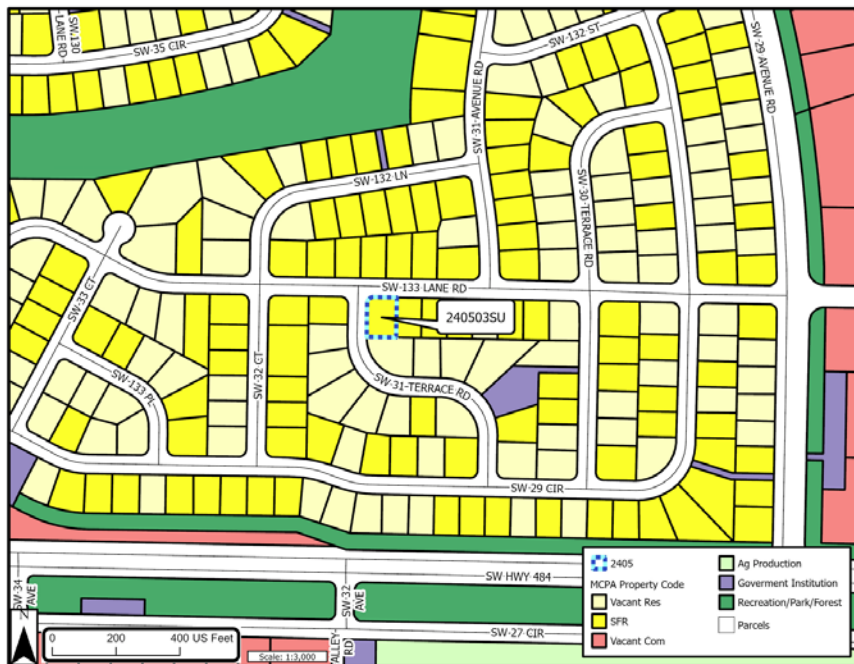
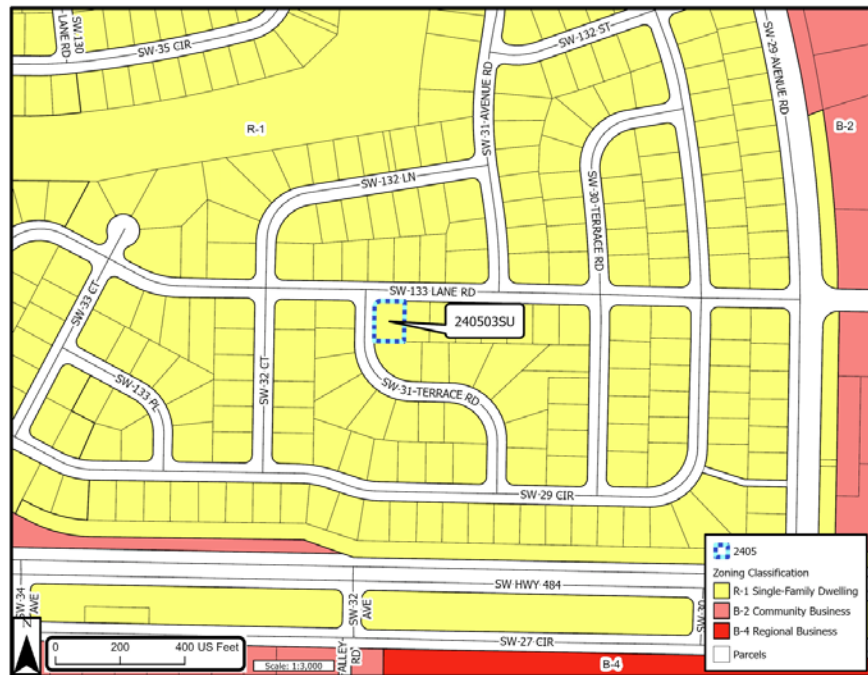


Figure 4
Zoning Classification



- B. *Zoning district map.* Figure 4 shows the subject property and the surrounding properties are classified as Single-Family Dwelling (R-1). This is the initial zoning classification for these parcels.

Figure 5
FLUMS Designations



- C. *FLUMS designation.* Figure 5 is the FLUMS and it shows the subject property and abutting properties are designated Medium Residential (MR), which allows a density (1-4) dwelling units per acre.

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: The Findings of Facts included with the application states that primary access to the subject property is provided from SW 133rd Lane Road but the truck parks behind the home and does so via SW 31st Terrace Road.

- A stabilized, concrete driveway apron shall be provided for the parking location of the truck meeting Right-of-Way permitting requirements

- 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 Findings of Facts included with the application state that sufficient parking will be provided on the property as this special use permit is looking to allow for the parking of a single semi cab not including a trailer in the backyard of the property. The homeowner, who is also the truck driver, indicates he is an over the road truck driver, meaning he is gone for multiple days at a time and then returns home for time off. Generally, his schedule has been leaving on a Monday or Tuesday and returning back home on Friday or Saturday at which point the truck is parked and does not move again until the following Monday or Tuesday (see Attachment A). Truck parking will be limited to the truck identified by the VIN below.

- Truck VIN: 3HSDJAPR4GN195876 – International Prostar+ 122 6x4

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

Analysis: The applicant states they handle their own waste removal by taking their garbage to a nearby Marion County Solid Waste collection site. Any trash generated from parking the truck on-site will be removed with the household garbage that is already being taken to a collection site.

- Trash collection to be handled by property owner on, at least, a weekly basis.

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

Analysis: The subject property is already developed with a home on the property and is connected to central water and sewer services.

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

Analysis: Based on the site plan provided, code case photos, as well as staff's own site visit, the truck appears to be parking behind the home, facing the eastern property boundary line and cannot be seen from the front yard of the subject property. The neighbor to the east has a 6' opaque fence in place and the semi appears to be facing a shed in their backyard. Headlight shine would be blocked from view due to the fence. The code case was generated by Marion County Code Enforcement and not one of the neighboring property owners. With this information, staff would like to make the following recommendation for screening and buffering to address view of the truck from SW 31st Terrace Road. DRC comments from Landscape (Attachment C) also suggested the same condition in their review of the proposed SUP.

- A 6' opaque fence must be placed around the backyard of the property to shield plain view of the truck from the road. If the special use permit is granted, this must be installed within six (6) months of approval of the special use permit.

- 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: There are no signs proposed and no additional lighting being requested.

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

Analysis: Open space is available in the back yard. However, with this being residential, the required yards/green space are already existing on-site.

- 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. The proposed SUP is requesting to park a commercial vehicle behind the property owner's residence. To ensure there are no compatibility issues with neighboring properties, staff recommends the following conditions:

- The site shall be developed and operated consistent with the conditions as provided.
- The parking/storage of tractor trailer unit(s) is prohibited.
- Truck repairs shall not take place on the subject property.

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

Analysis: The applicant states they will be willing to meet and requirements set in place for the special use permit. 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 mitigate and future issue, staff recommends

- The special use permit shall run with the property owner, not the parcel.
- The Special Use Permit shall expire on May 21, 2027; At which point, it may be renewed administratively for up to 5 years at a time by a written instrument signed and issued by the Growth Services Director (or position equivalent 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 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).*

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 4.2.9.C allows for Special Use Permits for commercial vehicles the R-1 zoning classification. 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 provided conditions to address the ten (10) 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 Board 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 to park one commercial vehicle on the property behind the existing residence.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:
 - 1. A stabilized concrete driveway apron shall be provided to the parking location of the truck and must meet Right-of-Way parking requirements
 - 2. The commercial vehicle granted permission to park on the subject property is Truck VIN: 3HSDJAPR4GN195876 – International Prostar+ 122 6x4
 - 3. Trash collection to be handles by property owner on, at least, a weekly basis.
 - 4. A 6' opaque fence must be placed around the backyard of the property to shield plain view of the truck from the road. If the special use permit is granted, this must be installed within six (6) months of approval of the special use permit.
 - 5. The site shall be developed and operated consistent with the conditions as provided.
 - 6. The parking/storage of tractor trailer unit(s) is prohibited.

7. Truck repairs shall not take place on the subject property.
8. The special use permit shall run with the property owner, not the parcel.
9. The Special Use Permit shall expire on May 21, 2027; At which point, it may be renewed administratively for up to 5 years at a time by a written instrument signed and issued by the Growth Services Director (or position equivalent 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 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

To be determined.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application filed on February 29, 2024.
- B. Site Photos
- C. DRC Comments.