



# Marion County Planning & Zoning Commission

Date: 5/13/2021

P&Z: 5/24/2021 BCC: 6/15/2021

**Item Number**  
**210604SU**

**Type of Application**  
Special Use Permit

**Request**  
Special Use Permit for tree debris storage and wood chipping for up to 10 loads of tree debris per week, and one commercial vehicle on nine (9) acres in A-1, General Agriculture.

**Owner**  
Ronald and Tamara McCartney

**Applicant**  
Michael Hopkins/  
Integrity Excavation and  
Land Clearing, LLC

**Parcel #/Acreage**  
46118-000-00/ 9 acres

**Future Land Use**  
Rural Land

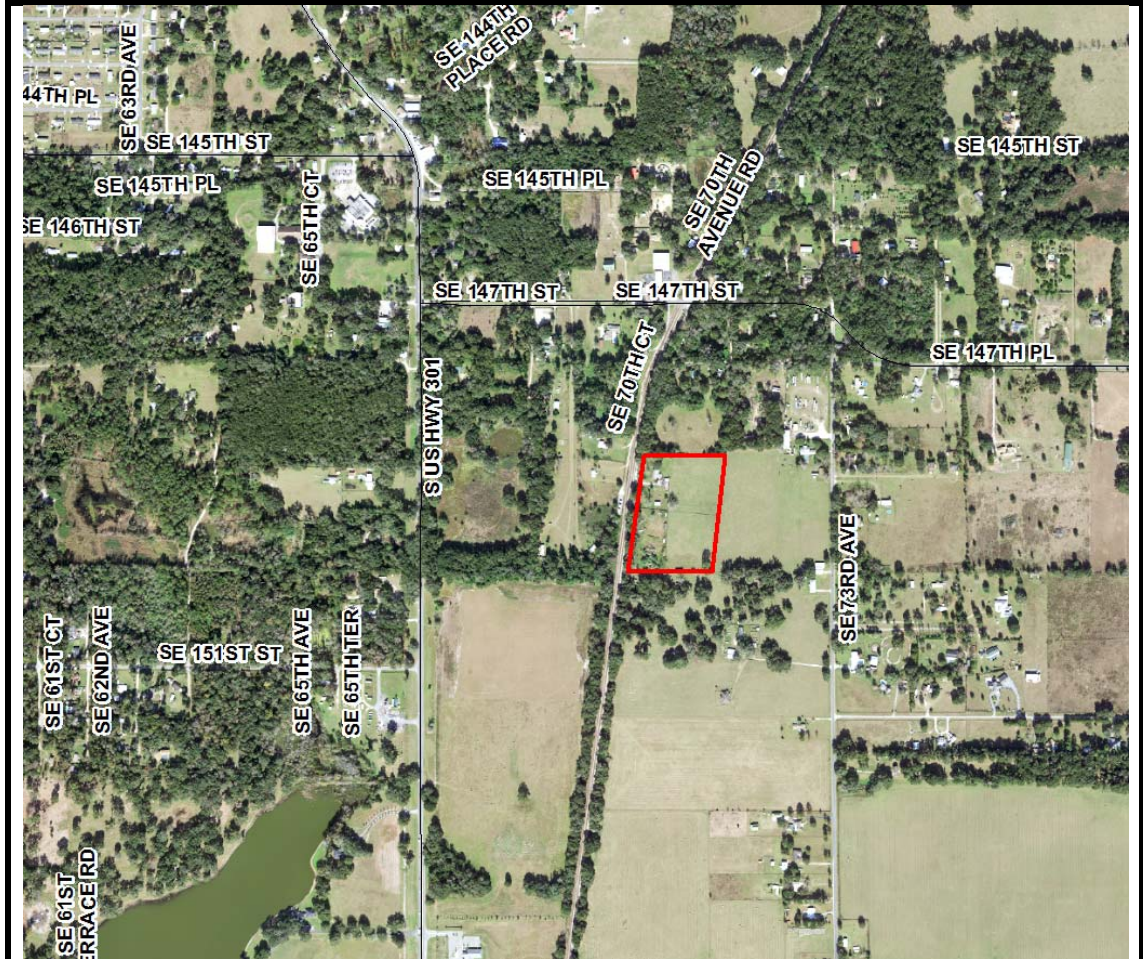
**Existing Zoning**  
A-1 General Agriculture

**Recommendation**  
Denial

**P&Z Recommendation:**  
TBD

**Project Planner**  
Ken Weyrauch, Sr.  
Planner

**AR 26566**



## Summary

Staff is recommending **Denial** for a special use permit to allow for tree debris storage and wood chipping for up to 10 loads of tree debris per week, and one commercial vehicle on nine (9) acres in A-1, General Agriculture. Staff is recommending denial because the proposed use is not compatible with the surrounding area, will adversely impact the public interests, and legal access to the site is unclear.

## Public Notice

Notice of the public hearing was mailed to 10 property owners within 300 feet of the subject property.

## Background



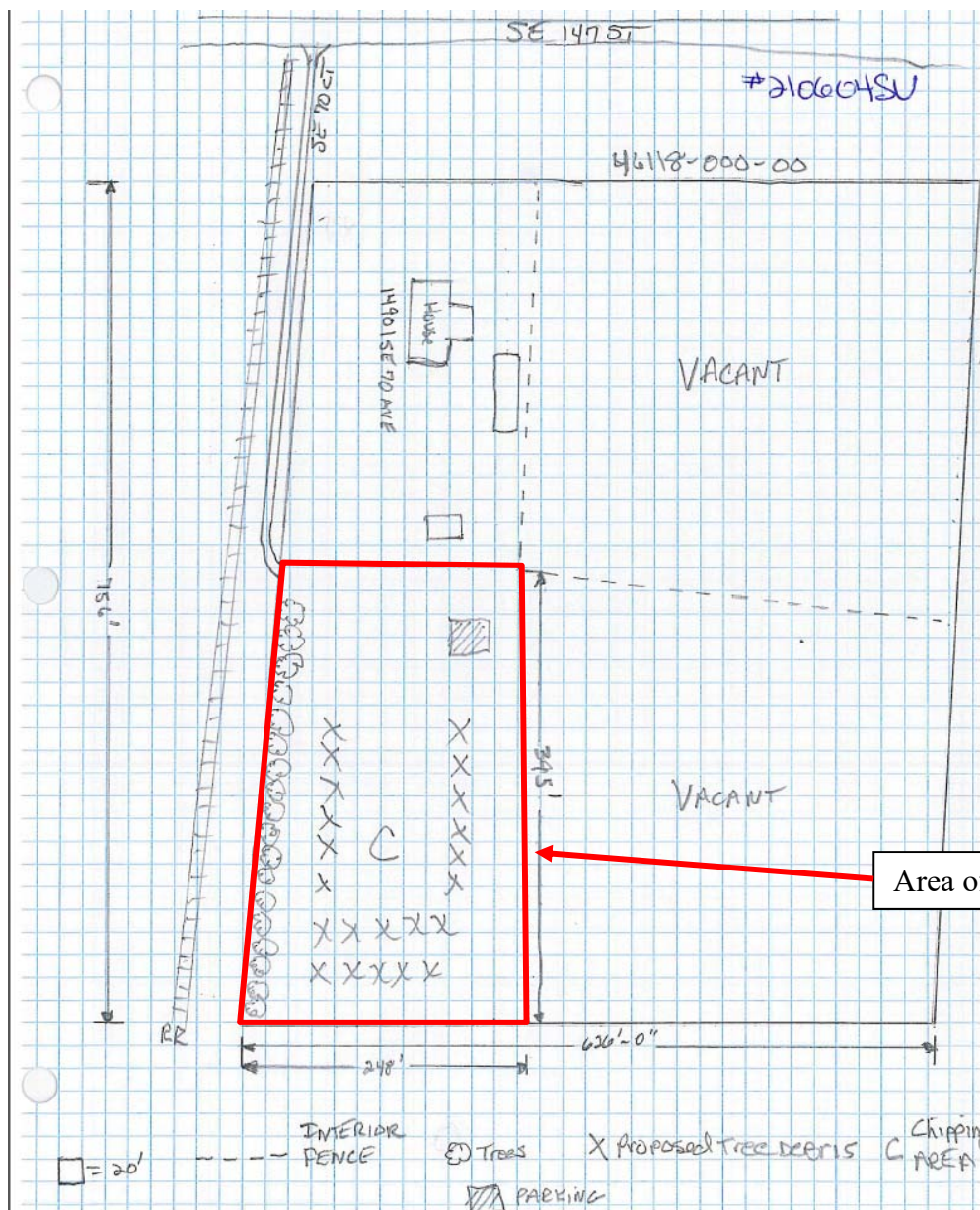
## Location

The subject property is located at 14901 SE 70TH Avenue RD. Access to the property is via SE 70<sup>th</sup> Avenue Rd, which is an access easement along the railroad right-of-way extending south from SE 147<sup>th</sup> ST. The property is outside of the formal Urban Growth Boundary and zoned A-1 General Agriculture with a Rural Land use designation.

## Request

The applicant requests a special use permit to allow for tree debris storage and wood chipping for up to 10 loads of tree debris per week, and one commercial vehicle on nine (9) acres in A-1, General Agriculture. Applicant states that roughly 10 loads of tree debris would be brought to the subject property every week. The debris would be chipped up every 3-6 months. The applicant intends to bring a large wood chipper to the site for about a week every 3-6 months to chip all of the tree debris on site. The area of operation is about two acres in size.

## Concept Plan





## Analysis

The subject property has a primary home on the site but is currently vacant. The applicant and the owner both live elsewhere. Access to the property is by way of access along the CSX railroad right-of-way from SE 147<sup>th</sup> PL. During the research, staff was unable to locate any documents that showed legal access to the subject property. The requested use is normally permitted in M-2, Heavy Industrial Zoning classifications on Commerce District Land Use designations. The subject property is A-1, General Agriculture, on Rural Land. This is consistent with the surrounding area except for the Rural Activity Area to the west and northwest along HWY 301 at the intersection of SE 147<sup>th</sup> Street.

### Staff Concerns

- The applicant does not live on the property.
- Industrial type use on agricultural property
- Compatibility with the surrounding area.
- Legal access concerns.

Neither the applicant nor the property owner involved with this application lives on site. Both appear to live in other areas of Marion County. If the requested use is a nuisance then the user would be adversely impacting the neighbors and not themselves first. Typically with Special Use Permits on agricultural property, if the view, noise, or smell are potentially a nuisance then the applicant who lives on-site would be the first person affected by the noise, smell, or view of the use.

The requested use is normally permitted in M-2, Heavy Industrial Zoning classifications on Commerce District Land Use designations. Industrial zoning is typically adjacent to other industrial zoned properties in an effort to cluster the industrial uses due to the intensity of the use on-site and the noise, smell, and sights that come with the intense uses. The subject property is requesting to store tree debris and grind it up every 3 to 6 months. While the grinding may be one week every 3 to 6 months, it will be a very noisy and intense week during grinding. The other weeks will have growing piles of tree debris. The subject property is currently classified as grazing for the existing use on the property. Adjacent properties are also grazing or some form of single-family residential use on agricultural property. The subject property is adjacent to a railroad and trains can be noisy when they blow their horns. Trains come and go and if they're bothersome for a few minutes then simply closing a window usually blocks out most of the noise from a train. This generally is not the case with industrial wood chippers. If the subject property were zoned M-2, Heavy Industrial where this type of use is permitted, the buffers to the agricultural properties is a B-Type Buffer which includes a 20-foot wide landscape strip with a buffer wall plus at least two shade trees and three ornamental trees for every 100 linear foot. This is the most intense buffer in the Land Development Code. The applicant has offered to place a six-foot berm along the southern boundary of the property.

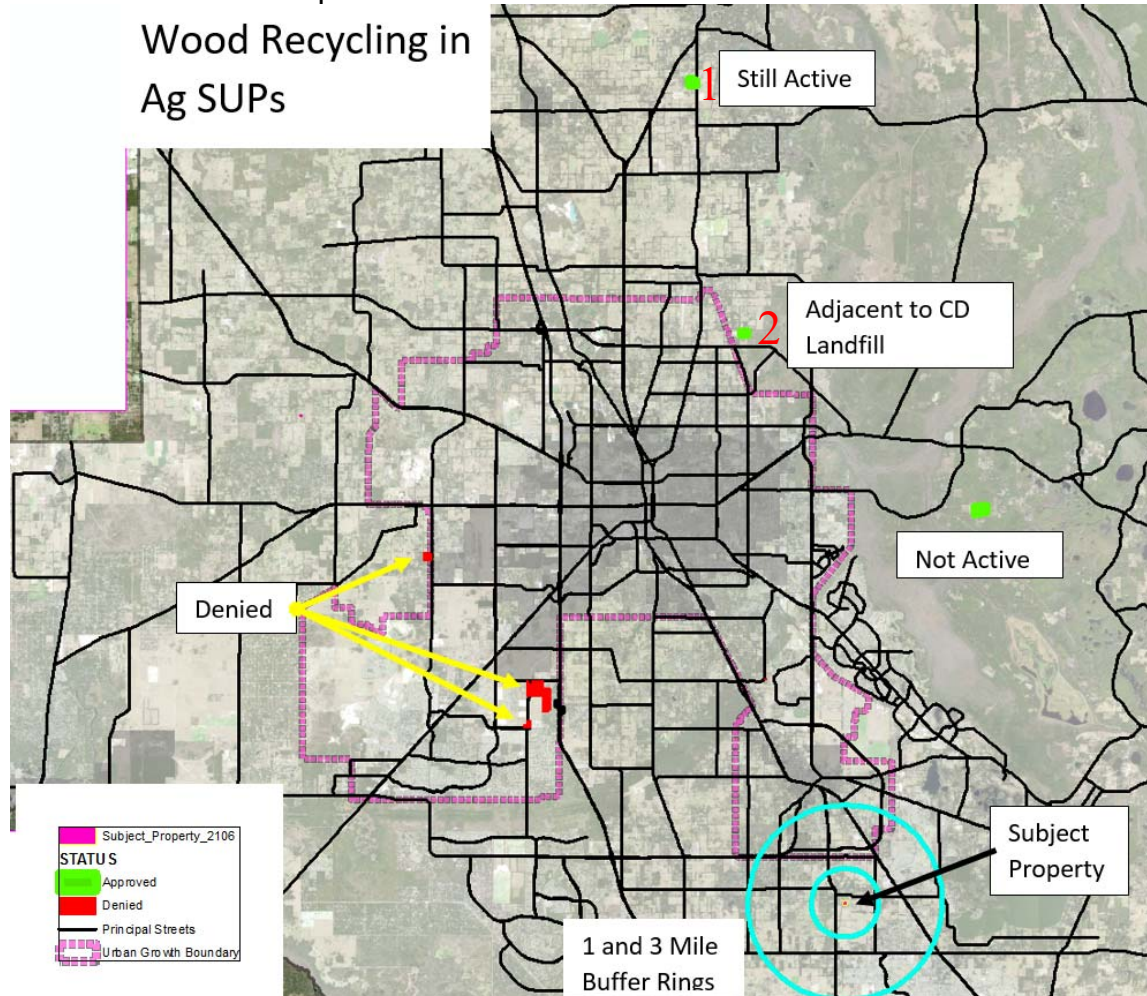
Below are two aerial images, figure one shows the regional land use designations relative to the subject property. Figure two shows the zoning change requests in the area. In the Rural Activity Center region, the zoning changes have been requests to change the zoning to RAC, Rural Activity Center, and one communications tower SUP. East of the railroad, the requests have been for the Utopia Property PUD, a bed and breakfast, and a church in A-1 zoning.







activities happen within an enclosed building. The operation on NE 33<sup>rd</sup> CT (2 below), is adjacent to a CD Landfill and operates at an old sand mine.



3: Similar Special Use Permit requests in A-1 or A-3.

Staff was unable to locate any recorded legal access to the subject property. Current access to the property, provided in the Findings of Facts, is access along the railroad right-of-way about 1,000 feet from SE 147<sup>th</sup> Street to the subject property. The railroad right-of-way is 100' wide and has two railroad lines in it. The area labeled SE 70<sup>th</sup> Avenue Rd is about 10-feet wide and directly adjacent to the railroad trackbed. If any tree debris falls out of the truck that is hauling the debris into the subject property then there could be serious issues if that debris ends up on or near the tracks. The applicant is asking for just one commercial vehicle for this operation and not asking for any equipment such as a loader. If the SUP is approved, the applicant will have to provide proof of legal access.



4: Aerial showing the railroad right-of-way adjacent to subject property.



In reaching its decision, the Planning & Zoning Commission shall find that the following exist:

1. **Granting the proposed Special Use Permit will adversely affect the public interest.** The subject property is surrounded by rural/agricultural properties with single-family homes on them. The proposed use is industrial in nature and can be very intense. The noise, dust, and smells from the proposed use have the potential to be a nuisance to the surrounding area.
2. **The proposed Special Use Permit request is consistent with the current Comprehensive Plan.** The FLU Map 1: Marion County 2035 Future Land Use Map of the Comprehensive Plan designates this property as Rural Land with allowable uses that include residences, agricultural production, and agricultural-related commercial and industrial uses. The proposed use is not related to agricultural uses and would not be allowed on Rural Land by any zoning classification that is consistent with Rural Land without a Special Use Permit. With a Special Use Permit, the use would be allowed within the Rural Land Use designation by way of Policy 2.1.5.
3. **The proposed Special Use Permit request is not compatible with land uses in the surrounding area.** The subject property is surrounded by agricultural properties in the Rural Lands. The agricultural properties have bonafide agricultural uses per the Marion County Property Appraiser. The requested use is industrial in nature and not compatible with the surrounding area.

The following table summarizes adjacent future land use designation, zoning districts, and existing uses:

ADJACENT PROPERTY CHARACTERISTICS			
Direction of Adjacency	Future Land Use Designation	Zoning	Existing Use/MCPA Property Class
North	Rural Land	A-1 General Agriculture	(01) Improved Residential
South	Rural Land	A-1 General Agriculture	(60-65) Grazing
East	Rural Land	A-1 General Agriculture	(60-65) Grazing
West	Rural Land	A-1 General Agriculture	(98) Centrally Assessed Railways (02) Improved Mobile Home

## Infrastructure

**Access** to the property is from SE 70<sup>th</sup> Avenue Rd.

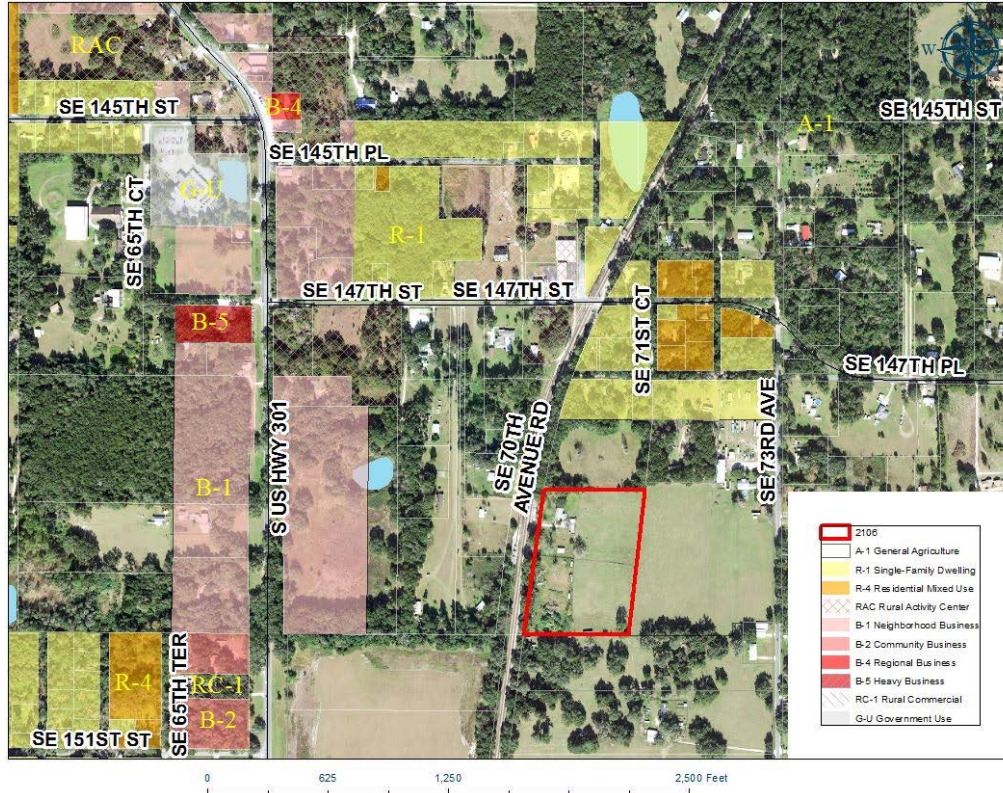
Road	Classification	Maintenance	Existing Conditions			
			Surface	No. Lanes	R/W Min. Width	R/W Deficiency
SE 70 <sup>th</sup> Avenue Rd	Unknown	Private	Unpaved	Unknown	Unknown	



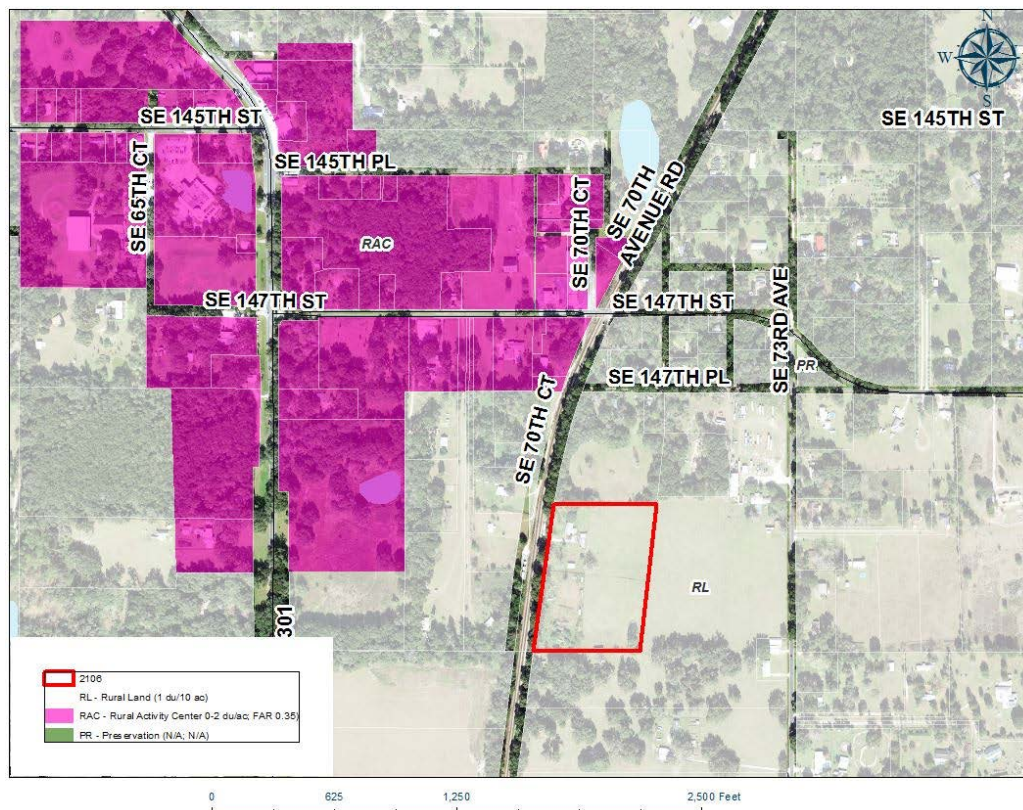
Sewer services are to be provided on-site by Applicant.

Utility	Service Area
Water	Marion County
Sewer	Marion County

## Zoning

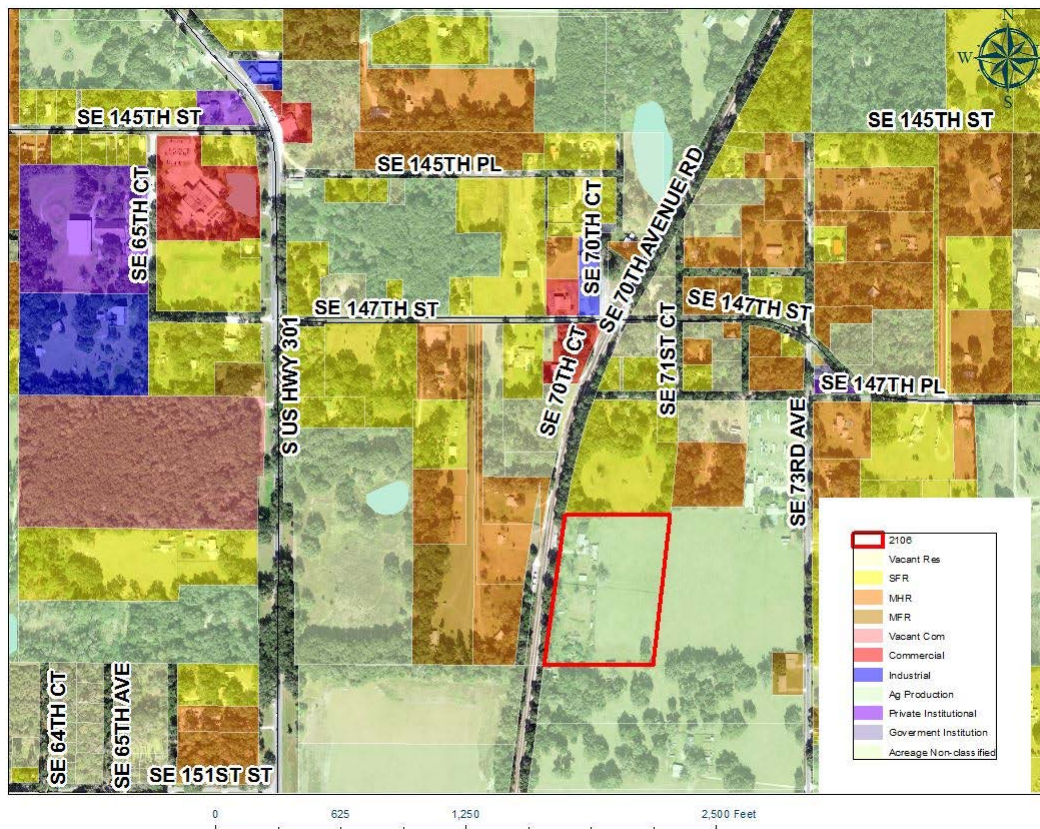


## FLUM





## MCPA



## Staff Recommendation: Denial

In the event the Planning & Zoning Commission and/or the Board of County Commission chooses to approve the application, the following conditions are the staff's recommendation:

### Alternative Approval Conditions

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. The applicant shall provide proof of legal access to the site for non-residential use to zoning before any operation of the site may begin.
3. Hours of operation shall be 7 am to 5 pm, Monday through Friday.
4. No lighting or signage shall be installed related to this use.
5. No more than 10 truckloads of debris may be delivered on-site per week.
6. One commercial vehicle shall be allowed to park on-site (VIN 1NKZXJEXXLJ402409).
7. An Environmental Assessment for Listed Species (EALS) per section 6.5 of the Marion County Land Development Code will be required before the start of operation.
8. Any existing trees on the property shall remain undisturbed.
9. The area of operation shall be buffered with a six-foot berm on the north, east, and southern boundaries. A fence shall not be used as a replacement for the berm requirement.
10. The Special Use Permit shall expire on June 15, 2024.



## Photos



5: Access from SE 147<sup>th</sup>.



6: A look at the access south of SE 147th.





*7: Another view of the single vehicle trail for access to the subject property.*



*8: Home on subject property.*



*9: Area proposed for the Tree Debris Recycling.*

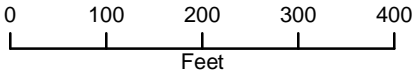
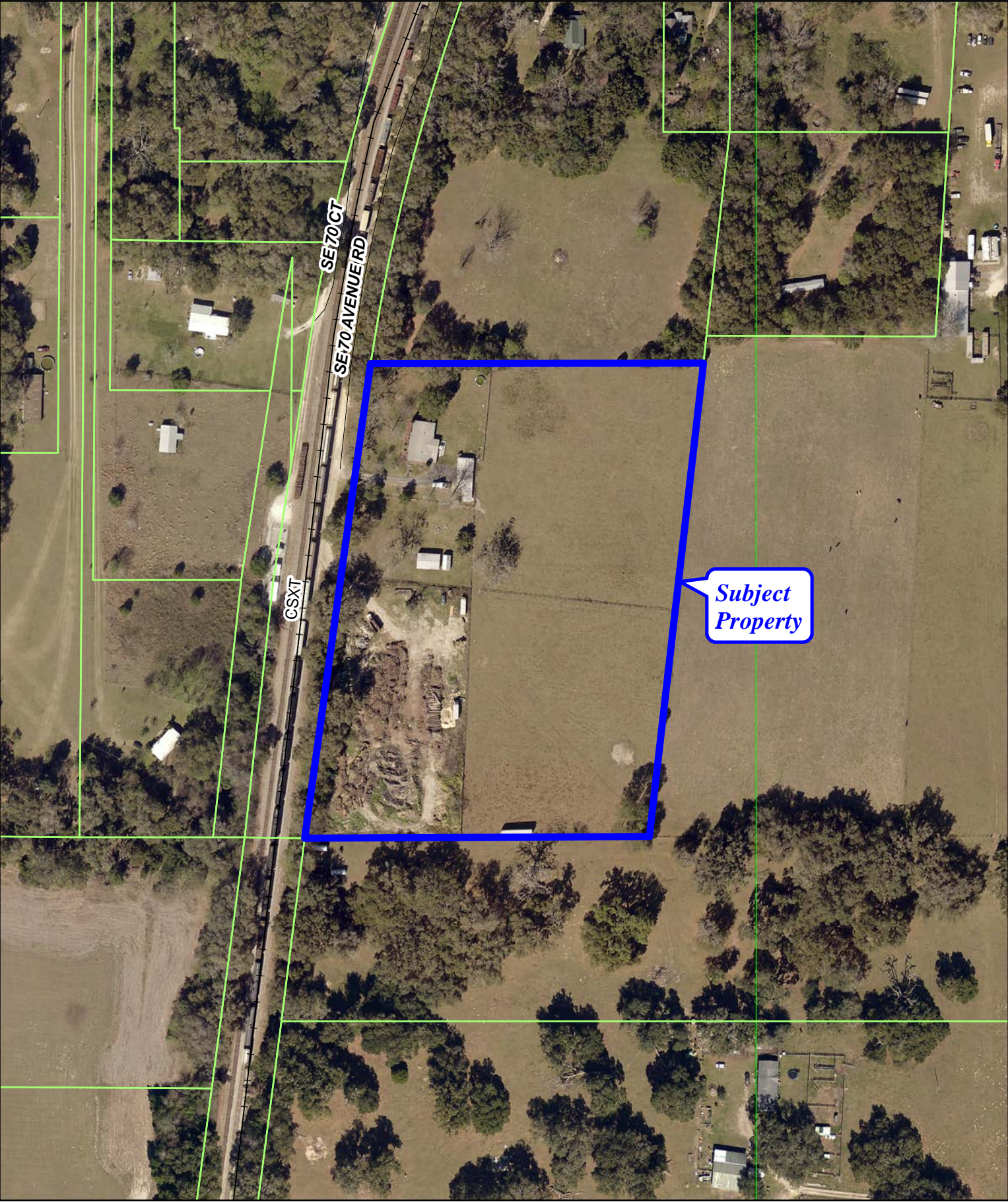




*10: A view of the homes west of the railroad track adjacent to subject property.*

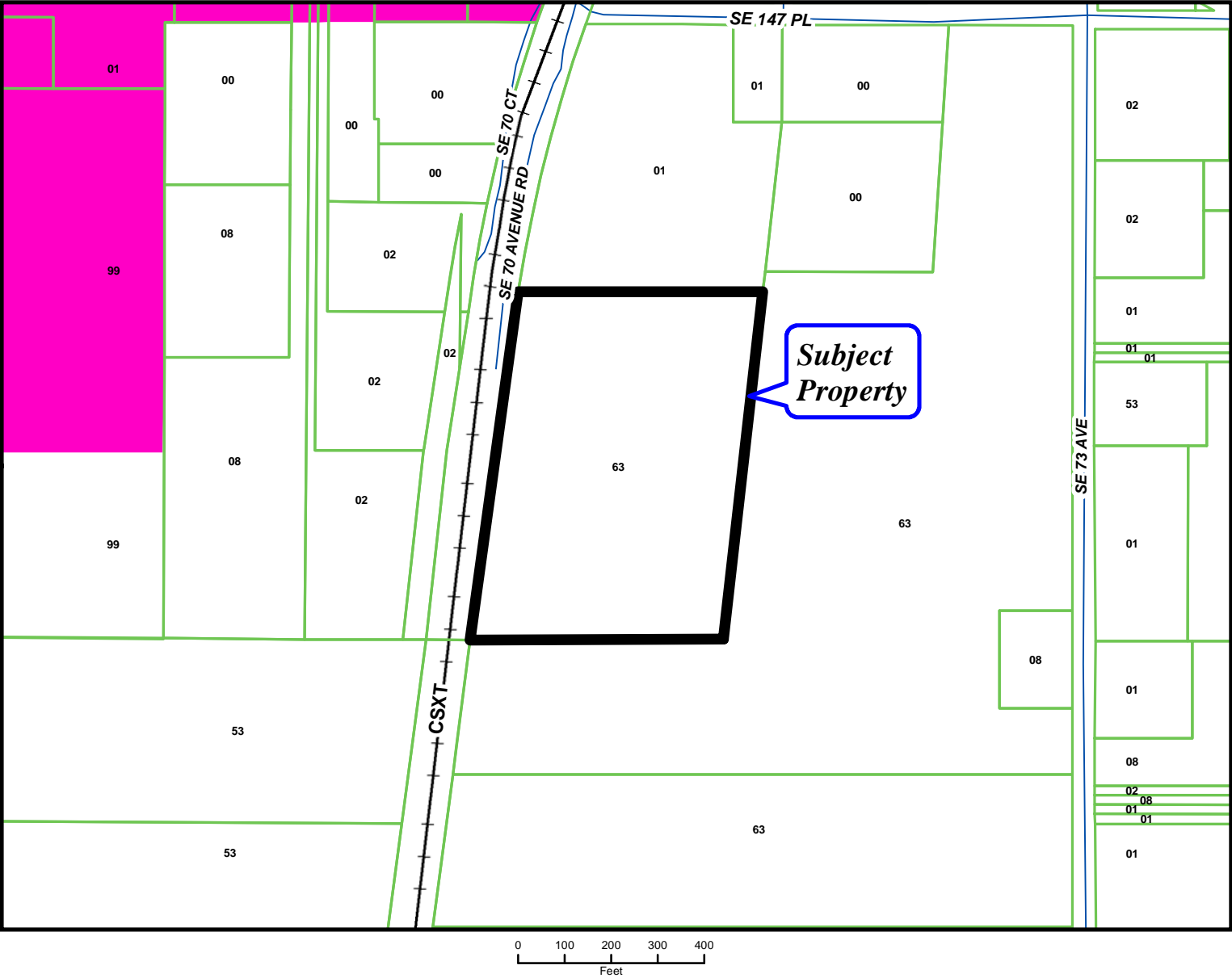
## **DRC Staff Comments**









Existing Land Use Designation 210604SU



Use per MC Property Appraiser		OWNER: Ronald R. and Tamara D. McCartney	
01	Single Family Res	AGENT: Michael T. Hopkins – Integrity Excavation & Land Clearing, LLC	
50-69/99	Agricultural		
00/10/40/70	Vacant	PARCEL(S): 46118-000-00	
71	Church		
02	Mobile Home	<div><p>All provided GIS data is to be considered a generalized spatial representation, which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. For specific visual information, contact the appropriate county department or agency. The information is provided visual representation only and is not intended to be used as legal or official representation of legal boundaries.</p></div>	
06-07/11-39	Commercial		
41-49	Industrial		
83-98	Public		
82	Recreation		
03-05/08	Multi-Family		
77	Club/Lodge/Union Hall		
Legend			
• All Amendments			
Policy 1.20			
☆			
Rural Land (1 du/10 ac)		Urban Residential (8 - 16 du/ac)	Employment Center (0 - 12 du/ac; FAR 2.0)
Low Residential (0 - 1 du/ac)		Rural Activity Center (0 - 2 du/ac; FAR 0.35)	Commerce District (N/A; FAR 2.0)
Medium Residential (1 - 4 du/ac)		Rural Community (0 - 3 du/ac; FAR 0.70)	Public (N/A; FAR 1.0)
High Residential (4 - 8 du/ac)		Commercial (0 - 6 du/ac; FAR 1.0)	Preservation (N/A; N/A)
Farmland Preservation Area		Environmentally Sensitive Overlay Zone (ESOZ)	Municipality





Marion County  
Board of County Commissioners

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

# 210604SU  
AR# 26566

PA#: 46118-000-00

**SPECIAL USE PERMIT APPLICATION - REGULAR - \$1,000.00**

The undersigned hereby requests a Special Use Permit in accordance with Marion County Land Development Code, Articles 2 and 4, for the purpose of: Bringing Tree debris to Property, then Chipping the debris & taking the debris to be recycled. PARKING OF 1 COMMERCIAL VEHICLE, WILL BE ON PROPERTY OVERNIGHT.

Legal Description: (Please attach a copy of the deed and location map.) Parcel Zoning: A1 ✓

Parcel account number(s): 46118-000-00 <sup>Situs</sup> 14901 SE 70<sup>th</sup> AVE RD SUMMERFIELD, FL

Property dimensions: @ 756'-6" X 626'-0" Total acreage: 9 ACRES ✓

Directions: HWY 441 SOUTH TO SE 147 ST, TURN RIGHT. HEAD WEST ON 147 ST. THEN TURN LEFT ON SE 70 AVE. FOLLOW ROAD TO LAST GATE ON LEFT.

Each property owner(s) MUST sign this application or provide written authorization naming an applicant or agent to act on his behalf. Please print all information, except for the Owner and Applicant/Agent signature.

Property Owner name (please print)

RONALD R. MCCARTNEY and Tamara D.

Mailing Address

10570 SW 140<sup>th</sup> AVE ✓

City, State, Zip code

SUMMERFIELD, FL 34432

Phone number (include area code)

(352) 427-6349

E-mail address

ronintegrity@yahoo.com

Signature

Ronald McCartney

Applicant or agent name (please print)

MICHAEL T. HOPKINS <sup>90 Integrity</sup>  
Excavation and  
Land Clearing, LLC

Mailing Address

5240 NE 11<sup>th</sup> AVE

City, State, Zip code

OCALA, FL 34479

Phone number (include area code)

(352) 572-6039

E-mail address

integrity1c@yahoo.com

Signature

Mike Hopkins

**PLEASE NOTE:** A representative is strongly encouraged to attend the public hearings when this application will be discussed. If no representative is present, the request may be postponed or **denied**. Hearing notices will be mailed to the address(es) listed above. All information submitted must be correct and legible to process the Application. Contact Growth Services Planning & Zoning at (352) 438-2675 for more information.

STAFF/OFFICE USE ONLY			
Project No.: <u>2021040029</u>	Code Case No.:	Application No.: <u>26566</u>	
Rcvd by: <u>[Signature]</u>	Rcvd Date: <u>04/07/2021</u>	FLUM: <u>RL</u>	Zoning Map No.: <u>238</u> Rev: 07/1/2019

SEC 17 TWP 17 RGE 23 ✓



## **Special Use Permit Findings & Facts**

### **For PID 46118-000-00**

1. Access to property will be off SE 147 St, heading west from HWY 441, turn left onto SE 70 Ave. There will be a limerock/dirt road that runs parallel with the railroad tracks and is only used for a vacant house and our parcel. This will dead end into the fenced in property.
2. The property is all grass and surrounded by large parcels of land. A business named MWR Services surrounds the entire east and the entire south side of the property with 24.26 acres of mainly raw land. The west side of the property has a solid line of wood buffer. A fence is completely around the property with a gate.
3. There will be a porta potty provided.
4. Power company is Duke Energy.
5. The property has no nearby neighbors to buffer from. If needed a buffer (a 6ft dirt grass berm) could be put along the south side of property for the nearest neighbor.
6. A sign will be put on front entry gate.
7. All setbacks will be met.
8. The property surrounding where the debris will be located is owned by Reedy. There is more disturbance from the train tracks than will be noticed from us. I believe there will be no negative impact on surrounding neighbors.
9. Yes, we would be willing to meet any special conditions necessary to get this special use permit.

*Hours of operation will be 7:00 AM - 5:00 PM.*



We are asking for a special use permit for PID 46118-000-00. We are wanting to bring about 10 loads of our own tree debris per week to this parcel. Then we will bring in a chipper to chip the debris and take the chippings to the recycle center to help our environment. Only one truck will be used and parked on location at the end of day. We are willing to meet any special conditions necessary to get this special use permit. The truck that we will use is a 2020 Kenworth T880  
Vin#1NKZXJEXXJ402409.





#210604SV

46118-000-00

VACANT

VACANT

14901 SE 70 AVE

A hand-drawn diagram of a house. It consists of a rectangle with a smaller rectangle on top, representing a roof. The word "House" is written inside the main rectangle.

Handwritten notes on a blue grid background:

Top row: A vertical column of 'X's on the left, a 'C' in the center, and a vertical column of 'X's on the right.

Second row: A vertical column of 'X's on the left, a 'C' in the center, and a vertical column of 'X's on the right.

Third row: A vertical column of 'X's on the left, a 'C' in the center, and a vertical column of 'X's on the right.

Fourth row: A vertical column of 'X's on the left, a 'C' in the center, and a vertical column of 'X's on the right.

Fifth row: A vertical column of 'X's on the left, a 'C' in the center, and a vertical column of 'X's on the right.

Sixth row: A vertical column of 'X's on the left, a 'C' in the center, and a vertical column of 'X's on the right.

Seventh row: A vertical column of 'X's on the left, a 'C' in the center, and a vertical column of 'X's on the right.

Eighth row: A vertical column of 'X's on the left, a 'C' in the center, and a vertical column of 'X's on the right.

Ninth row: A vertical column of 'X's on the left, a 'C' in the center, and a vertical column of 'X's on the right.

Tenth row: A vertical column of 'X's on the left, a 'C' in the center, and a vertical column of 'X's on the right.

345

626' - 0'


248'

## INTERIOR FENCE

④ Trees

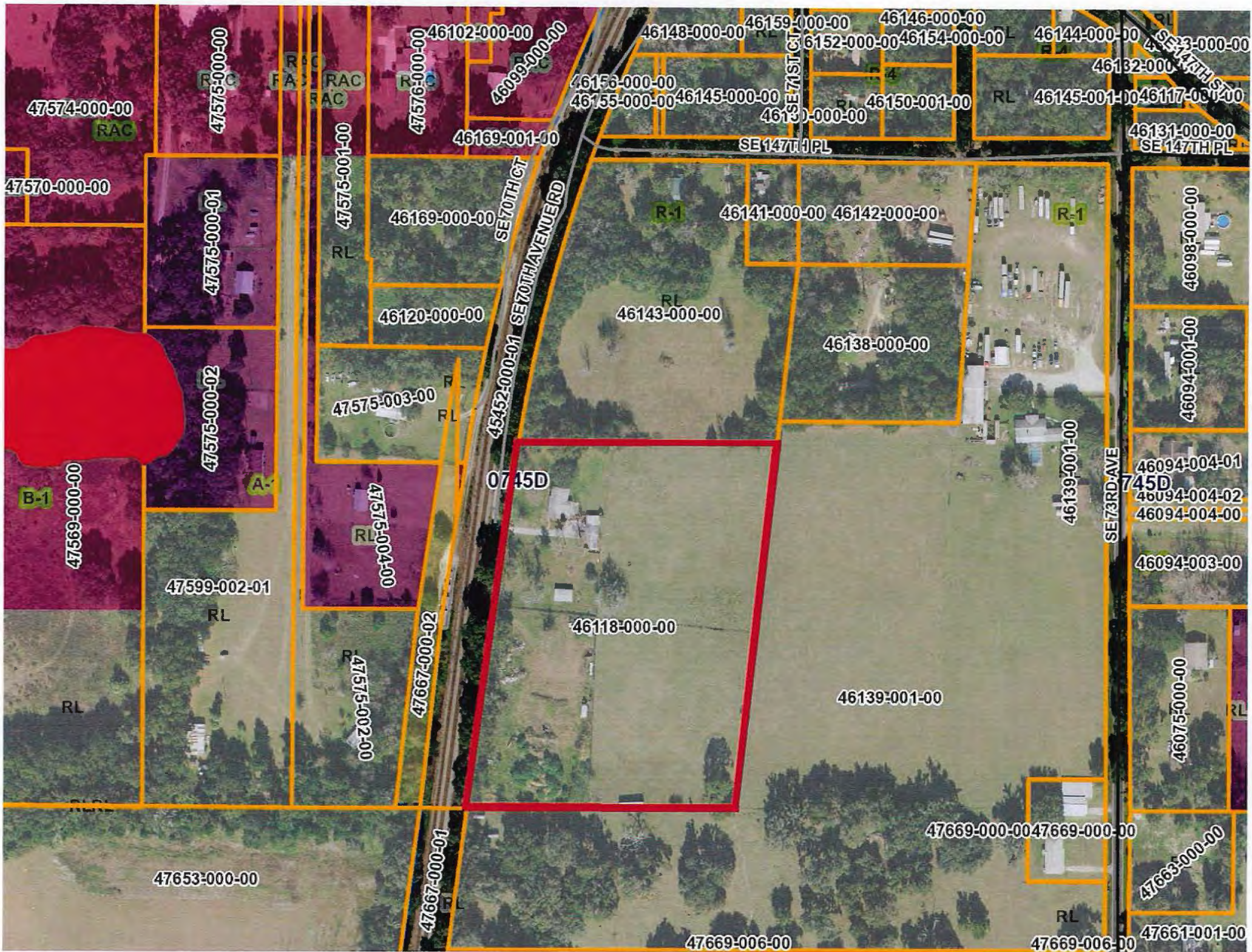
X proposed Tree DEARIS

C Chipping  
AREA

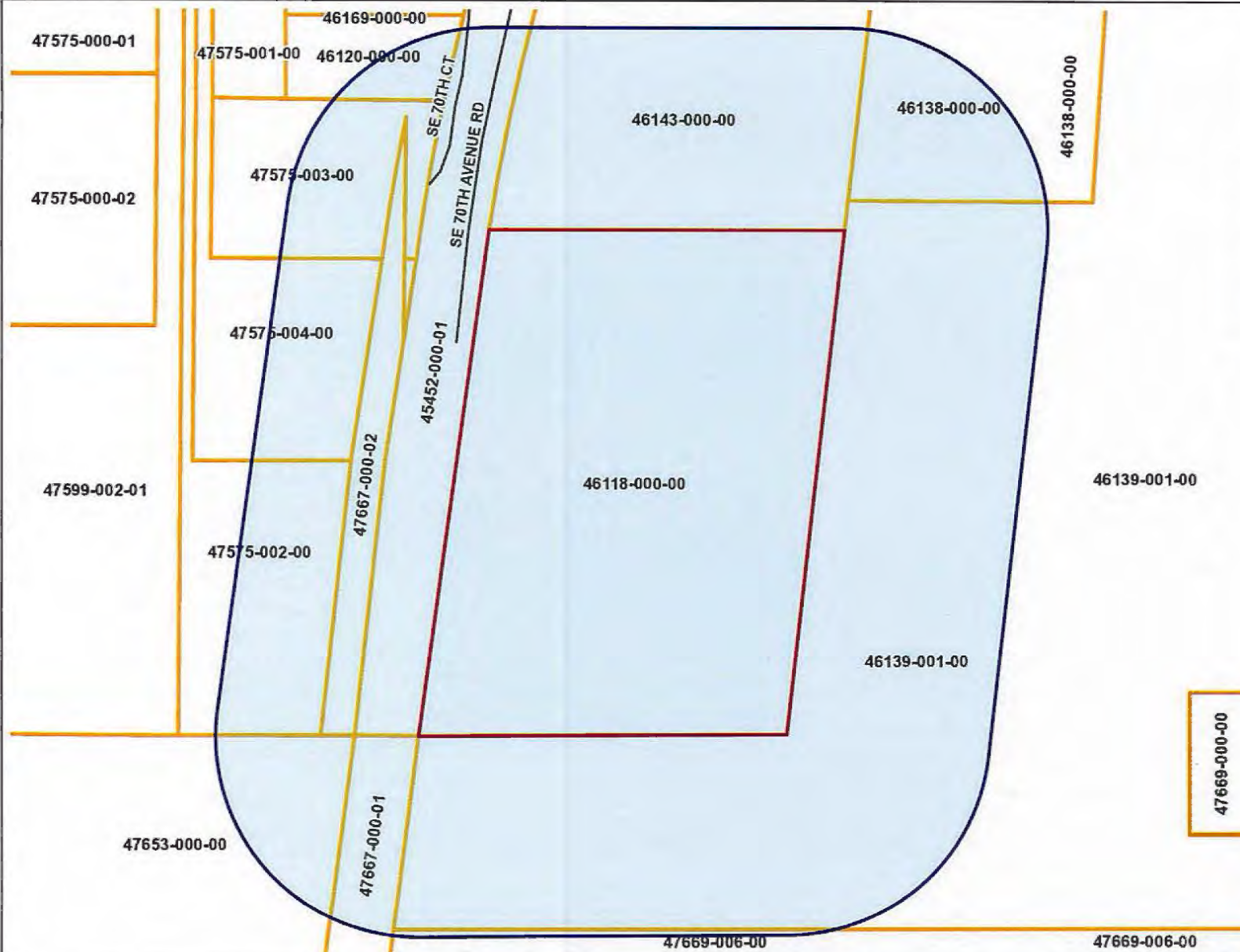
 PARKING

$\square = 20'$









#### Legend

- Urban Growth Boundary
- Address Search Results
- Streets
- Parcels
- Municipalities
- Marion County

1: 2,666

1 in = 0.04 Miles



#### Notes

c/o:  
INTEGRITY EXCAVATION & LAND CLEARING,  
LLC  
Agent: MICHAEL T. HOPKINS

Creation Date: 4/8/2021

0.1 0 0.04 0.1 Miles

Projected Coordinate System: NAD\_1983\_StatePlane\_Florida\_West\_FIPS\_0902\_Feet

Created By: dp

This map was produced by a Marion County employee using an online internal mapping viewer. All GIS features provided through the Marion County online internal mapping viewer are to be considered a generalized spatial representation which is subject to revisions. The GIS features shown hereon are not to be used as legal descriptions. For confirmation of details related to the GIS features, please contact the appropriate department or constitutional office.