



**Marion County
Board of County Commissioners**

Growth Services

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

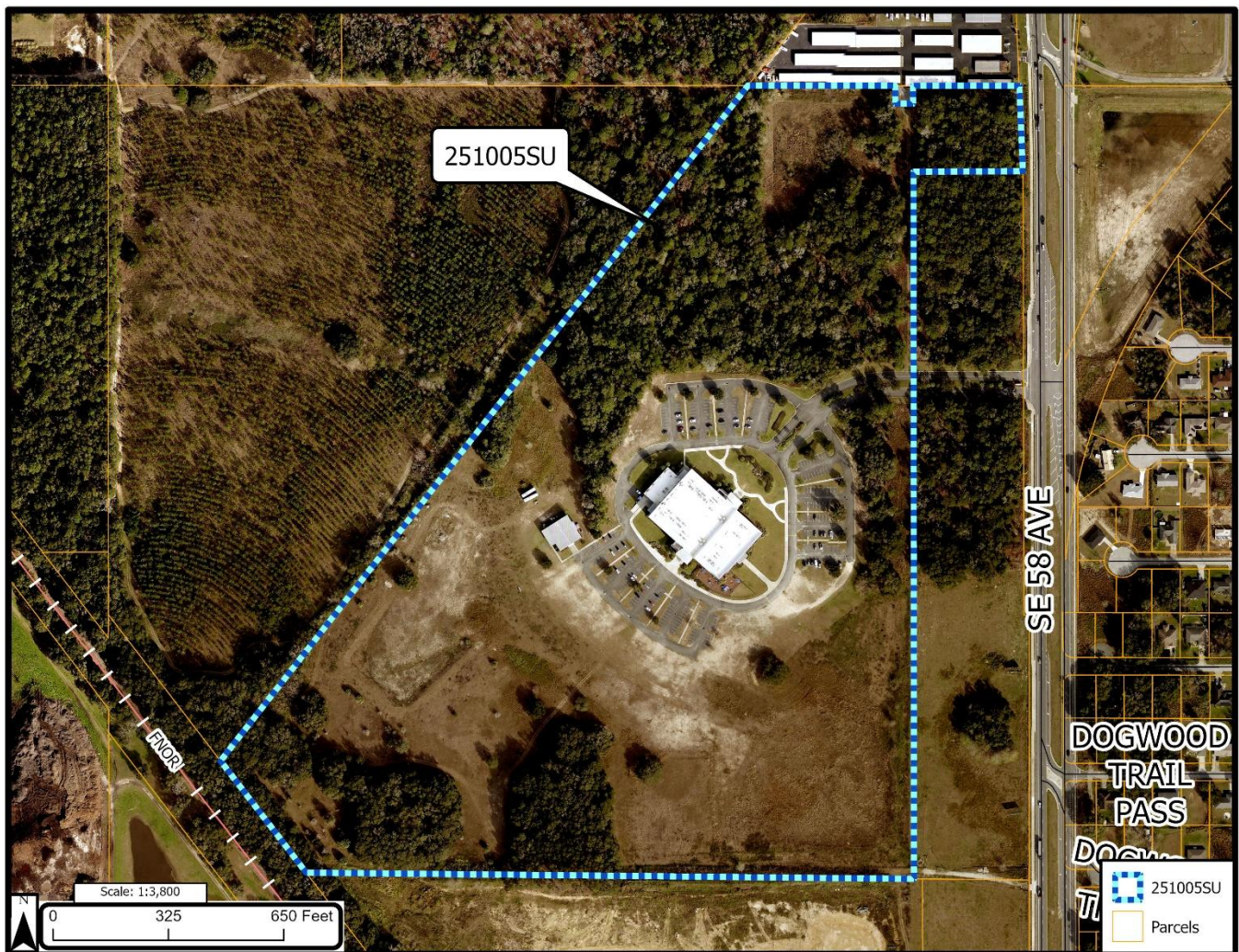
**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 9/29/2025	BCC Date: 10/21/2025
Case Number:	251005SU
CDP-AR:	33149
Type of Case:	Special Use Permit: Operating a VPK & Daycare with a maximum of 129 students.
Owner	Church at The Springs
Applicant	Randy Smith
Street Address	5424 SE 58 th Avenue
Parcel Number	35800-008-01
Property Size	66.65 Acres
Future Land Use	Low Residential (LR)
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
Project Planner	Kenneth Odom, Transportation Planner
Related Case(s)	100804SU – VPK & Daycare 160708SU – VPK & Daycare

I. ITEM SUMMARY

Randy Smith, Executive Pastor, on behalf of Church at The Springs, has filed for a Special Use Permit (SUP) to allow for up to one hundred and twenty-nine children to be enrolled (129) in VPK daycare activities on the church campus. Church at The Springs was previously approved, through Special Use Permit 1100804SU and 160708SU, to offer identical services. However, the applicant let the last SUP lapse in July 2021. The VPK and Daycare activities have been in continuous operation since that time. However, there were no reported violations of SUP regulations or Land Development Code policies prior to that date or after. Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 35800-008-01 and the street address is 5424 SE 58th Avenue Road, Ocala, FL 34480. The property is located within the Primary Springs Protection Zone. The legal description is included as Attachment A. 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).

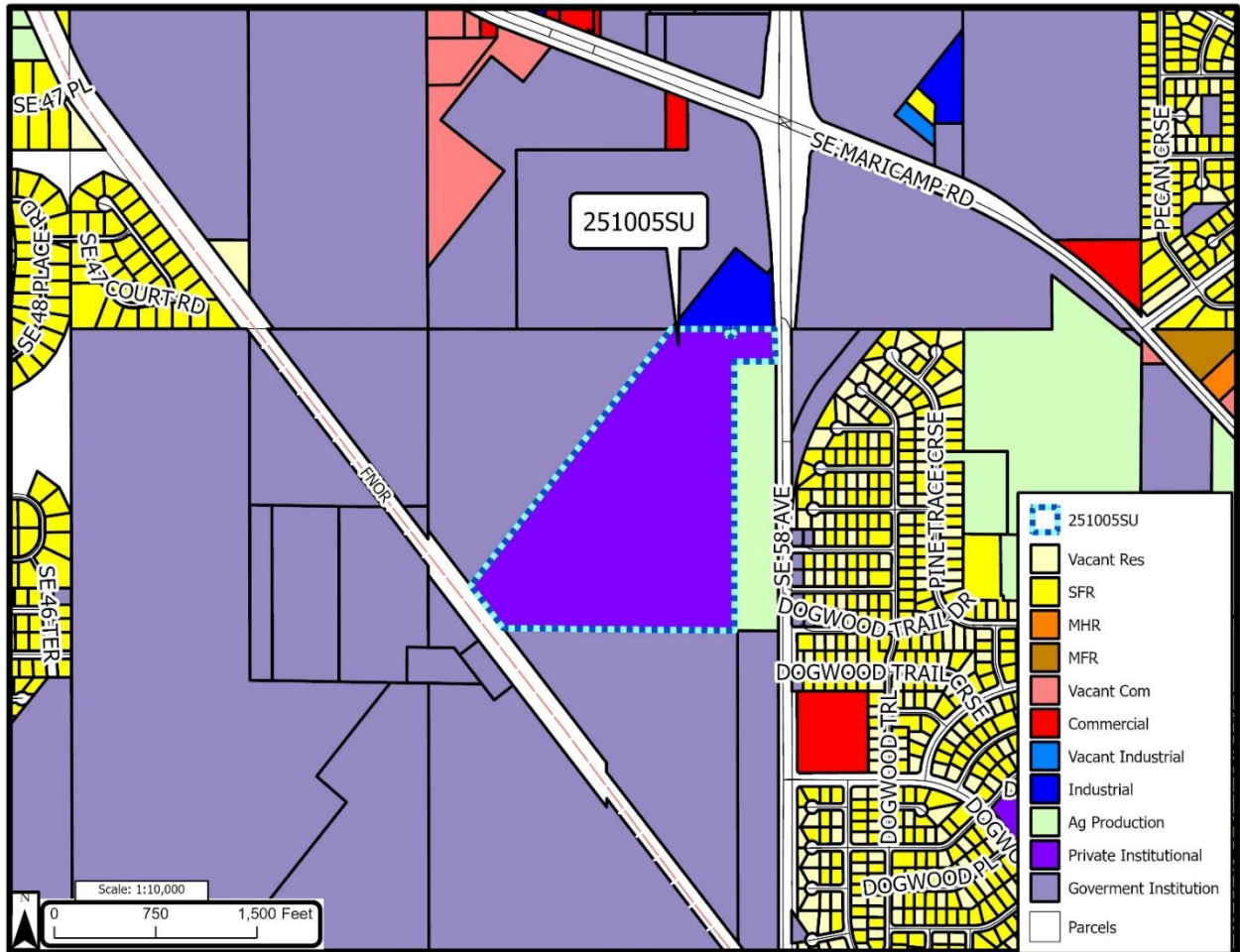
III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (96 property owners) within 300 feet of the subject property on September 12th, 2025. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on September 5, 2025. Site visit was conducted on August 26th, 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 September 15th, 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 are on file with the Growth Services Department and is incorporated herein by reference.

IV. BACKGROUND/CHARACTER OF THE AREA

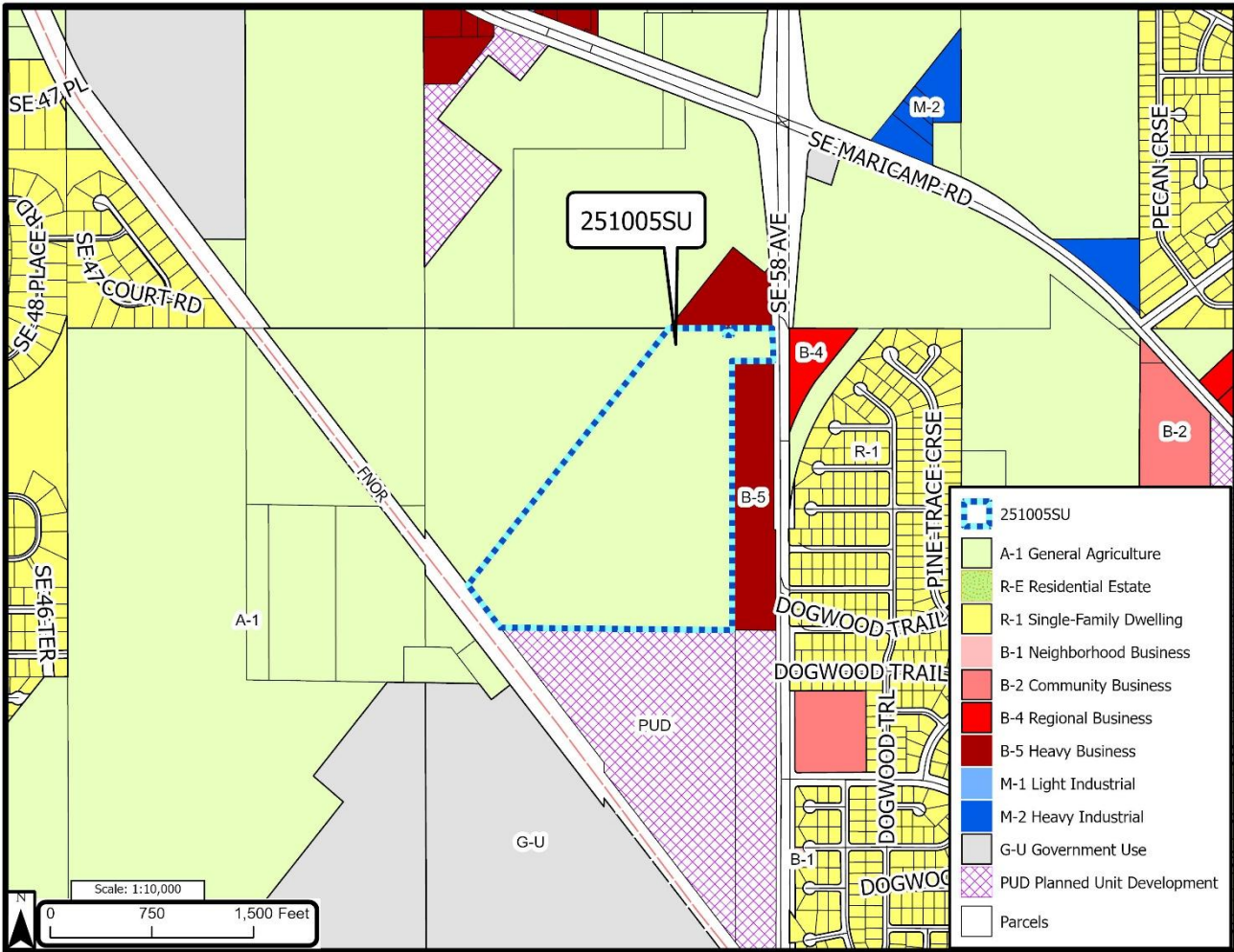
A. *Existing site conditions.* Figure 3 shows that the property is currently listed as General Agriculture (A-1) by the Marion County Property Appraiser's Office. The site is part of the Silver Springs DRI, specifically Unit 21.

Figure 2
Existing Conditions Map



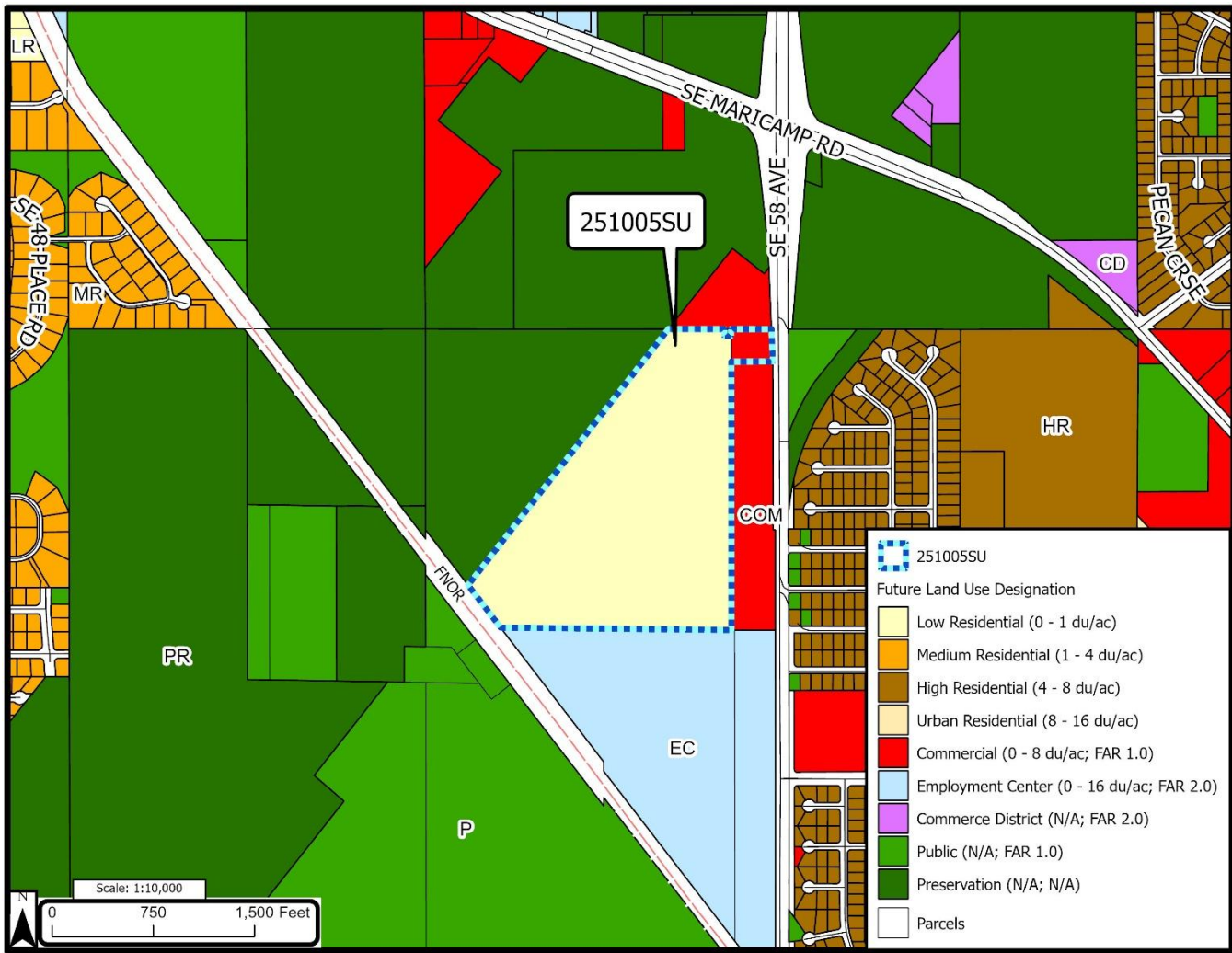
- B. *Zoning district map.* Figure 3 shows that the subject property is classified as General Agriculture (A-1). The majority of all the surrounding parcels are also (A-1), which are primarily part of the Marjorie Harris-Carr Cross Florida Greenway. Additional properties are commercially designated on the west side of the SR 35 corridor, including the PUD to the south, which was once a borrow pit and is scheduled to be a commercial plaza. Some single-family Dwelling (R-1) exists on the east side of SR 35, which is part of the Silver Springs Shores DRI.

Figure 3 Zoning Classification



- C. *FLUMS designation.* Figure 4 is the FLUMS, which shows the subject property is designated Low Residential (LR). This land use designation is intended to recognize areas suited for primarily single-family residential units for existing and new development within the UGB, a PSA, or Urban Area. Parcels outside of, but contiguous to the UGB and outside of the FPA, are eligible for conversion to Low Residential designation through density bonus programs consistent with FLU Policy 2.1.3. The density range shall be up to one (1) dwelling unit per one (1) gross acre, as further defined in the LDC. This land use designation is considered the Urban Area. Where Low Residential abuts the Farmland Preservation Area or other Rural Area, hamlet, clustered or other development methods to preserve large tracts of open space are encouraged.

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 church and school will remain at the singular entrance on SE 35 (Baseline Road).

- 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 site. Parking locations are already established, as the church and school services have been in operation for several years.

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

Analysis: Established dumpster locations exist on the site currently. Commercial pick up of refuse occurs weekly.

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

Analysis: Septic and sanitary sewer services are available through Marion County Utilities. The requested special use permit will not necessitate increased service demand on either service.

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

Analysis: Screening and buffering requirements have already been met. Maintenance of those buffers will still be required.

- 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: Any additional signage or exterior lighting to be included as part of the continued operation of the school will adhere to the Marion County Land Development Code.

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

Analysis: A fenced playground area currently exists to support the school operations. Now new, additional improved space will be required to accommodate the proposed use.

- H. *Provision for general **compatibility** with adjacent properties and other properties in the surrounding area.*

Analysis: The school has been in operation since 2016. The church and school are not in close proximity to any uses that would be negatively impacted by the continued operation of the school. Now significant impacts are expected.

- 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:

- 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: Article 4: ZONING / Division 3. - SPECIAL REQUIREMENTS / Sec. 4.3.8. - Nursery schools, day schools and kindergartens. Nursery schools, day schools, child day care centers, and kindergartens shall comply with the following requirements.

- A. Total tract area shall not be less than 15,000 square feet, and tract width shall not be less than 100 feet.
- B. A fenced play area must meet State Regulations.
- C. No portion of the fenced play area shall be closer than 20 feet to any residential tract line.
- D. A noise buffer, such as a solid masonry wall or vegetative screening, shall be required between fenced play areas and residential tract lines.
- E. All outdoor play activities shall be conducted within the fenced play area, and no outdoor play activity shall be conducted before 8:00 a.m. or after 8:00 p.m.

No additional improvements will be required to continue the operation of the schools, as all requirements have been met. However, the applicant does request that the playground facilities be able to be used prior to 8:00 AM. After consideration of this request, staff have concluded that the nearest home is approximately nine hundred and fifty feet (950') from the playground facilities and that is also with SR 35 (Baseline Road) being in between the home and the play area. Allowing children to access the playground prior to 8:00 AM will not create a negative impact on the homes to the east. 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. The Special Use Permit shall run with the Church at The Springs. Should the property be sold or subdivided, the Special Use Permit shall be terminated.
 - 2. Use of the site shall be limited to the church and church related activities, the VPK pre-school and daycare. K-12 private school activities are not permitted under this SUP.
 - 3. Playground areas may be utilized prior to 8:00 AM, but not before 7:00 AM.
 - 4. The VPK and daycare operations shall be limited to a maximum of one hundred and twenty-nine (129) individuals. All facilities accommodating the SUP operations shall exist at the time of this SUP approval. Any new facilities or expansion of the number of individuals to be served at this location will require an update to the SUP.
 - 5. The Special Use Permit shall expire October 22, 2030; however, it may be renewed administratively for up to 3 consecutive times by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:

- There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit.
- 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
- 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

Approval with conditions.

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

TBD

X. LIST OF ATTACHMENTS

- A. SUP application filed on July 29, 2025.
- B. Site Photos
- C. DRC Comments