

RESOLUTION NUMBER 2023- 118

WHEREAS, Hernando County has adopted zoning regulations pursuant to Section 125.01(1) and Chapter 163, *Fla. Stat.*, which authorize the County to regulate the use of land in the unincorporated areas of Hernando County, Florida, and take action on the request herein; and,

WHEREAS, the Hernando County Board of County Commissioners (BOCC) conducted a duly advertised public hearing to consider the requested changes in zoning on the specified parcels in Hernando County, Florida, as more fully described below.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

APPLICANT: Lisa Wilson – The Permit Tech, Incorporated o b o Remington Ranch Property Management, LLC

FILE NUMBER: H-21-54

REQUEST: Modify the rezoning established by Resolution 2021-186 to reflect the intent of the applicant to allow the existing use as a motorcycle showroom and motorcycle service and repair establishment as nonconforming uses on a one-acre portion of the property

GENERAL LOCATION: East side of Remington Road, approximately 1,700' north of Cortez Boulevard

PARCEL KEY NUMBERS: 953597

REQUEST: Modify the rezoning established by Resolution 2021-186 as enumerated in the BOCC Action, which is incorporated herein by reference and made a part hereof. The representations contained in the rezoning application are incorporated herein by reference and made a part hereof and are relied upon by the County to be true and correct. For purposes herein, it is presumed that all notice and advertising requirements have been satisfied.

FINDINGS OF FACT: ALL of the facts and conditions set forth in the County's staff memoranda and presented to the BOCC in connection with the public hearing in this matter are incorporated herein by reference and made a material part of this Resolution as integral to the BOCC's Action. The BOCC finds that the testimony and record supporting **APPROVAL** of the request to be credible and to constitute competent substantial evidence. In further support thereof, the BOCC makes the following specific findings of fact:

1. On October 12, 2021, the Board of County Commissioners approved a rezoning on parcel key# 953597, from AG (Agricultural) and C-2 (Highway Commercial) to PDP(OP)Planned Development Project (Office Professional) with a Specific C-1 use for a Business Training School. At the time, parcel was split zoned with the C-2 (Highway

Commercial) zoning occupying a one acre portion of the site. Due to the age/approval date of the commercial, the commercial was considered historic. Subsequent to the approval, the petitioner brought to the attention of staff, that the intent of the rezoning was to only rezone the balance (11.0 acre) of the property from AG/(Agricultural) to a zoning district that would permit a motorcycle training facility. The training facility would provide a track and classrooms in order to obtain state endorsements. However, during the rezoning/hearing process the entire parcel was rezoned and effectively rendered the existing motorcycle showroom and motorcycle service/repair establishment located on the one acre portion as nonconforming uses. The petitioner indicated to staff that the desire was to retain the showroom and service/repair and add the training school. After review of the original application and hearing videos, it was determined that enough evidence existed within the applications narrative and master plan to indicate the petitioner original intent was indeed to retain the C-2/(Highway Commercial). The designation of PDP(OP)/Planned Development Project (Office Professional) on the one acre portion is considered a scrivener's error. The recommendation is to revert the one acre portion back to C-2/(Highway Commercial).

**CONCLUSIONS
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Fla. Stat.* Accordingly, after public hearing and testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The proposed request is consistent with the original use of the parcel and reinstates the entitlements previously enjoyed on the subject site.

ACTION:

After notice and public hearing, based upon the record in this matter and ALL of the findings of fact and conclusions of law above, the BOCC hereby **APPROVES** the request for reverting a one acre portion of the site to its original configuration and zoning of C-2/(Highway Commercial), as set forth in the BOCC Action, which is incorporated herein by reference and made a part hereof. Any requests, uses, variances or exceptions that were requested in connection with this rezoning application but not specifically approved herein are hereby deemed **DENIED**.

ADOPTED IN REGULAR SESSION THE 9th DAY OF MAY 2023.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest:

Heidi Kuppe, Deputy Clerk
Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By:

John Allocco
John Allocco
Chairman

(SEAL)

