

March 22, 2023

MEMORANDUM

TO: Planning and Zoning Commission

VIA: Michelle L. Miller, M.S. | Planning Administrator

FROM: Omar De Pablo, Senior Planner
Department of Planning

SUBJECT: H-21-54 | Correct a Rezoning Scrivener's Error

On October 12, 2021, the Board of County Commissioners approved a rezoning on parcel key number 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. The 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 it 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 whole parcel was rezoned and effectively rendered the existing motorcycle showroom and motorcycle service/repair establishment 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 discussions with the petitioner, staff reviewed the original application and hearing videos and determined that enough evidence existed within the applications narrative and master plan to indicate the petitioner intent was indeed to retain the C-2/(Highway Commercial) on the preexisting one acre commercial portion. The designation of PDP(OP)/Planned Development Project (Office Professional) on the one acre portion is considered a scrivener's error. Staff's recommendation is to revert the one acre back to C-2/(Highway Commercial). Since the rezoning is considered a scrivener's error no rezoning or further action is required. Staff will coordinate with the County's GIS Department and correct the zoning on our map. All other requests for H-21-54 shall remain in full force and effect. The applicant's original application packet has been provided.

Copies: Applicant's File