



# MEMORANDUM

**TO:** Board of County Commissioners

**FROM:** Misty Servia, AICP  
Planning Director

**DATE:** June 29, 2026

**SUBJECT:** Request for a Time extension for a Special Exception, previously granted to Martin Meza (USE-0060-2021), requested by Jesse & Amorette Sterling.

**COMPLIANCE:** Based on the analysis below, granting the Special Exception time extension is not compliant with the Comprehensive Plan and Land Development Regulations.

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**Request:**

Jesse and Amorette Sterling have filed a request (APPL-0013-2026) (Exhibit A) to extend a Special Exception (USE-0060-2021) approval for an additional 4 years for the property located at 5040 NE Cubitis Avenue.

**Background:**

The Special Exception was granted to Martin A. Meza and Sara Nair on August 24, 2021, for a site built single family residence within the Commercial Neighborhood zoning district. The Land Development Regulations do not allow single-family homes in the CN zoning district, so the justification for this process is unclear and the documents on file did not analyze the request. The Meza Staff Report (Exhibit B) and Meza Concept Plan (Exhibit C) are attached for reference.

Approval of the Special Exception (Resolution No. 2021-42) (Exhibit D) was granted on August 24, 2021, to Martin A. Meza and Sara Nair Dionisio and will expire August 24, 2026.

Ownership: Martin A. Meza and Sara Nair Dionisio sold the property in February 2022 to James R. Newberry, James R. Newberry II, and Nicholas E. Newberry. Subsequently, the property was purchased by Jesse and Amorette Sterling in February 2026.

**Applicable LDR Regulations (Exhibit E):**

Section 20-136(1).a lists the permitted uses and structures allowed in the CN zoning district. Residential uses are not allowed, except for affordable residential uses that are part of the Live Local Act.

Section 20-136(1).b lists accessory uses and structures allowed in the CN zoning district. Neither residential uses nor caretakers are allowed as an accessory use.

Section 20-136(1).c lists uses and structures that are allowed with approval of a Special Exception. The list of specific land uses does not include any residential uses.

Section 20-136(1).c.8 provides discretion to the Director and allows “any other *professional or commercial use* which is comparable in nature with the foregoing uses and which the Development Director determines to be compatible in the district.” However, this discretionary language applies only to professional and commercial uses and does not allow for residential uses.

Section 20-1434(c) of the Land Development Regulations (LDR) addresses the expiration of Special Exceptions and time extensions and provides as follows: “(c) Any special exception shall expire five years from the date of approval by the Board of County Commissioners if the special exception use has not commenced or five years following the discontinuance of the special exception use, unless appealed and extended by action of the Board of County Commissioners.”

**Zoning Compliance:**

The existing CN zoning district can be considered the most appropriate district that aligns with the Comprehensive Plan and Land Development Regulations for the 0.8-acre parcel.

The Rural/Agricultural Future Land Use Category of the Comprehensive Plan requires a maximum density of 1 dwelling unit per 10 acres, and in some cases allows 1 unit per 5 acres but prohibits density greater than 1 unit per 5 acres; therefore, prohibiting a residential rezoning option for a 0.8-acre parcel. The parcel is too small to qualify for a rezoning to A-10.

Staff explored the two following options:

1. Rezone to RSF-1 – *Not Compliant*: Rezoning the property to RSF-1 (Residential Single Family – 1) was explored, as the properties located to the north, south, and west, across Northeast Cubitis Avenue are zoned RSF-1. However, the subject site is in the Rural/Agricultural Future Land Use Category of the Comprehensive Plan where the intent is primarily agricultural, pastoral, and rural residential development with a maximum density of 1 dwelling unit per 10 acres. The subject parcel is 0.8 acre, falling short of the 10-acre minimum required, and therefore not

a viable option. Additionally, the 0.8-acre parcel does not meet the minimum lot size of 1-acre for the RSF-1 zoning district.

2. **Rezone to CG – *Potential Alternative*:** Staff explored the option of rezoning to CG (Commercial General). Comprehensive Plan Policy 1.3.6 of the Rural/Agricultural category explains that the lowest order of commercial goods and services which serve the daily needs of nearby residents, may be permitted for parcels no larger than 3-acres, with direct access on an arterial roadway, with a maximum impervious lot coverage of 70%, and not within 10-miles of another commercial property. Because there is an automotive repair shop nearby, rezoning to CG could contravene the distance requirement of Policy 1.3.6.

The LDR regulations do not define the different types of commercial uses or differentiate between light industrial and commercial uses. An additional challenge of the GC zoning district is that while a single-family residence is a permitted use, it is only allowable if contained within the same structure occupied by commercial use. See LDR Sec. 20-137(1) (a)(1).

**Potential Alternative:**

There is not an easy path to allow the Applicant to build a home on the subject site. Should the Applicant wish to pursue a rezoning to CG with a Development Plan for home within the same structure as a commercial business, this may be a viable alternative. If this application went forward, the Board would have to find that the rezoning complied with the 10-mile separation from another commercial business in accordance with Comprehensive Plan Policy 1.3.6.

If the aforementioned option is pursued, the Comprehensive Plan requires the CG rezoning to be processed in conjunction with a Development Plan. As with all quasi-judicial matters, there is never a guarantee the zoning and Development Plan will be approved.

Enclosures: EXHIBIT A Time Extension Request  
EXHIBIT B Meza Staff Report  
EXHIBIT C Meza Concept Plan  
EXHIBIT D Resolution No. 2021-42  
EXHIBIT E Applicable LDR Regulations  
EXHIBIT F Future Land Use Map  
EXHIBIT G Zoning Map