



Legislation Details (With Text)

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**Title:** Rezoning Petition Submitted by Brightwork Real Estate, Inc., on Behalf of Kenneth L. Haber, Martha Haber, Gary Haber, and Evelyn Haber (H2167)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. H2167 P&Z Action, 2. H2167 Staff Report, 3. H2167 BOCC Action 4-12-22, 4. H2167 Aerial Map, 5. H2167 Existing Future Land Use Map, 6. H2167 Location Map, 7. H2167 Application, 8. H2167 Narrative, 9. H2167 Public Inquiry Documents, 10. H2167 Master Plan Revision Per Traffic Study, 11. H2167 Transportation Analysis, 12. H2167 Public Correspondence, 13. H2167 Resolution, 14. Affidavit of Publication of Legal Ad PD-23-18 REZ, 15. Affidavit of Publication of Legal Ad PD-23-22 REZ 8-22-23

Date	Ver.	Action By	Action	Result
8/22/2023	1	Board of County Commissioners	adopted	Pass

**TITLE**

Rezoning Petition Submitted by Brightwork Real Estate, Inc., on Behalf of Kenneth L. Haber, Martha Haber, Gary Haber, and Evelyn Haber (H2167)

**BRIEF OVERVIEW**

**Request:**

Rezoning from PDP(SU)/Planned Development Project (Special Use) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 Uses and deviations.

**General Location:**

Northeast corner of Commercial Way and Spring Hill Drive

**BOCC Action:**

On April 12, 2022, the Board of County Commissioners voted 5-0 to postpone the petitioner’s request for a rezoning from PDP(SU)/Planned Development Project (Special Use) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses and deviations performance conditions until such time that a traffic access analysis is completed by the applicant and reviewed by staff. The Board did not feel that adequate substantial competent evidence regarding traffic was provided at the meeting to allow a decision. The traffic analysis shall include the following minimum information:

- Analysis of traffic patterns and impacts based on the proposed access points presented by the applicant.

- Analysis of traffic patterns and impacts based on the two access points on US Highway 19 (Commercial Way) as identified by the applicant and two inbound/outbound right-turn only access points from Pinehurst Drive.
- Analysis of traffic patterns and impacts based on the two access points on US Highway 19 (Commercial Way) and no access points from Pinehurst Drive.
- Potential for connection to an existing frontage road from Timber Pines Commercial Development directly north of the subject site.

Subsequent to the April 12, 2022, Board of County Commissioners hearing and per Board direction, the petitioner submitted a Traffic Access Analysis for review by the County Engineer. Staff has provided an updated recommendation for the Board's consideration incorporating direction from the County Engineer.

**Hearing Detail:**

This petition was postponed from the August 8, 2023, Board of County Commissioners hearing. This petition was fully readvertised for the August 22, 2023, public hearing.

**FINANCIAL IMPACT**

A matter of policy. No financial impact.

**LEGAL NOTE**

The Board has the authority to make the requested rezoning decision pursuant to Chapters 125 and 163 Florida Statutes. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A (Zoning Code), Article VI. The Applicable Criteria for a PDP are found in Appendix A (Zoning Code), Article VIII. The Zoning District Amendment must be consistent with the Comprehensive Plan.

**RECOMMENDATION**

It is recommended that the Board adopt a resolution approving the petitioner's request for a rezoning from PDP(SU)/Planned Development Project (Special Use) to PDP(GC)/ Planned Development Project (General Commercial) with Specific C-2 uses and deviations with the following modified performance conditions. It is further recommended that the Board authorize the Chairman's signature on the attached associated resolution.