



## Legislation Details (With Text)

**File #:** 12128  
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**File created:** 4/11/2023 **In control:** Board of County Commissioners  
**On agenda:** 5/9/2023 **Final action:** 5/9/2023  
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**Title:** Rezoning Petition Submitted by Aaron Tam on Behalf of Fanta Land Corp (H2272)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. H-22-72 P&Z Action, 2. H-22-72 Staff Report, 3. H-22-72 Master Plan, 4. H-22-72 Maps, 5. H-22-72 Application Packet, 6. H-22-72 Resolution, 7. H-22-72 Proof of Publication, 8. Affidavit of Publication of Legal Ad PD-23-07

Date	Ver.	Action By	Action	Result
5/9/2023	1	Board of County Commissioners	adopted	Pass

### TITLE

Rezoning Petition Submitted by Aaron Tam on Behalf of Fanta Land Corp (H2272)

### BRIEF OVERVIEW

#### Request:

Rezoning from R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with deviations

#### General Location:

East of Commercial Way (US Hwy 19), approximately 500' south of Yellow Hammer Road

#### P&Z Action:

On April 10, 2023, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt a resolution approving the petitioner’s request for a rezoning from R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with unmodified performance conditions. Commissioner Kathryn Birren was the dissenting vote.

#### Hearing Detail:

The following members were present at the April 10,2023, Planning and Zoning Commission meeting: Chairman Jonathan McDonald; Vice Chairman W. Steve Hickey; Kathryn Birren, Nicholas Holmes, Donald Whiting, and Gregory Arflack (an alternate member present in a non-voting capacity).

### 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 to the Planned Development District and applicable PDP master plan must be consistent with the Comprehensive Plan.

Appendix A, Article VI, Section 2 provides that the governing body may convert a conventional zoning amendment to a planned development district.

## **RECOMMENDATION**

It is recommended the Board adopt a resolution approving the petitioner's request for a rezoning from R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with unmodified performance conditions. It is further recommended that the Board approve and authorize the Chairmans signature on the attached associated resolution.