



Legislation Details (With Text)

**File #:** 21-1093

**Type:** Public Hearing Quasi Judicial      **Status:** Passed

**In control:** Board of County Commissioners

**On agenda:** 9/28/2021      **Final action:** 9/28/2021

**Title:** D.R. HORTON, INC. REQUESTS APPROVAL OF REZONING TO PLANNED UNIT DEVELOPMENT THROUGH A PUD ZONING AGREEMENT INCLUDING A MASTER/FINAL SITE PLAN FOR THE PRESERVE AT PARK PLACE PROJECT (V038-002)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2021\_0831\_V038-002\_Staff\_Report\_Final.pdf, 2. 2021\_0901\_V038-002\_Master\_Final\_Site\_Plan.pdf, 3. PUD Agreement (9-15-21).pdf, 4. 2021\_0819\_V038-002\_PAMP.pdf, 5. 2021\_0902\_V038-002\_Zoning\_resolution.pdf, 6. 2021\_0901\_V038-002\_Application\_Materials.pdf, 7. 2021\_0901\_V038-002\_Landscape\_Plans.pdf, 8. 2021\_0901\_V038-002\_Disclosure and Legal.pdf, 9. 2021\_0827\_V038-002\_Notice\_Letter.pdf, 10. 2021\_0901\_V038-002\_Legal\_Ad.pdf, 11. 2020\_0630\_V038-002\_sign certification.pdf, 12. 2021\_0901\_V038-002\_Reso\_Deny.pdf, 13. Staff PowerPoint.pdf, 14. SUPP MEMO, 15. PUD Agreement (9-22-2021).pdf, 16. 2021\_0916\_DRAFT minutes (003).pdf

Date	Ver.	Action By	Action	Result
9/28/2021	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Public Hearings - Quasi-Judicial

**TITLE:**

**D.R. HORTON, INC. REQUESTS APPROVAL OF REZONING TO PLANNED UNIT DEVELOPMENT THROUGH A PUD ZONING AGREEMENT INCLUDING A MASTER/FINAL SITE PLAN FOR THE PRESERVE AT PARK PLACE PROJECT (V038-002)**

**EXECUTIVE SUMMARY:**

D.R. Horton, Inc. requests approval of rezoning to a Planned Unit Development (PUD) zoning district classification through The Preserve at Park Trace PUD Zoning Agreement. Included is a master/final site plan for the development of a 114-lot single family subdivision and the associated infrastructure on an approximate 97-acre parcel located on the south side of SE Cove Road at the SE Willoughby Boulevard intersection in Stuart. Included is a request for a Certificate of Public Facilities Reservation.

**DEPARTMENT:** Growth Management

**PREPARED BY:** Name: Peter Walden, AICP  
Title: Principal Planner

**REQUESTED BY:** Lucido and Associates, Morris A. Crady, AICP

**PRESET:**

## **PROCEDURES: Quasi-Judicial**

### **BACKGROUND/RELATED STRATEGIC GOAL:**

The existing future land use designation on the parcel is Estate Density up to two units per acre. The existing zoning district designation is RE-½A, Residential Estate District. The PUD zoning district will allow the applicant to transfer density and to cluster development; this will in turn provide more open space. The proposed site plan depicts a density of 1.2 units per acre and provides for approximately 84 percent open space project wide. The proposed Preserve Area Management Plan covers over 62 acres of the 97 acre parcel.

The project is located inside the Primary Urban Services District and therefore has utilities, including water and wastewater services available from Martin County Utilities. The only access to the site is via SE Cove Road. Wetland impacts require a waiver and mitigation measures as there is no upland alternative to provide access to the property.

The proposed public benefits include an additional 10.4 acres of upland preserve area and the extension of the public sidewalk on the south side of the SE Cove Road approximately 3,000 ft. west from the entrance of The Preserve at Park Trace PUD to the entrance of the Cove Royale PUD.

This application is scheduled for the Local Planning Agency on September 16, 2021.

The following supporting items are attached:

- Staff Report
- PUD Zoning Agreement
- Master/Final site plan
- Preserve Area Management Plan (PAMP)
- Rezoning Resolution
- Application Materials
- Landscape Plans
- Disclosure of Interest
- Notice to Surrounding Properties
- Legal Ad
- Sign Posting Affidavit
- Resolution to Deny
- Staff PowerPoint Presentation

### **ISSUES:**

There are no unresolved issues with this application.

### **LEGAL SUFFICIENCY REVIEW:**

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision based on a correct application of the law and competent substantial evidence in the record.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

- Move that the Board receive and file the agenda item and its attachments including the staff report as Exhibit 1.
- Move that the Board approve the request for a zoning district change from the RE-1/2A, Residential Estate District to the Planned Unit Development District through The Preserve at Park Trace PUD Zoning Agreement including the Master/Final Site Plan and the Preserve Area Management Plan

**ALTERNATIVE RECOMMENDATIONS**

Move that the Board continue this item to a date certain.

**FISCAL IMPACT:**

**RECOMMENDATION**

The applicant has paid the \$13,800 application fee and the \$290.00 completeness fee.

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- Budget Transfer / Amendment     Chair Letter     Contract / Agreement  
 Grant / Application     Notice     Ordinance     Resolution  
 Other:

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