



Legislation Details (With Text)

**File #:** 21-0274

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

**In control:** Board of County Commissioners

**On agenda:** 1/12/2021    **Final action:** 1/12/2021

**Title:** PUBLIC HEARING TO CONSIDER AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS FOR THE PROPERTY WHICH IS THE SUBJECT OF COMPREHENSIVE PLAN AMENDMENT 19-6, KL WATERSIDE, LLC, FUTURE LAND USE MAP AMENDMENT

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report\_Rezoning 19-6.pdf, 2. Rezoning Resolution Cover.pdf, 3. Resolution.pdf, 4. EX B INDUSTRIAL (LI) Legal description.pdf, 5. Rezoning Application Materials Cover.pdf, 6. combined rezoning application.pdf, 7. Rezoning Meeting Minutes.pdf, 8. LPA Minutes.pdf, 9. Public Notice Rezoning.pdf, 10. BCC notice letter (adoption).pdf, 11. Ad.pdf, 12. adproof.pdf

Date	Ver.	Action By	Action	Result
1/12/2021	1	Board of County Commissioners	approved	Pass

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

**TITLE:**

**PUBLIC HEARING TO CONSIDER AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS FOR THE PROPERTY WHICH IS THE SUBJECT OF COMPREHENSIVE PLAN AMENDMENT 19-6, KL WATERSIDE, LLC, FUTURE LAND USE MAP AMENDMENT**

**EXECUTIVE SUMMARY:**

This application is a request for a zoning district change on approximately 499.4 acres located south of SW 96th Street and west of Kanner Highway (SR 76). It is being considered concurrent with a proposed amendment to the Future Land Use Map (FLUM), CPA 19-6, KL Waterside. The request is to rezone portions of the property from WGC, (Waterfront General Commercial) and GI to AG-20A (Agricultural) and from A-2 (Agricultural) to LI, (Limited Industrial).

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Samantha Lovelady, AICP  
**Title:** Principal Planner

**REQUESTED BY:** KL Waterside, LLC/ SIP Waterside Member, LLC

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

Comprehensive Growth Management Plan Policy 4.4A.1. provides that “Parcels being considered for amendment to the future land use designation shall be concurrently evaluated for rezoning to the most appropriate zoning district in the most recently adopted Land Development Regulations.”

A concurrent rezoning is required for each Future Land Use Map (FLUM) amendment where the amendment creates an inconsistency with the current zoning designation.

**ISSUES:**

Analysis of the proposed rezoning can be found in the staff report attached to this Board item.

**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**

1. Move that the Board receive and file the Agenda Item Summary and all its attachments including the staff report for the record as Exhibit 1.
2. Move that the Board amend the Martin County Zoning Atlas to change the zoning districts on the approximately 499.4 acres of land from WGC, (Waterfront General Commercial) and GI (General Industrial) to AG-20A (Agricultural); and from A-2 (Agricultural) to LI (Limited Industrial) as set forth in the resolution.

**ALTERNATIVE RECOMMENDATIONS**

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

**FISCAL IMPACT:**

**RECOMMENDATION**

Staff time.

**ALTERNATIVE RECOMMENDATIONS**

Staff time.

**DOCUMENT(S) REQUIRING ACTION:**

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

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