



Legislation Details (With Text)

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In control: Board of County Commissioners

On agenda: 6/6/2023 **Final action:** 6/6/2023

Title: PUBLIC HEARING TO CONSIDER ADOPTION OF AN AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR BARON LANDINGS, LLC (G076-007)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2023_0511_G076-007_Staff_Report_Final.pdf, 2. 230606_Reso to Approve.pdf, 3. Termination of Golf World PUD Agreement.pdf, 4. 2023_0606_G076-007_Application Materials.pdf, 5. 2023_0606_G076-007_Disclosure of Interest Affidavit.pdf, 6. 230511_Applicant Notice Letter.pdf, 7. 2023_0606_G076-007_Property Search Certification.pdf, 8. 2023_0606_Sign Posting Affidavit.pdf, 9. 2023_0517_G076-007_LAD_Tearsheet.PDF, 10. 230530_Draft Reso to Deny.pdf, 11. 2023_0606_BaronLandings Rezoning.pdf

| Date | Ver. | Action By | Action | Result |
|----------|------|-------------------------------|----------|--------|
| 6/6/2023 | 1 | Board of County Commissioners | approved | Pass |

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF AN AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR BARON LANDINGS, LLC (G076-007)

EXECUTIVE SUMMARY:

This is a request by Baron Landings, LLC (G076-007) f/k/a Golf World 76 for a proposed amendment to the county zoning atlas for a commercial district. The proposed amendment is to change the existing Planned Unit Development (PUD) District to GC, General Commercial District or the most appropriate district. The subject parcel is approximately 21.40 acres and is part of the 26.06-acre former Golf World entertainment facility located on the east side of SR76/S Kanner Highway between SE Salerno Road and SE Cove Road, in Stuart. Included with this application is a request for a Certificate of Public Facilities Exemption.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Elizabeth Nagal, AICP
Title: Principal Planner

REQUESTED BY: Michael Houston, HJA Design Studio, LLC

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

The Golf World Planned Unit Development (PUD) Agreement was approved on August 9, 1988. Golf World is no longer in business and the owner has sold the property. Associated with the request to rezone is a proposal to terminate the Golf World PUD Agreement. The subject parcel is part of the 26.06-acre former Golf World entertainment facility on the east side of SR76/S Kanner Highway, south of Salerno Road and north of Cove Road, in Stuart.

The property is designated General Commercial on the Future Land Use Map (FLUM) of the Comprehensive Growth Management Plan (CGMP). The site is currently zoned as the Golf World Commercial PUD, compatible with the General Commercial future land use and does not require a mandatory zoning change. A zoning change is requested to address a change in ownership and the closing of the former commercial use. This application follows the rezoning of the front 4.63 acres of the Golf World PUD which was approved in November 2022.

The existing Golf World PUD has a Preserve Area Management Plan (PAMP), which was approved prior to the establishment of the first policies in the CGMP and Land Development Regulations (LDRs) for preservation of native upland habitat. As the PAMP was included on the approved landscaping and master site plan, the PAMP is a valid document and preserve areas will need to be identified on the first final site plan that is submitted on the overall 26.06-acre site. The specific areas and acreage will be determined based on a current environmental assessment to maintain the intent of upland preservation but allow for the preservation of the best upland habitat on site. Any proposed amendment to the PAMP that changes the size, shape or area will be brought to the Board of County Commissioners (BOCC) for approval with a recommendation by the Growth Management Director pursuant to Section 4.36.C of the Land Development Regulations.

There is currently no pending application for any particular use or structures on this 21.40-acre portion of the site. An application to rezone the front 4.63-acres of the Golf World PUD from PUD to General Commercial was approved in November 2022 and a minor final site plan for three commercial buildings has been submitted for that portion.

There are two (2) standard "Category A" zoning districts that are available to implement the General Commercial future land use policies of the CGMP, which are Community Commercial District (CC) and General Commercial District (GC). In addition to the standard zoning districts, the PUD zoning district is also available. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County.

This item will be heard by the Local Planning Agency on June 1, 2023, and the recommendation will be provided to the Board of County Commissioners.

The following supporting materials are provided attached to this agenda item:

- Staff Report
- Draft Resolution to Approve Rezoning
- Golf World PUD Termination Agreement
- Application Materials
- Disclosure of Interest Affidavit

Legal Ad
Sample Letter Surrounding Property Owners
Surrounding Property Owners Certification
Sign Posting Affidavit
Staff Presentation
Draft Resolution to Deny Rezoning

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

Because this request involves the application of a policy 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 that is 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 and all attachments including the staff report as Exhibit 1.
2. Move that the Board approve the request to terminate the Golf World PUD Agreement.
3. Move that the Board approve the resolution to rezone from PUD Commercial to General Commercial (GC).

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$3,115. application fee and the \$290 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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