



Legislation Details (With Text)

File #: 19-0067
Type: Departmental Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 11/20/2018 **Final action:** 11/20/2018
Title: HOBE SOUND BTS RETAIL PUD FINAL SITE PLAN (K024-003 F/K/A HERITAGE RIDGE PUD PARCEL C-4 LOT 2)
Sponsors:
Indexes:
Code sections:

Attachments: 1. 2018_1026_K024-003_DRT_Staff_FINAL.pdf, 2. 2018_1120_K042-003_RESO_HobeSoundBTSRetail_PUDFSP_APPR_DRAFT.pdf, 3. Exhibit_A_LegalDescription_K024-003.pdf, 4. Exhibit_B_FinalSitePlan_K024-003.pdf, 5. Reso_CornerClip_Acceptance.pdf, 6. 1978 PUD Zoning Agreement.pdf, 7. NinthAmendment_PUD.pdf, 8. 2017_1004_K024-003_APP_excerpt.pdf, 9. 2017_1005_Revised_Narrative.pdf, 10. 2018_0219_K024-003_RESUB_excerpt.pdf, 11. 2018_0731_K024-003_RESUB_CC_SketchLegal.pdf, 12. 2018_0731_K024-003_RESUB_excerpt.pdf, 13. 2018_0731_K024-003_RESUB_LandscapePlans.pdf, 14. 2018_0731_K024-003_RESUB_TIA_excerpt.pdf, 15. 2018_0919_K024-003_ArchitecturalPlans.pdf, 16. 2018_1011_K024-003_RESUB_excerpt.pdf, 17. 2018_1016_K024-003_RESUB_excerpt.pdf, 18. Disclosure_Pages from 2017_1004_K024-003_APP_Digital_Submittal.pdf, 19. 2017_1016_K024-003_Noticing sign and cert.pdf, 20. Public_Comments.pdf, 21. 2018_1120_K042-003_RESO_HobeSoundBTSRetail_PUDFSP_DENY_DRAFT.pdf

Date	Ver.	Action By	Action	Result
11/20/2018	1	Board of County Commissioners	approved	Pass
11/20/2018	1	Board of County Commissioners	approved	Pass

PLACEMENT: Departmental - Quasi-Judicial

TITLE:

HOBE SOUND BTS RETAIL PUD FINAL SITE PLAN (K024-003 F/K/A HERITAGE RIDGE PUD PARCEL C-4 LOT 2)

EXECUTIVE SUMMARY:

This is a request for approval of a planned unit development (PUD) final site plan. The subject site is a parcel of approximately 4.06 acres located on the southeast corner of SE Federal Highway and SE Constitution Blvd in Stuart, known as Lot 2 of Parcel C-4 of the Heritage Ridge PUD. Proposed is the subdivision of the lot into two lots and the development of a retail use within one of the resulting lots.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Catherine Riiska
Title: Principal Planner

REQUESTED BY: Matt Casey, Zaremba, Contract Purchaser; Jorge Hernandez, Avid Group, Agent

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

The Heritage Ridge Development of Regional Impact (DRI) and Planned Unit Development (PUD) Zoning Agreement were approved by the Board of County Commissioners on November 21, 1978 and October 31, 1978, respectively, to include a maximum of 1067 residential units, recreational areas, golf course, open space, public service areas and commercial areas, together with accessory buildings, utilities and other related improvements. The DRI was recorded in Martin County Official Records Book 458, Page 933 and the PUD was recorded in Martin County Official Records Book 467, Page 1922. Within Exhibit F-1 of the PUD Agreement, Item #9 identified "Parcel C-4, shall be developed as if zoned "B-1", business district, as according to the Martin County, Florida zoning regulations."

The Ninth Amendment to the PUD Agreement, approved on July 11, 1989, and recorded in Martin County Official Records Book 823, Page 090, revised the Item #9 of Exhibit F-1, to set forth "Parcel C-4 shall be developed as if zoned General Commercial, according to the Martin County Zoning Regulations, as amended from time to time. This parcel may be subdivided by record plat as approved by the Board of County Commissioners." The Plat for Parcel C-4, which divided the parcel into three lots, was recorded in Plat Book 12, Page 16, on November 7, 1989. This application is for the platted Lot 2.

The subject site is a parcel of approximately 4.06 acres located on the southeast corner of SE Federal Highway and SE Constitution Blvd in Stuart, known as Lot 2 of Parcel C-4 of the Heritage Ridge PUD. The site is undeveloped and bounded on the east and south by a drainage right-of-way, by SE Constitution Blvd on the north and by SE Federal Highway on the west. The current application proposes the subdivision of Lot 2, into two lots to be designated Lot 2A and Lot 2B, and the development of a general retail use within a single-story 9,100 square-foot building with associated infrastructure on Lot 2A fronting SE Federal Highway. Proposed Lot 2B is not proposed for development at this time and will be required to receive a development order from the County prior to any development.

The site has an existing gas station with convenience store located on the southernmost parcel containing approximately 0.8 of an acre. The applicant proposes to incorporate the two adjacent undeveloped parcels to the north and to redevelop and expand the existing gas station with convenience store including supporting infrastructure. Proposed is a 5,339 square-foot convenience store with nine (9) fuel pumps. The proposed project includes the preservation of 5,500 square feet of upland habitat within the northernmost portion of the site.

The site has a future land use designation of Commercial General and zoning district of General Commercial as approved by the Board of County Commissioners via a Comprehensive Plan Amendment and Zoning Change which was adopted on July 25, 2017. The proposed redevelopment and expansion of the existing vehicular service and maintenance use with accompanying retail is a permissible use within this land use and zoning. The property is located within the primary urban services district and is serviced by Martin County Utilities for water and wastewater services.

During the review process, the Applicant agreed to convey a 25 foot corner clip at the corner of SE Federal Highway and SE Constitution Boulevard to Martin County. Sections 139.31 and 139.32, General Ordinances, Martin County Code require that any conveyance of an interest in land to Martin County for any public purpose shall be accepted and approved by resolution by the Board of County Commissioners of Martin County. Staff has prepared a resolution accepting the conveyance.

This application is classified as a PUD development, with a previously approved PUD Zoning Agreement and master site plan. As such, final action on this request for approval is required by the Board of County Commissioners at a public meeting pursuant to Section 10.5.A.2., Land Development Regulations, Martin County Code. Pursuant to Section 10.4.A.1., Land Development Regulations, Martin County Code, a review of this application is not required by the Local Planning Agency (LPA).

The following supporting materials are provided attached to this Agenda Item:

- Staff Report
- Draft Resolution for Approval
- Site Legal Description (Exhibit A to resolution)
- PUD Final Site Plan (Exhibit B to resolution)
- Draft Resolution for Corner Clip Dedication
- Heritage Ridge PUD Zoning Agreement
- Ninth Amendment to PUD Zoning Agreement
- Application Materials
- Financial Disclosure Affidavit
- Noticing Sign Posting Certification
- Public Comments
- Draft Resolution for Denial

The following information regarding presentations by staff and the applicant is provided.

Staff presentation-

- Estimated time: Approximately 5 minutes
- Catherine Riiska, Principal Planner
- Additional County Staff as needed

Applicant presentation-

- Estimated time: 30 minutes
- Robert Raynes, Jr., Esq., Attorney, Gunster Law
- Matt Casey, Hobe Sound BTS Retail, Owner Representative
- Jorge Hernandez, Project Engineer
- John Waby, Project Surveyor
- Josh Long, Project Planner

ISSUES:

There are no unresolved issues associated 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 that is based on a correct application of the law and competent substantial evidence in the record. Suggested procedures to follow during consideration of this matter are attached.

RECOMMENDED ACTION:

RECOMMENDATION

1. Move that the Board receive and file the Agenda Item Summary and all of its attachments including the Staff Report for the record as Exhibit 1.
2. Move that the Board approve the Hobe Sound BTS Retail PUD Final Site Plan and adopt the resolution of approval.
3. Move that the Board approve the resolution accepting a Warranty Deed for a 25' corner clip at the corner of SE Federal Highway and SE Constitution Boulevard from Hobe Sound BTS Retail, LLC, a Florida limited liability company.

ALTERNATIVE RECOMMENDATIONS

- 2A. Move that the Board continue this matter to a date certain.
- 2B. Move that the Board deny the Hobe Sound BTS Retail PUD Final Site Plan and adopt a resolution of denial setting forth the reasons for the denial.

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid \$290 for sufficiency review and \$11,409 for application review fees.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

As Above.

DOCUMENT(S) REQUIRING ACTION:

- Budget Transfer / Amendment
 Chair Letter
 Contract / Agreement
 Grant / Application
 Notice
 Ordinance
 Resolution
 Other: 2 Resolutions