



Legislation Details (With Text)

**File #:** 19-0217  
**Type:** Public Hearing Quasi Judicial    **Status:** Passed  
**In control:** Board of County Commissioners  
**On agenda:** 1/29/2019    **Final action:** 1/29/2019  
**Title:** PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS REGARDING 3.4 ACRES LOCATED AT NE 24TH STREET AND NE 18TH AVENUE IN JENSEN BEACH

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Leilani.ZONING.staffrpt.pdf, 2. application materials.pdf, 3. 20-Sep-18 LPA Minutes.pdf, 4. public comment.pdf, 5. Rezoning\_resolution.pdf, 6. Public Notice.pdf

Date	Ver.	Action By	Action	Result
1/29/2019	1	Board of County Commissioners	approved	Pass

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

**TITLE:**

**PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS REGARDING 3.4 ACRES LOCATED AT NE 24TH STREET AND NE 18TH AVENUE IN JENSEN BEACH**

**EXECUTIVE SUMMARY:**

The Board of County Commissioners initiated the amendment of the Future Land Use Map and Zoning Atlas regarding this 3.4 acre County-owned property. Only one zoning district is designed to implement the Institutional-Recreation Future Land Use designation. That zoning district is PR (Public Recreation). The Local Planning Agency recommended approval. Staff recommends approval of the amendment of the Zoning Atlas, changing the zoning district of this land from R-2 (Single Family Residential) to PR (Public Recreation Zoning District).

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Irene A. Szedlmayer, AICP  
**Title:** Senior Planner

**REQUESTED BY:** Board of County Commissioners

**PRESET:**

**PROCEDURES:** Quasi-Judicial

**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.”

**ISSUES:**

A concurrent rezoning is required for each Future Land Use Map (FLUM) amendment where the amendment creates an inconsistency with the current zoning designation. The proposed action on this request to re-zone assumes that the Board of County Commissioners approved the related CPA 18-9, Reserve Area NO. 1, Leilani Heights Subdivision, Phase 1.

**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 of 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 district on the subject 3.4 acres of land from the R-2 (Single-Family Residential) to the PR (Public Recreation) Zoning District.

**ALTERNATIVE RECOMMENDATIONS**

1. Move that the Board continue the item to a future date certain.
2. Move that the Board deny the requested change of the zoning district.

**FISCAL IMPACT:**

**RECOMMENDATION**

Staff time.

Funding Source	County Funds	Non-County Funds
<b>Subtotal</b>		
<b>Project Total</b>	\$6,100	

**ALTERNATIVE RECOMMENDATIONS**

Staff time.

**DOCUMENT(S) REQUIRING ACTION:**

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