



## Legislation Details (With Text)

**File #:** 19-0048  
**Type:** Departmental Quasi Judicial **Status:** Passed  
**In control:** Board of County Commissioners  
**On agenda:** 11/13/2018 **Final action:** 11/13/2018  
**Title:** CIRCLE K US-1 COVE ROAD MAJOR REVISED FINAL SITE PLAN (C166-002)  
**Sponsors:**  
**Indexes:**  
**Code sections:**

**Attachments:** 1. 2018\_1012\_C166-002\_DRT\_Staff\_FINAL.pdf, 2. 2018\_1113\_C166-002\_FSP\_RESO\_APPR\_DRAFT.pdf, 3. Exhibit\_A\_LegalDescription\_C166-002.pdf, 4. Exhibit\_B\_RevisedFinalSitePlan\_C166-002.pdf, 5. Exhibit\_C\_PAMP\_C166-002.pdf, 6. 2017\_1004\_C166-002\_APP\_excerpt.pdf, 7. 2018\_0212\_C166-002\_RESUB\_excerpt.pdf, 8. 2018\_0625\_C166-002\_RESUB\_excerpt.pdf, 9. 2018\_0907\_C166-002\_RESUB\_excerpt.pdf, 10. 2018\_1009\_C166-002\_Artwork\_Final.pdf, 11. Landscape\_Alternative\_Compliance\_C166-002.pdf, 12. Disclosure\_C166-002.pdf, 13. Sign\_Posting\_Certification\_C166-002.pdf, 14. 2018\_1113\_C166-002\_FSP\_RESO\_DENY\_DRAFT.pdf

Date	Ver.	Action By	Action	Result
11/13/2018	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Departmental - Quasi-Judicial

### TITLE:

**CIRCLE K US-1 COVE ROAD MAJOR REVISED FINAL SITE PLAN (C166-002)**

### EXECUTIVE SUMMARY:

This is an application by Circle K Stores, Inc., requesting approval for a revised commercial, major development final site plan with a Certificate of Public Facilities Reservation for a 2.9 acre site located on the northwest corner of SE Cove Road and SE Federal Highway in Stuart.

**DEPARTMENT:** Growth Management

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

**REQUESTED BY:** Circle K Stores, Inc., Owner; Daniel T. Sorrow, Cotleur and Hearing, Agent

**PRESET:**

**PROCEDURES:** Quasi-Judicial

### BACKGROUND/RELATED STRATEGIC GOAL:

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.

The applicant has submitted a request for alternative compliance for landscaping, which is provided in the supporting materials and has been reviewed by County landscaping staff, who recommend approval of the request. Based upon Staff review of the submitted materials, the current project proposal for a revised final site plan for a major development has demonstrated compliance with all applicable regulations as detailed within the provided Staff Report.

This application is classified as a major development, with a previously approved final 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, Fla., (2016). Pursuant to Section 10.4.A.1., Land Development Regulations, Martin County, Fla. (2016), 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)
- Revised Final Site Plan (Exhibit B to resolution)
- PAMP (Exhibit C to resolution)
- Application Materials
- Alternative Compliance Request for Landscaping
- Financial Disclosure Affidavit
- Noticing Sign Posting Certification
- 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: 15-20 minutes

Robert Raynes, Jr., Esq., Attorney, Gunster Law

Daniel T. Sorrow, Agent, Coteleur and Hearing

Greg Webb, Construction Manager, Circle K

Ed Giunta, Director of Real Estate, Circle K

Nim Robinson, Project Manager, Bowman Engineering  
Andrew Peterson, Civil Engineer, Bowman Engineering  
Susan O'Rourke, Traffic Engineer  
Erik Juliano, Civil Engineer  
Arnould Roux, Environmental Consultant

**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 Circle K US-1 Cove Road Revised Final Site Plan and adopt the resolution of approval.

**ALTERNATIVE RECOMMENDATIONS**

- 2A. Move that the Board continue this matter to a date certain.
- 2B. Move that the Board deny the Circle K US-1 Cove Road Revised Final Site Plan and adopt a resolution of denial setting forth the reasons for the denial.

**FISCAL IMPACT:**

**RECOMMENDATION**

The applicant has paid fees of \$11,409.00 for sufficiency and major development application reviews.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

## ALTERNATIVE RECOMMENDATIONS

As Above.

### DOCUMENT(S) REQUIRING ACTION:

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement  |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Other:                      |                                       |  |