



Legislation Details (With Text)

File #: 19-0068
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 PLAT (K024-003, F/K/A HERITAGE RIDGE PUD PARCEL C-4 LOT 2)
Sponsors:
Indexes:
Code sections:

Attachments: 1. 2018_1026_K024-004_DRT_Staff_FINAL.pdf, 2. 2018_1015_K024-004_Plat_revised.pdf, 3. 2018_0824_K024-004_APP_excerpt.pdf, 4. 2018_0824_K024-004_BS.pdf, 5. 2018_1011_K024-004_RESUB_excerpt.pdf, 6. Contract_Surety_EOPCsigned_K024-004.pdf, 7. Noticing Sign Cert_2018_0824_K024-004_APP.pdf, 8. Disclosure Pages from 2018_0824_K024-004_APP.pdf, 9. 1978 PUD Zoning Agreement.pdf, 10. NinthAmendment_PUD.pdf, 11. 2018_1120_K024-004_RESO_Plat_DENY_DRAFT.pdf, 12. Exhibit_A_LegalDescription_K024-004.pdf

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

PLACEMENT: Departmental - Quasi-Judicial

TITLE:

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

EXECUTIVE SUMMARY:

This is an application to re-plat the existing Lot 2 of Parcel C-4 within the Heritage Ridge PUD development into two separate lots consistent with a proposed PUD final site plan to subdivide the lot into two lots and to develop one of the lots in conformance with the General Commercial development standards.

DEPARTMENT: Growth Management

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

REQUESTED BY: Hobe Sound BTS Retail. LLC, Contract Purchaser; Robert Raynes, Gunster, Agent/Attorney

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

Lot 2 consists of 4.06 acres located on the southeast corner of SE Constitution Blvd and SE Federal Highway. This application for a re-plat modifies the existing Plat of C-4 as recorded in 1989 in Plat

Book 12, Page 16, Martin County Public Records, to subdivide Lot 2 into two separate lots designated Lot 2A and 2B. 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. Included is a request for a Certificate of Public Facilities Exemption.

The Lot 2, Parcel C-4, Heritage Ridge PUD final site plan application is under concurrent review and proposes the subdivision of Lot 2 into two lots (2A and 2B) and minor development of Lot 2A, fronting SE Federal Highway, for a 9,147 square-foot retail use (Project # K024-003). Pursuant to Division 21, Article 4, Land Development Regulations, Martin County Code, the Plat must be consistent with the approved final site plan and the requirements of Chapter 177, Fla. Stat. and Chapter 61G17-6, Florida Administrative Code.

Pursuant to the PUD Zoning Agreement originally approved on October 31, 1978 by the Board of County Commissioners, Parcel C-4 was originally approved to be developed via the zoning standards of the B-1 Business District, under Item #9 of the Special Conditions. This condition was later amended to stipulate the development of Parcel C-4 under the GC General Commercial zoning standards and that Parcel C-4 may be subdivided by record plat as approved by the Board of County Commissioners. Parcel C-4 was previously approved for subdivision into three lots pursuant to the Plat recorded in Plat Book 12, Page 16, on November 7, 1989. The current application proposes to subdivide the existing Lot 2 into two lots in conformance with the development standards of the General Commercial zoning district.

This application is a plat of a project running concurrently with a final site plan application. 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. Approval of the plat must be preceded by approval of the final site plan, with which the plat must be consistent. 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
- Plat
- Application Materials
- Draft Contract and Surety with Cost Estimate
- Notice Sign Posting Certification
- Financial Disclosure Affidavit
- Heritage Ridge PUD Zoning Agreement
- Ninth Amendment to the PUD Zoning Agreement
- Draft Resolution for Denial of Plat, with Exhibit A Legal Description

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

Staff presentation-

- Catherine Riiska, Principal Planner
- Other staff members, as deemed necessary

Estimated time: Approximately 5 minutes

Applicant presentation-

- Robert Raynes, Esq., Gunster Law Firm, Attorney

Matt Casey, Hobe Sound BTS Retail, Owner Representative
Jorge Hernandez, Project Engineer
John Waby, Project Surveyor
Josh Long, Project Planner

Estimated time: Approximately 15 minutes

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 Plat for Hobe Sound BTS Retail including the Contract for Construction of Required Improvements and Infrastructure.

ALTERNATIVE RECOMMENDATIONS

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

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the review fee of \$13,600 and the sufficiency review fee of \$290.

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: Plat and Contract for Construction of Required Improvements and Infrastructure