



## Legislation Details (With Text)

**File #:** 19-0185

**Type:** Public Hearing Quasi Judicial **Status:** Passed

**In control:** Board of County Commissioners

**On agenda:** 1/29/2019 **Final action:** 1/29/2019

**Title:** TREASURE COAST CLASSICAL ACADEMY MAJOR FINAL SITE PLAN (D054-005)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1 - 2018\_1121\_D054-005\_DRT\_Staff\_FINAL.pdf, 2. 2 - 2019\_0129\_D054-005\_RESO\_APPR\_Draft.pdf, 3. 3 - Exhibit\_A\_LegalDescription\_D054-005.pdf, 4. 4 - Exhibit\_B\_FinalSitePlan\_2018\_1213\_D054-005.pdf, 5. 5 - Exhibit\_C\_PAMP\_2018\_1213\_D054-005\_RESUB.pdf, 6. 6a - 2018\_1002\_D054-005\_App\_excerpt.pdf, 7. 6b - 2018\_1002\_D054-005\_BS.pdf, 8. 6c - 2018\_1002\_D054-005\_Concept\_Plan.pdf, 9. 6d - 2018\_1002\_D054-005\_Concept\_Plan\_2.pdf, 10. 6e - 2018\_1002\_D054-005\_Elevations.pdf, 11. 6f - 2018\_1002\_D054-005\_FSP.pdf, 12. 6g - 2018\_1002\_D054-005\_LP.pdf, 13. 7a - 2018\_1213\_D054-005\_RESUB\_excerpt.pdf, 14. 7b - 2018\_1213\_D054-005\_LA.pdf, 15. 7c - 2018\_1213\_D054-005\_AP.pdf, 16. 7d - 2018\_1213\_D054-005\_FP1.pdf, 17. 7e - 2018\_1213\_D054-005\_Drainage\_Report.pdf, 18. 7f - 2018\_1213\_D054-005\_CP.pdf, 19. 8 - Financial Disclosure D054-005.pdf, 20. 9 - 2018\_1218\_D054-004\_SignPostingCertification.pdf, 21. 10 - 2018\_1211\_D054-005\_DRAFT SAMPLE LETTER TO SURROUNDING PROPERTY OWNERS.pdf, 22. 11 - LegalAd\_D054-005\_scanned.pdf, 23. 12 - 2019\_0129\_D054-005\_RESO\_DENY\_Draft.pdf, 24. gmd2019M205 SUPPLEMENTAL\_2.pdf

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

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

**TITLE:**

**TREASURE COAST CLASSICAL ACADEMY MAJOR FINAL SITE PLAN (D054-005)**

**EXECUTIVE SUMMARY:**

Driftwood Cay of Stuart, LLC, requests approval of a major final site plan for development of a two-story, 65,000 square-foot educational institution with associated infrastructure on approximately 14.22 acres located at 1400 SE Cove Road. Included is a request for a Certificate of Public Facilities Reservation.

**DEPARTMENT:** Growth Management

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

**REQUESTED BY:** Driftwood Cay of Stuart, LLC

**PRESET:**

## **PROCEDURES: Quasi-Judicial**

### **BACKGROUND/RELATED STRATEGIC GOAL:**

This application is a request by Driftwood Cay of Stuart, LLC, for approval of a major development final site plan for an educational institution of two stories and approximately 65,000 square feet on approximately 14.22 acres. The site is currently undeveloped, contains wetland and upland habitat, and is located at 1400 SE Cove Road, on the south side of SE Cove Road approximately 300 feet west of SE Grace Lane, in Stuart. Included in this application is a request for a Certificate of Public Facilities Reservation.

The property has a future land use designation of Estate Density and is zoned RE-1/2A, Residential Estate District. Adjacent existing land uses include single family residential, institutional, state park recreational, and vacant land zoned for residential use. The proposed educational institution is a permitted use within this land use and zoning and is proposed to host approximately 1,140 students in grades K-12 and 58 employees. In addition to demonstrating compliance with the development standards applicable to the proposed project as contained in the Martin County Code, Land Development Regulations, and Comprehensive Growth Management Plan, the project will also be required to demonstrate compliance with the applicable standards for specific uses pursuant to Section 3.69., LDR, Martin County, Fla. (2003). The project is located within the primary urban services district and proposes a single access via SE Cove Road. Water and wastewater services will be provided by Martin County Utilities. The applicant has submitted a draft Preserve Area Management Plan (PAMP) for the preservation and maintenance of wetland and upland habitat located on site.

This application is classified as a major development final site plan and pursuant to Section 10.11. requires two public hearings. Although only the first round of review has been completed, with review of a resubmittal still pending, the applicant requested that the application be scheduled for consideration by the Local Planning Agency on January 17, 2019, and by the Board of County Commissioners on January 29, 2019. The request was made pursuant to Section 10.2.D.5.f., Land Development Regulations (LDR), Martin County, Fla. (2017), which states, "At any time, the applicant may request that the County Administrator forward the application to the decision-maker for review and final action. Upon such a request by the applicant, the applicant shall not be entitled to any postponements or continuances, unless the applicant can show extraordinary circumstances as provided by law for the granting of a postponement or continuance."

#### **Application History:**

- August 30, 2018, Pre-Application Workshop
- September 11, 2018, Sufficiency Complete
- October 2, 2018, Major Final Site Plan Application Received
- November 21, 2018, First Staff Report Issued
- December 13, 2018, Resubmittal Received
- December 13, 2018, Applicant request to proceed to LPA and BCC Hearings

Pursuant to Section 10.2.D.1., LDR, Martin County, Fla. (2017), the County Administrator is afforded 60 calendar days for the review of a major development, master or final site plan application. The resubmittal received on December 13, 2018, is still under review with a report due date of February

12, 2019. Therefore, the November 21, 2018 staff report is the only one available to include in the agenda materials for consideration by the Board of County Commissioners. The applicant has been informed of the application status and has elected to proceed to the public hearings.

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

- 1 - Staff Report dated November 21, 2018
- 2 - Draft Resolution for Approval of Final Site Plan
- 3 - Site Legal Description (Exhibit A to resolution)
- 4 - Final Site Plan (Exhibit B to resolution)
- 5 - PAMP (Exhibit C to resolution)
- 6 - Application Materials dated October 2, 2018
- 7 - Resubmitted Application Materials dated December 13, 2018
- 8 - Financial Disclosure Affidavit
- 9 - Noticing Sign Posting Certification
- 10 - Noticing Letter Template
- 11 - Noticing Legal Ad
- 12 - Draft Resolution for Denial of Final Site Plan

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

Staff presentation-

Estimated time: Approximately 20 minutes  
Catherine Riiska, Principal Planner  
Additional County Staff as needed

Applicant presentation-

Estimated time: Approximately 10-15 minutes  
Todd Lucas, Developer  
Jordan Haggerty, Civil  
James Tayler, Traffic

**ISSUES:**

As of the creation of this Agenda Item on January 4, 2019, the development review team has not been able to verify that the application materials have demonstrated compliance with the requirements of the Martin County Land Development Regulations, Comprehensive Growth Management Plan, or County Code.

Development Review Team staff are making a best effort to complete the review of the resubmittal received on December 13, 2018, ahead of the due date while continuing to meet Article 10 deadlines for other applications under current review. It is anticipated that an updated staff report will be provided in a Supplemental Memo containing the most up-to-date compliance findings available as of January 22, 2019 (the due date for the Supplemental Memo). Development Review Team staff will also be available for the January 29, 2019 hearing to provide any additional compliance review findings that may be available after the supplemental memo is submitted.

In addition to the status of the application review, the applicant has been advised of Section 10.7.C.3, LDR, which provides that:

*Whenever any application for a development permit is denied, an application for a development permit for all or for a part of the same land shall not be considered for a period of one year after the date of denial unless*

*the subsequent application involves a development proposal that is materially different from the prior proposal or unless the person or a majority of the members of the decision-making body that made the final decision on the application determined that the prior denial was based on a material mistake of fact. For the purposes of this section, an application for a development permit shall be considered materially different if it involves a change in use, a change in intensity or density of use of 25 percent or more, or if changed circumstances justify the application as a matter of law. The person who made the final decision, or if the final decision was made in a public hearing, then the BCC shall resolve any question concerning the similarity of a successive application, whether a successive application is authorized under this section, or any other question that may develop under this section.*

### **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 deny the Treasure Coast Classical Academy Final Site Plan application and adopt a resolution of denial. Pursuant to Section 10.5.A.2, LDR, applications which are not consistent with the Comprehensive Plan, the LDR and the Code shall not be approved. As the result of the applicant's Section 10.2.D.5.f request that the public hearings be scheduled, the Development Review Team has not been able to verify that the application materials have demonstrated compliance with the Comprehensive Plan, the LDR and the Code.

#### **ALTERNATIVE RECOMMENDATIONS**

Move that the Board continue this matter to a date certain.

### **FISCAL IMPACT:**

#### **RECOMMENDATION**

The applicant has paid \$290 in sufficiency review fees and \$9,127 in application review fees.

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:                      |                                       |  |