



## Legislation Details (With Text)

**File #:** 19-0151  
**Type:** Public Hearing Quasi Judicial **Status:** Passed  
**In control:** Board of County Commissioners  
**On agenda:** 2/12/2019 **Final action:** 2/12/2019  
**Title:** WOLFF, BONNY & CHARLES REQUEST FOR REZONING (W093-001)  
**Sponsors:**  
**Indexes:**  
**Code sections:**

**Attachments:** 1. 2019\_0109\_W093\_DRT\_Staff\_BCC.pdf, 2. 2019\_0108\_W093-001\_Reso\_Approve.pdf, 3. 3\_2018\_1024\_W093-001\_Legal.pdf, 4. 2\_2018\_1024\_W093-001\_App.pdf, 5. 03-Jan-19 LPA Minutes.pdf, 6. 4\_Property Notice\_LPA 1.3.19\_BCC 2.12.19.pdf, 7. 5\_2018\_1028\_W093-001\_Sign\_Affidavit.pdf, 8. 6\_2018\_1218\_W093-001\_Tear\_Sheet.pdf, 9. Public Comment\_BCC.pdf, 10. 2019\_0108\_W093-001\_RESO\_DENY.pdf

Date	Ver.	Action By	Action	Result
2/12/2019	1	Board of County Commissioners	approved	Pass

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

**TITLE:**

**WOLFF, BONNY & CHARLES REQUEST FOR REZONING (W093-001)**

### EXECUTIVE SUMMARY:

Wolff, Bonny and Charles (W093-001) Rezoning Request for a zoning district change from the current WE-1, Waterfront Estate District to RE-1/2A, Residential Estate District, or the most appropriate zoning district. Included in this application is a request for a Certificate of Public Facilities Exemption.

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Matthew Stahley  
**Title:** Senior Planner

**REQUESTED BY:** Cuzzo Planning Solutions LLC, Deanna Freeman

**PRESET:**

**PROCEDURES:** Quasi-Judicial

### BACKGROUND/RELATED STRATEGIC GOAL:

This is an application for a proposed amendment to the county Zoning Atlas for a residential district designation (Section 3.2.E, LDR). A Zoning District change from WE-1, Waterfront Estate District to RE-1/2A, Residential Estate District is proposed for an approximate 1.29-acre parcel located at 2785

SE St. Lucie Boulevard approximately 400 feet southeast of SE Indian Street in Stuart.

The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Estate Density 2UPA which is a residential classification that has a maximum density allowance of 2 units per acre. The current zoning on the property is WE-1, Waterfront Estate district, which is a category B district. The WE-1 zoning district is consistent with the future land use designation. Therefore, the request to rezone this property is considered non-mandatory.

There is one (1) standard "Category A" zoning district that is available to implement the Estate Density 2UPA land use policies of the CGMP, which is RE-1/2A, Residential Estate District. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County.

The following supporting materials are provided attached to this agenda item:

Staff Report

Draft Resolution to Approve Rezoning

Legal Description

Application Materials

LPA Minutes

Property Noticing Example

Sign Posting Affidavit

Advertisement Tear Sheet

Public Comment

Draft Resolution to deny Rezoning

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

**Staff Presentation-**

Peter Walden, Principal Planner

Other staff members, as deemed necessary

**Estimated Time:** Approximately 5 minutes

**Applicant Presentation-**

Don Cuozzo, Cuozzo Planning Solutions LLC

**Estimated Time:** Approximately 5 minutes

**ISSUES:**

There are no issues related to 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.

**RECOMMENDED ACTION:**

## RECOMMENDATION

Move that the Board receive and file the agenda item and a staff report as Exhibit 1.  
Move that the Board approve the rezoning request from WE-1, Waterfront Estate District to RE-1/2 A, Residential Estate District.

## ALTERNATIVE RECOMMENDATIONS

Move that the Board continue the request for approval of the rezoning to a date certain.

## FISCAL IMPACT:

## RECOMMENDATION

The applicant has paid the review fee of \$3,140.00 and a sufficiency review fee of \$290.00

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

## ALTERNATIVE RECOMMENDATIONS

Same as above

## DOCUMENT(S) REQUIRING ACTION:

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