



## Legislation Details (With Text)

**File #:** 19-0200

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

**In control:** Board of County Commissioners

**On agenda:** 2/26/2019      **Final action:** 2/26/2019

**Title:** NORTH RIVER SHORES TENNIS CLUB INC. REQUEST AMENDMENT TO SPECIAL EXCEPTION (N046-002)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2019\_0128\_N046-002\_RESO\_APPR\_DRAFT.pdf, 2. 2019\_0109\_N046-002\_RFSP\_ReducedSize.pdf, 3. 2019\_0117\_N046-002\_PAMP.pdf, 4. 2019\_0129\_N046-002\_LocationMap\_2.pdf, 5. 2019\_0128\_N046-002\_Aerial\_2018.pdf, 6. 2019\_0128\_N046-002\_Application\_2018\_0912\_App.pdf, 7. 2019\_0128\_N046-002\_1977\_Special Exception\_minutes and plan.pdf, 8. 2019\_0116\_N046-002\_1977\_Original\_Site\_Plan.pdf, 9. 2019\_0128\_N046-002\_Section 10.19\_AmendmentOfSpecialException.pdf, 10. 2019\_0131\_N046-002\_LegalAd\_BCC\_Proof.pdf, 11. 2019\_0129\_N046-002\_Notice\_Letter\_NRSTC.pdf, 12. 2019\_0109\_N046-002\_Cert\_Sign\_Posting.pdf, 13. 2019\_0130\_N046-002\_Notice\_MailingList.pdf, 14. 2019\_0128\_N046-002\_RESO\_DENY\_DRAFT.pdf

Date	Ver.	Action By	Action	Result
2/26/2019	1	Board of County Commissioners	approved	Pass

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

### TITLE:

**NORTH RIVER SHORES TENNIS CLUB INC. REQUEST AMENDMENT TO SPECIAL EXCEPTION (N046-002)**

### EXECUTIVE SUMMARY:

Request for approval of Amendment to Special Exception for the North River Shores Tennis Club. The 6.27 acre subject property is located on the north side of NW Britt Road approximately 200 feet east of NW Everglades Boulevard.

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Paul Schilling  
**Title:** Deputy Growth Management Director

**REQUESTED BY:** North River Shores Tennis Club Inc., James "Mac" Stuckey, Esquire

**PRESET:**

**PROCEDURES:** Quasi-Judicial

### BACKGROUND/RELATED STRATEGIC GOAL:

Request for approval of Amendment to Special Exception for the North River Shores Tennis Club. The 6.27 acre subject property is located on the north side of NW Britt Road approximately 200 feet east of NW Everglades Boulevard.

On April 5, 1977, the Board of County Commissioners (BCC) approved a special exception to allow for the construction of a private tennis club. The tennis club facilities were constructed soon thereafter. The zoning on the property is R-2, Single-family Residential District with a future land use designation of Estate Density 2UPA.

The current application was submitted in an effort to resolve code enforcement case 16-0103902 \ENF2018020055 regarding an unpermitted tennis court which was constructed on the property in 2016. The property is otherwise in compliance with the previously approved special exception.

A revised final site plan has been prepared to identify the existing improvements and future gate house. The wetland and upland habitat along with the required buffers have been identified on the revised final site plan and incorporated into a preserve area management plan (PAMP).

The procedures and requirements for amending an approved special exception are set forth in Section 10.19, Land Development Regulations, Martin County, Fla., (2017), a copy of which is attached.

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

- Draft Resolution for approval of Amendment to Special Exception
- Revised Final Site Plan
- Location Map and 2018 aerial image
- Application Materials
- Financial Disclosure Affidavit
- Preserve Area Management Plan (PAMP)
- Meeting minutes from the April 5, 1977, BCC hearing
- Previously approved Special Exception and Site Plan
- Copy of Section 10.19, Land Development Regulations, Martin County, Fla., (2017).
- Legal Ad
- Letter Notice
- Sign Posting Certification
- Draft Resolution for Denial of Amendment to Special Exception

Staff presentation-

Estimated time: Approximately 10 minutes.

Paul Schilling, Deputy Growth Management Director

Other staff members, as deemed necessary

Applicant presentation-

Estimated time: Approximately 10 minutes.

James "Mac" Stuckey, Esquire, Agent

## **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 its attachments including the Staff Report for the record as Exhibit 1.
2. Move that the Board approve the request for Amendment to Special Exception for the North River Shores Tennis Club.

### **ALTERNATIVE RECOMMENDATIONS**

2.A. Move that the Board continue the request for approval of Amendment to Special Exception for the North River Shores Tennis Club to a date certain.

2.B. Move that the Board deny the request for Amendment to Special Exception and adopt the resolution of denial, setting forth the reasons for the denial.

## **FISCAL IMPACT:**

### **RECOMMENDATION**

The applicant has paid the application fee of \$690.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

### **ALTERNATIVE RECOMMENDATIONS**

None

## **DOCUMENT(S) REQUIRING ACTION:**

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