



Legislation Details (With Text)

File #: 19-0608
Type: Public Hearing Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 7/30/2019 **Final action:** 7/30/2019
Title: SUNRISE RESTAURANTS, LLC REZONING (C110-007)
Sponsors:
Indexes:
Code sections:

Attachments: 1. 1-2019_0503_C110-007_DRT_Staff_FINAL.pdf, 2. 2-2019_0618_C110-007_Reso_APPR_draft.pdf, 3. 3-Exhibit_A_LegalDescription_C110-007.pdf, 4. 4-2019_0328_C110-007_App_excerpt.pdf, 5. 5-Disclosure Pages from 2019_0328_C110-007_App.pdf, 6. 6-2019_0425_C110-007_SurroundingPropOwnersList.pdf, 7. 7-2019_0501_C110-007_DRAFT SAMPLE LETTER TO SURROUNDING PROPERTY OWNERS.pdf, 8. 8-2019_0408_C110-007_Sign_Certification.pdf, 9. 9-2019_0510_LegalAd_Certification.pdf, 10. 10-2019_0618_C110-007_Reso_DENY_draft.pdf

Date	Ver.	Action By	Action	Result
7/30/2019	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:
SUNRISE RESTAURANTS, LLC REZONING (C110-007)

EXECUTIVE SUMMARY:

This is a request by Sunrise Restaurants, LLC for approval of an amendment to the county zoning atlas. A zoning district change from the R-3A Liberal Multiple-Family District to the LC Limited Commercial District, or the most appropriate zoning district, is requested for an approximate 2.29-acre parcel located at 4000 NE Indian River Drive, approximately 1,000 feet north of the intersection of NE Indian River Drive and NE Causeway Boulevard in Jensen Beach. Included is a request for a Certificate of Public Facilities Exemption.

DEPARTMENT: Growth Management

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

REQUESTED BY: Agent, Morris Crady, Lucido and Associates; Owner, Fred Ayres, Sunrise Restaurants, LLC

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

The 2.29-acre subject site is located at Jensen Beach at 4000 NE Indian River Dr. The parcel, which is bisected by NE Indian River Drive, is bounded on the west by the FEC railroad right-of-way and on the east by the Indian River. The portion of the site, located on the west side of NE Indian River Drive, contains a structure formerly known as the Admiral's Table restaurant that was originally developed in the 1970's and has been unused for approximately 20 years. The portion of the site located on the east side of NE Indian River Drive abuts the Indian River and is undeveloped.

The future land use designation for the entire property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Commercial Limited, which is a classification that is allocated to commercial sites accessible to major thoroughfares near residential neighborhoods intended to accommodate commercial uses of a scale and intensity that shall be compatible with adjacent residential neighborhoods. Pursuant to Section 3.402., LDR, the existing Category C R-3A zoning district is inconsistent with the Commercial Limited future land use designation. Therefore, the request to rezone this property is considered mandatory.

There is one (1) Category A standard zoning district that is available to implement the Commercial Limited future land use policies of the CGMP, which is the LC Limited Commercial district. In addition to the standard zoning districts, 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 PUD zoning district requires additional benefits to the County and more controls by the County. The applicant is seeking to redevelop the site and is requesting approval to rezone the property to the LC Limited Commercial district.

The Martin County Land Development Regulations provide the standards for amendments to the Zoning Atlas in Section 3.2.E.2. of Article 3. A full analysis of the application of these standards to this rezoning request and the specific subject site is provided in the attached Staff Report. The application has been scheduled to be considered by the Local Planning Agency in a public hearing on June 6, 2019, and their recommendations will be provided to the Board.

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

- 1 - Staff Report
- 2 - Draft Resolution for Approval of Rezoning
- 3 - Site Legal Description (Exhibit A to resolution)
- 4 - Application Materials
- 5 - Financial Disclosure Affidavit
- 6 - Surrounding Properties Noticing List
- 7 - Noticing Letter Template
- 8 - Noticing Sign Posting Certification
- 9 - Legal Ad
- 10 - Draft Resolution for Denial of Rezoning

ISSUES:

The applicant failed to mail notices to surrounding property owners within the required time. Because the BCC hearing had already been advertised in the newspaper, it is necessary to continue this item to July 30, 2019.

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

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 request to amend the Martin County Zoning Atlas to change the zoning district on the subject property from R-3A to LC, or the most appropriate zoning district, 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 request to amend the Martin County Zoning Atlas to change the zoning district on the subject property from R-3A to LC, or the most appropriate zoning district, and adopt a resolution of denial setting forth the reasons for the denial.

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid fees of \$290 for sufficiency review and \$1,000 for mandatory rezoning application review.

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:

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback <<http://www.martin.fl.us/accessibility-feedback>>.