



## Legislation Details (With Text)

**File #:** 19-0615  
**Type:** Public Hearing Quasi Judicial **Status:** Passed  
**In control:** Board of County Commissioners  
**On agenda:** 7/30/2019 **Final action:** 7/30/2019  
**Title:** BR 24, LLC, REZONING (B121-003)  
**Sponsors:**  
**Indexes:**  
**Code sections:**

**Attachments:** 1. 1-2019\_0529\_B121-003\_DRT\_Staff\_FINAL.pdf, 2. 2-2019\_0730\_B121-003\_Reso\_APPR\_draft.pdf, 3. 3-Exhibit\_A\_LegalDescription\_B121-003.pdf, 4. 4-2019\_0502\_B121-003\_App\_excerpt.pdf, 5. 5-2019\_0508\_B121-003\_RevisedDisclosure.pdf, 6. 6-SignPostingCertification\_B121-003.pdf, 7. 7-SurroundingPropertyOwnersList\_B121-003.pdf, 8. 8-2019\_0529\_B121-003\_DRAFT SAMPLE LETTER TO SURROUNDING PROPERTY OWNERS.pdf, 9. 9-2019\_0604\_B121-003\_LegalAd\_LPA\_BCC\_Tearsheet.pdf, 10. 10-2019\_0730\_B121-003\_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:**

**BR 24, LLC, REZONING (B121-003)**

### EXECUTIVE SUMMARY:

Request by BR 24, LLC, for approval of an amendment to the zoning atlas to change the zoning from the existing A-1, Small Farms District, to the RE-2A, Rural Estate District, or the most appropriate zoning district, for approximately 17 acres located on the south side of SE Bridge Road approximately 2.7 miles west of US-1, in Hobe Sound. Included is a request for a Certificate of Public Facilities Exemption.

**DEPARTMENT:** Growth Management

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

**REQUESTED BY:** Morris A. Crady, Lucido and Associates, Agent; Ed Hickey, BR 24 LLC, Owner

**PRESET:**

**PROCEDURES:** Quasi-Judicial

**BACKGROUND/RELATED STRATEGIC GOAL:**

This application is a request by BR 24, LLC, for a zoning change from the current A-1, Small Farms District, to the RE-2A, Rural Estate District, or the most appropriate zoning district, for an approximately 17.12-acre subject site fronting the north side of SE 138th Street approximately 2,800 feet west of SE Powerline Avenue and spanning northward to within 730 feet of the south side of SE Bridge Road, in Hobe Sound. This application includes a request for a Certificate of Public Facilities Exemption.

The subject site consists of vacant land that is part of an overall larger contiguous site that has been subject to site grading and environmental improvements as part of an excavation and fill permit issued in 2013. The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Rural Density. The current zoning on the property is A-1, Small Farms District. The A-1 zoning was created in 1967 as a part of the County's original zoning regulations and was carried over to the current Article 3, Zoning Districts, Land Development Regulations (LDR), Martin County Code (MCC) as a Category C district, which is intended to be used until a rezoning to a Category A district is needed or required to accommodate proposed future uses of the property. The Category A districts were created to implement the land use policies of the CGMP.

The current A-1 zoning of the subject property is not consistent with the Rural Density land use policies of the CGMP. Therefore, the rezoning is considered mandatory. There is one (1) standard zoning district that is available to implement the Rural Density land use policies of the CGMP, which is the RE-2A, Rural Estate District. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another option.

The applicant is requesting the RE-2A zoning 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 is provided in the attached Staff Report. The Local Planning Agency considered this rezoning request in a public hearing on June 21, 2018, 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-Noticing Sign Posting Certification
- 7- Surrounding Properties Noticing List
- 8-Noticing Letter Template
- 9-Legal Ad
- 10-Draft Resolution for Denial of Rezoning

## **ISSUES:**

There are no unresolved issues associated with the rezoning request. Please see the attached staff report for analysis.

## **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 request to amend the Martin County Zoning Atlas to change the zoning district on the subject property from A-1 to RE-2A 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 A-1 to RE-2A 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:

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