



## Legislation Details (With Text)

**File #:** 20-0434  
**Type:** Public Hearing Quasi Judicial **Status:** Passed  
**In control:** Board of County Commissioners  
**On agenda:** 3/3/2020 **Final action:** 3/3/2020  
**Title:** IMPEDANCE BAILE REZONING

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1-2019\_1220\_I059-002\_Staff\_Report.pdf, 2. 2-2020\_0107\_I059-002\_Reso\_Approve.pdf, 3. 3-2019\_1115\_I059-002\_Application.pdf, 4. 4-2019\_1115\_I059-002\_Legal\_Description.pdf, 5. 5-2019\_1115\_I059-002\_Public Notice Documents.pdf, 6. 6-2020\_0129\_I059-002\_Reso\_Deny.pdf, 7. 7-2020\_0224\_I059-002\_SuppMemo.pdf, 8. 8-LPA\_Minutes\_Feb\_6\_2020.pdf

Date	Ver.	Action By	Action	Result
3/3/2020	1	Board of County Commissioners	approved	Pass

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

**TITLE:**

**IMPEDANCE BAILE REZONING**

### EXECUTIVE SUMMARY:

This is a request by Impedance Baile, LLC for approval of an amendment to the county zoning atlas. A zoning district change from the B-1 Business District to the COR-1 Commercial/Office/Residential district, or the most appropriate zoning district, is requested for an approximate 1.10 acre undeveloped parcel located on the east side of South Kanner Highway, approximately 1200 feet north of the SE Salerno Road and South Kanner Highway intersection. Included in this application is a request for a Certificate of Public Facilities Exemption.

**DEPARTMENT:** Growth Management

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

**REQUESTED BY:** Agent, Emily O'Mahoney, 2GHO, Inc; Owner, Maura Curran, Hope Proctor, Impedance Baile LLC

**PRESET:**

**PROCEDURES:** Quasi-Judicial

### BACKGROUND/RELATED STRATEGIC GOAL:

The 1.10-acre undeveloped parcel is located on the east side of South Kanner Highway,

approximately 1200 feet north of the SE Salerno Road and South Kanner Highway intersection. 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/Office/Residential. Commercial/Office/Residential development shall be allocated to accessible sites adjacent to major thoroughfares. It shall also serve as a transitional use separating more intensive commercial uses from residential development. Pursuant to Section 3.402., LDR, the existing Category C (B-1) zoning district is inconsistent with the Commercial Office/Residential land use designation. Therefore, the request to rezone this property is considered mandatory.

Martin County Code identifies three (3) "straight" zoning districts, including CO, COR-1 and COR-2, that are available to implement the COR future land use classification. In addition to the standard zoning districts, the PUD (Planned Unit Development) District is also available as another option. The applicant is seeking to redevelop the site and is requesting approval to rezone the property to the COR-1, Commercial Office/Residential 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. Staff recommends that the requested COR-1, Commercial/Office/Residential district is an appropriate zoning district with respect to the application of the goals objectives and policies of the Comp Plan, LDRs, and County Codes.

This application was heard by the Local Planning Agency on February 6, 2020 and the LPA voted 4-0 for a recommendation of approval. The LPA minutes will be provided via supplemental memo.

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

Staff Report

Draft Resolution to Approve

Application Materials

Legal Description

Public Noticing Documents

Draft Resolution to Deny

### **ISSUES:**

None

### **LEGAL SUFFICIENCY REVIEW:**

Because this request involves the application of a policy 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 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 B-1 to COR-1, or the most appropriate zoning district, and adopt the resolution of approval.

### 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 \$290 for sufficiency review and the \$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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