



## Legislation Details (With Text)

**File #:** 20-0635

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

**In control:** Board of County Commissioners

**On agenda:** 5/5/2020 **Final action:** 5/5/2020

**Title:** PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT FOR CPA 19-22, PUBLIX SUPERMARKET FLUM

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1\_Final Staff Report\_Rezoning 19-22\_Publix.pdf, 2. Application Materials Rezoning.pdf, 3. MeetingMinutes&OtherMaterials\_Rezoning.pdf, 4. Resolution.pdf

Date	Ver.	Action By	Action	Result
5/5/2020	1	Board of County Commissioners	approved	Pass

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

### TITLE:

**PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT FOR CPA 19-22, PUBLIX SUPERMARKET FLUM**

### EXECUTIVE SUMMARY:

This amendment is concurrent to a request to amend the future land use designation from Agricultural to General Commercial future land use on a 6-acre portion of a 16.72-acre parcel, located at the southeast corner of SW Kanner Highway and SW Pratt Whitney Road. The applicant requests to rezone the entire property from A-1 and R-3A to GC, General Commercial zoning district.

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Maria Jose, M.S.  
**Title:** Planner

**REQUESTED BY:** Publix Supermarket, Inc.

**PRESET:**

**PROCEDURES:** Quasi-Judicial

### BACKGROUND/RELATED STRATEGIC GOAL:

Comprehensive Growth Management Plan Policy 4.4A.1. provides that "Parcels being considered for amendment to the future land use designation shall be concurrently evaluated for rezoning to the most appropriate zoning district in the most recently adopted Land Development Regulations."

**ISSUES:**

A concurrent rezoning is required for each Future Land Use Map (FLUM) amendment where the amendment creates an inconsistency with the current zoning designation. Analysis of the proposed rezoning can be found in the staff report attached to this Board Item.

**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 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 amend the Martin County Zoning Atlas to change the zoning district on the subject 16.72 acres of land from A-1 and R-3A to GC Zoning District.

**ALTERNATIVE RECOMMENDATIONS**

Move that the Board continue the item to a future date certain.

**FISCAL IMPACT:**

**RECOMMENDATION**

Staff time.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

**ALTERNATIVE RECOMMENDATIONS**

Staff time.

**DOCUMENT(S) REQUIRING ACTION:**

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

☐ Other: