



Legislation Details (With Text)

File #: 20-0656
Type: Public Hearing Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 5/19/2020 **Final action:** 5/19/2020
Title: NNA KANSAS WEST, LLC REQUESTS APPROVAL OF REZONING TO LI, LIMITED INDUSTRIAL
Sponsors:
Indexes:
Code sections:

Attachments: 1. 2020_0408_K048-002_Staff_Finaldocx.pdf, 2. 2020_0415_K048-002_Reso_Approve.pdf, 3. 2020_0427_K048-002_App.pdf, 4. 2020_0415_K048-002_Disclosure.pdf, 5. 2020_0427_K048-002_Legal_Ad.pdf, 6. Certified Letter of Property Owners.pdf, 7. 2020_0330_K048-002_DRAFT SAMPLE LETTER TO SURROUNDING PROPERTY OWNERS.pdf, 8. 2020_0230_K048-002_Sign_Certification.pdf, 9. resolution.NNAdenial.pdf

Date	Ver.	Action By	Action	Result
5/19/2020	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

NNA KANSAS WEST, LLC REQUESTS APPROVAL OF REZONING TO LI, LIMITED INDUSTRIAL

EXECUTIVE SUMMARY:

NNA Kansas West, LLC (K048-002) requests approval of a zoning district change from PUD-C, Commercial Planned Unit Development District and R-3A, Liberal Multi-Family District to LI, Limited Industrial District or the most appropriate zoning district for an approximate 11.54-acre parcel located on the southeast corner of the Florida Turnpike and SW Kanner Highway, also fronting SW Old Kansas Avenue.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Peter Walden
Title: Principal Planner

REQUESTED BY: Cotleur & Hearing, Dan Sorrow

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

This is an application for a zoning district change from PUD-C, Commercial Planned Unit Development (PUD) District and R-3A, Liberal Multiple Family District to LI, Limited Industrial District,

or the most appropriate zoning district. The undeveloped, approximate 11.54-acre parcel is located on the south east corner of the Florida Turnpike and SW Kanner Highway. The site also fronts SW Old Kansas Avenue in Stuart.

A majority of the site, approximately 11 acres was part of the Stuart 95 Commercial Planned Unit Development established in 1992. The only part of the PUD that was developed is the gas station with convenience store on the southwest corner of SW Kanner Highway and Jack James Drive. The PUD zoning agreement has expired and the property owners' association has been dissolved. A small portion of the site, approximately ½ acre on the southern end of the site, adjacent to Jack James Drive is zoned R-3A, Liberal Multi-family District. This district is a category "C" district established in the 1967 zoning code. The R-3A district is inconsistent with the underlying Industrial future land use designation on the property. Due to the expiration of the PUD zoning agreement and the inconsistency of the R-3A Zoning District with the future land use designation, this rezoning is considered mandatory.

This application is scheduled for consideration by the Local Planning Agency on May 7, 2020.

ISSUES:

There are no unresolved issues related to 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 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 districts on the subject property from PUD-C, Commercial Planned Unit Development District and R-3A, Liberal Multiple Family District to LI, Limited Industrial 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 \$1,000.00 application fee and the \$290.00 completeness fee.

Funding Source	County Funds	Non-County Funds
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Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

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

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