



Legislation Details (With Text)

File #: 20-1061

Type: Departmental Quasi Judicial **Status:** Passed

In control: Board of County Commissioners

On agenda: 9/29/2020 **Final action:** 9/29/2020

Title: REQUEST BY IMPEDANCE BAILE, LLC FOR APPROVAL OF ANCILLARY RETAIL USE WITHIN THE COR-1 ZONING DISTRICT

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft_Resolution_to_Approve_Ancillary_Retail.pdf, 2. 2020_0618_I059-004_Request.pdf, 3. Draft_Reso_to_Deny.pdf

Date	Ver.	Action By	Action	Result
9/29/2020	1	Board of County Commissioners	approved	Pass

PLACEMENT: Departmental - Quasi-Judicial

TITLE:

REQUEST BY IMPEDANCE BAILE, LLC FOR APPROVAL OF ANCILLARY RETAIL USE WITHIN THE COR-1 ZONING DISTRICT

EXECUTIVE SUMMARY:

Impedance Baile LLC is requesting approval of ancillary retail use in the form of a 750 square foot convenience restaurant within a proposed 11,000 square foot office building within the COR-1 zoning district. The 1.11-acre vacant parcel is located on the east side of South Kanner Highway approximately 1,200 feet north of the intersection of Salerno Road and South Kanner Highway in Stuart.

DEPARTMENT: Growth Management

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

REQUESTED BY: Impedance Baile, LLC (Owner)

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

Impedance Baile LLC is requesting approval of ancillary retail use in the form of a 750 square foot convenience restaurant within a proposed 11,000 square foot office building within the COR-1 zoning district. The 1.11-acre vacant parcel is located on the east side of South Kanner Highway

approximately 1,200 feet north of the intersection of Salerno Road and South Kanner Highway in Stuart.

A minor final site plan application for the 11,000 square foot office building and associated infrastructure is currently being reviewed under project number I059-003.

Article 3, Division 3, Section 3.56.1 of the Martin County Land Development Regulations permits ancillary retail in any COR zoning District as follows:

3.56.1.A. Ancillary retail uses are limited to general restaurants, convenience restaurants, commercial day care, limited retail sales and services, which are conducted in conjunction with a residential development, office development or mix of residential and office uses.

3.56.1.B. The accessory retail use shall be located within the same building as a principal use permitted within the zoning district.

3.56.1.C. The building containing the principal use shall have a minimum of 10,000 square feet of gross floor area devoted to the principal use.

3.56.1.D. The accessory retail use shall occupy no more than ten percent of the gross floor area of the overall project.

3.56.1.E. Signs advertising an ancillary retail use shall not exceed 20 square feet in total area per business and shall not be illuminated.

3.56.1.F. Proposed ancillary retail uses shall be reviewed at a public meeting by the Local Planning Agency. The Local Planning Agency shall make a recommendation to the Board of County Commissioners as to the appropriateness of the proposed use at the proposed location. At a minimum, the Local Planning Agency shall determine whether the principal use meets the bufferyard requirements of Article 4, Division 15, of the Land Development Regulations.

3.56.1.G. Proposed ancillary retail uses shall be reviewed at a public meeting by the Board of County Commissioners. The Board of County Commissioners shall review the recommendation of the Local Planning Agency and approve, approve with modifications or deny the request for the proposed ancillary retail use. Where the proposed ancillary retail use is part of a Standard Development, Minor Development or other application that does not require final action by the Board of County Commissioners, no final site plan shall be approved until the Board of County Commissioners has made a determination as to the proposed ancillary retail use in accordance with this subsection.

Staff has reviewed the request and finds it complies with Article 3, Division 3, Section 3.56.1 of the Martin County Land Development Regulations and recommends approval of the request for ancillary retail in the COR-1 Zoning District. Consideration of the request by the Local Planning Agency is scheduled for September 17th.

The following supporting Materials are attached to this agenda Item:

- Resolution to approve ancillary retail use.
- Application materials requesting approval of ancillary retail use.
- Resolution to deny ancillary retail use.

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 for the record as Exhibit 1.
2. Move that the Board approve the resolution for the ancillary retail use in the COR-1 Zoning District for Impedance Baile, LLC.

ALTERNATIVE RECOMMENDATIONS

Move that the Board continue the request for ancillary retail in the COR-1 Zoning District to a date certain.

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$179.00 fee.

Funding Source	County Funds	Non-County Funds
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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