



Legislation Details (With Text)

File #: 20-1066
Type: Departmental Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 9/29/2020 **Final action:** 9/29/2020
Title: BANYAN BAY PUD, REQUEST APPROVAL OF THE 9TH PUD AMENDMENT INCLUDING A REVISED MASTER AND PHASING PLAN, AND PHASE 2C FINAL SITE PLAN
Sponsors:
Indexes:
Code sections:

Attachments: 1. 2020_0902_B082-039_Staff_Final.pdf, 2. 2020_0908_B082-039_Revised_Master_Phasing_plan.pdf, 3. 2020_0903_B082-039_Resolution_approve.pdf, 4. 2020_0908_B082-039_Phase 2C_FinalSitePlan.pdf, 5. 2020_0903_B092-039_Application_With_Disclosure.pdf, 6. 2020_0728_B082-039 Resubmittal Excerpt.pdf, 7. 2020_0908_B092-039_Construction_Plans.pdf, 8. 2020_0908_B082-039_Landscape_Plans.pdf, 9. 2020_0903_B082-039_SignCert.pdf, 10. 2020_0903_B082-039_Reso_Deny.pdf, 11. Supplemental_Memo.pdf, 12. Banyan Bay Macks - 9th Amendment to PUD

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

PLACEMENT: Departmental - Quasi-Judicial

TITLE:

BANYAN BAY PUD, REQUEST APPROVAL OF THE 9TH PUD AMENDMENT INCLUDING A REVISED MASTER AND PHASING PLAN, AND PHASE 2C FINAL SITE PLAN

EXECUTIVE SUMMARY:

Banyan Bay Macks, LLC requests approval for the 9th Amendment to the PUD zoning agreement including a revised master and phasing plan and Phase 2C final site plan approval for the Banyan Bay PUD. The main entrance to the project is located at the intersection of SW Kanner Highway (SR 76) and SE Pomeroy Street in Stuart. Included is a request for a Certificate of Public Facilities reservation.

DEPARTMENT: Growth Management

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

REQUESTED BY: Lucido and Associates, Morris A. Crady, AICP

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

Request for the approval of the 9th PUD Amendment for the Banyan Bay PUD including a revised master and phasing plan and Phase 2C final site plan. The 251-acre property is an existing residential PUD located between South Kanner Highway and the South Fork of the St. Lucie River in Stuart. Main access to the property is by way of the existing signalized intersection at SW Kanner Highway (SR 76) and SE Pomeroy Street. Included with this application is a request for a Certificate of Public Facilities Reservation.

The approved PUD Master Plan allows for 305 dwelling units in five phases with an overall project completion deadline in 2027. The final site plan for Phase 1 was approved in 2005 and the Phase 1 plat was approved in 2008. Phase 1, which includes the main entrance, the Preserve Area Management Plan (PAMP) for the entire site and 74 detached single family homesites has been completed and Phase 2 A and 2B are under construction.

The proposed 9th PUD Amendment is solely limited to reducing the number of units and changing the product type in Phase 2C from 48 duplex units to 36 single family units, thereby reducing the total residential units in the development to 293. No changes to the approved Preserve Area Management Plan, drainage requirements, height or setback requirements are required or proposed. Water and wastewater services will continue to be supplied by Martin County Utilities.

Phase 2C consists of 36 residential units on approximately 12.93 acres. The phase is bordered by wetland preserves to the north and west and SW Kanner Highway, preserves and a FDOT drainage pond to the east. The lots average five thousand square feet with a two-story height limit.

The following supporting items are attached:

- Staff Report
- Revised Master and Phasing Plan
- Resolution to Approve Phase 2C
- Phase 2C Final Site Plan
- Application Materials Including Disclosure of Interest
- Resubmittal Materials
- Construction Plans
- Landscape Plans
- Sign Certification
- Resolution to Deny

ISSUES:

There are no unresolved issues related to this application. The PUD Amendment is still under review and will be provided by Supplemental Memorandum.

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

- Move that the Board receive and file the agenda item along with its attachments and the staff report as exhibit one.
- Move that the Board approve the 9th Amendment to the Banyan Bay PUD Zoning Agreement including the revised master and phasing plan.
- Move that the Board approve the final site plan for Phase 2C of the Banyan Bay PUD.

ALTERNATIVE RECOMMENDATIONS

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

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$13,800.00 application fee and the \$290.00 completeness 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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