



Legislation Details (With Text)

File #: 20-1145

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

In control: Board of County Commissioners

On agenda: 10/27/2020 **Final action:** 10/27/2020

Title: PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT FOR CPA 20-02, MARTINEZ COVE ROAD

Sponsors:

Indexes:

Code sections:

Attachments: 1. Rezoning report_Martinez CPA 20-2.pdf, 2. Application Material_Rezoning.pdf, 3. Public Notice.pdf, 4. Resolution.pdf

Date	Ver.	Action By	Action	Result
10/27/2020	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 20-02, MARTINEZ COVE ROAD

EXECUTIVE SUMMARY:

This amendment is a rezoning request to change the zoning from A-1 to RE-1/2A, Residential Estate District, on a 2.38-acre parcel, located at 1500 SE Cove Road, west of SE Grace Lane. The proposed rezoning is contingent upon the approval of CPA 20-02, a request to amend the future land use designation from Rural Density Residential to Residential Estate Density.

DEPARTMENT: Growth Management

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

REQUESTED BY: Steven M. Martinez and Nicholas Martinez, Jr.

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 2.38 acres of land from A-1 to RE-1/2 A Zoning District.

ALTERNATIVE RECOMMENDATIONS

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

FISCAL IMPACT:

RECOMMENDATION

Staff time.

ALTERNATIVE RECOMMENDATIONS

Staff time.

DOCUMENT(S) REQUIRING ACTION:

- | | | |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application | <input type="checkbox"/> Notice | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Other: | | |