



## Legislation Details (With Text)

**File #:** 21-0608  
**Type:** Departmental Quasi Judicial **Status:** Passed  
**In control:** Board of County Commissioners  
**On agenda:** 4/27/2021 **Final action:** 4/27/2021  
**Title:** REQUEST FOR APPROVAL OF KANNER LAKE (FKA KANNER 5601) PLAT

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2021\_0401\_Staff Report.pdf, 2. 2021\_0318\_PLAT.pdf, 3. Draft\_Contract\_for Construction\_of\_Required\_Improvements.pdf, 4. Resolution\_Accepting\_Right\_of\_Way.pdf, 5. Right\_of\_Way\_Exhibit A.pdf, 6. Application\_Materials\_Extracted.pdf, 7. Approved\_Final\_Site\_Plan.pdf, 8. Financial\_Disclosure.pdf, 9. Sign\_Posting\_Certification.pdf, 10. Resolution\_to\_Deny\_Plat\_DRAFT.pdf

Date	Ver.	Action By	Action	Result
4/27/2021	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Departmental - Quasi-Judicial

**TITLE:**

**REQUEST FOR APPROVAL OF KANNER LAKE (FKA KANNER 5601) PLAT**

### EXECUTIVE SUMMARY:

This is a request by Kanner 5601, LLC, for approval of a plat, consistent with the approved final site plan of a residential development, consisting of sixty-five (65) residential lots and one (1) commercial parcel on approximately 26.02 acres. The subject site is located on the east side of South Kanner Highway approximately 4,800 feet north of SE Salerno Road in Stuart. Included in this application is a request for a certificate of adequate public facilities exemption.

**DEPARTMENT:** Growth Management

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

**REQUESTED BY:** Kanner 5601, LLC (Owner), Morris Crady, Lucido & Associates (Agent)

**PRESET:**

**PROCEDURES:** Quasi-Judicial

### BACKGROUND/RELATED STRATEGIC GOAL:

This is a request by Kanner 5601, LLC, for approval of a plat, consistent with the approved final site plan of a residential development, consisting of sixty-five (65) residential lots and one (1) commercial

parcel on approximately 26.02 acres. The subject site is located on the east side of South Kanner Highway approximately 4,800 feet north of SE Salerno Road in Stuart. Included in this application is a request for a certificate of adequate public facilities exemption.

The Kanner 5601 (K042-002) major development final site plan was approved by the Board of County Commissioners on August 21, 2018. An application for Kanner Lake (K042-005) revised final site plan was approved March 16, 2021 to address minor boundary adjustments that became apparent during preparation of the plat.

During the review process, the owner agreed to dedicate a 10-foot wide strip of right-of-way so the County can continue to maintain the existing drainage canal, along the northeast side of the property.

Section 139.31 and 139.32, General Ordinances, Martin County Code require that any conveyance of an interest in land to Martin County for any public purpose shall be accepted and approved by resolution by the Board of County Commissioners of Martin County.

The Local Planning Agency (LPA) was not required to consider this plat application and final action on this application is required by the Board of County Commissioners (BCC) in a public meeting pursuant to Table 10.5.F.9., Section 10.5.F., LDR, Martin County, Fla. (2019).

The following supporting materials are provided attached to this agenda item:

- Staff Report
- Plat
- Draft Contract for Construction of Required Improvements and Infrastructure
- Resolution Accepting Right of Way
- Application Materials
- Approved Final Site Plan
- Sign Posting Certification
- Financial Disclosure
- Draft resolution for denial of Plat

### **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 that is 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 and all its attachments including the staff report as Exhibit 1.

Move that the Board approve the Plat for Kanner Lake including the Contract for Construction of Required Improvements and Infrastructure.

Move that the Board approve the Resolution approving and accepting a Special Warranty Deed dedicating 10-feet of right-of-way to maintain the existing drainage canal along the northeast side of the property from Kanner 5601, LLC, a Florida limited liability company.

### **ALTERNATIVE RECOMMENDATIONS**

Move that the Board continue the Kanner Lake request to a date certain.

### **FISCAL IMPACT:**

### **RECOMMENDATION**

The applicant has paid the review fee of \$13,600 and the sufficiency review fee of \$290.

### **0ALTERNATIVE RECOMMENDATIONS**

None

### **DOCUMENT(S) REQUIRING ACTION:**

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

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