



Legislation Details (With Text)

File #: 21-0599

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

In control: Board of County Commissioners

On agenda: 4/27/2021 **Final action:** 4/27/2021

Title: REQUEST PLAT APPROVAL FOR BANYAN BAY PUD, PHASE 2C (B082-041)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2021_0414_B082-041_StaffReport_Final.pdf, 2. 2021_0416_B082-041_Plat.pdf, 3. 2021_0414_B082-041_Final_Site_Plan.pdf, 4. Contract for construction.pdf, 5. 2021_0415_B082-041_EOC.pdf, 6. Draft Performance Surety Bond.pdf, 7. 2021_0415_B082-041_Application_Materials.pdf, 8. 2021_0415_B082-041_Disclosure_Deed.pdf, 9. 2020_0901_B082-041_sign certification.pdf, 10. 2021_0415_B082_041_Reso_Denial.pdf

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

PLACEMENT: Departmental - Quasi-Judicial

TITLE:

REQUEST PLAT APPROVAL FOR BANYAN BAY PUD, PHASE 2C (B082-041)

EXECUTIVE SUMMARY:

Banyan Bay Macks, LLC requests approval of the Banyan Bay PUD Phase 2C plat. Banyan Bay is an existing approximate 251-acre residential PUD located between SW Kanner Highway and the St. Lucie River in Stuart. Main Access is provided at the signalized intersection at SW Kanner Highway and SE Pomeroy Street. Included is a request for a Certificate of Public Facilities Exemption.

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:

Banyan Bay Macks, LLC requests approval of the Banyan Bay PUD Phase 2C plat. Banyan Bay is an existing approximate 251-acre residential PUD located between SW Kanner Highway and the St. Lucie River in Stuart. Main Access is provided at the signalized intersection at SW Kanner Highway

and SE Pomeroy Street. Included is a request for a Certificate of Public Facilities Exemption.

The requested plat is for Phase 2C of the development and consists of 36 single family lots and the associated infrastructure. The proposed plat is consistent with the approved final site plan for Phase 2C. Phase 2C final site plan was approved along with a revised master site plan and the 9th Amendment to the Banyan Bay PUD.

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 for this agenda item:

Staff Report

Plat

Approved Final Site Plan

Draft Contract and Surety

Engineers Opinion of Probable Cost

Application Materials

Disclosure of Interest and Deed

Sign Certification

Draft Resolution for Denial

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 and all its attachments including the staff report as Exhibit 1.
2. Move that the Board approve the Plat for Banyan Bay Phase 2C including the Contract for Construction of Required Improvements and Infrastructure.

ALTERNATIVE RECOMMENDATIONS

Move that the Board continue the Banyan Bay Phase 2C request to a date certain.

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$16,600.00 application fee and the \$290.00 completeness fee.

ALTERNATIVE 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 type="checkbox"/> Resolution | |

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