



Legislation Details (With Text)

File #: 21-1030
Type: Public Hearing Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 9/14/2021 **Final action:** 9/14/2021
Title: REQUEST FOR A ZONING DISTRICT CHANGE BY DST HOLDINGS, LLC (D062-001)
Sponsors:
Indexes:
Code sections:

Attachments: 1. 2021_0716_D062-001_DRT_Staff_FINAL.pdf, 2. 2021_0817_D062-001_Draft_Reso_to_approve.pdf, 3. 2021_0608_D062-001_Application_Materials_Extracted.pdf, 4. 2021_0608_D062-001_Financial_Disclosure.pdf, 5. 2021_0608_D062-001_Surrounding_Property_Owners_Certification.pdf, 6. 2021_0729_D062-001_SampleNoticeLetter.pdf, 7. 2021_0730_D062-001_LegalAdTearsheet.pdf, 8. 2021_0604_D062-001_SignPosting.pdf, 9. Staff_BCC_Presentation.pdf, 10. 2021_0817_D062-001_Draft_Resolution_to_Deny.pdf

Date	Ver.	Action By	Action	Result
9/14/2021	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

REQUEST FOR A ZONING DISTRICT CHANGE BY DST HOLDINGS, LLC (D062-001)

EXECUTIVE SUMMARY:

This is an application for a proposed amendment to the County Zoning Atlas for an industrial district classification. A zoning district change from the existing R-2, Single Family Residential District, and A-1, Small Farms District to the LI, Limited Industrial District, or the most appropriate zoning district has been requested. The approximate 1.03-acre undeveloped parcel is located on the east side of SW Old Kansas Avenue approximately 375 feet north of SW Jack James Drive in Stuart. Included in this application is a request for a Certificate of Public Facilities Exemption.

DEPARTMENT: Growth Management

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

REQUESTED BY: DST Holdings, LLC (Owner), Melissa Corbett, P.E. (Agent)

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

This is an application for a proposed amendment to the County Zoning Atlas for an industrial district classification (Section 3.2.E, LDR). A zoning district change from the existing R-2, Single Family Residential District, and A-1, Small Farms District to the LI, Limited Industrial District, or the most appropriate zoning district has been requested. The approximate 1.03 acre undeveloped parcel is located on the east side of SW Old Kansas Avenue approximately 375 feet north of SW Jack James Drive in Stuart. The property has a split zoning of R-2, Single Family Residential District, and A-1, Small Farms District which are incompatible with the underlying Industrial future land use designation, therefore this request for a zoning district change is considered mandatory.

There are three (3) standard zoning districts that are available to implement the Industrial land use policies of the Comprehensive Growth Management Plan, which are LI Limited Industrial, GI General Industrial, and HI Heavy Industrial. In addition to the standard zoning districts, the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County. The applicant is proposing to rezone the property to the LI Limited Industrial District, which permits the least intensive of industrial uses.

The Martin County Land Development Regulations provide the standards for amendments to the Zoning Atlas in Section 3.2.E.2. of Article 3. A full analysis of the application of these standards to this rezoning request and the specific subject site is provided in the attached Staff Report. Staff recommends that the requested GC, General Commercial District is an appropriate zoning district with respect to the application of the goals objectives and policies of the Comp Plan, LDRs, and County Codes.

This application was considered by the Local Planning Agency on August 19, 2021. The LPA recommended approval of the applicant's request.

The following Supporting Materials are attached to this agenda item:

- Staff Report
- Draft Resolution to Approve
- Application Materials
- Financial Disclosure
- Legal Ad
- Sample Property Owner Notification Letter
- Surrounding Property Owner Certification
- Sign Posting Certification
- Staff Presentation
- Draft Resolution to Deny

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 including the Staff Report for the record as Exhibit 1.
2. Move that the Board approve the request to amend the Martin County Zoning Atlas to change the zoning district on the subject property from R-2 and A-1 to LI, or the most appropriate zoning district, and adopt the resolution of approval.

ALTERNATIVE RECOMMENDATIONS

Move that the Board continue the request for approval of the rezoning to a date certain.

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$1,000.00 application fee and the \$290.00 completeness review fee.

ALTERNATIVE RECOMMENDATIONS

None

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 type="checkbox"/> Ordinance |
| <input type="checkbox"/> Other: | <input checked="" type="checkbox"/> Resolution | |

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