



Legislation Details (With Text)

File #: 22-0108
Type: Public Hearing Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 10/19/2021 **Final action:** 10/19/2021
Title: REQUEST FOR A ZONING DISTRICT CHANGE BY AA MARINA, LLLP (A059-004)
Sponsors:
Indexes:
Code sections:

Attachments: 1. 2021_0920_A059-004_Staff_Report.pdf, 2. 2021_0913_A059-004_Application_Materials.pdf, 3. 2021_0920_A059-004_Resolution_to_Approve.pdf, 4. 2021_0913_A059-004_Disclosure_of_Interest.pdf, 5. 2021_0920_A059-004_Notice_To_Surrounding_Properties.pdf, 6. 2021_0921_A059-004_Certified_property_Search.pdf, 7. 2021_0922_A079-002_BCC_LegalAd_Tearsheet.pdf, 8. 2019_0910_A059-004_Sign_posting.pdf, 9. 2021_0921_A059-004_Resolution_to_Deny.pdf

Date	Ver.	Action By	Action	Result
10/19/2021	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

REQUEST FOR A ZONING DISTRICT CHANGE BY AA MARINA, LLLP (A059-004)

EXECUTIVE SUMMARY:

This is an application for a proposed amendment to the county Zoning Atlas for a commercial district designation (Section 3.2.E, LDR). The proposed amendment is to change the existing zoning district classification on an approximate 4-acre parcel of land from B-2, Business District and R-3A, Liberal Multi-Family District to WGC, Waterfront General Commercial District or the most appropriate district. The parcel is located on the east side of NE Indian River Drive just south of the intersection with NE Dixie Highway in Jensen Beach. Included with this application 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:

The land use designation for the property on the Future Land Use Map of the County's Comprehensive Growth Management Plan (CGMP) is Commercial Waterfront.

The current zoning districts on the property are B-2, Business District and R-3A, Liberal Multiple Family District, both Category "C" districts in the current Article 3 zoning code. The B-2, Business district is inconsistent with the future land use designation. Therefore, the request to rezone is considered mandatory.

The R-3A Liberal Family District is consistent with the Commercial Waterfront land use designation however, to ensure consistency with the development standards of the LDRs and to eliminate Category "C" zoning districts whenever possible, the R-3A portion of the site is proposed to be rezoned to WGC, Waterfront General Commercial as well.

The site is the subject of a revised major final site plan application for additions to accommodate dry boat storage and marina renovations and the associated infrastructure.

There are (2) standard "Category A" zoning districts that are available to implement the Commercial Waterfront land use policies of the CGMP, which is the WGC, Waterfront General Commercial District and the WRC, Waterfront Resort Commercial District. 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 following supporting items are attached:

Staff Report

Resolution to Approve

Application Materials

Disclosure of Interest

Certification of Property Search

Notice to Surrounding Properties

Legal Ad

Sign Affidavit

Resolution to Deny

The application is scheduled for consideration by the Local Planning Agency on October 7, 2021.

ISSUES:

None

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 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 the R-3A, Liberal Multiple Family District and B-2, Business District to the WGC, Waterfront General Commercial District and adopt the Resolution of approval.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$1,000.00 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 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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