



Legislation Details (With Text)

File #: 22-0792

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

In control: Board of County Commissioners

On agenda: 5/17/2022 **Final action:** 5/17/2022

Title: REQUEST FOR A ZONING DISTRICT CHANGE BY JEREMY AND KATHERINE OAKY (O041-001)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2022_0413_O041-001_STAFF_DRT_FINAL.pdf, 2. DRAFT_RESO_APPROVE.pdf, 3. 2022_0225_O041-001_APP.pdf, 4. FINANCIAL_DISCLOSURE.pdf, 5. 2022_0420_O041-001_LAD_Tearsheet.PDF, 6. Draft_Sample Letter_O041-001.pdf, 7. SURROUNDING_OWNERS_CERT.pdf, 8. SIGN_CERTIFICATION.pdf, 9. DRAFT_RESO_DENY.pdf, 10. Staff Presentation Oaky Rezoning BCC.pdf

Date	Ver.	Action By	Action	Result
5/17/2022	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

REQUEST FOR A ZONING DISTRICT CHANGE BY JEREMY AND KATHERINE OAKY (O041-001)

EXECUTIVE SUMMARY:

This is a request by Jeremy and Katherine Oaky (O041-001) for a proposed amendment to the county zoning atlas. The proposed amendment is to change the existing zoning district classification from the WE-1, Waterfront Estate District to RE-1/2A, Residential Estate District, or the most appropriate zoning district. The approximate 1.23-acre parcel of land is located at 2865 SE Saint Lucie Boulevard in Stuart. Included with this application is a request for a Certificate of Public Facilities Exemption.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Brian Elam
Title: Senior Planner

REQUESTED BY: Christen Spake, Esq. McCarthy, Summers, Wood, Norman, Melby & Schultz, P.A. (Agent)

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

This is a request by Jeremy and Katherine Oakey (O041-001) for a proposed amendment to the county zoning atlas. The proposed amendment is to change the existing zoning district classification from the WE-1, Waterfront Estate District to RE-1/2A, Residential Estate District, or the most appropriate zoning district. The approximate 1.23-acre parcel of land is located at 2865 SE Saint Lucie Boulevard in Stuart. Included with this application is a request for a Certificate of Public Facilities Exemption (Section 5.32.B.3.f.(7), LDR).

The current zoning on the property is WE-1, Waterfront Estate District, which is a Category “B” district. The WE-1 zoning district is consistent with the future land use designation. Therefore, the request to rezone this property is considered non-mandatory.

There is one (1) standard Category “A” zoning district that is available to implement the Estate Density 2UPA land use policies of the CGMP, which is RE-1/2A, Residential Estate District. In addition to the standard zoning district, 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.

This item has been scheduled for consideration by the Local Planning Agency on May 5, 2022 and the recommendation will be provided to the Board of County Commissioners.

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

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

ISSUES:

There are no issues with this application.

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 and the staff report as Exhibit 1.
2. Move that the Board approve the request to rezone from WE-1, Waterfront Estate District to RE-1/2A Residential Estate District.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$3,115 application fee and the \$290.00 completeness fee.

ALTERNATIVE RECOMMENDATIONS

Same as above.

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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