



Legislation Details (With Text)

File #: 22-1011

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

In control: Board of County Commissioners

On agenda: 8/9/2022 **Final action:** 8/9/2022

Title: REQUEST FOR A ZONING DISTRICT CHANGE BY TRINIDAD AND 3 BAGELS, LLC (T146-002)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2022_0624_T146-002_STAFF_FINAL.pdf, 2. T146-002 DRAFT RESO APPROVE.pdf, 3. 2022_0519_T146-002_APP.pdf, 4. T146-002 FINANCIAL DISCLOSURE.pdf, 5. T146-002 LEGAL AD.pdf, 6. T146-002 SAMPLE LETTER.pdf, 7. T146-002 SURROUNDING PROPERTY OWNERS CERTIFICATION.pdf, 8. T146-002 SIGN POSTING AFFIDAVIT.pdf, 9. T146-002 TRINIDAD REZONING BCC.pdf, 10. T146-002 DRAFT RESO DENY.pdf

Date	Ver.	Action By	Action	Result
8/9/2022	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

REQUEST FOR A ZONING DISTRICT CHANGE BY TRINIDAD AND 3 BAGELS, LLC (T146-002)

EXECUTIVE SUMMARY:

This is a request by Trinidad and 3 Bagels (T146-002) for a proposed amendment to the county zoning atlas for a residential district designation. The proposed amendment is to change the existing zoning district classification from A-2, Agricultural District to the AR-5A, Agricultural Ranchette District or the most appropriate zoning district. The approximate 25-acre parcel of land is located at 6155 SW Leighton Farm Avenue in Palm City. 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: Trinidad and 3 Bagels, LLC

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

This is a request by Trinidad and 3 Bagels (T146-002) for a proposed amendment to the county

zoning atlas for a residential district designation (Section 3.2.E, LDR). The proposed amendment is to change the existing zoning district classification from A-2, Agricultural District to the AR-5A, Agricultural Ranchette District or the most appropriate zoning district. The approximate 25-acre parcel of land is located at 6155 SW Leighton Farm Avenue in Palm City. 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 district on the property is A-2, Agricultural District a Category "C" district in the current Article 3 zoning code. The district is inconsistent with the future land use designation. Therefore, the request to rezone is considered mandatory.

There are two (2) standard "Category A" zoning districts that are available to implement the Agricultural Ranchette land use policies of the CGMP, which are the AR-5A, Agricultural Ranchette District and the AR-10A, Agricultural Ranchette 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.

This item has been scheduled for consideration by the Local Planning Agency on August 4th, 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 staff report as Exhibit 1.
2. Move that the Board approve the request to rezone from A-2, Agricultural District to AR-5A Agricultural Ranchette District.

ALTERNATIVE RECOMMENDATIONS

Same as above.

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$1,000 application fee and the \$290 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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