



## Legislation Details (With Text)

**File #:** 22-1012  
**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 4585 NE OCEAN BLVD., LLC (F112-003)  
**Sponsors:**  
**Indexes:**  
**Code sections:**

**Attachments:** 1. 2022\_0712\_F112-003\_STAFF\_FINAL.pdf, 2. F112-003 DRAFT RESO APPROVE.pdf, 3. 2022\_0610\_F112-003\_APP.pdf, 4. F112-003 FINANCIAL DISCLOSURE.pdf, 5. F112-003 LEGAL AD.pdf, 6. F112-003 SAMPLE LETTER.pdf, 7. F112-003 SURROUNDING PROPERTY OWNERS CERTIFICATION.pdf, 8. F112-003 SIGN POSTING AFFIDAVIT.pdf, 9. F112-003 FAULKNER REZONING BCC.pdf, 10. F112-003 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 4585 NE OCEAN BLVD., LLC (F112-003)**

### EXECUTIVE SUMMARY:

This is a request by 4585 NE Ocean Blvd., LLC (F112-003) for a proposed amendment to the county zoning atlas. The proposed amendment is to change the existing zoning district classification from HR-2A, Multiple-Family Dwelling District to RS-6, Medium Density Residential District or the most appropriate zoning district. The approximate 1.37-acre parcel of land is located at 4585 NE Ocean Boulevard on Hutchinson Island. 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:** Engineering Design & Construction, Inc.

**PRESET:**

**PROCEDURES:** Quasi-Judicial

### BACKGROUND/RELATED STRATEGIC GOAL:

This is a request by 4585 NE Ocean Blvd., LLC (F112-003) for a proposed amendment to the county

zoning atlas for a residential district classification (Section 3.2.E, LDR). The proposed amendment is to change the existing zoning district classification from HR-2A, Multiple-Family Dwelling District to RS-6, Medium Density Residential District or the most appropriate zoning district. The approximate 1.37-acre parcel of land is located at 4585 NE Ocean Boulevard on Hutchinson Island. 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 HR-2A, Multiple-Family Dwelling 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 four (4) standard “Category A” zoning districts that are available to implement the Medium Density land use policies of the Comprehensive Growth Management Plan, which are RS-6, RS-8, RM-6 and RM-8 Medium Density Residential Districts. In addition to the standard zoning districts, the Planned Unit Development (PUD) 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 4, 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 HR-2A, Multiple-Family Dwelling District to RS-6, Medium Density Residential District.

## ALTERNATIVE RECOMMENDATIONS

None

## FISCAL IMPACT:

## RECOMMENDATION

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