



Legislation Details (With Text)

File #: 22-1056
Type: Departmental Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 8/16/2022 **Final action:** 8/16/2022
Title: REQUEST FOR APPROVAL OF THE 10TH AMENDMENT TO THE BANYAN BAY PUD ZONING AGREEMENT INCLUDING A REVISED MASTER AND PHASING SITE PLANS AND PHASE 3 FINAL SITE PLAN (B082-045)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2022_0719_B082-045_Staff_Report_Final.pdf, 2. 10th Amendment to Banyan Bay PUD.pdf, 3. 2022_0718_B082-045_Master_and_Phasing_Plan.pdf, 4. 2022_0718_B082-045_PAMP_Phase_1_and_2.pdf, 5. 2022_0718_B082-045_PAMP_Phase_3.pdf, 6. 2022_0718_B082-045_Resolution_to_Approve.pdf, 7. 2022_0725_B006-008_Final_Site_Plan.pdf, 8. 2022_0718_B082-045_Application_Materials.pdf, 9. 2022_0718_B082-045_Landscape_Littoral_Plans.pdf, 10. 2022_0715_B045-045_Elevations.pdf, 11. 2022_0718_B082-045_Disclosure_of_Interest.pdf, 12. 2022_0721_B082-045_Sign_Posting_Affidavit.pdf, 13. 2022_0718_B082-039_Reso_Deny.pdf, 14. Banyan Bay PUD.pdf

Date	Ver.	Action By	Action	Result
8/16/2022	1	Board of County Commissioners	approved	Pass

PLACEMENT: Departmental - Quasi-Judicial

TITLE:

REQUEST FOR APPROVAL OF THE 10TH AMENDMENT TO THE BANYAN BAY PUD ZONING AGREEMENT INCLUDING A REVISED MASTER AND PHASING SITE PLANS AND PHASE 3 FINAL SITE PLAN (B082-045)

EXECUTIVE SUMMARY:

This a request by Farrell Building Company for the 10th Amendment to the Banyan Bay Planned Unit Development (PUD) Zoning Agreement. The application includes a revised master plan and the phase 3 final site plan. Banyan Bay received master plan and PUD zoning approval on November 9, 2004. Banyan Bay is a residential development situated on an approximate 251-acre parcel located on the west side of SW Kanner Highway and is accessed at the signalized intersection with SE Pomeroy Street in Stuart. Included in this application is a request for a Certificate of Public Facilities Reservation.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Peter Walden, AICP
Title: Deputy Growth Management Director

REQUESTED BY: Managed Land Entitlements, Michael Sanchez, AICP

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

Farrell Building Company is request approval of the 10th Amendment to the Banyan Bay PUD Zoning Agreement. The Phase 3 final site plan includes 72 multi-family residential units and the associated infrastructure on approximately 12 undeveloped acres of the Banyan Bay development. Phase 3 has a separate entrance on SW Kanner Highway and is not accessible from the rest of the Banyan Bay development. The proposed apartment units are housed in 3 buildings which are each 3 stories in height. The Banyan Bay project has a total of 293 residential units resulting in a density of 1.17 units per acre.

The Banyan Bay development is inside the Primary Urban Service District, water and wastewater service will be provided by Martin County Utilities.

This application was not required to be heard by the Local Planning Agency pursuant to Sec. 10.5.F.9, Land Development Regulations, Martin County Code.

The following supporting documents are attached:

- Staff Report
- 10th Amendment to the Banyan Bay PUD Zoning Agreement
- Revised Master and Phasing Plan
- Revised Phase 1 and 2 PAMP
- Revised Phase 3 PAMP
- Revised Phase 3 Final Site Plan
- Draft Resolution to Approve
- Application Materials
- Landscape Plans
- Elevations
- Disclosure of Interest
- Sign Posting Affidavit
- Draft Resolution to Deny
- Staff Presentation

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

- Move that the Board receive and file the agenda item and its attachments including the staff report as Exhibit 1.
- Move that the Board approve the 10th Amendment to the Banyan Bay PUD Zoning Agreement including the Revised Master and Phasing Plans, the revised Preserve Area Management Plans, and the revised Phase 3 Final Site Plan.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$13,800.00 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 checked="" type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application | <input type="checkbox"/> Notice | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Resolution | | |
| <input type="checkbox"/> Other: | | |

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