



Legislation Details (With Text)

File #: 23-0814

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

In control: Board of County Commissioners

On agenda: 6/6/2023 **Final action:** 6/6/2023

Title: PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR C173-001, COUNTY OPERATIONS

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2023_0202_C173-001_draft_staff.pdf, 2. 2022_0816 CPA 22-07 BCC Agenda Item CNST-7.pdf, 3. 2022_0816 CPA 22-07 BCC CNST-7 ActionSum.pdf, 4. sign certification.pdf, 5. 2023_0519_C173-001_LAD_Tearsheet.PDF, 6. 2023_0519_C173-001 Certification of Mailing.pdf, 7. BOCC Presentation for County Operations Rezoning (C173-001).pdf

Date	Ver.	Action By	Action	Result
6/6/2023	1	Board of County Commissioners	approved	Pass
6/6/2023	1	Board of County Commissioners	approved	Pass
6/6/2023	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR C173-001, COUNTY OPERATIONS

EXECUTIVE SUMMARY:

This is a public hearing to consider a request for a zoning district change on a ±29.8-acre parcel from LI, Limited Industrial District to GI, General Industrial District, located on the west side SW Kanner Highway, south of SW 96th Street, and north of SW Bridge Road. This request is made concurrent with a proposed Comprehensive Growth Management Plan site specific text amendment, CPA 22-07, County Operations. Included is a request for a Certificate of Public Facilities Exemption. Florida Statutes requires two public hearings before the Board of County Commissioners for consideration of this request. This is the first public hearing.

DEPARTMENT: Growth Management

PREPARED BY: Name: Carolyn Grunwald
Title: Planner

REQUESTED BY: Board of County Commissioners

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

This is a request by The Board of County Commissioners for a zoning district change from LI (Limited Industrial District) to GI (General Industrial District), on a ±29.8-acre parcel on the west side SW Kanner Highway, south of SW 96th Street, and north of SW Bridge Road. The request was initiated by the Martin County Board of County Commissioners concurrently with a Board-initiated text amendment on the ±29.8-acre subject site on August 16, 2022.

On February 16, 2023, the Local Planning Agency voted to recommend approval of the proposed zoning district change with a vote of 4-0.

The following supporting materials are provided as attachments to this agenda item:

1. Staff Report
2. Agenda Item Summary initiating amendment to Zoning Atlas
3. Action Summary approving initiation of amendment to Zoning Atlas
4. Draft Resolution to Approve
5. Sign Certification
6. Newspaper Publication
7. Certification of Mailing/Letter to Surrounding Property Owners
8. Staff Presentation

ISSUES:

Please see the attached staff report for analysis of the proposed changes to the Zoning Atlas.

Pursuant to Florida Statutes § 125.66(4)(b), when the County initiates a change to the zoning map for land involving 10 contiguous acres or more, the Board shall hold two public hearings on the proposed change. The second public hearing must be held at least 10 days after the first public hearing after 5 p.m. on a weekday, unless the Board by a majority vote plus one votes to conduct the hearing at another time of day. This is a County initiated rezoning involving property that is more than 10 contiguous acres, and therefore two public hearings by the Board are required. Staff will properly advertise the second public hearing.

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 proceeding, 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 for the record as Exhibit 1.

2. Move that the Board vote to hold the second public hearing on June 20, 2023, at 9:00 a.m. or as soon after as the matter may be heard by a majority voted plus one.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

Staff time.

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 | |

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback <<http://www.martin.fl.us/accessibility-feedback>>.