



Legislation Details (With Text)

File #: 23-0837

Type: Public Hearing Quasi Judicial **Status:** Agenda Ready

In control: Board of County Commissioners

On agenda: 6/20/2023 **Final action:**

Title: PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR CPA 23-02, HOBE SOUND STORAGE

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1_Draft Rezoning Staff Report.pdf, 2. 2_Draft Resolution.pdf, 3. 3_Application.pdf, 4. Martin County Disclosure of Interest Page - Notarized.pdf, 5. Martin County Stephen Bable Disclosure of Interest Aff.pdf, 6. 5_Affidavit & Notice to Surrounding Owners & Affidavit.pdf, 7. 6_Sign Posting Certificate and Pictures.pdf, 8. 7_Public Comments.pdf, 9. Draft Resolution to Deny.pdf, 10. 2023_0602_REZ_LAD_Tearsheet.PDF, 11. SUPP MEMO, 12. Request to Intervene Hobe Sound Storage 06082023.pdf, 13. Presentation

Date	Ver.	Action By	Action	Result
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PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR CPA 23-02, HOBE SOUND STORAGE

EXECUTIVE SUMMARY:

This is a request for a zoning district change on a 4.01-acre parcel from RS-6, Medium Density Residential to GC, General Commercial District. The undeveloped site is located on the east side of SE Federal Highway approximately half a mile north of SE Constitution Boulevard in Hobe Sound. The proposed rezoning is contingent upon the approval of CPA 23-02, Hobe Sound Storage, Future Land Use Map amendment. Included is a request for a Certificate of Public Facilities Exemption.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Daphne Schaub
Title: Senior Planner

REQUESTED BY: Brandon Ulmer, Thomas Engineering Group, LLC.

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

This is a request by Employees Money Purchase Pension Plan and Trust of Boca Cardiology Associates, Babic and Vinci, P.A., for a zoning district change on a 4.01-acre parcel from RS-6, Medium Density Residential to GC, General Commercial District.

Comprehensive Growth Management Plan Policy 4.4A.1 provides that “Parcels being considered for amendment to the future land use designation shall be concurrently evaluated for rezoning to the most appropriate zoning district in the most recently adopted Land Development Regulations.” A concurrent rezoning is required for each Future Land Use Map (FLUM) amendment where the amendment creates an inconsistency with the current zoning designation.

Analysis of the proposed rezoning can be found in the staff report attached to this Board item.

The Local Planning Agency (LPA) considered this request at an advertised public hearing on June 1, 2023. The LPA vote ended in a tie, and therefore, the LPA does not have a recommendation for the Board.

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

1. Staff Report
2. Draft Resolution to Approve
3. Application Materials
4. Disclosure of Interest Affidavits
5. Affidavit and Notice to Surrounding Owners
6. Sign Posting Certificate
7. Public Comment
8. Resolution to Deny
9. Legal Advertisement

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 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 as Exhibit 1.
2. Move that the Board amend the Martin County Zoning Atlas to change the zoning district classification on the subject site from RS-6, Medium Density Residential to GC, General Commercial District.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

Staff time.

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☒ Resolution
☐ Other:

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