



Agenda Item Summary

File ID: 18-0508

PHQJ-1

Meeting Date: 7/10/2018

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

CHANCEY BAY RANCH REZONING (C167-001)

EXECUTIVE SUMMARY:

Request by CBR Investors, LLC, for a zoning change from the current A-2, Agricultural District, to the RE-2A, Rural Estate District, for approximately 18.2 acres consisting of vacant land located approximately 900 feet south of the intersection of SW Selma Street and SW Connors Highway on the west side of SW Conner's Highway in western Martin County. Included in this application is a request for a Certificate of Public Facilities Exemption.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Catherine Riiska
Title: Principal Planner

REQUESTED BY: Edgar Sabbagh, CBR Investors, LLC, Applicant; and Donald Cuozzo, Cuozzo Planning Solutions, LLC, Agent

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

This application is a request by CBR Investors, LLC, for a zoning change from the current A-2, Agricultural District, to the RE-2A, Rural Estate District, for approximately 18.2 acres consisting of vacant land located approximately 900 feet south of the intersection of SW Selma Street and SW Connors Highway on the west side of SW Conner's Highway in western Martin County. Included in this application is a request for a Certificate of Public Facilities Exemption.

The subject site consists of vacant land and has future land use designation land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Rural Density. The current zoning on the property is A-2, Agricultural District. The A-2 zoning was created in 1967 as a part of the County's original zoning regulations and was carried over to the current Article 3, Zoning Districts, Land Development Regulations (LDR), Martin County Code (MCC) as a Category C district, which are intended to be used until a rezoning to a Category A district is needed or required to accommodate proposed future uses of the property. The Category A districts were created to implement the land use policies of the CGMP.

The current A-2 zoning of the subject property is not consistent with the Rural Density land use policies of the CGMP. Therefore, the rezoning is considered mandatory. There is one (1) standard zoning district that is available to implement the Rural Density land use policies of the CGMP, which is the RE-2A, Rural Estate District. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another option.

The applicant is requesting the RE-2A zoning district. The Martin County Land Development Regulations provide the standards for amendments to the Zoning Atlas in Section 3.2.E.2. of Article 3. A full analysis of the application of these standards to this rezoning request is provided in the attached Staff Report. The Local Planning Agency considered this rezoning request in a public hearing on June 21, 2018, and their recommendations will be provided to the Board.

The following supporting materials are provided attached to this Agenda Item:

Staff Report

Draft Resolution for Approval of Rezoning

Site Legal Description (Exhibit A to resolution)

Application Materials

Financial Disclosure Affidavit

Surrounding Properties Noticing List

Noticing Sign Posting Certification

Noticing Letter Template

Legal Ad

Draft Resolution for Denial of Rezoning

The following information regarding presentations by staff and the applicant is provided.

Staff presentation-

Estimated time: Approximately 5 minutes

Catherine Riiska, Principal Planner

Applicant presentation-

Estimated time: Approximately 5 minutes

Donald Cuozzo, Applicant's Agent/Planner

ISSUES:

There are no unresolved issues associated with the rezoning request. Please see the attached staff report for analysis.

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 that is based on a correct application of the law and competent substantial evidence in the record. Suggested procedures to follow during consideration of this matter are attached.

RECOMMENDED ACTION:

RECOMMENDATION

1. Move that the Board receive and file the Agenda item Summary and all of its attachments including the Staff Report for the record as Exhibit 1.
2. Move that the Board approve the request to amend the Martin County Zoning Atlas to change the zoning district on the subject property from A-2 to RE-2A and adopt the resolution of approval.

ALTERNATIVE RECOMMENDATIONS

- 2A. Move that the Board continue this matter to a date certain.
- 2B. Move that the Board deny the request to amend the Martin County Zoning Atlas to change the zoning district on the subject property from A-2 to RE-2A and adopt a resolution of denial setting forth the reasons for the denial.

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid fees of \$290 for sufficiency review and \$1,000 for mandatory rezoning application review.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

As above.

DOCUMENT(S) REQUIRING ACTION:

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