

PROPOSED AMENDMENT TO THE MARTIN COUNTY COMPREHENSIVE PLAN

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REQUEST NUMBER: CPA 20-03 Aquarius Land Holdings

Report Issuance Date: July 28, 2020

APPLICANT: Aquarius Land Holdings, LLC
Company Representative: Stephen Vitiello

REPRESENTED BY: HJA Design Studio
Michael Houston
50 East Ocean Blvd. Suite 101
Stuart, FL 34994

PLANNER-IN-CHARGE: Maria Jose, M.S., Planner
Growth Management Department

<u>PUBLIC HEARINGS</u>	<u>Date</u>	<u>Action</u>
Local Planning Agency:	9/3/2020	LPA voted 3-1 recommending approval
BCC Transmittal:	10/13/2020	
BCC Adoption:	TBD	

APPLICANT REQUEST: The proposed site-specific text amendment to Policy 4.1B.2.(1) of the Martin County Comprehensive Growth Management Plan (CGMP) will permit residential development on the 34.96-acre property located on the north side of S.E. Cove Road and the west side of S.E. Willoughby Boulevard.

STAFF RECOMMENDATION:
Staff recommends approval of the text amendment, for the reasons identified in this staff report.

EXECUTIVE SUMMARY:
The property has a Commercial Office/Residential (COR) future land use designation and is zoned COR-2. The future land use and the zoning permit residential development at a maximum of 10 units per acre and office uses. The sub area Policy 4.1B.2.(1) of the CGMP limits the subject property's square footage of non-residential use to 365,904 square feet and does not allow residential use on the property. The proposed change to the sub-area policy would allow residential development as permitted by the COR future land use designation, limited to 340 trips.

BACKGROUND:
In 2008 Comprehensive Plan Amendment CPA 08-07 changed the subject property from Rural Density Residential (up to 1 unit per 2 acres) to the COR future land use, adopted through Ordinance 802. In September 2008, the Department of Community Affairs (DCA) sent the county a "Notice of Intent" letter, stating that Ordinance 802 was, "not in compliance".

DCA stated:

“In our review of the comprehensive plan amendments, the Department determined that Future Land Use amendment CPA 08-7 was not supported by data and analysis to demonstrate that an adequate water supply is available, that the water and wastewater treatment facilities, and transportation facilities have available capacities over the next five years to serve the maximum development potential of the site and maintain the County's adopted level of service standards.

Therefore, a settlement agreement was reached and adopted through Ordinance 822 in May of 2009. Ordinance 822 limited development on the site to 365,904 square feet of non-residential use.



Figure 1, a location map that shows the subject parcel.

The following text is proposed by the applicant. Stricken text is proposed for deletion. Underlined language is text proposed for addition to Policy 4.1B.2. CGMP:

Policy 4.1B.2. Analysis of availability of public facilities. All requests for amendments to the FLUMs shall include a general analysis of (1) the availability and adequacy of public facilities and (2) the level of services required for public facilities in the proposed land uses. This analysis shall address, at a minimum, the availability of category A and category C service facilities as defined in the Capital Improvements Element. No

amendment shall be approved unless present or planned public facilities and services will be capable of meeting the adopted LOS standards of this Plan for the proposed land uses. The Capital Improvements Element or other relevant plan provisions and the FLUMs may be amended concurrently to satisfy this criterion. The intent of this provision is to ensure that the elements of the CGMP remain internally consistent.

Compliance with this provision is in addition to, not in lieu of, compliance with the provisions of Martin County's Concurrency Management System. When a map amendment is granted under this provision, it does not confer any vested rights and will not stop the County from denying subsequent requests for development orders based on the application of a concurrency review at the time such orders are sought.

Martin County may adopt sub-area development restrictions for a particular site where public facilities and services, such as arterial and collector roads, regional water supply, regional wastewater treatment/disposal, surface water management, solid waste collection/disposal, parks and recreational facilities, and schools, are constrained and incapable of meeting the needs of the site if developed to the fullest capacity allowed under Goal 4.13 of this Growth Management Plan. The master or final site plan for a site that is subject to such sub-area development restrictions shall specify the maximum amount and type of development allowed. Sub-area development restrictions apply to the following sites:

- (1) The tract of real property described in the Warranty Deed recorded at OR Book 2157, Page 2403, of the Public Records of Martin County, ~~which is limited to 365,904 square feet of nonresidential use,~~ shall be developed consistent with the assigned future land use designation, ~~and on which residential uses shall not be allowed.~~ provided, however the net outbound PM peak hour trips generated by all uses shall be limited to 340 trips.

ADDITIONAL TEXT PROPOSED BY APPLICANT

On September 3, 2020, this amendment was taken to the Local Planning Agency (LPA) for the first public hearing, during which the LPA members raised some concerns regarding the proposed language. The LPA members mentioned how the proposed amendment does not specify how the trip generation will be measured or at what stage of development the trips will be determined. They raised concerns regarding how the reader may feel confused with the language, upon which the applicant agreed, stating that they will add in additional text mentioning the ITE Trip Generation Rates (Based on the Institution of Transportation Engineers Manual) to further clarify the language. Staff agreed to consider the new language, as per the LPA's suggestion.

The following is the additional text, proposed by the applicant, highlighted in yellow:

The tract of real property described in the Warranty Deed recorded at OR Book 2157, Page 2403, of the Public Records of Martin County, ~~which is limited to 365,904 square feet of non-residential use,~~ shall be developed consistent with the assigned future land use designation, ~~and on which residential uses shall not be allowed~~ provided, however, the net outbound PM peak hour trips generated by all uses shall be limited to 340 trips, which trip generation rate shall be determined at final site plan for any use based on the then current ITE Trip Generation Rates.

Staff Recommendation of Additional Text

The additional language provided by the applicant specifies that the trip generation will be measured only during the final site plan stage, if an application is submitted for a development on the site. The language also specifies the method of trip generation calculation by mentioning the ITE Trip Generation Rates, which is the standard method used by traffic engineers. Staff recommends approval of the applicant’s additional language based on the content, however, staff recommends placing it as a new sentence:

The tract of real property described in the Warranty Deed recorded at OR Book 2157, Page 2403, of the Public Records of Martin County, ~~which is limited to 365,904 square feet of non-residential use, shall be developed~~ consistent with the assigned future land use designation, ~~and on which residential uses shall not be allowed~~ provided, however, the net outbound PM peak hour trips generated by all uses shall be limited to 340 trips. The trip generation rate shall be determined at final site plan for any use based on the then current ITE Trip Generation Rates.

ANALYSIS

As described in the BACKGROUND section of this report, DCA was concerned with the impacts the future land use change would have on public facilities specifically, water, wastewater and transportation. Staff analysis of the proposed text change will consider the Capital Facilities Impact.

Currently this site has a small agricultural operation (Florida Cuttings, a horticultural recycling facility) with the remainder of the property vacant. An active development approval exists on 9.92 acres of the subject property. The approval consists of a Major Master and Phase One Final Site Plan to accommodate a two phase 150 bed memory care facility. Staff analysis will consider the most intensive use of the site and will not include the approved Master Plan.

The proposed text change will allow the 34.96-acre site to be developed for office uses, or at 10 residential units per acre or, some combination of office and residential use. The maximum potential residential units could be 349 units. Please see the attached excerpt from Policy 4.13A.8 (1) describing the COR future land use designation. However, the proposed amendment to the sub-area policy will limit the net outbound PM peak hour trips generated by all uses to 340 trips instead of limiting nonresidential development to 365,904 square feet.

The parcel is within the following:

- Planning District: South County
- Adjacent Planning District: Port Salerno
- Commission District: District 2: Commissioner Heatherington
- Taxing District: District 2 Municipal Service Taxing Unit
- Urban Service District: Yes, the site is located within the Primary Urban Service District.

Adjacent Future Land Use

- North: Rural Density Residential and General Institutional
- South: Rural Density Residential and Residential Estate Density (2 upa)
- East: Limited Commercial and Commercial Office/Residential
- West: Rural Density Residential

Adjacent Existing Uses

Below is a summary of the existing adjacent land uses in the general vicinity of the subject property:

North-	Snake Road Auto Salvage (salvage yard) and some private, single family homes.
South-	Single family homes and St. Andrews Catholic Church.
East-	Vacant commercial acreage and Discovery Village assisted living facility, and Coral Shores mental health facility.
West-	Heaton Tree Farm and some single-family homes.

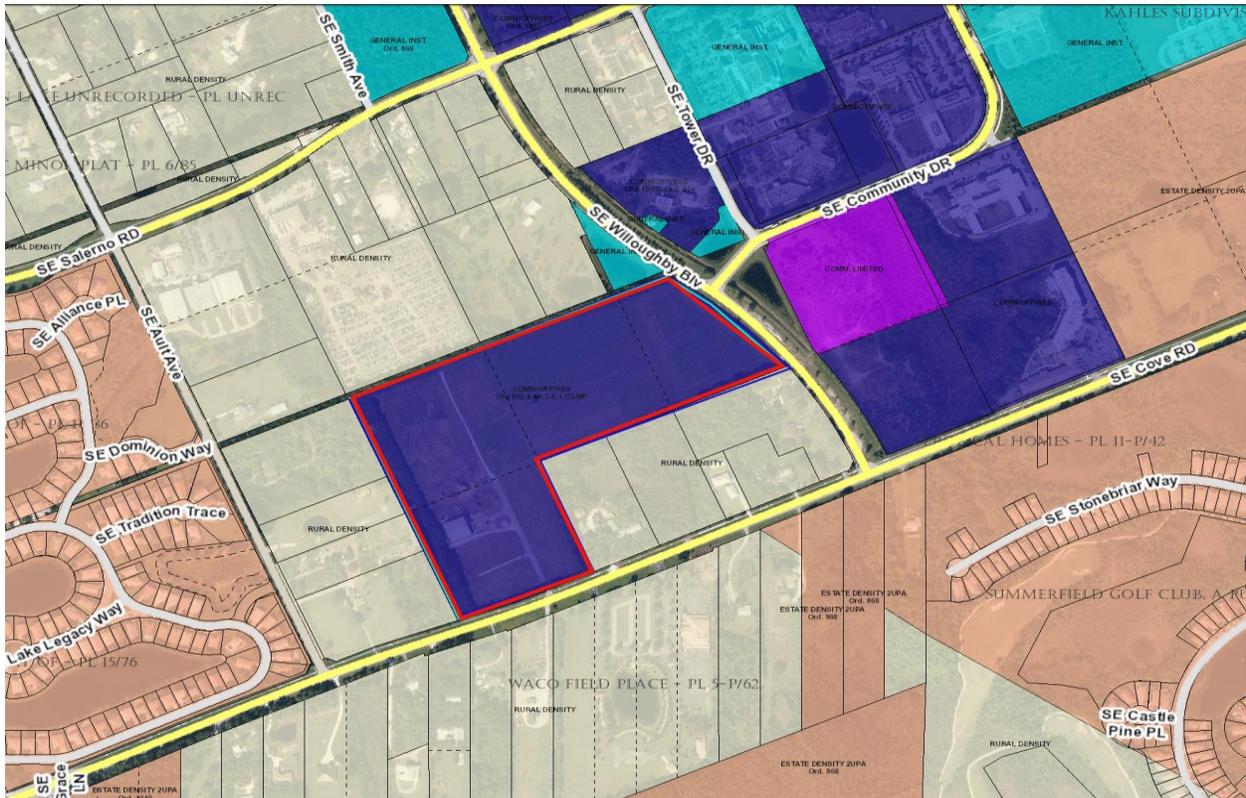


Figure 2, Future Land Use Map, with the subject site highlighted in a red outline.

Capital Facilities Impact

As the applicant mentions in their application materials, significant roadway improvements have now occurred in the area of subject site, including the expansion of Kanner Highway/SR 76 from a four lane to a six-lane road. The Project Development & Environmental (PD&E) Study for the widening of S.E. Cove Road to a four-lane divided facility is scheduled to start in Florida Department of Transportation's 2021/2022 fiscal year, which begins on July 1, 2021.

Water/Sewer Facilities

There is adequate availability of public facilities for the proposed text amendment. The subject property is within the Primary Urban Service District and all mandatory public facilities and services are available. The subject site has access to water and sewer provisions, with a potable water line and a main sewer line, Sewer Force Main. Please see Figure 3 and 4 below:

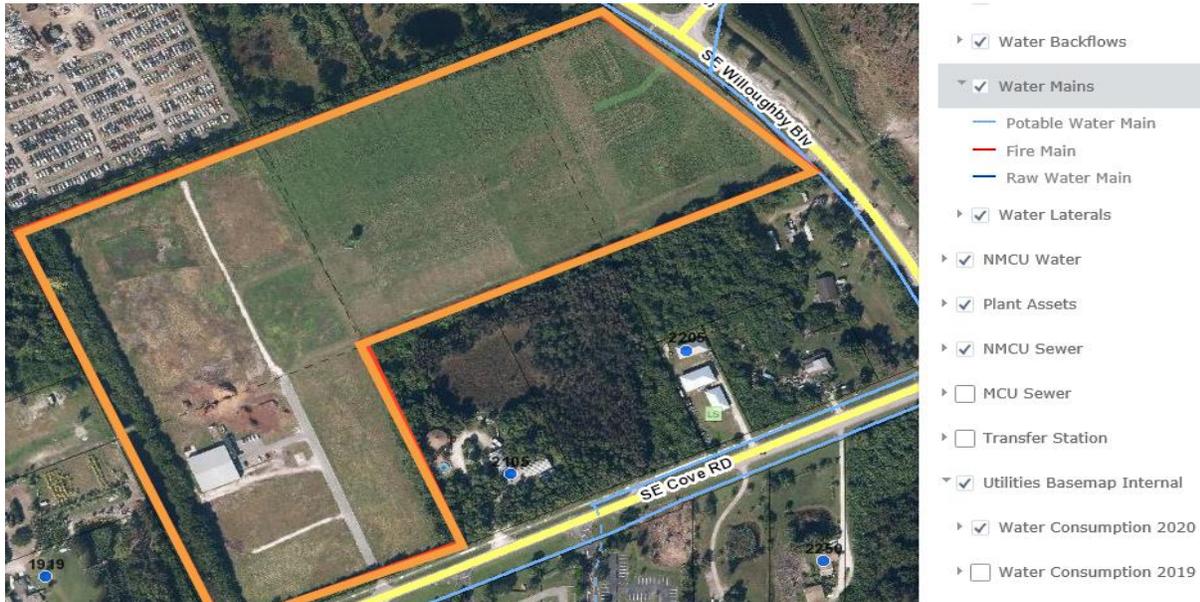


Figure 3, Potable Water Main, shown in blue.



Figure 4, Sewer Force Main, shown in green.

Please see the attached memorandum from Martin County Utilities, which states that there is enough capacity to accommodate the proposed amendment. The site is also not near or within wellfield protection zones.

Drainage Facilities

Level of Service for drainage facilities is listed below. Compliance with the following levels of service requirements must be evaluated with the submittal of a site plan. The developed site must comply with the following policies.

Policy 14.1A.2.(2) County water management systems:

Level of Service

Major Drainage Ways (over one square mile) - 8.5" in a 24-hour period (25 year/24-hour design storm)

Underground Facilities Utilizing Storm Sewers - 6" in a 24-hour period (5 year/24-hour design storm)

All Other Facilities - 7" in a 24-hour period (10-year/24-hour design storm)

Finished Floor Elevation - 100-year/3-day storm

(a) Building floors shall be at or above the 100-year flood elevations, as determined from the most appropriate information, including Federal Flood Insurance Rate Maps. Both tidal flooding and the 100-year, 3-day storm event shall be considered in determining elevations. Lower floor elevations will be considered for agricultural buildings and boat storage facilities that are nonresidential and not routinely accessed by the public.

(b) All project sites shall control the timing of discharges to preclude any off-site impact for any storm event. The peak discharge rate shall not exceed the predevelopment discharge rate for the 25-year frequency, 3-day duration storm event.

The minimum roadway flood protection design storm shall be the 10-year frequency, 24-hour duration storm event unless the roadway is classified as a scenic corridor, in which case the flood protection design storm will consider maintaining the character of the roadway.

Transportation

Policy 5.2A.1, states: “Establish a base level of service. The LOS standard for all roadways in unincorporated Martin County is LOS D in the peak hour/peak direction. Standards for the State Highway System are guided by FDOT's latest 'LOS Policy'. The methodology for determining roadway facilities' level of service shall adhere to the methodologies identified in the latest FDOTs Q/LOS Handbook.”

The Public Works Department staff reviewed the transportation study submitted with this text amendment. The limitation to 340 net outbound PM peak hour trips aligns with long range transportation planning assumptions. Staff will reevaluate the traffic impacts prior to the issuance of any development order associated with the property.

Solid Waste Facilities

The proposed Future Land Use designation does not exceed the level of service (LOS) criteria for solid waste facilities. The required LOS in Martin County is 1.06 tons of capacity per weighted population. The weighted average population (the average of seasonal and full time residents) countywide in Fiscal year 2020 is 175,341 persons. In fiscal year 2020, there are 263,012 tons of available capacity or 1.50 tons per weighted person. A change from strictly office uses to the addition of Residential Density (up to 10 units per acre) will not reduce the level of service below capacity.

Parks/Recreation Facilities

Parks and recreation facilities are calculated on a countywide basis. The county has a total population in Fiscal Year 2020 of 158,400 persons. There are currently 1,013 acres of active parkland available in the County. The 2020 Capital Improvements Plan provides the following LOS analysis for services. The potential residential units will not reduce active parks and recreation level of service below capacity.

	REQUIRED LOS	PROVIDED	CURRENT LOS
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ACTIVE PARKLAND	3 acres per 1,000 residents	1,013 acres	6.39 acres per 1,000 residents
BEACH FACILITIES	9 parking spaces per 1,000 residents	1,350 spaces	8.5 spaces per 1,000 residents

Fire/Public Safety/EMS

The following table shows the levels of service adopted in Chapter 14, Capital Improvements. Level of Service Area: Unincorporated Martin County. The analysis is based upon a 2020 (weighted average) population in unincorporated Martin County of 153,353 persons. The proposed changes will not diminish the level of service below capacity.

	Travel time	Areas of Martin County	Required LOS Percent of time	Current LOS Percent of time
Advanced life support	8 minutes	Urban	90	94
Advanced life support	20 minutes	Rural	90	94
Basic life support	6 minutes	Urban	90	94
Basic life support	15 minutes	Rural	90	94
Fire response	6 minutes	Urban	90	94
Fire response	15 minutes	Rural	90	94

Schools

School facilities are calculated based on residential units. CGMP Section 17.7.A.2.b.

Policy: Within 30 days after the School District Staff receives a completed public school impact form for amendments to the Comprehensive Plan future land use map, rezonings, developments of regional impact, and master site plans which include residential units, the School District Staff shall provide the local government with a general capacity analysis which indicates the generalized capacity for all applicable school facilities. This analysis shall be used in the evaluation of the development proposals but shall not provide a guarantee of availability of services or facilities.

Also, please see the attached general capacity analysis memo from Martin County School Board, which states the following:

“The analysis indicates the middle school enrollment is projected to meet the Concurrency (LOS) Level of Service capacity, however the elementary & high school enrollment may exceed the LOS Capacity.”

At a future date, during the final site plan review process, the County must coordinate with the School Board of Martin County for a LOS analysis as provided for under Section 17.7. CGMP.

Libraries

Library level of service is calculated on a countywide basis and requires 0.60 gross square feet of library space for each resident and two volumes of reading material per weighted resident. The Fiscal Year 2020 Capital Improvement Plan shows the current LOS is 0.66 square feet per resident and 1.80 volumes per weighted resident. There is currently a deficit in volumes per weighted resident. The proposed future land use change will not reduce the Library level of service below 0.60 gross square feet for each resident.

3. CONCLUSION

Staff recommends approval of the proposed site- specific text amendment because it only applies to the subject site and no matter what usage, the net outbound PM peak hour trips will be limited to 340. The proposed amendment has the potential to allow residential uses in addition to non-residential uses. However, considering all factors such as the existing availability of capital/public facilities staff recommends approval.

FIGURES/ATTACHMENTS

Figure 1, Location Map
Figure 2, the Future Land Use Map
Figure 3, Map showing Potable Water Main
Figure 4, Map showing Sewer Force Main
Memo from Utilities Department
Memo from School District
Ordinance 802
Department of Community Affairs, Notice of Intent
Ordinance 822
Policy 4.13A.8. CGMP, describing COR future land use