



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

PITCHFORD'S LANDING REZONING

Applicant:	Jensen Beach MHP, LLC
Property Owner:	Jensen Beach MHP, LLC (Diana Marrone)
Agent for Applicant:	Cuozzo Planning Solutions, Inc. (Donald J. Cuozzo)
County Project Coordinator:	Brian Elam, PMP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	P125-013
Record Number:	DEV2021100013
Report Number:	2025_0415_P125-013_DRT_STAFF_FINAL
Application Received:	11/16/2021
Transmitted:	11/16/2021
Additional Materials Submitted:	03/07/2025
Date of Report:	04/15/2025
LPA Meeting:	05/15/2025
BCC Meeting:	05/20/2025

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B. Project description and analysis

This is a request by Cuozzo Planning Solutions, Inc., on behalf of Jensen Beach MHP, LLC for a proposed amendment to the county zoning atlas. The proposed amendment is to change the existing zoning district classification from Planned Unit Development (PUD) to LC, Limited Commercial District, and RS-5, Low Density Residential District or the most appropriate zoning districts. The approximate 17.27 acres property consists of ten parcels located east of NE Skyline Drive. The property is bisected by NE Indian River Drive and the Florida East Coast railroad and includes land east of NE Indian River Drive. The property is generally located at the intersection of NE Indian River Drive and NE 1st Street, approximately

100 feet north of NE Pineapple Avenue/NE Causeway Boulevard at 3830 NE Indian River Drive in Jensen Beach. Included with this application is a request for a Certificate of Public Facilities Exemption.

The site is currently zoned Planned Unit Development (PUD) by way of the Pitchford's Landing PUD Zoning Agreement approved on August 7th, 2007, after the approval of Ordinance 757, a Future Land Use Map (FLUM) amendment that changed an approximate \pm 13.7-acre portion from Mobile Home to Low Density on the same day. A first amendment to PUD was approved on June 14th, 2011 and the timetable of development expired. The second amendment to the PUD never completed post approval and therefore is invalid. A zoning change has been requested to remove the PUD zoning and assign standard zoning districts that are consistent with the Low-Density land use given to the property in 2007 and the existing Limited Commercial land use.

There is one (1) standard Category "A" zoning district available to implement the Commercial Limited land use policies of the Comprehensive Growth Management Plan (CGMP) which is LC, Limited Commercial district. There are six (6) standard Category "A" zoning districts available to implement the Low-Density land use policies of the CGMP which are, RS-3, RS-4, RS-5, RM-3, RM-4, RM-5, Low Density Residential Districts. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as an option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County. The applicant is proposing to rezone the property to the RS-5, Low Density Residential District on the land with an underlying Low Density Future Land Use (FLU) and LC, Limited Commercial on the land with an underlying Commercial Limited FLU.

The future land use designations for the property on the FLUM of the County's CGMP is Low Density and Commercial Limited. Pursuant CGMP Policy 4.13A.7.(3) Low Density Residential development. The Low-Density Residential designation is reserved for land in the Primary Urban Service District. Densities shall not exceed five units per gross acre. In reviewing specific densities, the aim shall be to preserve the stability and integrity of established residential development and provide equitable treatment to lands sharing similar characteristics. Landscaping, screening, buffering and similar design techniques shall be used to assure a smooth transition between residential structure types and densities.

Pursuant CGMP Policy 4.13A.8.(2) Limited Commercial development. Limited Commercial development is allocated to commercial sites accessible to major thoroughfares near residential neighborhoods. The scale and intensity of commercial uses in Limited Commercial areas shall be compatible with adjacent residential neighborhoods. Sites in this designation are intended for shops with limited inventory of goods as well as transient lodging facilities consistent with the CGMP and the Land Development Regulations. This designation is not generally intended to accommodate residential development. Duly approved residential uses existing at the effective date of the CGMP shall be considered permitted uses.

The following tables show the permitted uses and development standards for the RS-5 and LC Category "A" districts.

Table 1 Permitted Uses (RS-5, Low Density Residential District)

Category “A” Agricultural and Residential Districts (Excerpted from LDR, Art. 3, Div. 2, Sec. 3.11, Table 3.11.1)

USE CATEGORY	RS3	RS4	RS5	RM3	RM4	RM5
<i>Residential Uses</i>						
Accessory dwelling units						
Apartment hotels						
Mobile homes						
Modular homes	P	P	P	P	P	P
Multifamily dwellings				P	P	P
Single-family detached dwellings	P	P	P	P	P	P
Single-family detached dwellings, if established prior to the effective date of this ordinance						
Townhouse dwellings				P	P	P
Duplex dwellings				P	P	P
Zero lot line single-family dwellings				P	P	P
<i>Agricultural Uses</i>						
Agricultural processing, indoor						
Agricultural processing, outdoor						
Agricultural veterinary medical services						
Aquaculture						
Crop farms						
Dairies						
Exotic wildlife sanctuaries						
Farmer's markets						
Feed lots						
Fishing and hunting camps						
Orchards and groves						
Plant nurseries and landscape services						
Ranches						
Silviculture						
Stables, commercial						
Storage of agricultural equipment, supplies and produce						
Wildlife rehabilitation facilities						
<i>Public and Institutional Uses</i>						
Administrative services, not-for-profit						
Cemeteries, crematory operations and columbaria						
Community centers	P	P	P	P	P	P
Correctional facilities						
Cultural or civic uses						

USE CATEGORY	RS3	RS4	RS5	RM3	RM4	RM5
Dredge spoil facilities						
Educational institutions	P	P	P	P	P	P
Electrical generating plants						
Fairgrounds						
Halfway houses						
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance						
Hospitals						
Neighborhood assisted residences with six or fewer residents	P	P	P	P	P	P
Neighborhood boat launches	P	P	P	P	P	P
Nonsecure residential drug and alcohol rehabilitation and treatment facilities						
Nonsecure residential drug and alcohol rehabilitation and treatment facilities, on lots where such use was lawfully established prior to the effective date of this ordinance						
Places of worship	P	P	P	P	P	P
Post offices						
Protective and emergency services	P	P	P	P	P	P
Public libraries	P	P	P	P	P	P
Public parks and recreation areas, active	P	P	P	P	P	P
Public parks and recreation areas, passive	P	P	P	P	P	P
Public vehicle storage and maintenance						
Recycling drop-off centers	P	P	P	P	P	P
Residential care facilities				P	P	P
Residential care facilities, where such use was lawfully established prior to the effective date of this ordinance						
Solar energy facilities (solar farms)						
Solid waste disposal areas						
Utilities	P	P	P	P	P	P
<i>Commercial and Business Uses</i>						
Adult business						
Bed and breakfast inns	P	P	P	P	P	P
Business and professional offices						
Campgrounds						
Commercial amusements, indoor						
Commercial amusements, outdoor						
Commercial day care	P	P	P	P	P	P
Construction industry trades						

USE CATEGORY	RS3	RS4	RS5	RM3	RM4	RM5
Construction sales and services						
Family day care	P	P	P	P	P	P
Financial institutions						
Flea markets						
Funeral homes						
General retail sales and services						
Golf courses	P	P	P	P	P	P
Golf driving ranges						
Hotels and motels						
Kennels, commercial						
Limited retail sales and services						
Marinas, commercial						
Marine education and research						
Medical services						
Parking lots and garages						
Recreational vehicle parks						
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance						
Residential storage facilities						
Restaurants, convenience, with drive through facilities						
Restaurants, convenience without drive through facilities						
Restaurants, general						
Shooting ranges, indoor						
Shooting ranges, outdoor						
Sporting clay course						
Trades and skilled services						
Vehicular sales and service						
Vehicular service and maintenance						
Veterinary medical services						
Wholesale trades and services						
<i>Transportation, Communication and Utilities Uses</i>						
Airstrips						
Airports, general aviation						
<i>Industrial Uses</i>						
Composting, where such use was approved or lawfully established prior to March 1, 2003						
Extensive impact industries						
Limited impact industries						

USE CATEGORY	RS3	RS4	RS5	RM3	RM4	RM5
Mining						
Salvage yards						
Yard trash processing						
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002						

Table 2 Development Standards (RS-5, Low Density Residential District)

(Excerpt from LDR, Table 3.12.1)

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft./stories)	Min. Open Space (%)	Other
A	RS-3	15,000	60	3.00	--	--	30	50	--
A	RS-4	10,000	60	4.00	--	--	30	50	--
A	RS-5	7,500	60	5.00	--	--	30	50	--
A	RM-3	15,000(h)	60(h)	3.00	--	--	40	50	--
A	RM-4	10,000(h)	60(h)	4.00	--	--	40	50	
A	RM-5	8,500(h)	60(h)	5.00	--	--	40	50	

(h)The minimum lot area and minimum lot width requirements shall not apply to zero lot line, townhouse or multifamily developments on lots created after March 29, 2002.

Table 3 Structure Setbacks (RS-5, Low Density Residential District)

Excerpt from LDR, Table 3.12.2

		Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
Category	Zoning District	1	2	3	4	1	2	3	4	1	2	3	4
A	RS-3	25	25	25	25	10	10	10	10	10	10	10	10
A	RS-4	25	25	25	25	10	10	10	10	10	10	10	10
A	RS-5	25	25	25	25	10	10	10	10	10	10	10	10
A	RM-3	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-4	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-5	25	25	25	25	10	20	30	40	10	10	20	30

Table 4 Permitted Uses (LC, Limited Commercial District)

Category “A” Nonresidential Districts

USE CATEGORY	LC
<i>Residential Uses</i>	
Accessory dwelling units	
Apartment hotels	P
Mobile homes	
Modular homes	
Multifamily dwellings	
Single-family detached dwellings	
Single-family detached dwellings, if established prior to the effective date of this ordinance	
Townhouse dwellings	
Duplex dwellings	
Zero lot line single-family dwellings	
<i>Agricultural Uses</i>	
Agricultural processing, indoor	
Agricultural processing, outdoor	
Agricultural veterinary medical services	
Aquaculture	
Crop farms	
Dairies	
Exotic wildlife sanctuaries	
Farmer's markets	
Feed lots	
Fishing and hunting camps	
Orchards and groves	
Plant nurseries and landscape services	P
Ranches	
Silviculture	
Stables, commercial	
Storage of agricultural equipment, supplies and produce	
Wildlife rehabilitation facilities	
<i>Public and Institutional Uses</i>	
Administrative services, not-for-profit	P
Cemeteries, crematory operations and columbaria	
Community centers	P

USE CATEGORY	LC
Correctional facilities	
Cultural or civic uses	P
Dredge spoil facilities	
Educational institutions	P
Electrical generating plants	
Fairgrounds	
Halfway houses	
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance	
Hospitals	
Neighborhood assisted residences with six (6) or fewer residents	
Neighborhood boat launches	
Nonsecure residential drug and alcohol rehabilitation and treatment facilities	
Nonsecure residential drug and alcohol rehabilitation and treatment facilities, on lots where such use was lawfully established prior to the effective date of this ordinance	
Places of worship	P
Post offices	P
Protective and emergency services	P
Public libraries	P
Public parks and recreation areas, active	P
Public parks and recreation areas, passive	P
Public vehicle storage and maintenance	
Recycling drop-off centers	P
Residential care facilities	P
Solid waste disposal areas	
Utilities	P
<i>Commercial and Business Uses</i>	
Adult business	
Ancillary retail use	
Bed and breakfast inns	P
Business and professional offices	P
Campgrounds	
Commercial amusements, indoor	P
Commercial amusements, outdoor	
Commercial day care	P
Construction industry trades	P
Construction sales and services	P

USE CATEGORY	LC
Family day care	
Financial institutions	P
Flea markets	
Funeral homes	P
General retail sales and services	
Golf courses	
Golf driving ranges	
Hotels, motels, resorts and spas	P
Kennels, commercial	
Limited retail sales and services	P
Marinas, commercial	
Marine education and research	
Medical services	P
Pain management clinics	P
Parking lots and garages	P
Recreational vehicle parks	P
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance	
Residential storage facilities	P
Restaurants, convenience, with drive-through facilities	
Restaurants, convenience, without drive-through facilities	P
Restaurants, general	P
Shooting ranges	
Shooting ranges, indoor	P
Shooting ranges, outdoor	
Trades and skilled services	
Vehicular sales and service	
Vehicular service and maintenance	
Veterinary medical services	P
Wholesale trades and services	
<i>Transportation, Communication and Utilities Uses</i>	
Airstrips	
Airports, general aviation	
Truck stop/travel center	
<i>Industrial Uses</i>	
Biofuel facility	
Composting, where such use was approved or lawfully established prior to March 1, 2003	

USE CATEGORY	LC
Extensive impact industries	
Limited impact industries	
Mining	
Salvage yards	
Yard trash processing	
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002	
<i>Life Science, Technology and Research (LSTAR) Uses</i>	
Biomedical research	P
Bioscience research	P
Computer and electronic components research and assembly	P
Computer and electronic products research and assembly	P
Computer programming/software research	P
Computer system design	P
Electromedical apparatus research and assembly	P
Electronic equipment research and assembly	P
Laser research and assembly	P
Lens research	P
Management, scientific and technical services	P
Marine Research	P
Medical and dental labs	P
Medical equipment assembly	P
Optical equipment assembly	P
Optical instruments assembly	P
Optoelectronics assembly	P
Pharmaceutical products research	P
Precision instrument assembly	P
Professional, scientific and technical services	P
Reproducing magnetic and optical media	P
Research and development laboratories and facilities, including alternative energy	P
Scientific and technical consulting services	P
Simulation training	P
Technology centers	P
Telecommunications research	P
Testing laboratories	P
<i>Targeted Industries Business (TIB) Uses</i>	
Aviation and aerospace manufacturing	

USE CATEGORY	LC
Business-to-business sales and marketing	P
Chemical manufacturing	
Convention centers	
Credit bureaus	P
Credit intermediation and related activities	P
Customer care centers	P
Customer support	P
Data processing services	P
Electrical equipment and appliance component manufacturing	
Electronic flight simulator manufacturing	
Fiber optic cable manufacturing	
Film, video, audio and electronic media production and postproduction	P
Food and beverage products manufacturing	
Funds, trusts and other financial vehicles	P
Furniture and related products manufacturing	
Health and beauty products manufacturing	
Information services and data processing	P
Insurance carriers	P
Internet service providers, web search portals	P
Irradiation apparatus manufacturing	
Lens manufacturing	
Machinery manufacturing	
Management services	P
Marine and marine related manufacturing	
Metal manufacturing	
National, international and regional headquarters	P
Nondepository credit institutions	P
Offices of bank holding companies	P
On-line information services	P
Performing arts centers	P
Plastics and rubber products manufacturing	
Printing and related support activities	
Railroad transportation	
Reproducing magnetic and optical media manufacturing	
Securities, commodity contracts	P
Semiconductor manufacturing	
Simulation training	P
Spectator sports	

USE CATEGORY	LC
Surgical and medical instrument manufacturing	
Technical support	P
Telephonic and on-line business services	P
Textile mills and apparel manufacturing	
Transportation air	
Transportation equipment manufacturing	
Transportation services	
Transaction processing	P
Trucking and warehousing	
Wood and paper product manufacturing	

Table 5 Development Standards (LC, Limited Commercial District)

(Excerpt from LDR, Table 3.12.1)

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft./stories)	Min. Open Space (%)	Other
A	LC	10,000	80	10.00	20.00	50	30	30	—

Table 6 Structure Setbacks (LC, Limited Commercial District)

Excerpt from LDR, Table 3.12.2

		Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
Category	Zoning District	1	2	3	4	1	2	3	4	1	2	3	4
A	LC	25	25	25	25	20	20	30	40	10	10	20	

Standards for Amendments to the Zoning Atlas

An application to amend the zoning atlas shall be submitted pursuant to section 10.2.B. After review by the Local Planning Agency and the Board of County Commissioners, the Board may adopt a resolution changing the zoning district on a parcel of land or the dimensions of a zoning boundary provided the request demonstrates compliance with the standards for amendment to the zoning atlas pursuant to subsection 3.2.E., LDR.

The Martin County Land Development Regulations (LDR), Article 3, Section 3.2 E.1. provides the following “Standards for amendments to the Zoning Atlas.”

The Future Land Use Map of the CGMP establishes the optimum overall distribution of land uses. The CGMP also establishes a series of land use categories which provide, among other things, overall density and intensity limits. The Future Land Use Map shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible pursuant to the CGMP and these Land Development Regulations. All goals, objectives and policies of the CGMP shall be considered when a proposed rezoning is considered. The County shall have the discretion to decide that the development allowed on any given parcel of land shall be more limited than the maximum allowable under the assigned Future Land Use Category; provided, however, that the County shall approve some development that is consistent with the CGMP, and the decision is fairly debatable or is supported by substantial, competent evidence depending on the fundamental nature of the proceeding. If upon reviewing a proposed rezoning request the County determines that the Future Land Use designation of the CGMP is inappropriate, the County may deny such rezoning request and initiate an appropriate amendment to the CGMP.

The Martin County Land Development Regulations (LDR), in Section 3.2.E.2., provides the following “Standards for amendments to the Zoning Atlas.” In the review of a proposed amendment to the Zoning Atlas, the Board of County Commissioners shall consider the following:

- a. Whether the proposed amendment is consistent with all applicable provisions of the Comprehensive Plan; and,***

The subject property is designated for Low Density and Commercial Limited land use on the Future Land Use Map (FLUM) of the Comprehensive Growth Management Plan (CGMP). The zoning implementation policies defined in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code identify one (1) standard zoning district, LC available to implement the Commercial Limited future land use classification and six (6) standard zoning districts, RS-3, RS-4, RS-5, RM-3, RM-4, and RM-5 available to implement the Low-Density future land use classification.

In addition to the standard zoning districts the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects in exchange for additional benefits provided to the public and more controls by the County, which is considered concurrently with a proposed site plan. The choice of the most appropriate district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) are asked to consider based on the “standards for amendments to the zoning atlas” provided in Section 3.2 E.1., Land Development Regulations (LDR), Martin County Code (MCC).

RS-5, Low Density Residential District and LC, Limited Commercial District implement the Low Density and Limited Commercial Future Land Use policies of the CGMP. The granting of a zoning change to RS-5 and LC will be consistent with the policies of the CGMP.

b. Whether the proposed amendment is consistent with all applicable provisions of the LDR; and,

There is one (1) standard Category “A” zoning district available to implement the Commercial Limited land use policies of the Comprehensive Growth Management Plan (CGMP) which is LC, Limited Commercial district. There are six (6) standard Category “A” zoning districts available to implement the Low-Density land use policies of the CGMP which are, RS-3, RS-4, RS-5, RM-3, RM-4, RM-5, Low Density Residential Districts.

The subject property has six (6) parcels, with areas ranging from 0.35 to 13.25 acres, on the Low-Density Future Land Use for a total of ±16.36 acres and four (4) parcels with areas ranging from approximately 0.11 to 0.41 acres on Commercial Limited Future Land Use for a total of 0.91 acres.

Two (2) of the parcels on the Commercial Limited Future Land Use meet the minimum development standards for lot area and width while the northernmost two (2) undeveloped parcels do not meet the development standards and would need to be combined with each other or other contiguous land if development on them is proposed in the future.

Four (4) of the six (6) parcels on Low Density Future Land Use are fronting NE Skyline Drive. Two (2) of those are developed and have single-family homes on them and the other two are undeveloped. The fifth parcel is approximately 0.56 acres and undeveloped. These five (5) westernmost parcels are part of the Ballentine & Moore plat recorded on November 28, 1900. The sixth parcel is approximately 13.25 acres in area and is separated into four non-contiguous areas due to the Florida East Coast Railroad tracks, County owned NE 1st Street right-of-way, and Railroad Avenue that was dedicated to the public via the Blount Pitchford plat recorded on June 11, 1927. The property north of NE 1st Street lying between NE Indian River Drive and the Florida East Coast Railroad consists of platted lots created by the Blount Pitchford plat. All areas of these six (6) parcels meet the minimum development standards governing RS-5 as defined in Table 3.12.1 shown above.

The granting of a zoning change to RS-5 and LC will be consistent with the policies of the Land Development Regulations (LDR). The rezoning does not consider existing uses or structures on the property.

With respect to the other Land Development Regulation requirements related to roads, drainage, environmental protection, emergency services, landscaping, etc., full compliance cannot be assessed until a development application is submitted to the County. This request to rezone the subject property is considered non-mandatory.

The granting of a zoning change by the County does not exempt the applicant from any of the County’s Land Development Regulations and no development of the property is proposed as part of this application requesting a rezoning. The applicant must demonstrate full compliance

with all regulations prior to any Development Order approval action taken by the County.

- c. Whether the proposed district amendment is compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the property for the proposed zoning use; and,***

This application requests a rezoning of the property with a Commercial Limited Future Land Use to the LC Zoning District, which is the only Category A zoning district created specifically to implement the CGMP policies for lands designated Commercial Limited on the Future Land Use Map of the CGMP. The Commercial Limited property is between NE Indian River Drive to the west and the Indian River to the East consisting of four (4) parcels with an approximate area of 0.91 acres. One of the parcels has an operating business. The remaining three parcels are vacant. The underlying future land use for these parcels has been Commercial Limited since the original FLUM was adopted in 1982. LC, Limited Commercial District is suitable to the site and is compatible with the character of the existing land uses in the adjacent and surrounding area.

This application requests a rezoning of the property with a Low-Density Future Land Use to the RS-5 Zoning District allowing minimum lot area of 7,500 and a maximum density of 5 units per acre. A review of the surrounding residential lots to the north, south and west of the property lying west of the railroad tracks shows a mixture of developments between 2 and 5 units per acre. The residential lots abutting the property west of the railroad tracks on the north and west property lines are approximately 0.55 acres or 24,000 square feet. The portion of land with Low Density Future Land Use lying east of the railroad tracks and west of NE Indian River Drive is abutting Limited Commercial to the North and the Core subdistrict of Jensen Beach CRA to the south. The majority of the existing developments on these borders consist of parking lots. There are approximate 5 units per acre residential lots 0.1 miles to the south on NE Mango Terrae and NE Cherry Terrace and 0.41 miles to the north between NE Chardon Street and NE Jane's Terrace.

Existing development within the area consists primarily of single-family homes and commercial uses, consistent with the location and future land use designation. Therefore, the requested RS-5 zoning district is suitable to the site and is compatible with the character of the existing land uses in the adjacent and surrounding area.

- d. Whether and to what extent there are documented changed conditions in the area; and,***

The requested zoning district of LC is the only Category A zoning district that is consistent with the future land use designation Commercial Limited. The Commercial Limited future land use has existed on the east and west sides of NE Indian River Drive approximately 0.66 miles since the FLUM was adopted in 1982. The four parcels related to this rezoning are the southern beginning point of this stretch of Commercial Limited land. The R-3A (Liberal Multiple-Family District) was the zoning over this land at the adoption of CGMP, prior to the PUD

Zoning agreement and allows many commercial and residential uses. The documented changes in the area appear to be consistent with the CGMP and LDR in that the properties on Commercial Limited FLU that are residential have maintained the R-3A zoning designation and the properties that have commercial uses have rezoned to LC as is required when site planning with a Category “C” zoning district that is inconsistent with the underlying FLU. R-3A zoning is consistent with a Commercial Waterfront or Commercial Office/Residential FLU and not consistent with the existing Commercial Limited FLU so rezoning is mandatory when site planning is required. A single-family residential dwelling or one duplex dwelling is exempt from Article 10 site planning requirements so rezoning these properties is not required and the R-3A zoning district, which is inconsistent with the underlying Commercial Limited FLU will remain until such time as a use requiring a site plan is proposed.

The requested RS-5 zoning is one of six (6) Category “A” zoning districts consistent with the low-density future land use. The low-density land use makes up the overwhelming majority of land north of NE Sunview Terrace lying south of the property up to NE County Line Road to the north and extends westward from the Florida East Coast Railroad for approximately 0.5 miles. The surrounding area with low-density land use is mostly zoned R-2, a Category “B” zoning district allowing modular and single-family home with minimum lot areas of 7,500 square feet which is identical to the proposed RS-5 zoning district. There parcel abutting the property to the south is zoned MH-P, Mobile Home Park District, which is a Category “A” zoning district and is consistent with the Mobile Home FLU for that parcel. Pineapple Bluffs is an 11-lot platted single-family subdivision abutting the property to the north which has the RS-4, Low Density Residential District zoning allowing 4 units per acre. As noted before there is a large quantity of 5 unit per acre development in the immediate area and a smaller portion of lots with densities between 2 through 4 units per acre. The requested RS-5 zoning although not present in the area would be consistent with the surrounding development and the CGMP.

e. Whether and to what extent the proposed amendment would result in demands on public facilities; and,

The subject property is located within the Primary Urban Services District of the County. As such, the full range of urban services at service levels established by the CGMP is available or must be made available for any uses that are planned for the property. Water services to the site are already provided to the existing site by Martin County Utilities, the regional service provider for this area of the County. Wastewater service is also available by Martin County Utilities and Solid Waste Department.

f. Whether and to what extent the proposed amendment would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the county's resources; and,

The proposed amendment to the zoning atlas is consistent with the Commercial Limited assigned to the Future Land Use Map in 1982 and the Low-Density assigned to the Future

Land Use Map by way of a FLUM amendment, Ordinance 757, in August of 2007, for a ± 13.7-acres portion of the subject site . The permitted uses and Land Development regulations pertaining to the RS-5 Zoning District and LC Zoning District are well suited for the area and will conserve the value and development pattern that is well established.

g. *Consideration of the facts presented at the public hearings.*

The subject application requires a public hearing before the Local Planning Agency, who will make a recommendation on the request; and, before the Board of County Commissioners, who will take final action on the request. The two public hearings will provide the public an opportunity to participate in the review and decision-making process.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Sections F through T of this report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Brian Elam	772-288-5501	Comply
G	Development Review	Brian Elam	772-288-5501	Comply
H	County Attorney	Elysse A. Elder	772-288-5925	Review Ongoing
I	Adequate Public Facilities	Brian Elam	772-288-5501	Exempt

Staff has reviewed this rezoning application of a property to the appropriate zoning district designation, has determined that the application has been submitted and reviewed consistent with the procedural requirements of Article 10 and is in compliance with the substantive provisions of Article 3. Staff recommends approval of this rezoning application.

D. Review Board action

This application is classified as an amendment to the official zoning atlas. Pursuant to Section 10.3.B., Land Development Regulations (LDR), Martin County, Florida., a review of this application at a public hearing is required by the Local Planning Agency (LPA), which shall provide a recommendation for the Board's consideration. And, pursuant to Section 10.5.F., LDR, Martin County, Florida, final action on this request for an amendment to the official zoning map is required by the Board of County Commissioners (BCC) at a public hearing.

E. Location and site information

Item	PCN	Address	Area	Proposed Zoning District
Parcel:	153741003001003408	No assigned address	0.11 acres	LC
Parcel:	1537410000000001708	No assigned address	0.16 acres	LC
Parcel	1537410000000001710	No assigned address	0.23 acres	LC
Parcel	1537410000000001815	3825 NE Indian River Drive	0.41 acres	LC
Parcel	153741001007000204	No assigned address	0.56 acres	RS-5
Parcel	153741001007000213	3879 NE Skyline Drive	0.35 acres	RS-5
Parcel	153741001007000400	3869 NE Skyline Drive	0.75 acres	RS-5
Parcel	153741001007000410	No assigned address	0.63 acres	RS-5
Parcel	153741001008000104	No assigned address	0.82 acres	RS-5

Parcel 153741003001000205 3830 NE Indian River Drive 13.25 Acres RS-5

Existing Zoning:	Pitchford's Landing PUD
Future Land Use:	Low Density and Commercial Limited
Gross area of site:	Approximately 17.27 acres

Figure 1 – Location Map

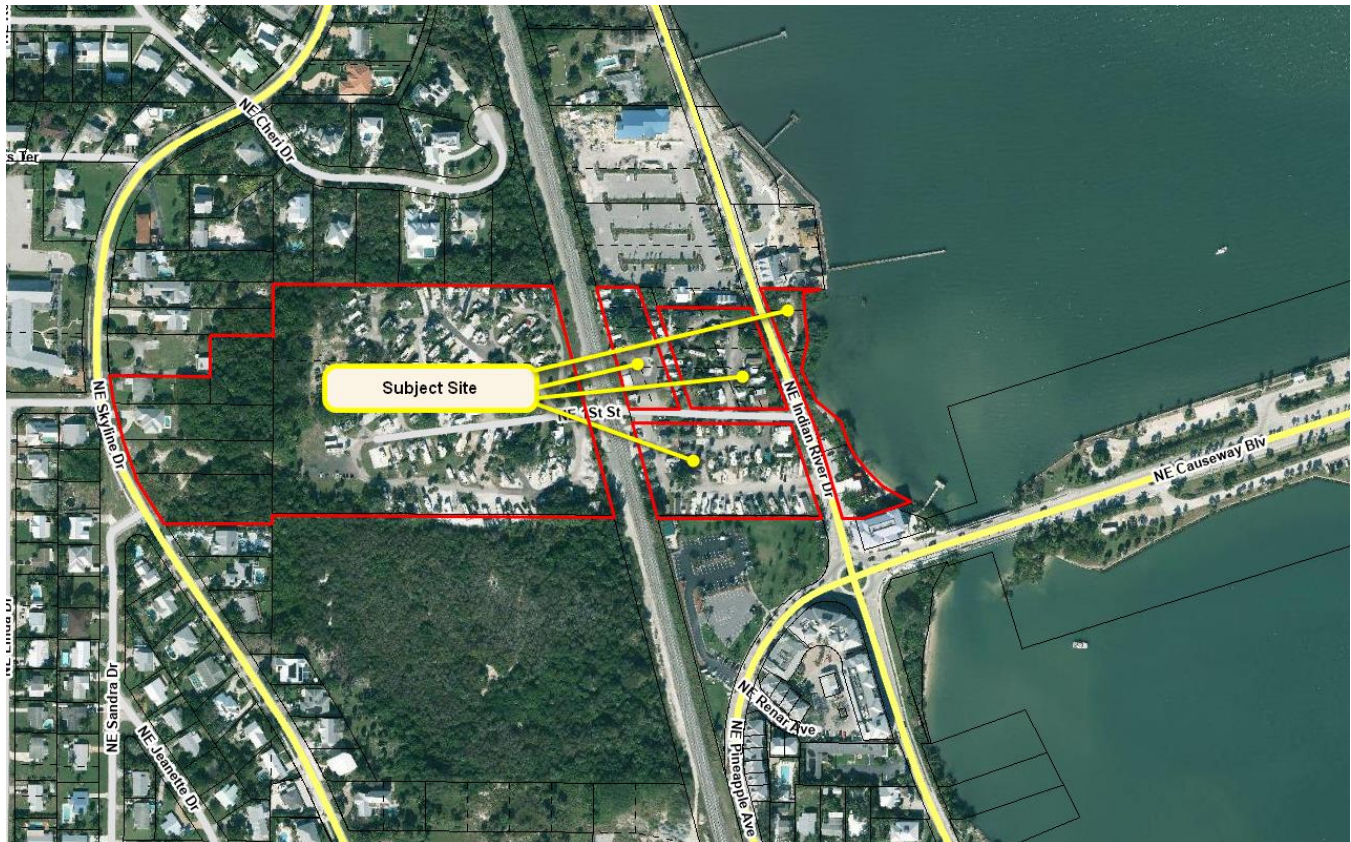


Figure 2 – Aerial



Figure 3 Subject Site Parcel Identification



Figure 4 Zoning Atlas Excerpt

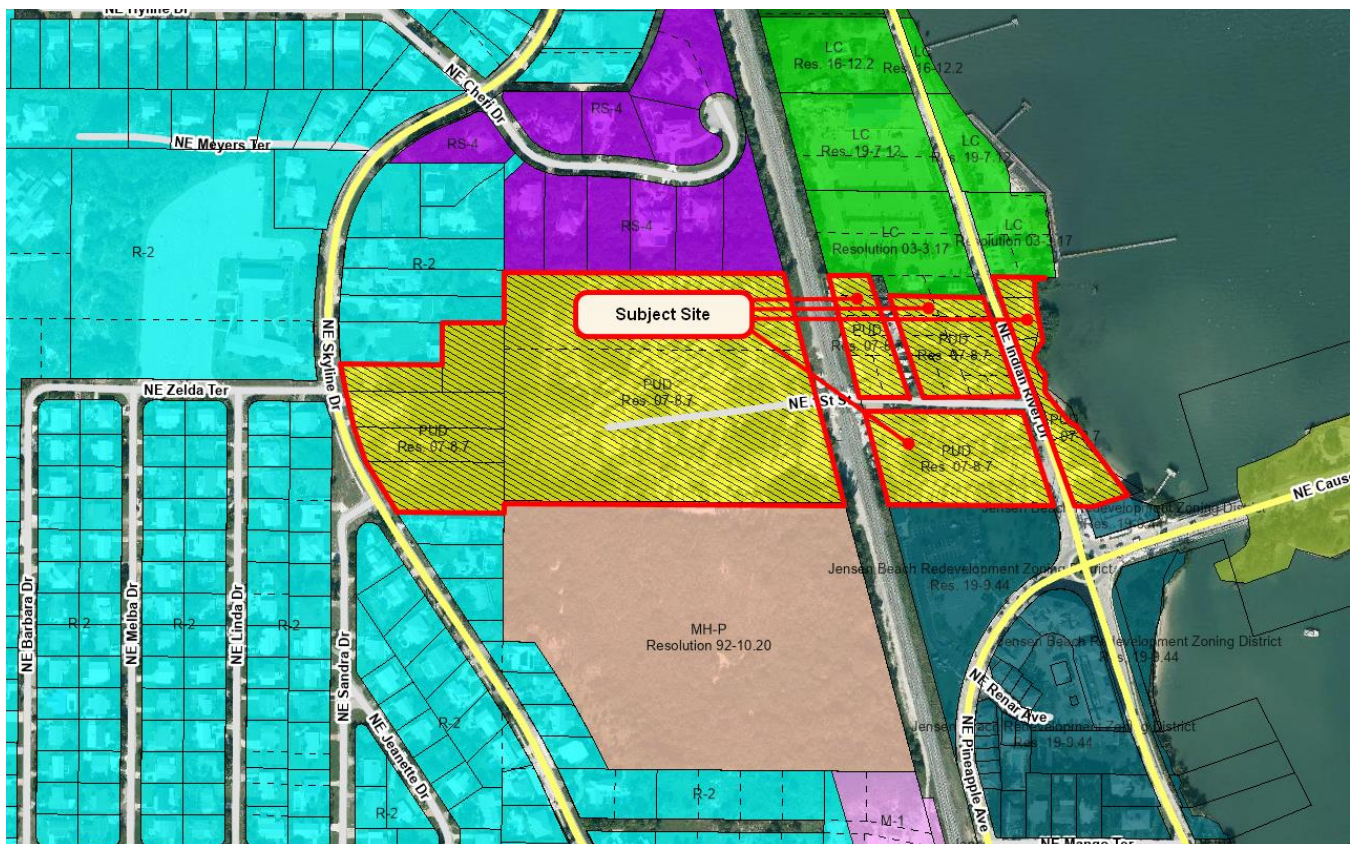


Figure 5 Future Land Use

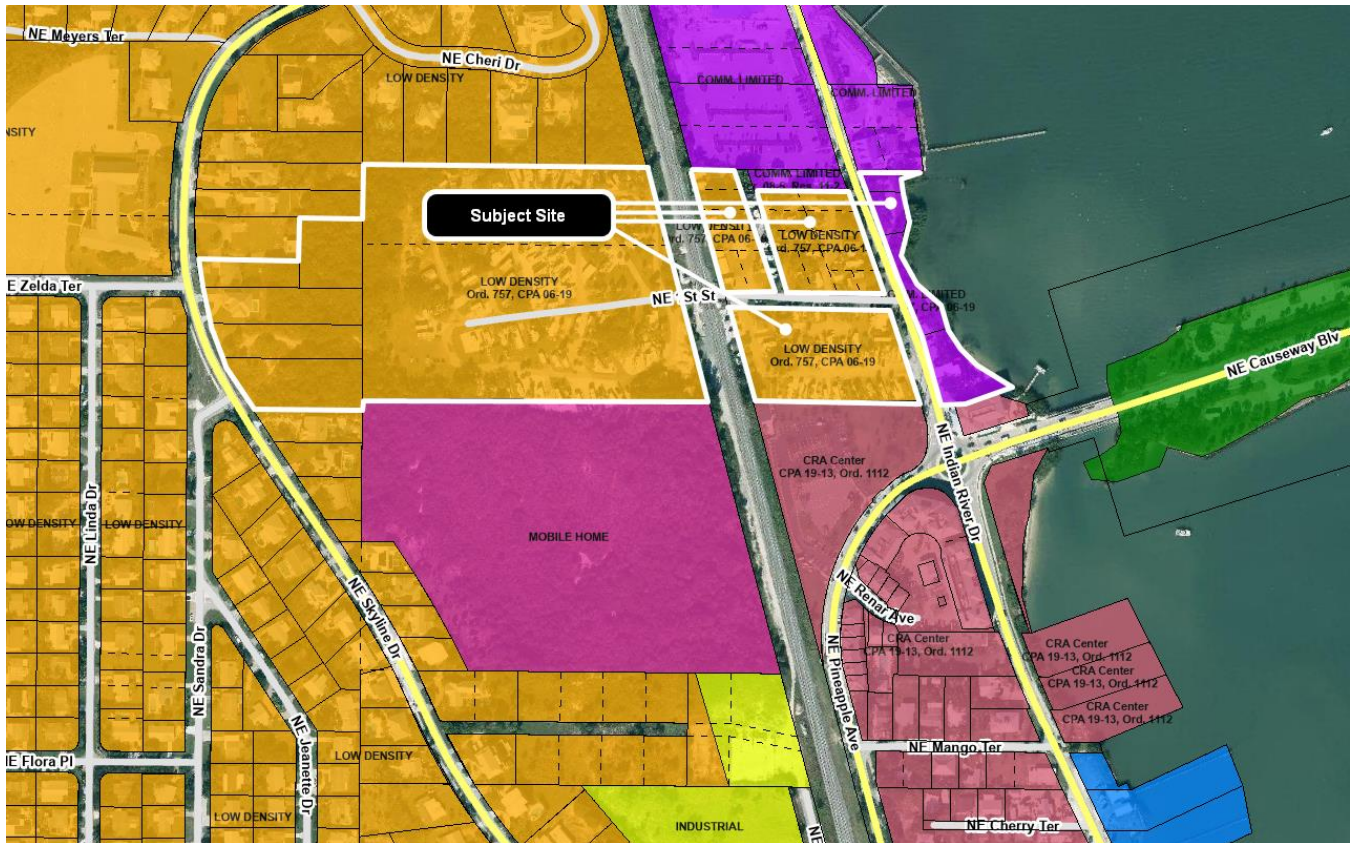
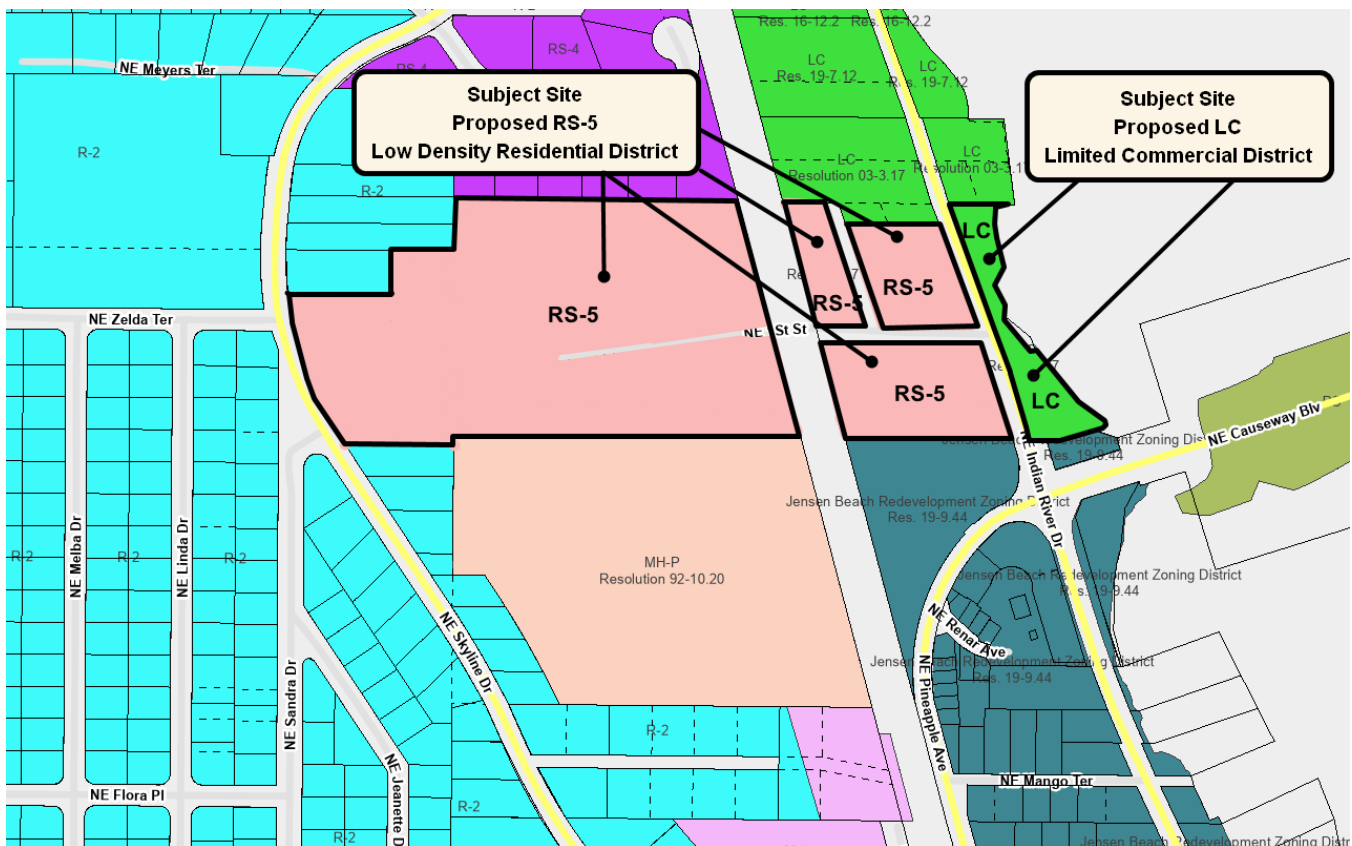


Figure 6 Proposed Amendment to Zoning Atlas



F. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department

Findings of Compliance:

The application proposes rezoning to standard zoning districts defined in the Land Development Regulations for the purpose of implementing the Comprehensive Growth Management Plan (CGMP) for lands designated Low Density and Commercial Limited on the Future Land Use Map of the CGMP Martin County, FLA, LDR §3.10.

Staff has reviewed this application and finds that the proposed zoning district designations are consistent with the underlying land uses on the future land use map of the Comprehensive Growth Management Plan.

G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and, pursuant to the analysis provided in Section B of this report, finds the application to rezone the properties to Limited Commercial and RS-5 Low Density residential will be consistent with the existing land uses on the property. However, due to the existing PUD zoning on the property, an amended PUD agreement and continued PUD zoning is also a viable option to be considered by the Board.

Additional Information:

Information #1:

Notice Of A Public Hearing

The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days (seven calendar days if the application is being expedited pursuant to section 10.5.E.) prior to the public hearing by the applicant to all owners of real property located within a distance of 500 feet of the boundaries of the affected property. For development parcels which lie outside of or border the primary urban service district, the notification distance shall be increased to 1000 feet. In addition, notice shall be mailed to all homeowner associations, condominium associations and the owners of each condominium unit within the notice area. MARTIN COUNTY, FLA., LDR, § 10.6.E.1.

Information #2:

Newspaper advertisement.

Notice(s) of public hearings regarding development applications shall be published by the County at least 14 days prior to the date of the public hearing in the legal advertisement section of a newspaper of general circulation in Martin County. The applicant shall reimburse the County for the cost(s) of the newspaper ad(s) as a post approval requirement for the application MARTIN COUNTY, FLA., LDR §10.6.D.

Information #3:

Public Hearings

Based upon the staff findings of compliance, this application will be scheduled for the next LPA meeting and following that hearing will be scheduled for the next BCC meeting dependent upon the County's scheduling policy.

H. Determination of compliance with legal requirements - County Attorney's Office

Review Ongoing

I. Determination of compliance with the adequate public facilities requirements - responsible departments

The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B., LDR, Martin County, Fla. Exempted development will be treated as committed development for which the County assures concurrency.

Examples of developments that do not create additional impact on public facilities include:

- A. Additions to nonresidential uses that do not create additional impact on public facilities;
- B. Changes in use of property when the new use does not increase the impact on public facilities over the pre-existing use, except that no change in use will be considered exempt when the preexisting use has been discontinued for two years or more;
- C. **Zoning district changes to the district of lowest density or intensity necessary to achieve consistency with the Comprehensive Growth Management Plan;**
- D. Boundary plats which permit no site development

J. Post-approval requirements

After approval of the development order, the applicant will receive a letter and a Post Approval Requirements List that identifies the fees required. Approval of the development order is conditioned upon the applicant's submittal of all required fees to the Growth Management Department (GMD), within sixty (60) days of the final action granting approval.

Item	Description	Requirement
1.	Post Approval Fees	The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to <u>Martin County Board of County Commissioners</u> and sent or delivered to the Growth Management Department at 2401 SE Monterey Rd., Stuart, FL 34996
2.	Recording Costs	The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the <u>Martin County Clerk of Court</u> and sent or delivered to the Growth Management Department at 2401 SE Monterey Rd., Stuart, FL 34996.

K. Local, State, and Federal Permits

There are no applicable Local, State and Federal Permits associated with amendments to the County Zoning Atlas.

L. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$1,000.00	\$1,000.00	\$0.00
Advertising fees*:	TBD		
Recording fees**:	TBD		

* Advertising fees will be determined once the ads have been placed and billed to the County.

** Recording fees will be identified on the post approval checklist.

M. General application information

Applicant/Owner: Jensen Beach MHP, LLC
Diana Marrone
419 W 49th Street Suite 300
Hialeah, Florida 33012
305-755-3955

Agent: Cuozzo Planning Solutions, Inc.
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Attorney: McCarthy Summers, et.el.
Terry McCarthy
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N. Acronyms

ADA	Americans with Disability Act
AHJ	Authority Having Jurisdiction
ARDP	Active Residential Development Preference
BCC	Board of County Commissioners
CGMP	Comprehensive Growth Management Plan
CIE	Capital Improvements Element

CIP	Capital Improvements Plan
FACBC	Florida Accessibility Code for Building Construction
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
LDR	Land Development Regulations
LPA	Local Planning Agency
MCC	Martin County Code
MCHD	Martin County Health Department
NFPA	National Fire Protection Association
SFWMD	South Florida Water Management District
W/WWSA	Water/Wastewater Service Agreement

O. Attachments