PROPOSED AMENDMENT TO THE MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN

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REQUEST NUMBER: CPA 23-14 South Florida Gateway PUD Future Land Use Map

(FLUM) Amendment – Parcel 2

FLUM Report Issuance Date: October 17, 2023

APPLICANT: Parcel 2

Kanner/96th St Investments, LLC Jim Harvey, Authorized Agent

105 NE 1st Street

Delray Beach, FL 33444

REPRESENTED BY: Lucido & Associates

Morris Crady, AICP Senior Vice President 701 SE Ocean Boulevard

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PLANNER-IN-CHARGE: Samantha Lovelady, AICP, Principal Planner

Growth Management Department

PUBLIC HEARINGS:

Local Planning Agency: November 16, 2023
Board of County Commission Adoption: December 5, 2023

SITE LOCATION: The parcel, depicted as Parcel 2, is 32.26 acres located south of SW 96th Street, between SW Kanner Highway (SR76) and the St. Lucie Canal.

APPLICANT REQUEST: This is a small scale application for a Comprehensive Growth Management Plan (CGMP) Future Land Use Map (FLUM) amendment to change 32.26 acres of Industrial to Agricultural. A separate application, CPA 22-12 – Parcel 1, is also being requested to change 32.26 acres of Agricultural to Industrial. It is an exchange of future land use designations. Please see the exchange of future land use designations depicted on Figures 2 and 3.

Proposed changes to the Zoning Atlas and proposed text amendments to the Comprehensive Plan related to the future land use change on Parcel 2 will be reviewed through separate staff reports.

STAFF RECOMMENDATION:

• Staff recommends approval of the FLUM amendment for the reasons outlined in the staff report.

EXECUTIVE SUMMARY:

This application proposes to remove 32.26 acres with an Industrial future land use (Parcel 2) from the west side of a 250-acre Freestanding Urban Service District, where the current future land use is Industrial. The future land use designation on Parcel 2 would change to Agricultural. A second application, (CPA22-12) would add 32.26 acres of Industrial to the north side of the property (Parcel 1). This is a no-net change in urban acreage and a no net change in Agricultural acreage. Please see Figures 1, 2 and 3.

There are companion text amendments to Chapter 4, Future Land Use Element. The application also includes amendments to Figure 4-2 Urban Service Districts altering the Freestanding Urban Service District; and changes to Figures 11-1, Areas Currently Served by Regional Utilities and 11-2, Potential Service Areas. The changes to Figures 11-1 and 11-2 are considered text amendments to Chapter 11, Potable Water Services Element/10 Year Water Supply Facilities Work Plan.

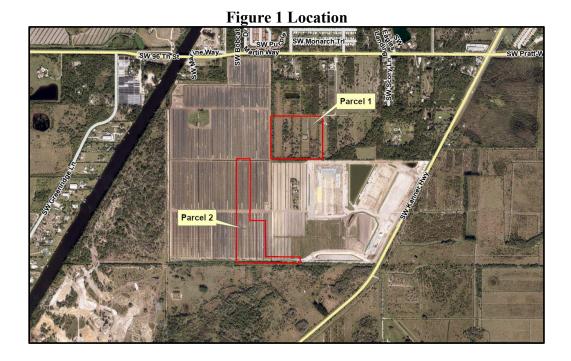


Figure 2 Existing FLUM

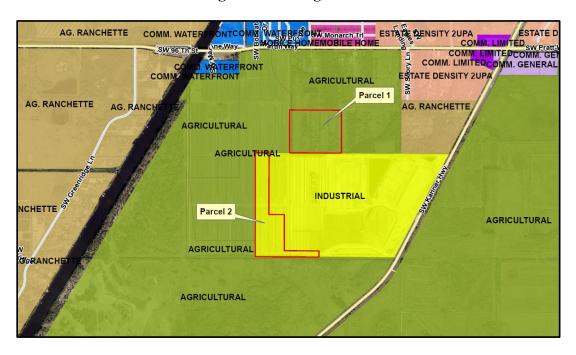
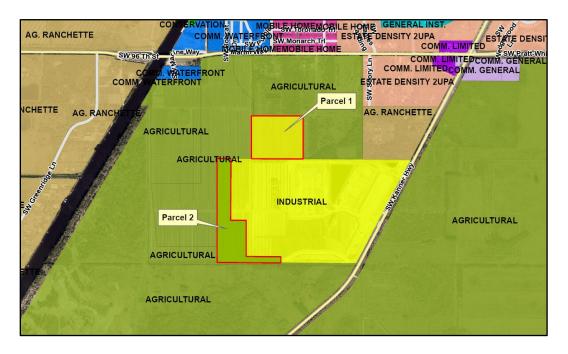


Figure 3 Proposed FLUM



1. PROJECT/SITE SUMMARY

1.1. Physical/Site Summary

The parcel is located south of SW 96th Street, between SW Kanner Highway (SR76) and the St. Lucie Canal.

Parcel 2 is within the following:

Commission District: District 3

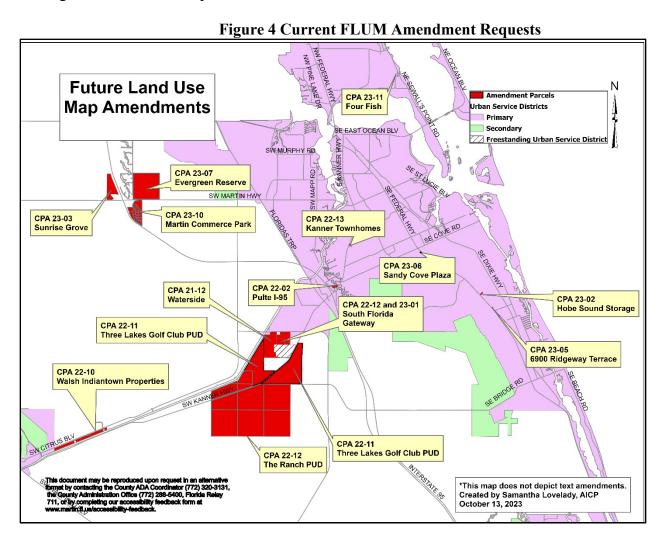
Taxing District: District 3 Municipal Service Taxing Unit

1.2 Major Roadways

There is one major roadway providing access to Parcel 2 via the Gateway PUD. SW Kanner Highway is a major arterial road maintained by the State and has been widened to 4 lanes between SW Locks Rd. and the intersection SW Pratt Whitney Road.

1.3. Current Amendment Requests

See Figure 4 below for a map of these amendments.



1.4. Past Requests for Changes to Future Land Use Map

- CPA 10-19 7th-Edition. Ordinance 876 adopted a change from Agricultural to Marine Waterfront Commercial (75 acres) and Industrial (174 acres).
- CPA 10-20 7th-Edition. Ordinance 877 expanded the Primary Urban Service District and adopted sub area policy on the same acreage in Ordinance 876.
- CPA 10-23 Atlantic Ridge (State Park). Ordinance 887 changed 5,747 acres from Low

Density Residential, Residential Estate Density, Rural Density and Agricultural Ranchette to Institutional Recreational and Conservation. Concurrently, Ordinance 888 adopted text changes creating sub-area policy on the same 5,747 acres regarding recreation activities on State Park land. These amendments did not increase demands on public facility levels of service and did not require extending services outside the existing PUSD.

- CPA 19-6 KL Waterside LLC. Ordinance, 1153 affected ±499 acres of land lying south of SW 96th Street, east of the St. Lucie Canal and west of SW Kanner Hwy. The amendment changed 249 acres of Agricultural, 175 acres of Industrial and 75 acres of Marine Waterfront Commercial to ±249 acres of Agricultural and ±250 acres of Industrial.
- CPA 19-22, Publix Supermarket. Ordinance 1129 changed approximately six acres from Agricultural to General Commercial at the corner of SW Pratt Whitney Rd. and SW Kanner Hwy. A companion text amendment expanded the Primary Urban Service District.
- CPA 19-19 Pulte at Christ Fellowship. Ordinance 1154 adopted a change from Rural Density (one unit per two acres) to Residential Estate Density (one unit per acre) on 321 acres east of S.W. Pratt Whitney Rd. and north of S.W. Bulldog Way.
- CPA 21-09 Becker B14 FLUM. Ordinance 1186 amended the FLUM to change \pm 1,493.91 acres from Agricultural to a new future land use designation, Rural Lifestyle.

1.5. Adjacent Future Land Use

North: Agricultural South: Agricultural East: Industrial West: Agricultural

1.6. Environmental Considerations

1.6.1. Wetlands, soils and hydrology

Parcel 2 has the following soils:

#21 Pineda sand. This nearly level soil is poorly drained. Under natural conditions this soil is poorly suited to citrus trees because of wetness, but if good water control system is adequate this soil is well suited to citrus. This soil is well suited to improved pasture especially grasses, and clover.

#66 Holopaw fine sand. This nearly level soil is poorly drained. Under natural conditions this soil has severe limitations for cultivated crops because of wetness and other soil factors. However, if good water control systems remove excess surface water and provides for subsurface irrigation in dry seasons, this soil is suitable for cultivated crops. Improved pasture is well suited to this soil.

The soils on these sites do not indicate the presence of wetlands on the property.



BOCA FINE SAND

BASINGER FINE SAND

ARENTS, 0-2% SLOPES ARCHBOLD SAND

ARENTS, ORGANIC SUBSTRATUM, 0-5% SLOPES

BESSIE MUCK

1.6.2. Wellfield protection

RIVIERA FINE SAND, DEPRESSIONAL

POMELLO SAND, 0-5% SLOPES

SANIBEL MUCK

SAMSULA MUCK

SALERNO SAND

ST LUCIE-PAOLA-URBAN LAND COMPLEX, 0-8% SLOP

The following is a description of the presence of existing wellfields proximate to the site and applicable wellfield protection measures.

LAWNWOOD AND MYAKKA FINE SAND KESSON SAND, TIDAL

JONATHAN SAND, 0-5% SLOPES

JUPITER SAND

HONTOON MUCK

The property is not in a wellfield protection area.

If groundwater or surface water withdrawals are proposed for irrigation, then the applicant will be required to submit additional information at the development review stage and submit a South Florida Water Management District Water Use Permit.

1.7. **Adjacent Existing Uses**

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

The Property Appraiser classifies it as 5200 Cropland Soil Cpcty CL III. NORTH:

SOUTH: The Property Appraiser classifies it as 9900 Vacant Acreage EAST: The Martin County Property Appraiser classifies it as 4000 – Vacant Industrial

[Property is currently under construction for industrial uses]

and

Unfarmed agricultural land. The Property Appraiser classifies it as 5200 Cropland

Soil Cpcty CL III.

WEST: The Property Appraiser classifies it as 5200 Cropland Soil Cpcty CL III.

2. ANALYSIS

2.1. Criteria for a Future Land Use Amendment (Section 1-11 CGMP)

In evaluating each Future Land Use Map amendment request or a text amendment request which changes an allowable use of land for a specific parcel, staff begins with the assumption that the Future Land Use Map, as amended, is generally an accurate representation of the intent of the Board of County Commissioners, and thus the community, for the future of Martin County. Based on this assumption, staff can recommend approval of a requested change provided it is consistent with all other elements of this Plan and at least one of the following four situations has been demonstrated by the applicant to exist. If staff cannot make a positive finding regarding any of the items in (a) through (d), staff shall recommend denial.

(a) Past changes in land use designations in the general area make the proposed use logical and consistent with these uses and adequate public services are available; or

The past changes in land use designations, including the subject site, created the current mix of urban and agricultural land uses.

This criterion has been met.

(b) Growth in the area, in terms of development of vacant land, redevelopment and availability of public services, has altered the character of the area such that the proposed request is now reasonable and consistent with area land use characteristics; or

The major change in public service availability has been the widening of Kanner Highway from two lanes to four lanes between SW Locks Rd. and the intersection of Kanner Highway and Pratt Whitney Rd. The development of vacant land industrial just east of the subject site, within a Freestanding Urban Service District, has also altered the characteristics of the area. The change would add 32.26 acres of Agricultural adjacent to existing Agricultural to the north, south, and west of the property.

This criterion has been met.

(c) The proposed change would correct what would otherwise appear to be an inappropriately assigned land use designation; or

The proposed Agricultural future land use designation is not "inappropriate" since the property has been used for agricultural crops for decades and is adjacent to many acres of Agricultural land to the north, south and west. The existing Industrial is also not "inappropriate," as the 32.26-acre

parcel is currently part of an existing Freestanding Urban Service District. The proposed change does not correct an inappropriate designation.

This criterion has not been met.

(d) The proposed change would fulfill a public service need that enhances the health, safety or general welfare of County residents.

This does not correct a public service need. This criterion has not been met

As stated above, if staff cannot make a positive finding regarding any of the items in (a) through (d), staff shall recommend denial. Two of the four criteria in this section have received a positive finding.

2.2. Urban Sprawl

Florida Statute 163.3177(6)(a)9.a. states that any amendment to the future land use element shall discourage the proliferation of urban sprawl and provides thirteen indicators to judge whether a future land use amendment discourages the proliferation of urban sprawl.

Urban sprawl is defined as a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

Section 163.3177(3)(a)9.b., F.S. provides an additional eight criteria. If a Plan amendment achieves four of the eight additional criteria the amendment discourages the proliferation of urban sprawl. An evaluation of the thirteen indicators for urban sprawl and a determination on the eight criteria for this future land use request follows:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

The 32-acre site is not a substantial area of the jurisdiction and returning the land to agricultural does not promote development.

Discourages the proliferation of urban sprawl.

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

The proposed change to Agricultural does not promote, allow, or designate significant amounts of urban development in rural areas. Discourages the proliferation of urban sprawl.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

The proposed Agricultural future land use does not permit urban development. Discourages the proliferation of urban sprawl.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

There are no wetlands, native vegetation, environmentally sensitive areas, shorelines, beaches, bays, estuarine systems or other natural systems.

Discourages the proliferation of urban sprawl.

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

The entire 32.26-acre parcel is currently being used for agricultural production.

Discourages the proliferation of urban sprawl.

(VI) Fails to maximize use of existing public facilities and services.

The proposed designation of Agricultural will not use existing public facilities. Discourages the proliferation of urban sprawl.

(VII) Fails to maximize use of future public facilities and services.

The proposed Agricultural designation will not require the same future public facilities and services that would be available to the existing land use. Discourages the proliferation of urban sprawl.

(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

The proposed Agricultural designation will not require the same public facilities and services that would be available to the existing land use. Discourages the proliferation of urban sprawl.

(IX) Fails to provide a clear separation between rural and urban uses.

The location of the parcel, if the amendment is approved, is surrounded on three sides by the Agricultural future land use, with a clear separation between urban and rural uses. Discourages the proliferation of urban sprawl.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

The proposed location of the Agricultural parcel does not discourage infill development or redevelopment of existing neighborhoods.

Discourages the proliferation of urban sprawl.

(XI) Fails to encourage a functional mix of uses.

The proposed change is adjacent to existing agricultural lands and not intended to mix with residential development. Discourages the proliferation of urban sprawl.

(XII) Results in poor accessibility among linked or related land uses.

The proposed Agricultural future land use designation will return Parcel 2 to the same adjacent uses to the north, south and west. Discourages the proliferation of urban sprawl.

(XIII) Results in the loss of significant amounts of functional open space.

The proposed change will not result in any loss of public open space. Discourages the proliferation of urban sprawl.

Staff analysis finds this amendment discourages the proliferation of urban sprawl under all the 13 criteria listed above.

2.2.1. Proliferation of Urban Sprawl

In order for the application to be determined to discourage the proliferation of urban sprawl, the amendment must incorporate development patterns or urban forms that achieve four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Natural resources and ecosystems are not negatively impacted by this request. The change to the Agricultural designation will not impact existing habitat. Discourages the proliferation of urban sprawl.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Urban public infrastructure and services would not be provided to the Agricultural land. Discourages the proliferation of sprawl.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

The Industrial future land use on the property does not provide for a walkable and connected communities and does not provide a mix of uses at densities and intensities to support multimodal transportation systems. However, the Agricultural future land use proposed does not permit urban or suburban development. Discourages the proliferation of sprawl.

(IV) Promotes conservation of water and energy.

The proposed change will not affect water and energy use more than what exists today. Discourages the proliferation of urban sprawl.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

The proposed change will maintain the agricultural areas and activities that exist today. Discourages the proliferation of urban sprawl.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

All of the property is in agricultural production and will not result in any loss of public open space. Discourages the proliferation of urban sprawl.

(VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

The Agricultural future land use proposed does not permit urban or suburban development. Discourages the proliferation of urban sprawl.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

The proposed future land use designation does not remediate a planned development pattern in the vicinity that constitutes sprawl. The proposed change does not involve development patterns for new towns defined in s. 163.3164. The Agricultural future land use proposed does not permit urban or suburban development.

Discourages the proliferation of urban sprawl.

Of the eight criteria listed above, all have been determined to discourage urban sprawl.

2.3 Land Use Compatibility

The Agricultural designation proposed for the subject site will be compatible with the surrounding area, as it directly adjacent to Agricultural lands to the north, south and west.

2.4 Consistency with the Comprehensive Growth Management Plan

This section of the staff report will address the descriptions of the existing and proposed land use designations as discussed in Goal 4.13., Comprehensive Growth Management Plan, Martin County Code (CGMP).

The following text describes the intent of the Agricultural future land use.

"Policy 4.13A.1. Intent of agricultural designation. The FLUM identifies those lands in Martin County that are allocated for agricultural development. This designation is intended to protect and preserve agricultural soils for agriculturally related uses, realizing that production of food and commodities is an essential industry and basic to the County's economic diversity. Most agricultural lands are far removed from urban service districts and cannot be converted to urban use without substantial increases in the cost of providing, maintaining and operating dispersed services. The allocation of agricultural land is furthered by Goal 4.12. The further intent of the Agricultural designation is to protect agricultural land from encroachment by urban or even low-density residential development."

The following policy describes the intent of the Industrial future land use.

Policy 4.13A.10. Industrial development. The FLUM allocates land resources for existing and anticipated future industrial development needs. The allocation process gives high priority to industry's need for lands accessible to rail facilities, major arterials or interchanges, labor markets and the services of the Primary Urban Service District (Figure 4-2). Industrial development includes both Limited Impact and Extensive Impact Industries. Limited Impact Industries include research and development, light assembly and manufacturing. Extensive Impact Industries include heavy assembly plants, manufacturing/processing plants, fabricators of metal products, steam/electricity cogeneration plants and uses customarily associated with airports...

...The locational criteria require that all development in areas designated Industrial shall provide assurances that regional water distribution and wastewater collection utilities shall be provided by a regional public utility system, as described in the Sanitary Sewer Services Element and the Potable Water Services Element.

The proposed change to the Agricultural land use will be connected to the existing Agricultural land to the north, south and west.

2.5. Capital Facilities Impact (i.e. Concurrency Management)

Policy 4.1B.2. of the Future Land Use Element states: "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."

2.5.1. Mandatory Facilities

2.5.1.1. Water/Sewer Facilities

Regional water and sewer service is currently available to Parcel 2. If a concurrent text amendment is approved, water and sewer service will no longer be available to Parcel 2.

2.5.1.2. 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.

2.5.1.3. Transportation

Policy 5.2A.1, states:

Policy 5.2A.1. 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.

See attached memorandum from the County Public Works Department/Traffic Division.

2.5.1.4 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 (FY) 2024 is 178,927 persons. In FY2023, there are 263,031 tons of available capacity or 1.47 tons per weighted person. The proposed change will not reduce the level of service below capacity.

2.5.1.5. Parks/Recreation Facilities

There are no residential land uses proposed, therefore there will be no impact on Parks levels of service.

2.5.1.6. 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 FY2024 (weighted average) population in unincorporated Martin County of 149,109 persons. The proposed future land use change will not diminish the level of service below capacity.

	Travel time	Areas of Martin	Required LOS	Current LOS
		County	Percent of time	Percent of time
Advanced life	8 minutes	Urban	90	98
support				
Advanced life	20 minutes	Rural	90	98
support				
Basic life support	6 minutes	Urban	90	98
Basic life support	15 minutes	Rural	90	98
Fire response	6 minutes	Urban	90	98
Fire response	15 minutes	Rural	90	98

2.5.1.7. Schools

The revised application does not propose residential land uses. It will not affect school capacity.

2.5.2. Non-Mandatory Facilities

2.5.2.1. Libraries

The proposed applications do not propose residential land uses, therefore there would be no impact libraries.

CONCLUSION

The proposed future land use change is recommended for approval for the following reasons:

- Section 2.1. Criteria for a Future Land Use Amendment (Section 1-11 CGMP) provides criteria in which at least one of four must have a positive finding in order for staff to recommend approval. Two of the criteria were met.
- Sections 2.2, Urban Sprawl, all of the thirteen criteria were met.
- Section 2.2.1, Proliferation of Sprawl, all eight of the criteria have been met.