



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

APEX PAVERS INC. REZONING

Applicant:	Apex Pavers Inc. (Ryan Figman)
Property Owner:	Apex Pavers Inc.
Agent for Applicant:	McCarthy Summers et.al. (Christen Spake, Esq.)
County Project Coordinator:	Brian Elam, PMP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	A085-002
Record Number:	DEV2024020008
Report Number:	2024_0314_A085-002_DRT_STAFF_FINAL
Application Received:	01/30/2024
Transmitted:	02/05/2024
Date of Report:	03/14/2024
LPA Meeting:	04/04/2024
BOCC Meeting:	04/09/2024

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B. Project description and analysis

This is a request by McCarthy Summers Wood Norman Melby & Schultz P.A. on behalf Apex Pavers, Inc., for a proposed amendment to the county zoning atlas for a commercial designation consistent with the existing commercial general future land use. The proposed amendment is to change the existing zoning district classification from A-1A, Agricultural District and B-1, Business District to GC, General Commercial District, or the most appropriate zoning district. The approximate 1.7 acres property consists of two parcels located 0.1 miles east of SE Willoughby Boulevard with access on the south side of SE Monterey by way of the private street SE Veterans Avenue at 624 SE Monterey Road in Stuart. Included with this application is a request for a Certificate of Public Facilities Exemption.

The current zoning on the property is A-1A, Agricultural District, and B-1, Business District which are Category “C” districts. The parcel on which the private street is located has both zoning districts while the larger lot has the A-1A zoning district only. The A-1A, Agricultural District is not consistent with the Commercial General Future Land Use therefore this request to rezone is considered mandatory. Although the B-1 zoning district is consistent with the future land use of Commercial General its under common ownership and since it is also a Category “C” district the rezoning in conjunction with the mandatory rezoning of A-1A is appropriate.

There are two (2) standard Category “A” zoning districts available to implement the Commercial General land use policies of the Comprehensive Growth Management Plan (CGMP) which are CC, Community Commercial District and GC, General Commercial District. 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 following tables compare the permitted uses and development standards for the CC and GC Category “A” districts.

Table 1: Permitted Uses

Category “A” Nonresidential Districts (Excerpt from LDR, Art. 3, Div. 2, Sec. 3.11, Table 3.11.2)

	Use Category	CC	GC
Residential Uses	Apartment hotels	P	P
	Agricultural Uses		
	Plant nurseries and landscape services	P	P
Public and Institutional Uses	Administrative services, not-for-profit	P	P
	Community centers	P	P
	Cultural or civic uses	P	P
	Educational institutions	P	P
	Hospitals		P
	Places of worship	P	P
	Post offices	P	P
	Protective and emergency services	P	P
	Public libraries	P	P
	Public parks and recreation areas, active	P	P
	Public parks and recreation areas, passive	P	P
	Recycling drop-off centers	P	
	Residential care facilities	P	P
	Utilities	P	P
Commercial and Business Uses	Bed and breakfast inns	P	
	Business and professional offices	P	P
	Commercial amusements, indoor	P	P
	Commercial amusements, outdoor		P
	Commercial day care	P	P
	Construction industry trades	P	P

	Use Category	CC	GC
	Construction sales and services	P	P
	Financial institutions	P	P
	Flea markets		P
	Funeral homes	P	P
	General retail sales and services	P	P
	Golf driving ranges		P
	Hotels, motels, resorts and spas	P	P
	Kennels, commercial		P
	Limited retail sales and services	P	P
	Marinas, commercial	P	P
	Medical services	P	P
	Pain management clinics		P
	Parking lots and garages	P	P
	Recreational vehicle parks	P	P
	Residential storage facilities	P	P
	Restaurants, convenience, with drive-through facilities		P
	Restaurants, convenience, without drive-through facilities	P	P
	Restaurants, general	P	P
	Shooting ranges, indoor	P	P
	Trades and skilled services		P
	Vehicular sales and service		P
	Vehicular service and maintenance		P
	Veterinary medical services	P	P
	Wholesale trades and services		P
Life Science, Technology and Research (LSTAR) Uses	Biomedical research	P	P
	Bioscience research	P	P
	Computer and electronic components research and assembly	P	P
	Computer and electronic products research and assembly	P	P
	Computer programming/software research	P	P
	Computer system design	P	P
	Electromedical apparatus research and assembly	P	P
	Electronic equipment research and assembly	P	P
	Laser research and assembly	P	P
	Lens research	P	P
	Management, scientific and technical services	P	P
	Marine Research	P	P
	Medical and dental labs	P	P
	Medical equipment assembly	P	P
	Optical equipment assembly	P	P
	Optical instruments assembly	P	P
	Optoelectronics assembly	P	P
	Pharmaceutical products research	P	P
Precision instrument assembly	P	P	

	Use Category	CC	GC
	Professional, scientific and technical services	P	P
	Reproducing magnetic and optical media	P	P
	Research and development laboratories and facilities, including alternative energy	P	P
	Scientific and technical consulting services	P	P
	Simulation training	P	P
	Technology centers	P	P
	Telecommunications research	P	P
	Testing laboratories	P	P
Targeted Industries Business (TIB)	Business-to-business sales and marketing	P	P
	Convention centers	P	P
	Credit bureaus	P	P
	Credit intermediation and related activities	P	P
	Customer care centers	P	P
	Customer support	P	P
	Data processing services	P	P
	Film, video, audio and electronic media production and postproduction	P	P
	Funds, trusts and other financial vehicles	P	P
	Information services and data processing	P	P
	Insurance carriers	P	P
	Internet service providers, web search portals	P	P
	Management services	P	P
	National, international and regional headquarters	P	P
	Nondepository credit institutions	P	P
	Offices of bank holding companies	P	P
	On-line information services	P	P
	Performing arts centers	P	P
	Securities, commodity contracts	P	P
	Simulation training	P	P
	Spectator sports	P	P
	Technical support	P	P
	Telephonic and on-line business services	P	P
Transportation services		P	
Transaction processing	P	P	

The following table identifies minimum development standards in the current and available zoning districts.

**Table 2: Development Standards
(Excerpt from LDR, Table 3.12.1)**

Category	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 Req. (footnote)
A	CC	10,000	80	--	20.00	50	30	30	--
A	GC	10,000	80	--	20.00	60	40	20	--

**Table 3: Structure Setbacks
(Excerpt from LDR, Table 3.12.2)**

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

Standards for Amendments to the Zoning Atlas

The Comprehensive Growth Management Plan (CGMP) states in Chapter 4, Section 4.4: “Goal 4.4 To eliminate or reduce uses of land that are inconsistent with community character or desired future land uses.” And, in Objective 4.4A. “To eliminate inconsistencies between the FLUM and the zoning maps and regulations.”

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

The Future Land Use Map of the CGMP (Comprehensive Growth Management Plan) 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;

The subject property is designated as Commercial General on the Future Land Use Map (FLUM), adopted in 1982. The requested GC (General Commercial) zoning district implements the Commercial General Future Land Use policies of the CGMP. The granting of a zoning change to the GC zoning district by the County will be consistent with the policies set forth in the CGMP.

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

Zoning implementation policies and requirements are contained in Article 3, Zoning Regulations, Land Development Regulations (LDR), Martin County Code. Pursuant to Article 3, Section 3.10.B., LDR, there are 2 Category “A” zoning districts available to implement the policies of the CGMP for lands designated Commercial General on the Future Land Use Map of the CGMP, which are the GC, General Commercial Zoning District and the CC, Community Commercial zoning district. Therefore, rezoning the subject property to the GC Zoning District is consistent with the CGMP and LDR. In addition to the straight zoning district, the PUD (Planned Unit Development) District is also available as another option. The granting of a zoning change by the County does not exempt the applicant from any of the County’s Land Development Regulations. 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;

The subject site is located at 624 SE Monterey Road approximately 0.1 miles east of SE Willoughby Boulevard in Stuart.

The property is not in a Community Redevelopment Area. This corridor of SE Monterey Road has been an established commercial area for decades and most of the immediate surrounding properties have already been rezoned to GC directly or through a covenant.

The requested zoning change to the GC Zoning District is compatible with the distribution of uses in the area and implements the future land use on the property.

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

The pattern of development which has focused on commercial uses is well established. A review of historical aerials and a comparison of the original future land use map to the current parcel configurations and development of the area indicate that conditions have not substantially changed in the area since the adoption of the County's Future Land Use Map in 1982.

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

Amendments to the zoning atlas do not authorize any development so do not result in an increased demand on public facilities. The impact to public facilities is evaluated during the process of obtaining a development order for site plan approval. The site has available access and is within the Primary Urban Service District boundary.

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;

The proposed amendment to the zoning atlas is consistent with the Commercial General assigned to the Future Land Use Map in 1982. The permitted uses and Land Development regulations pertaining to the GC 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 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 Elder	772-288-5925	Review Ongoing
I	Adequate Public Facilities	Brian Elam	772-288-5501	Exempt

Staff has reviewed this petition for a rezoning of property to the appropriate zoning district designation, has determined that the petition 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 petition.

D. Review Board action

This application is classified as an amendment to the official zoning map. Pursuant to Section 10.3.B., Land Development Regulations (LDR), Martin County, Fla., 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, Fla., 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.

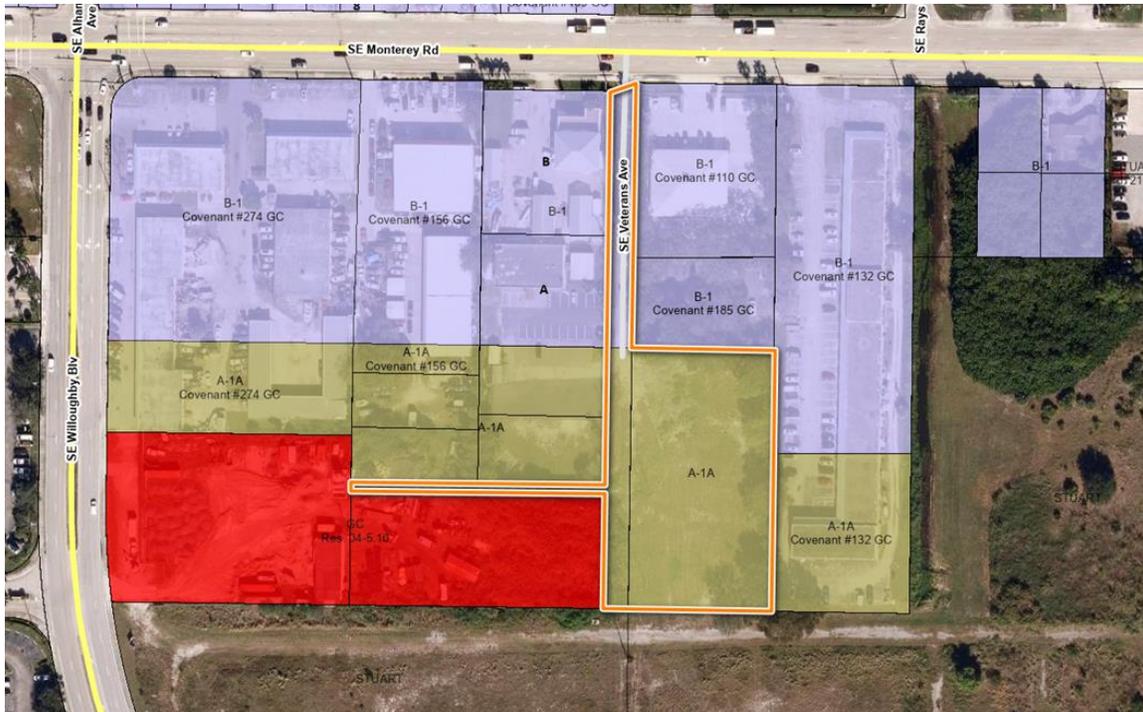
E. Location and site information

Parcel number: 163841000000002703
 Address: Not assigned
 Future Land Use: Commercial General
 Gross area of site: ≈ 0.49 acres

Parcel number: 163841000000001508
 Address: 624 SE Monterey Road, Stuart, Florida
 Future Land Use: Commercial General
 Gross area of site: ≈ 1.16 acres

	Existing		Proposed
Parcel 163841000000002703	A-1A	B-1	GC, General Commercial
Parcel 163841000000001508	A-1A		GC, General Commercial

Figure 3 Zoning Atlas



Properties

To the East:
 To the North:
 To the West:
 To the South:

Zoning

GC, General Commercial District
 A-1A, Agricultural District, GC, and ROW
 GC, A-1A, B-1
 GC, City of Stuart

Covenants #110, #132, and #185
 Covenant #185

Figure 4 Future Land Use Map



<u>Properties</u>	<u>Future Land Use</u>
To the East:	Commercial General
To the North:	Commercial General, (ROW N/A)
To the West:	Commercial General
To the South:	City of Stuart, Undeveloped

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

Findings of Compliance:

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

Policy 4.4A.1. Rezoning. Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations by the following means:

- (1) Parcels being considered for amendment to the Future land use designation shall be concurrently evaluated for rezoning to the most appropriate zoning district in the most recently adopted Land Development Regulations.
- (2) Property owners seeking master or final site plan approval shall be required to rezone to the most appropriate zoning district in the most recently adopted Land Development Regulations.

[Martin County, Fla, CGMP, Chapter 4, Goal 4.4, Policy 4.4A.1]

Staff has reviewed this application and finds that that it complies with the LDR, as detailed within this report. Staff recommends approval of this development application as consistent with the guidelines and

standards of the applicable Comprehensive Plan goals, objectives and policies, as implemented in the LDR.

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 this application in compliance with the applicable regulations. There is no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

Additional Information:

Information #1:

Notice Of 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.

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

Review Ongoing

T. 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

U. Post-approval requirements

After approval of the development order, the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. Approval of the development order is conditioned upon the applicant’s submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, 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 Martin County Board of County Commissioners.
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 Martin County Clerk of Court.

V. Local, State, and Federal Permits

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

W. 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.

X. General application information

Applicant: Apex Pavers Inc.
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Stuart, Florida 34994
772-286-1700

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Y. 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/Waste Water Service Agreement

Z. Attachments