



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

KENAI PROPERTIES, LLC REZONING

Applicant/Property Owner:	Kenai Properties, LLC
Agent for the Applicant:	Jared Gaylord, Esq.
County Project Coordinator:	John Sinnott, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	K041-009
Record Number:	DEV2025060004
Report Number:	2025_0717_K041-009_Staff_Report_Final
Application Received:	06/19/2025
Transmitted:	06/19/2025
Date of Report:	07/17/2025
LPA Meeting:	08/07/2025
BOCC Meeting:	08/12/2025

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B. Project description and analysis

This is a request by Jared Gaylord, Esq., on behalf of Kenai Properties, LLC, for a proposed amendment to the county zoning atlas to change the zoning district classification for an approximately 0.82-acre site from HR-2, Multiple-Family Residential District, to RS-10, High Density Residential District. The RS-10 zoning district is consistent with the site's current future land use designation of High Density. The subject site is located at 18071 SE Country Club Drive, approximately 850 feet north of the intersection of SE Country Club Drive and SE Little Club Way North, in Tequesta. Included with this application is a request for a Certificate of Public Facilities Exemption.

The site is currently zoned HR-2, Multiple-Family Residential District, with a Future Land Use (FLU) designation of High Density. The HR-2, Multiple-Family Residential District, is a Category “C” district. The Category "C" zoning districts are a subset of those that were originally adopted pursuant to Resolution 05-09-67.

The High Density Residential FLU designation is reserved for land near employment centers in the core of the Primary Urban Service District. The RS-10 district and the RM-10 district are the two (2) standard Category “A” zoning districts available to implement the High Density land use policies of the Comprehensive Growth Management Plan (CGMP).

In addition to the standard zoning districts, 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 to the RS-10, High Density Residential District.

The following tables contain the permitted uses and development standards for the RS-10 and RM-10 Category “A” districts.

Table 1: Permitted Uses

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

USE CATEGORY	RS-10	RM-10
<i>Residential Uses</i>		
Accessory dwelling units		
Apartment hotels		
Mobile homes		
Modular homes	P	P
Multifamily dwellings		P
Single-family detached dwellings	P	P
Single-family detached dwellings, if established prior to the effective date of this ordinance		
Townhouse dwellings		P
Duplex dwellings		P
Zero lot line single-family dwellings	P	P
<i>Agricultural Uses</i>		
Agricultural processing, indoor		
Agricultural processing, outdoor		
Agricultural veterinary medical services		

USE CATEGORY	RS-10	RM-10
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
Correctional facilities		
Cultural or civic uses		
Dredge spoil facilities		
Educational institutions	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 (6) or fewer residents	P	P
Neighborhood boat launches	P	P
Nonsecure residential drug and alcohol rehabilitation and treatment facilities		

USE CATEGORY	RS-10	RM-10
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
Post offices		
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
Public vehicle storage and maintenance		
Recycling drop-off centers	P	P
Residential care facilities		P
Solid waste disposal areas		
Utilities	P	P
<i>Commercial and Business Uses</i>		
Adult business		
Ancillary retail use		
Bed and breakfast inns	P	P
Business and professional offices		
Campgrounds		
Commercial amusements, indoor		
Commercial amusements, outdoor		
Commercial day care	P	P
Construction industry trades		
Construction sales and services		
Family day care	P	P
Financial institutions		
Flea markets		
Funeral homes		
General retail sales and services		
Golf courses	P	P
Golf driving ranges		

USE CATEGORY	RS-10	RM-10
Hotels, motels, resorts and spas		
Kennels, commercial		
Limited retail sales and services		
Marinas, commercial		
Marine education and research		
Medical services		
Pain management clinics		
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		
Shooting ranges, indoor		
Shooting ranges, outdoor		
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		
Truck stop/travel center		
<i>Industrial Uses</i>		
Biofuel facility		
Composting, where such use was approved or lawfully established prior to March 1, 2003		
Extensive impact industries		

USE CATEGORY	RS-10	RM-10
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		

The following table identifies minimum development standards in the 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	RS-10	4,500	40	10	--	--	40	50	--
A	RM-10	4,500*	40*	10**	--	--	40	50	--

* 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.

** The maximum density for the RM-10 district is 15 units per acre for sites meeting the affordable housing criteria set forth in Policy 4.13A.7.(5) of the Comprehensive Growth Management Plan.

**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	RS-10	25	25	25	25	10	20	20	30	5	5	10	10
A	RM-10	25	25	25	25	10	20	30	40	10	10	20	30

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. 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 High Density on the Future Land Use Map (FLUM) of the CGMP. The zoning implementation policies and requirements contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code identify two (2) standard zoning districts which implement the High Density future land use classification: the RS-10 district and the RM-10 district.

In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available. 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 by the Local Planning Agency (LPA) and the Board of County Commissioners (BOCC).

Policy 4.13A.7(5) of Chapter 4, Future Land Use Element, of the CGMP addresses the High Density future land use designation:

High Density Residential development. The High Density Residential development designation is reserved for land near employment centers in the core of the Primary Urban Service District. The maximum density is 10 units per gross acre. However, sites shall be approved for a maximum of 15 units per gross acre, assuming compliance with all of the following criteria:

(a)The development commits to providing affordable housing to eligible households as defined by Chapter 2 Overall Goals and Definitions;

(b)The site shares a common zoning district boundary with a Commercial or Industrial district or a Medium Density or High Density Residential area as reflected on the Zoning Atlas or FLUM;

(c)The site is or can be served by a full complement of urban services including water and wastewater service from a regional public utility;

(d)The applicant provides a significant open space buffer, natural landscape (including a landscaped berm where appropriate), plant material and/or an aesthetic wall or fence to effectively shield the residential use from any existing or potential adjacent nonresidential use or from any single-family use.

In reviewing specific densities, the aim shall be to preserve the stability and integrity of established residential development, maintain compatibility with it and provide equitable treatment of lands with similar characteristics. Landscaping, screening, buffering and similar design techniques shall be used to assure a smooth transition between residential structure types and densities.

The RM-10 zoning district permits 15 units per gross acre subject to the criteria in Policy 4.13A.7(5) of the CGMP. This application requests a rezoning of the property to the RS-10 zoning district, which allows a maximum density of 10 units per gross acre. The granting of a zoning change to the RS-10, High Density Residential 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;

The zoning implementation policies and requirements contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code identify two (2) standard zoning districts which implement the High Density future land use classification: the RS-10 district and the RM-10 district. Therefore, rezoning the subject property to the RS-10 district is consistent with the Land Development Regulations.

With respect to the other Land Development Regulation requirements related to roads, drainage, environmental protection, utilities, emergency services, landscaping, etc., full compliance cannot be assessed until a specific plan has been selected for the property and an application is submitted to the County. 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;

As shown in the figures contained in Section E below, the subject site abuts a multifamily development, The Little Club Condominium, to the east and south. The Little Club Condominium site is approximately 40 acres and includes a golf course. The Little Club Condominium site is zoned HR-2, Multiple Family Residential District, with a FLU designation of High Density. Single-family detached homes are located along SE Little Club Way North to the south of the condominium. This single-family subdivision is zoned R-1A, Single-family Residential District, with a FLU designation of Low Density.

The area to the north of the subject site is the Boy Scouts of America's Tanah Keeta Scout Reservation, an approximately 640-acre property consisting primarily of undeveloped land with several recreational buildings. This property is zoned PS, Public Servicing District, with a FLU designation of Institutional – Public Conservation.

The subject site abuts SE Country Club Drive to the west. The North Passage single-family subdivision and the Riverbend Condominium and Golf Club are west of SE Country Club Drive. The North Passage subdivision is zoned RM-5, Low Density Residential District, with a FLU designation of Low Density. The Riverbend Condominium and Golf Club is zoned HR-2, Multiple Family Residential District, with a FLU designation of Medium Density.

The proposed RS-10 zoning district for the subject site implements the High Density FLU and is therefore compatible with the abutting Little Club Condominium property. Furthermore, given that duplexes and multifamily dwellings are not permitted in the RS-10 zoning district, future development on the subject site would be generally consistent with the single-family subdivisions in the area of the subject site.

The rezoning is compatible with the distribution of uses in the area and implements the FLU designation on the property.

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

A telecommunications tower was constructed on the southern portion of the subject site in 2019.

Development in the areas to the east, south, and west of the subject site is predominantly single-family and multi-family residential with accessory recreational uses including golf courses. The area to the north of the subject site has a FLU designation of Institutional – Public Conservation and is mostly undeveloped with a minor recreational component.

The Little Club Condominium and single-family homes along SE Little Club Way North were initially developed in the early 1970s. The Riverbend Condominium and Golf Club was also developed in the early 1970s. The North Passage subdivision was developed in the late 1980s. Based on historical aerial imagery, the pattern of residential development in the area has not substantially changed since the late-1980s.

Any development proposed on the property in conformance with the High Density FLU designation and RS-10 zoning district will be required to meet the County development standards. Therefore, the proposed RS-10 zoning is compatible with the existing historical uses and the current contemporaneous development pattern and is appropriate for this property.

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 property is located within the Primary Urban Services District. The request to rezone does not increase the maximum density allowed by the High Density FLU designation; therefore, rezoning to the RS-10 district does not increase the demands on Public Facilities.

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 High Density FLU designation assigned to the property. The permitted uses and Land Development regulations pertaining to the RS-10 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	John Sinnott	772-320-3047	Comply
G	Development Review	John Sinnott	772-320-3047	Comply
H	County Attorney	Elysse Elder	772-288-5925	Review Ongoing
I	Adequate Public Facilities	John Sinnott	772-320-3047	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 (BOCC) at a public hearing.

E. Location and site information

Parcel number: 22-40-42-000-000-00030-6

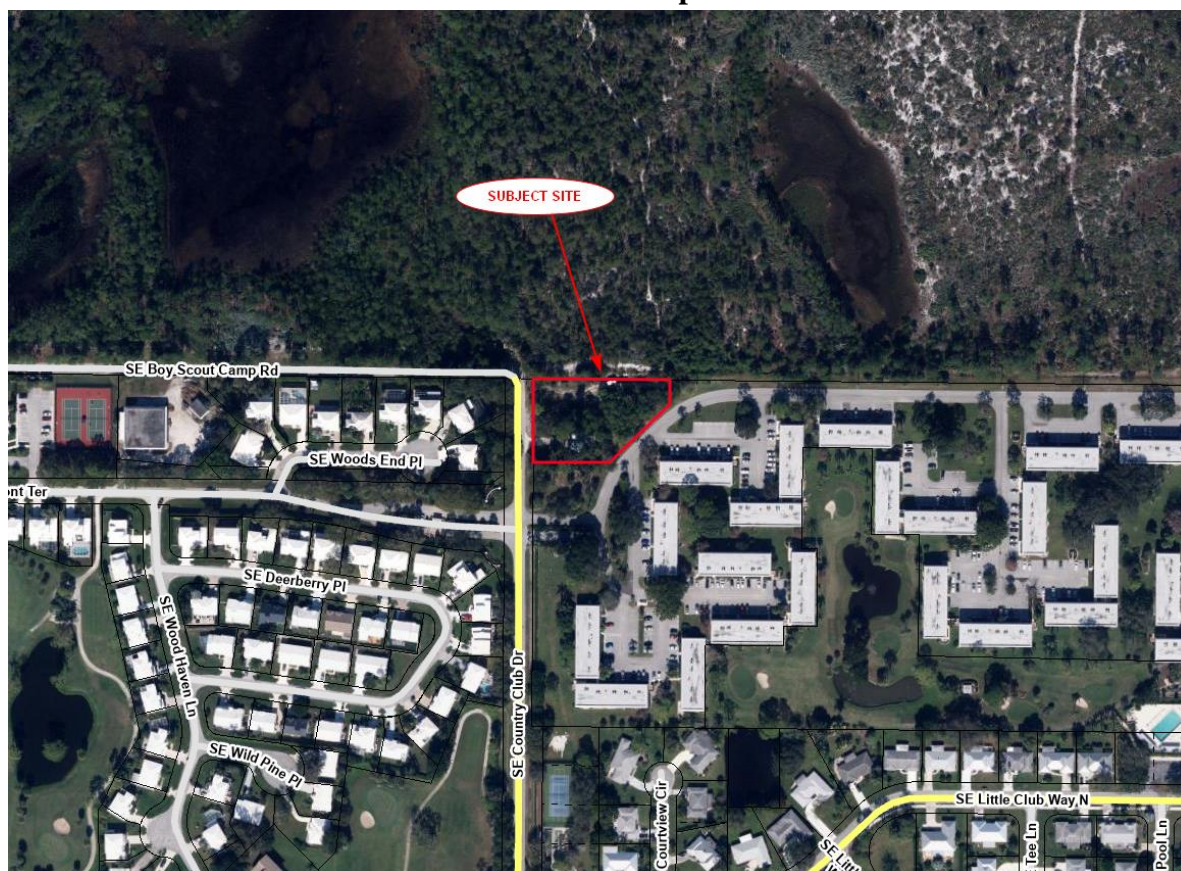
Existing Zoning: HR-2, Multiple-Family Residential District

Future Land use: High Density

Gross area of site: 0.82 acres

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**Figure I:
Location Map**



**Figure II:
Zoning Map**



Property to the East: HR-2

Property to the North: PS

Property to the West: SE Country Club Drive, RM-5

Property to the South: HR-2

**Figure III:
Future Land Use Map**



Property to the East: High Density

Property to the North: Institutional – Public Conservation

Property to the West: SE Country Club Drive, Low Density

Property to the South: High Density

***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 High Density 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 are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

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

Item	Description	Requirement
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:	\$3,115.00	\$3,115.00	\$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: Kenai Properties, LLC
19100 SE Jupiter Road
Jupiter, FL 33458

Agent: Jared Gaylord, Esq.
12000 SE Dixie Highway
Hobe Sound, FL 33455
772-545-7740
jared@marcgaylordlaw.com

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/Waste Water Service Agreement

O. Attachments

N/A