



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

Driven Brands, Inc. REZONING

Applicant/Property Owner:	Driven Brands, Inc.
Agent for the Applicant:	Bowman Consulting Group
County Project Coordinator:	Luis Aguilar, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	D066-001
Record Number:	DEV2025030015
Report Number:	2025_0516_D066-001_Staff Report_final
Application Received:	04/11/2025
Transmitted:	04/14/2025
Date of Report:	05/16/2025
LPA Meeting:	06/05/2025
BOCC Meeting:	06/17/2025

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B. Project description and analysis

This is a request by Bowman Consulting Group on behalf of Driven Brands, Inc. for a proposed amendment to the county zoning atlas for a General Commercial designation consistent with the existing Commercial General future land use. The proposed amendment is to change the existing zoning district classification from Planned Unit Development-Commercial (PUD-C), to General Commercial (GC), District, or the most appropriate zoning district. The approximately 2.97 acres site is located at the south-west corner of S. Kanner Hwy and SW Salerno Rd. Included with this application is a request for a Certificate of Public Facilities Exemption.

The site is currently zoned PUD-C, Planned Unit Development-Commercial District with a Commercial General Future Land Use (FLU) designation. The GC is a Category "A" district, and it is consistent with

Commercial General FLU assigned to the area. The property's PUD agreement (Kanner Square PUD) was executed on July 1st, 2008, however, the timetable for this agreement has expired.

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 applicant is proposing to rezone the property to the GC, General Commercial district.

The future land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Commercial General, which is a classification that allocates land resources for existing and anticipated future commercial 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.

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 (Excerpted from LDR, Art. 3, Div. 2, Sec. 3.11, Table 3.11.2)

USE CATEGORY	C	G
	C	C
<i>Residential Uses</i>		
Accessory dwelling units		
Apartment hotels	P	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	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	P
Cemeteries, crematory operations and columbaria		
Community centers	P	P
Correctional facilities		
Cultural or civic uses	P	P
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		P
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	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
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	

Business and professional offices	P	P
Campgrounds		
Commercial amusements, indoor	P	P
Commercial amusements, outdoor		P
Commercial day care	P	P
Construction industry trades	P	P
Construction sales and services	P	P
Family day care		
Financial institutions	P	P
Flea markets		P
Funeral homes	P	P
General retail sales and services	P	P
Golf courses		
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
Marine education and research		
Medical services	P	P
Pain management clinics		P
Parking lots and garages	P	P
Recreational vehicle parks	P	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	P

Restaurants, convenience, with drive-through facilities		P
Restaurants, convenience, without drive-through facilities	P	P
Restaurants, general	P	P
Shooting ranges		
Shooting ranges, indoor	P	P
Shooting ranges, outdoor		
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
<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		
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	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
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
<i>Targeted Industries Business (TIB) Uses</i>		
Aviation and aerospace manufacturing		
Business-to-business sales and marketing	P	P
Chemical manufacturing		
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
Electrical equipment and appliance component manufacturing		
Electronic flight simulator manufacturing		
Fiber optic cable manufacturing		
Film, video, audio and electronic media production and postproduction	P	P
Food and beverage products manufacturing		
Funds, trusts and other financial vehicles	P	P
Furniture and related products manufacturing		
Health and beauty products manufacturing		
Information services and data processing	P	P
Insurance carriers	P	P
Internet service providers, web search portals	P	P
Irradiation apparatus manufacturing		
Lens manufacturing		
Machinery manufacturing		
Management services	P	P

Marine and marine related manufacturing		
Metal manufacturing		
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
Plastics and rubber products manufacturing		
Printing and related support activities		
Railroad transportation		
Reproducing magnetic and optical media manufacturing		
Securities, commodity contracts	P	P
Semiconductor manufacturing		
Simulation training	P	P
Spectator sports	P	P
Surgical and medical instrument manufacturing		
Technical support	P	P
Telephonic and on-line business services	P	P
Textile mills and apparel manufacturing		
Transportation air		
Transportation equipment manufacturing		
Transportation services		P
Transaction processing	P	P
Trucking and warehousing		
Wood and paper product manufacturing		

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

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

CAT	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	50	30	30	—
A	GC	10,000	80	—	20	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

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.

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 General Commercial future land use designation on the Future Land Use Map of the CGMP allows the option of rezoning from the existing PUD (Kanner Square) to General Commercial (GC), Community Commercial (CC), or terminating the current PUD and introducing a new PUD zoning agreement. 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 General Commercial land use designation applies to properties in highly accessible parts of the urban service district. The General Commercial land use designation is intended to accommodate general retail sales and services, highway-oriented sales and services, commercial amusement, and trade and warehousing facilities. These areas are principally located in highly accessible parts of the urban service district that are compatible with the unique location and market requirements of these uses.

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).

Policy 4.10A.1 of Chapter 4, Future Land Use Element, of the CGMP addresses the Commercial General land use designation:

Diverse commercial zoning districts. Appropriate zoning districts shall be provided, at a minimum, for research and development facilities; targeted industries; business and professional offices; general retail sales and services; limited commercial uses; wholesale trades and services; and marine waterfront commercial uses.

The 2.97-acre subject property is consistent with all aspects of the policy language connected with the General Commercial future land use designation. The property is within the primary urban service district and fronts S Kanner Highway, a six-laned state-maintained major arterial road and a major entry point into Martin County from Interstate I-95. The property is located approximately 0.9 miles east of I-95 in Martin County. According to Martin County Roadway Classification Maps, South Kanner Highway is classified as a major arterial roadway. SE Cove Road, a major arterial, is located 0.4 miles south of the subject property. North of the subject property is SE Salerno Road, which is a minor arterial road.

A request to zone the property to GC is consistent with all applicable provisions of the

Comprehensive Plan.

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

There are two standard zoning districts, including the General Commercial (GC) District, Community Commercial (CC), that are available to implement the General Commercial future land use designation of the CGMP. The Article 3 regulations were created to implement the land use policies of the CGMP.

Consistent with the Land Development Regulations, the subject property has an approximate lot width of 180 feet along S Kanner Highway which meets the requirements for GC as shown in Table 3.12.1.

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,

The subject property is within the primary urban service district and just east of SR 76/S. Kanner Highway, which is a six-laned state maintained major arterial road and a major entry point into Martin County from Interstate I-95. The subject property is within proximity to commercial, industrial, medical, educational, and general employment hubs.

The property has a current zoning designation of PUD-C, (Kanner Square PUD). However the timetable for the development of the PUD agreement expired. The property currently has a Commercial General future land use.

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

The Board approved the Kanner Square PUD on July 1, 2008. The first amendment to the PUD was approved by the Board on May 4, 2010, revising the timetable for development; however, the timeframe since then has expired. Any proposed development by the new owner requires a new PUD agreement or seeking another zoning district for the subject property.

The widening of S. Kanner Highway from four to six lanes and the development surrounding the Kanner Hwy./I-95 interchange are conditions that support the assignment of the GC zoning district rather than the CC zoning district, with access to the site directly from S Kanner Highway. Therefore, the proposed GC 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; 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 and wastewater 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.

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 zoning district on 2.97 acres site is consistent with the General Commercial future land use designation. The subject property and surrounding areas are part of the major transportation corridors in an area where established employment centers, commercial plazas, medical centers, schools and college facilities are all within proximity to the subject property. The proposed zoning would accommodate a development in scale and keeping with the surrounding area.

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

Review of this application is required by the Local Planning Agency (LPA) and final action on this application is required by the Board of County Commissioners (BCC). Meetings before both the LPA and the BCC must be advertised public hearings. The hearings will provide the public an opportunity to participate in the review and decision-making process and the applicant to be able to demonstrate compliance with applicable CGMP and LDR policy provisions.

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	Luis Aguilar	772-288-5931	Comply
G	Development Review	Luis Aguilar	772-288-5931	Comply
H	County Attorney	Elysse Elder	772-288-5925	Review Ongoing
I	Adequate Public Facilities	Luis Aguilar	772-288-5931	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 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.

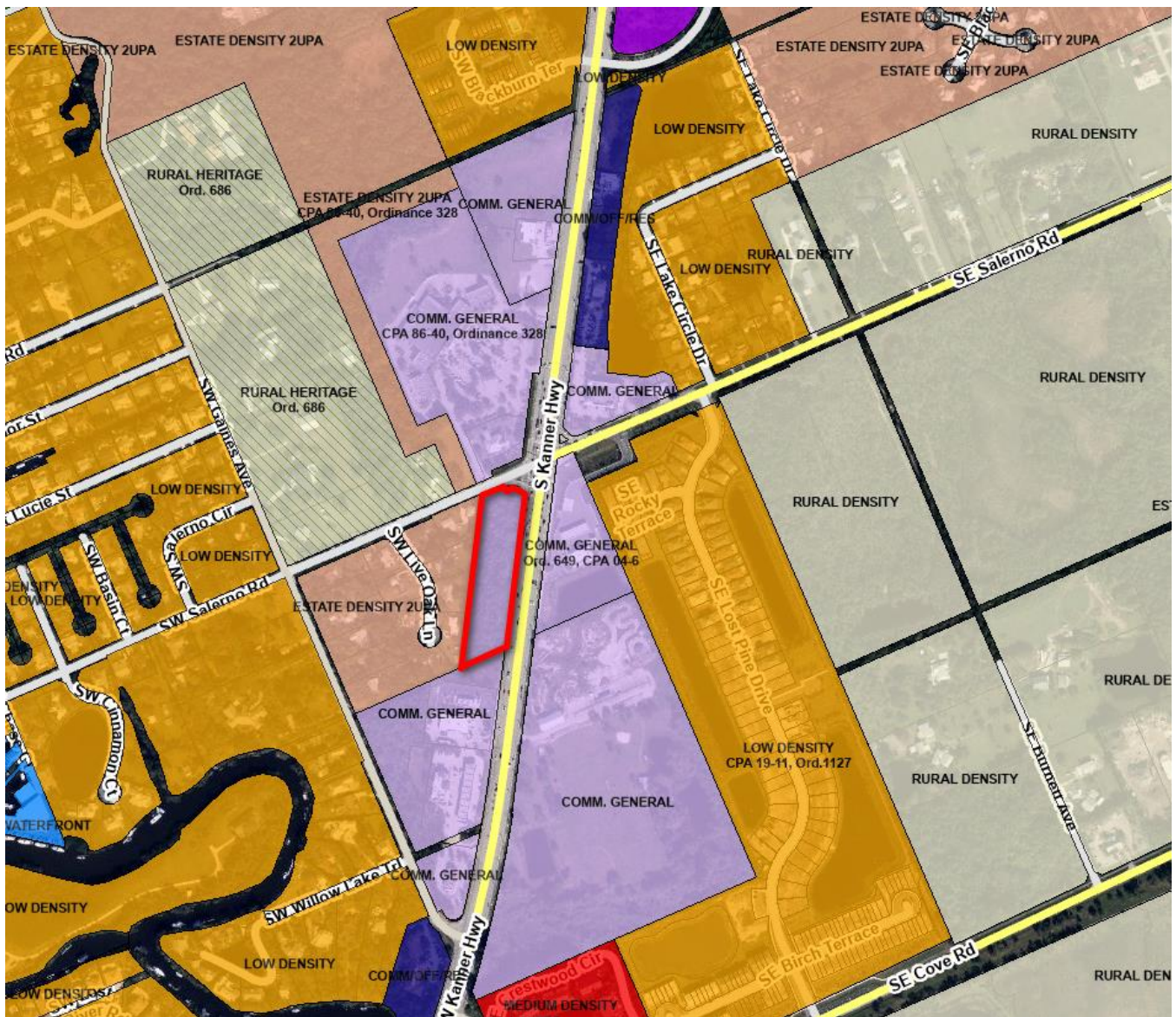
E. Location and site information

Parcel number(s) and address: 55-38-41-000-044-00033-7
Existing Zoning: PUD-C
Future land use: Commercial General
Gross area of site: 2.97 acres

Figure I Location Map



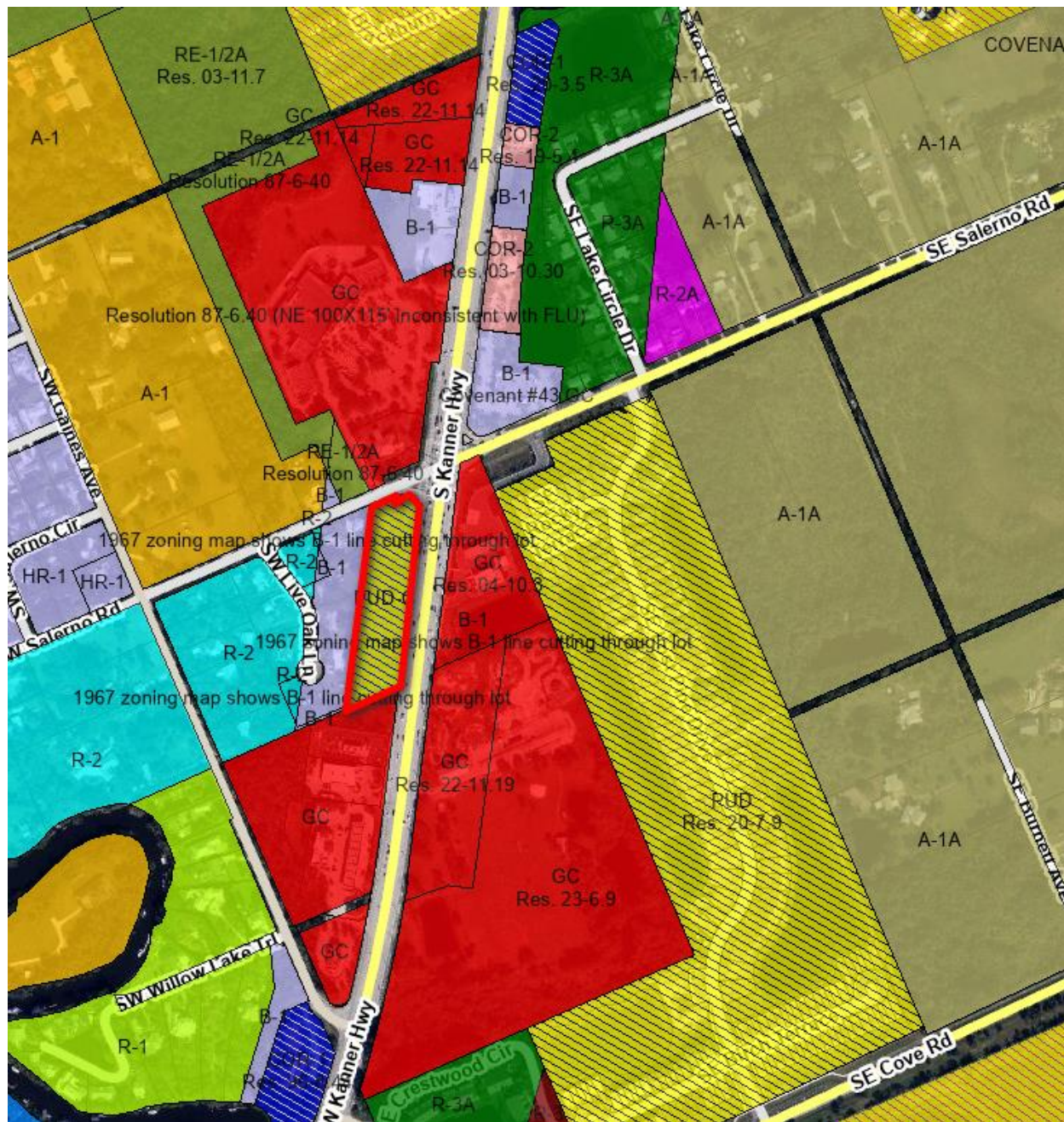
**Figure II
Future Land Use**



Property to the East:
Property to the North:
Property to the West:
Property to the South:

Commercial General
Commercial General
Estate Density 2UPA
Commercial General

Figure III
Zoning Atlas Excerpt



Property to the East:
Property to the North:
Property to the West:
Property to the South:

General Commercial
General Commercial
B-1 (Business)
General Commercial

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 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

Owner/Applicant: Driven Brands, Inc.
Anthony Winchester
440 S Church St #700
Charlotte, NC 28202
757-404-7414

Agent: Bowman Consulting Group
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Fort Lauderdale, FL 33316
954-884-5264
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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/Waste Water Service Agreement

O. Attachments