



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

## ***A. Application Information***

### **OLD KANSAS SUPPLY REZONING**

Applicant:	Old Kansas Supply, LLC
Property Owner:	Old Kansas Supply, LLC
Agent for the Applicant:	CSM Engineering, Charles Darden
County Project Coordinator:	Matt Stahley, Senior Planner
Growth Management Director:	Paul Schilling
Project Number:	O038-002
Application Type and Number:	DEV2020120004
Report Number:	2021_0121_O038-002_Staff_Final.docx
Application Received:	12/18/2020
Transmitted:	12/21/2020
Staff Report:	01/21/2021

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## ***B. Project description and analysis***

This is a request by Old Kansas Supply, LLC for a zoning district change from the current R-3A, Liberal Multiple-Family District to the GI, General Industrial District, or the most appropriate zoning district. The approximate 2.15-acre undeveloped parcel is located at 8292 SW Old Kansas Ave approximately 675 feet south of the intersection of SW Jack James Dr and SW Old Kansas Ave in Stuart. Included in this application is a request for a Certificate of Public Facilities Exemption.

A portion of the property contains an abandoned single family dwelling constructed in 1935. The property is zoned R-3A, Liberal Multiple-Family District. This zoning district is a category “C” district from the 1967 zoning code. The R-3A, Liberal Multiple-Family District is inconsistent with the Industrial land use designation. Due to the inconsistency of the R-3A, Liberal Multiple-Family District, this rezoning is considered mandatory.

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 Industrial, which is a classification that 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. Industrial development includes both Limited Impact and Extensive Impact Industries.

There are three (3) standard zoning districts that are available to implement the Industrial land use policies of the CGMP, which are LI Limited Industrial, GI General Industrial, and HI Heavy Industrial districts. In addition to the standard zoning districts, the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County. The applicant is proposing to rezone the property to the GI, General Industrial district. The following tables compare the permitted uses and the development standards for the available standard zoning districts.

**TABLE 3.11.2 (EXCERPT)**  
**PERMITTED USES – CATEGORY “A” NONRESIDENTIAL DISTRICTS**

USE CATEGORY	LI	GI	HI
<i><b>Residential Uses</b></i>			
Accessory dwelling units	P	P	P
Apartment hotels			
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><b>Agricultural Uses</b></i>			
Agricultural processing, indoor		P	P
Agricultural processing, outdoor			P
Agricultural veterinary medical services	P	P	
Aquaculture	P	P	P
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			
<b><i>Public and Institutional Uses</i></b>			
Administrative services, not-for-profit	P	P	P
Cemeteries, crematory operations and columbaria	P	P	P
Community centers			
Correctional facilities		P	P
Cultural or civic uses			
Dredge spoil facilities			
Educational institutions	P	P	P
Electrical generating plants			P
Fairgrounds			
Halfway houses			
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance			
Hospitals			
Neighborhood assisted residences with six (6) or fewer residents			
Neighborhood boat launches			
Nonsecure residential drug and alcohol rehabilitation and treatment facilities			
Nonsecure residential drug and alcohol rehabilitation and treatment facilities, on lots where such use was lawfully established prior to the effective date of this ordinance			
Places of worship	P	P	
Post offices	P		
Protective and emergency services	P	P	P
Public libraries	P		
Public parks and recreation areas, active	P	P	P
Public parks and recreation areas, passive	P	P	P
Public vehicle storage and maintenance			

Recycling drop-off centers	P	P	P
Residential care facilities			
Solid waste disposal areas			P
Utilities	P	P	P
<b><i>Commercial and Business Uses</i></b>			
Adult business	P	P	P
Ancillary retail use			
Bed and breakfast inns			
Business and professional offices	P	P	
Campgrounds			
Commercial amusements, indoor	P		
Commercial amusements, outdoor	P		
Commercial day care	P	P	
Construction industry trades	P	P	P
Construction sales and services	P	P	P
Family day care			
Financial institutions	P	P	
Flea markets	P	P	
Funeral homes			
General retail sales and services	P		
Golf courses			
Golf driving ranges	P		
Hotels, motels, resorts and spas	P	P	
Kennels, commercial	P	P	P
Limited retail sales and services	P		
Marinas, commercial			
Marine education and research			
Medical services	P		
Pain management clinics	P		
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	P	P	
Restaurants, convenience, with drive-through facilities	P		
Restaurants, convenience, without drive-through facilities			
Restaurants, general	P	P	
Shooting ranges			
Shooting ranges, indoor	P	P	P
Shooting ranges, outdoor			
Trades and skilled services	P	P	P
Vehicular sales and service	P	P	
Vehicular service and maintenance	P	P	P
Veterinary medical services	P	P	P
Wholesale trades and services	P	P	P
<b><i>Transportation, Communication and Utilities Uses</i></b>			
Airstrips			
Airports, general aviation		P	P
Truck stop/travel center			P
<b><i>Industrial Uses</i></b>			
Biofuel facility		P	P
Composting, where such use was approved or lawfully established prior to March 1, 2003			
Extensive impact industries		P	P
Limited impact industries	P	P	P
Mining			P
Salvage yards		P	P
Yard trash processing			P
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002	P	P	
<b><i>Life Science, Technology and Research (LSTAR) Uses</i></b>			
Biomedical research	P	P	P
Bioscience research	P	P	P
Computer and electronic components research and assembly	P	P	P
Computer and electronic products research and assembly	P	P	P
Computer programming/software research	P	P	P

Computer system design	P	P	P
Electromedical apparatus research and assembly	P	P	P
Electronic equipment research and assembly	P	P	P
Laser research and assembly	P	P	P
Lens research	P	P	P
Management, scientific and technical services	P	P	P
Marine Research	P	P	P
Medical and dental labs	P	P	P
Medical equipment assembly	P	P	P
Optical equipment assembly	P	P	P
Optical instruments assembly	P	P	P
Optoelectronics assembly	P	P	P
Pharmaceutical products research	P	P	P
Precision instrument assembly	P	P	P
Professional, scientific and technical services	P	P	P
Reproducing magnetic and optical media	P	P	P
Research and development laboratories and facilities, including alternative energy	P	P	P
Scientific and technical consulting services	P	P	P
Simulation training	P	P	P
Technology centers	P	P	P
Telecommunications research	P	P	P
Testing laboratories	P	P	P
<b><i>Targeted Industries Business (TIB) Uses</i></b>			
Aviation and aerospace manufacturing	P	P	P
Business-to-business sales and marketing	P	P	P
Chemical manufacturing	P	P	P
Convention centers	P	P	P
Credit bureaus	P	P	P
Credit intermediation and related activities	P	P	P
Customer care centers	P	P	P
Customer support	P	P	P
Data processing services	P	P	P

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

Telephonic and on-line business services	P	P	P
Textile mills and apparel manufacturing	P	P	P
Transportation air	P	P	P
Transportation equipment manufacturing	P	P	P
Transportation services	P	P	P
Transaction processing	P	P	P
Trucking and warehousing	P	P	P
Wood and paper product manufacturing	P	P	P

**TABLE 3.12.1 (excerpted)**  
**DEVELOPMENT STANDARDS**

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft.)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	LI	15,000	100	—	20	50	30 (l)	20	—
A	GI	30,000	125	—	20	50	40	20	
A	HI	1 ac.	125	—	—	60	40	20	—

(l) The maximum building height shall be 40 feet for all commercial and business uses permitted in the LI zoning district as set forth in Table 3.12.1

**TABLE 3.12.2 (excerpted)**  
**STRUCTURE SETBACKS**

C A T	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	LI	15 (c)	15 (c)	15 (c)	15 (c)	10 (c)	10 (c)	10 (c)	10 (c)	10 (c)	10 (c)	10 (c)	10 (c)
A	GI	15 (c)	15 (c)	15 (c)	15 (c)	10 (c)	10 (c)	10 (c)	10 (c)	10 (c)	10 (c)	10 (c)	10 (c)
A	HI	40	40	40	40	40	40	40	40	40	40	40	40

(c) Where the real property boundary abuts an RE, RS, MH, RM, HR-1, HR-1A, R-1, R-1A, R-1B, R-1C, R-2, R-2B, R-2C, R-2T, RT, TP, E, E-1, WE-1 zoning district, a residential use in a PUD, or the real property boundary of a public school, these increased setbacks shall apply:

Front/by story (ft.)	Rear/by story (ft.)	Side/by story (ft.)
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1	2	3	4	1	2	3	4	1	2	3	4	Corner
25	25	25	25	20	20	30	40	15	20	20	30	25

### Standards for Amendments to the Zoning Atlas

1. 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.”
2. 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.*

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

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

The subject property is designated for Industrial land use on the Future Land Use Map (FLUM) of the Comprehensive Growth Management Plan (CGMP). The zoning implementation policies and requirements are contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code identify three (3) standard zoning districts, including LI, GI, and HI, that are available to implement the Industrial future land use classification.

In addition to the standard zoning districts the PUD (Planned Unit Development) District is also available as a fourth option. The PUD District offers more design flexibility to applicants for proposed projects in exchange for additional benefits provided to the public and more controls by the County, which is considered concurrently with a proposed site plan. The choice

of the most appropriate district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) are asked to consider based on the “standards for amendments to the zoning atlas” provided in Section 3.2 E.1., Land Development Regulations (LDR), Martin County Code (MCC).

Policy 4.13A.8.(1) of Chapter 4, Future Land Use Element, of the CGMP addresses the Industrial land use designation:

*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. 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 co-generation plants and uses customarily associated with airports.*

*Private development of airport property shall be subject to an Airport Zoning District or Planned Unit Development (Airport) Zoning District, when such a district is adopted to implement this policy.*

*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. Areas of the County where freestanding urban services (i.e., regional utility system) can be provided by a group of industrial users may be considered as independent or freestanding urban service districts. They may be illustrated as such on Figure 4-2 in conjunction with formal amendments to the FLUM as provided in section 1.11, Amendment Procedures. All such freestanding urban service districts must comply with the adopted LOS standards in this Plan and the Capital Improvements Element.*

*The Seven Js Industrial Area (which covers the same area as the plat of Seven Js Subdivision, recorded in Plat Book 15, Page 97 of the Public Records of Martin County, Florida) is hereby established as a Freestanding Urban Service District. Any package wastewater treatment plants constructed in it shall be fully funded and maintained by the landowner.*

*The AgTEC future land use category is hereby established as a Freestanding Urban Service District.*

*Industrially designated areas are not generally adaptive to residential use, and they shall not be located in areas designated for residential development unless planned for a mixed-use development allowed under Goal 4.3 or in a large-scale PUD.*

*This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes. Such a use may be permitted through the Land Development Regulations.*

*Based on the extensive impacts that industrial development frequently generates, industrial development shall be encouraged to develop under provisions of a PUD zoning district to give the applicant maximum design flexibility and to avoid major unanticipated adverse impacts.*

*The Land Development Regulations shall be amended to include performance standards for regulating the nuisance impacts sometimes associated with intense commercial and industrial development. Sites acceptable for development by limited impact industries shall contain a minimum of 15,000 square feet, maximum building coverage of 40 percent and maximum building height of 30 feet. Sites better suited for development by extensive impact industries shall have a minimum lot size of 30,000 square feet, maximum building coverage of 50 percent and maximum building height of 40 feet. Minimum open space for either use shall be 20 percent. The FAR shall be governed by the parking standards of the Land Development Regulations. Salvage yards shall be considered an industrial use due to the potential intensity and nature of the use, acreage requirements, aesthetic impact and associated heavy truck traffic.*

*Residential use shall be permitted in the Industrial future land use designation as part of a mixed-use project, in a Mixed Use Overlay, as allowed under Goal 4.3 in any of the seven CRAs designated in Policy 4.2B.4. Residential densities shall be as provided for in Policy 4.3A.2.*

This application requests a rezoning of the property to the GI-General Industrial Zoning District, which was created specifically to implement the CGMP policies for lands designated Industrial on the Future Land Use Map of the CGMP. The site is located between the Florida Turnpike and Interstate I-95 with access to SW Kanner Highway, therefore meets the locational criteria of being an accessible site adjacent to a major thoroughfare. Furthermore, it is located within a large area of land designated for industrial land use and is not adjacent to residential land use. The site is located within the primary urban services district and will be required to demonstrate compliance with all applicable standards for the Industrial land use designation in the CGMP.

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

There are three (3) standard zoning districts that are available to implement the Industrial future land use policies of the CGMP. The three (3) standard zoning districts include the LI Limited Industrial, GI General Industrial, and HI Heavy Industrial Districts.

The subject property has an area of approximately 2.15 acres, a lot width of approximately 450 linear feet fronting the right-of-way for SW Old Kansas Ave, and a lot width of approximately 600 linear feet fronting the right-of-way for the Florida Turnpike, consistent with the minimum development standards governing the requested GI Zoning District, as shown above in Table 13.12.1. 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. This request to rezone the subject property is consistent

with the information the County provided to the applicant at a pre-application workshop held on January 7, 2021 and is considered mandatory.

The granting of a zoning change by the County does not exempt the applicant from any of the County's Land Development Regulations and no development of the property is proposed as part of this application requesting a rezoning. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

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

As shown in the figures contained in Section E below, the subject property fronts 2 roads, SW Old Kansas Ave, which is a local roadway, the Florida Turnpike which is a major expressway and quick access to Interstate I-95 via SW Kanner Highway. The adjacent parcels to the north and east and southeast have the same Industrial land use. The primary land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for the local area include a concentration of industrial uses within the local lands between the two interstate roadways. The proposed zoning district of GI implements the Industrial future land use designation. Existing development within the area consists primarily of industrial and commercial uses, consistent with the location and future land use designation. Therefore, the requested GI zoning district is suitable to the site and is compatible with the character of the existing land uses in the adjacent and surrounding area.

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

The requested zoning district of GI is a Category A zoning district that is consistent with the future land use designation and the currently existing development associated with the areas adjacent to, and within proximity of, the subject site. This site is located within the primary urban service district and the infrastructure needed to support and provide services to the existing and proposed development in this local area are available. Development that has occurred within recent years located both north and east of the site is in conformance with the industrial land use designated for the area. Any development proposed on the property in conformance with the Industrial future land use designation and GI zoning district will be required to meet the County development standards. Therefore, the proposed GI 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 available to be provided 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 land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for development contains industrial land uses within proximity to the subject parcel. The rezoning to GI, General Industrial District would be consistent with the existing surrounding developed properties currently zoned GI, General Industrial, which includes an existing concrete batch plant 700 feet to the northeast of the subject site and a construction equipment rental facility 100 feet to the southeast. The subject site is adjacent to two undeveloped parcels which are currently zoned LI, Limited Industrial, and another undeveloped parcel zoned GI, General Industrial. The development pattern is well established adjacent to, and within the vicinity of, the subject parcel and the extension of this pattern to the subject property through the assignment of the requested GI zoning district is suitable, contemplated and supported by the CGMP.

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

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

***C. Staff recommendation***

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

<b>Section</b>	<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
F	Comprehensive Plan	Matt Stahley	219-4923	Comply
G	Development Review	Matt Stahley	219-4923	Comply
H	County Attorney	Krista Storey	288-5443	Review Ongoing
I	Adequate Public Facilities	Matt Stahley	219-4923	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. (2019), 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. (2019), 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: 053941000014000315

053941000014000306

083941000003000303

Existing Zoning:

R-3A, Liberal Multi-Family District

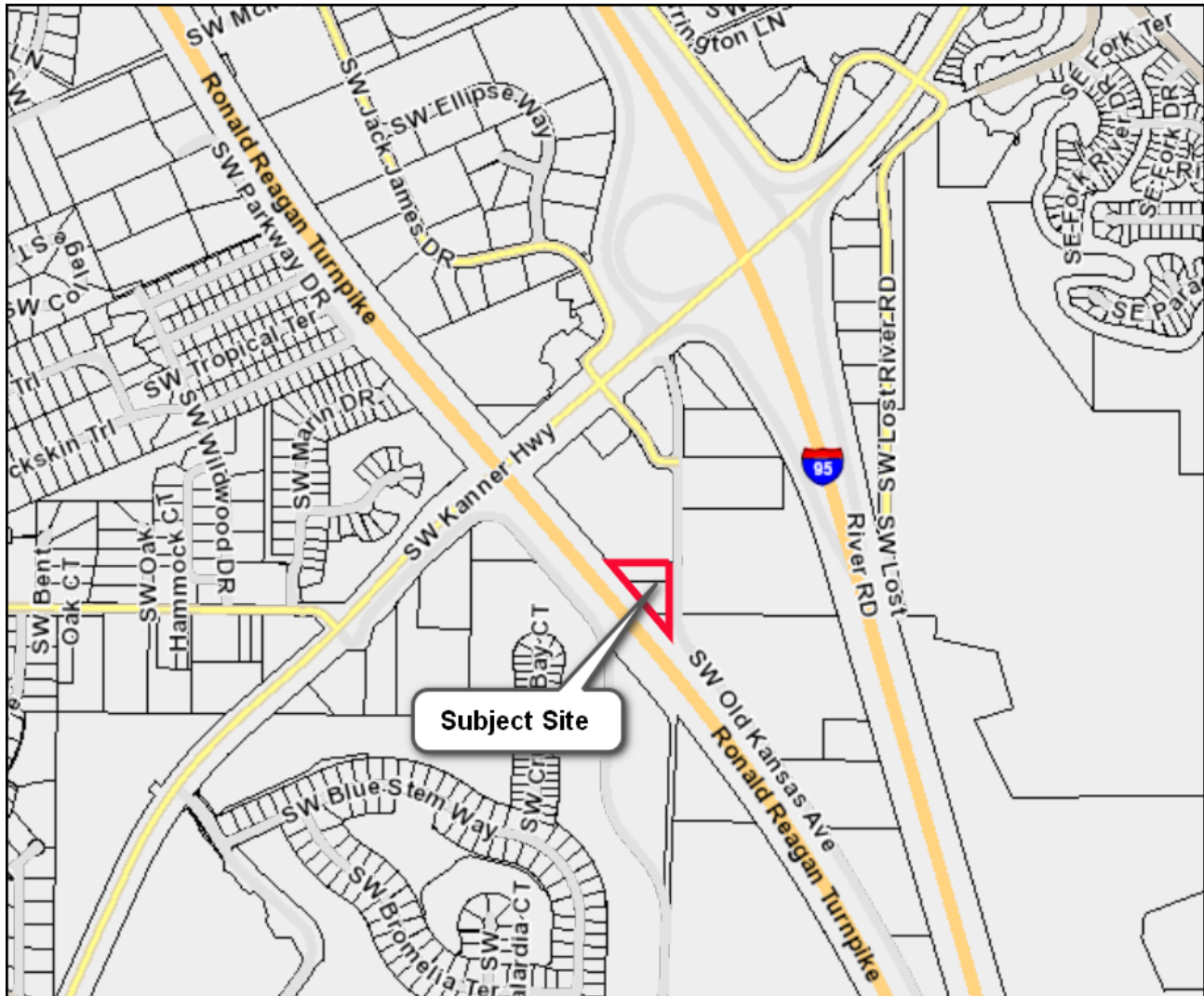
Future land use:

Industrial

Gross area of site:

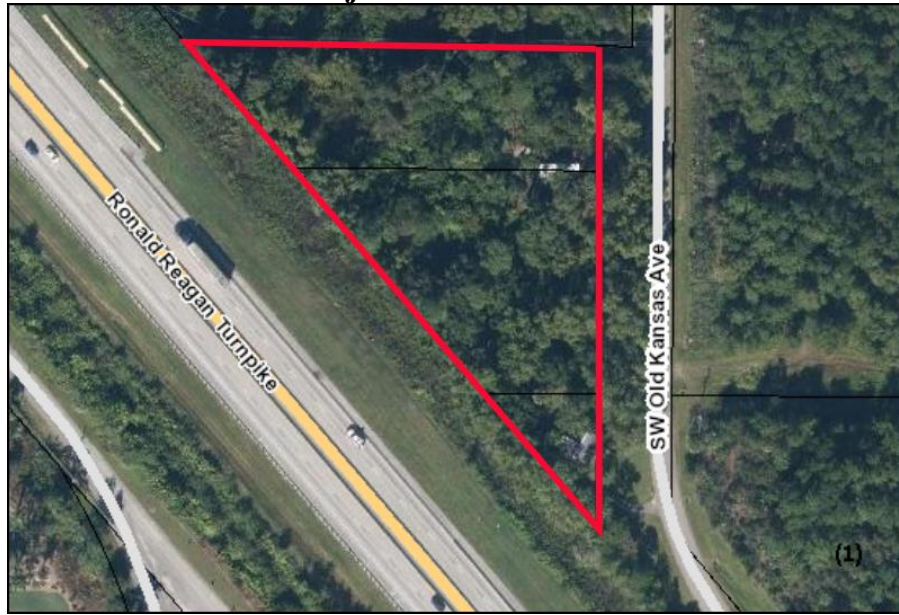
2.15 acres

### Location Map





**Subject Site 2020 Aerial**



Adjacent existing or proposed development:

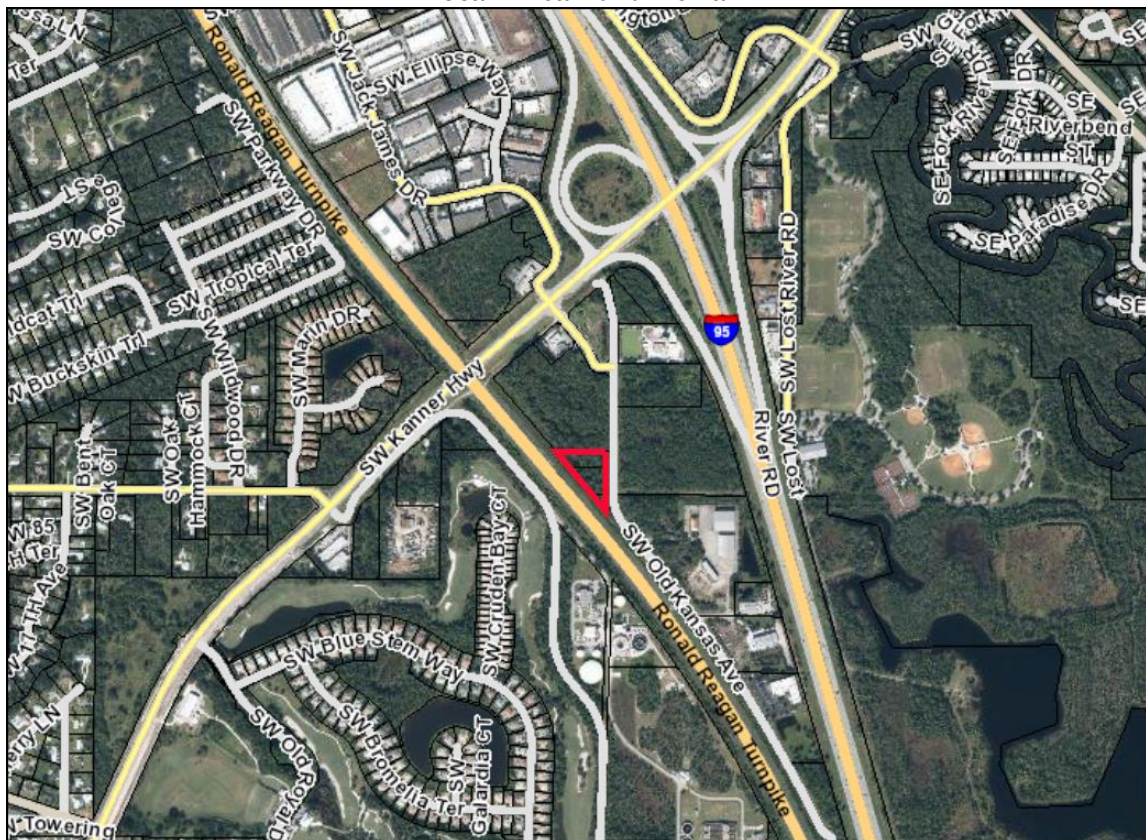
To the north: Undeveloped

To the south: Undeveloped

To the east: SW Old Kansas Right of Way and Undeveloped

To the west: Florida Turnpike

**Local Area 2020 Aerial**

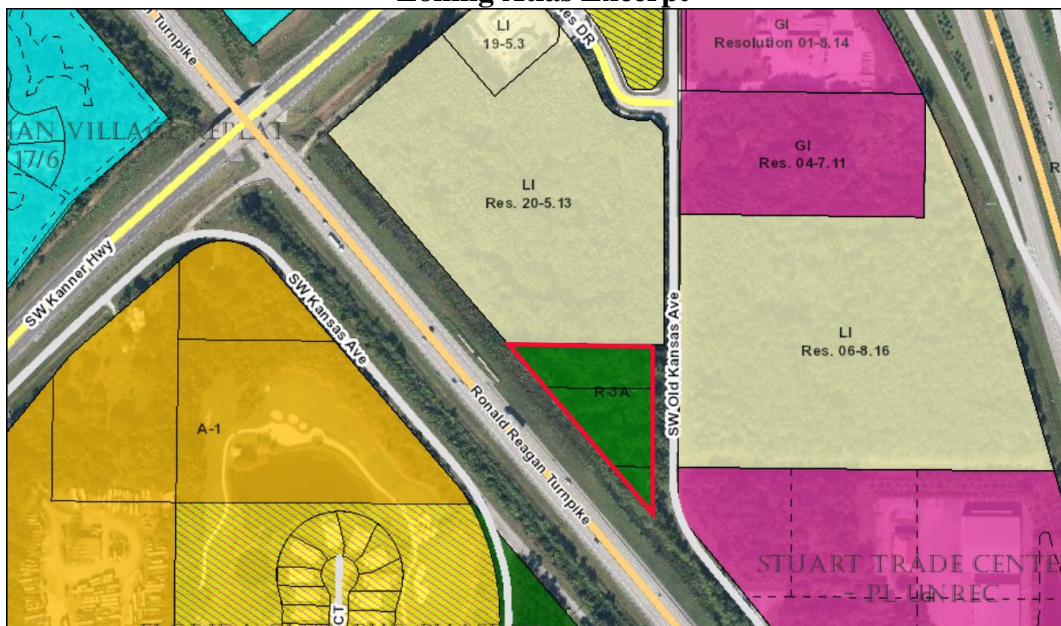




Zoning district designations of abutting properties:

To the north: LI, Limited Industrial, GI, General Industrial  
To the south: GI, General Industrial  
To the east: LI, Limited Industrial  
To the west: Florida Turnpike ROW

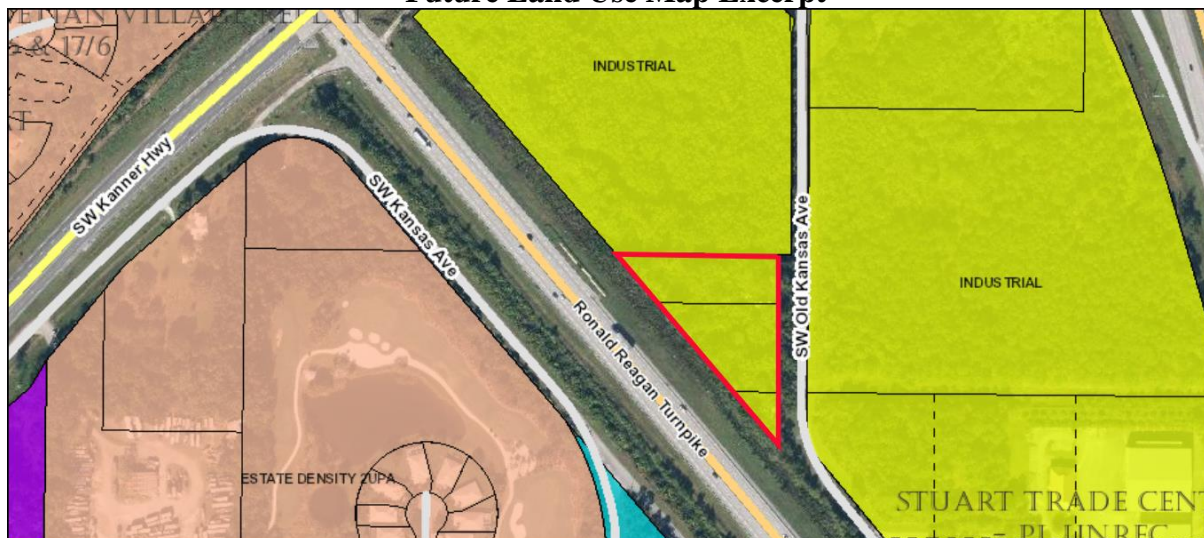
**Zoning Atlas Excerpt**



Future land use designations of abutting properties:

To the north: Industrial  
To the south: Industrial  
To the east: Industrial  
To the west: Florida Turnpike ROW

**Future Land Use Map Excerpt**





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

**Findings of Compliance:**

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved Comprehensive Growth Management Plan requirements issues associated with this application.

***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 finds it 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:**

Notice(s) of public hearings regarding development applications shall be published at least 14 days prior to the date of the public hearing (seven calendar days if the application is being expedited pursuant to section 10.5.E) 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. [Section 10.6.D., LDR, MCC]

***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. (2016). 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***

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 #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.

##### **Item #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.

#### ***K. Local, State, and Federal Permits***

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

#### ***L. Fees***

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

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

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

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

#### ***M. General application information***

Applicant: Old Kansas Supply, LLC  
Jamil Mikati  
9011 SW Old Kansas Ave.  
Stuart, FL 34997

Agent: CSM Engineering

Charles Darden  
208 SW Ocean Blvd  
Stuart, FL 34994

## **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