

# LCSC REZONING

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## **A. Application Information**

Report Issuance Date: August 4, 2022

Applicant: Loblolly Community Service Corporation (LCSC)

Represented by: Doug Fitzwater, RLA  
Lucido & Associates

Planner: Glenn Rosado, Planner  
Growth Management Director: Paul Schilling

Request Number: CPA 21-05

<u>PUBLIC HEARINGS:</u>	Date	Action
Local Planning Agency:	August 4, 2022	
Board of County Commission Adoption:	TBD	

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

This application is a request for a zoning district change from IZ, Interim Zoning, and E-1, Estates and Suburban Homes District, to PS-2, Public Service District on ±14.70 acres, and PC, Public Conservation District on ±37.09 acres, within a ±51.79-acre parcel located on S.E. Gomez Avenue, adjacent to the Loblolly Bay Community. This request is made concurrent with a proposed Future Land Use Map amendment CPA 21-05 LCSC. That application proposes to assign the Institutional General and Institutional Conservation future land use designations to ±51.79 acres.

### **Staff recommendation:**

Staff recommends approval of the proposed zoning district change from IZ, and E-1 to PS-2 and PC. The decision on the appropriate zoning depends on the final decision for the future land use designation on the property. The proposed zoning district, PS-2, implements the Institutional-General future land use designation, and the proposed zoning district, PC, implements the Institutional-Public Conservation future land use designation. The following is an excerpt from Section 3.10.B., Land Development Regulations (LDR), Martin County, Fla.:

Cat.	Zoning District	District Purpose
A	PS-2 (Public Service District)	The PS-2 district is intended to implement the CGMP policies for lands designated Institutional-General on the Future Land Use Map of the CGMP.

Cat.	Zoning District	District Purpose
A	PC (Public Conservation District)	The PC district is intended to implement the CGMP policies for lands designated for Institutional-Public Conservation Areas on the Future Land Use Map of the CGMP.

**Permitted Uses:**

The existing zoning district E-1 is a Category B zoning district. Unlike the permitted uses in the E-1 zoning district, the permitted uses in the PS-2 and PC zoning districts provide a wider range of uses consistent with the future land use designation.

Below is an excerpt from Article 3 of the LDR, showing the permitted use schedule for the proposed zoning districts, PS-2 and PC. The "P" indicates that the uses permitted are within that zoning district, provided the uses can be developed in accordance with the requirements set forth in Divisions 3 and 4 and all other applicable requirements of Article 3 and the Land Development Regulations.

**TABLE 3.11.2  
PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS**

USE CATEGORY	C O	C O R 1	C O R 2	L C	C C	G C	W R C	W G C	L I	G I	H I	P R	P C	P S 1	P S 2
<i>Residential Uses</i>															
Accessory dwelling units		P	P				P	P	P	P	P				
Apartment hotels			P	P	P	P	P	P							
Mobile homes															
Modular homes		P	P				P								
Multifamily dwellings		P	P				P								
Single-family detached dwellings		P	P				P								
Single-family detached dwellings, if established prior to the effective date of this ordinance															
Townhouse dwellings		P	P				P								
Duplex dwellings		P	P				P								
Zero lot line single-family dwellings		P	P				P								
<i>Agricultural Uses</i>															
Agricultural processing, indoor										P	P				
Agricultural processing, outdoor											P				
Agricultural veterinary medical services									P	P					
Aquaculture								P	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	P			P	P					
Ranches															
Silviculture															
Stables, commercial															
Storage of agricultural equipment, supplies and produce															



Hotels, motels, resorts and spas				P	P	P	P	P	P	P							
Kennels, commercial						P			P	P	P						P
Limited retail sales and services				P	P	P	P	P	P								
Marinas, commercial					P	P	P	P					P				
Marine education and research							P	P							P	P	
Medical services	P	P	P	P	P	P			P								
Pain management clinics				P		P			P								
Parking lots and garages				P	P	P									P	P	
Recreational vehicle parks				P	P	P	P	P					P				
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance		P	P														
Residential storage facilities	P	P	P	P	P	P			P	P							
Restaurants, convenience, with drive-through facilities						P			P								
Restaurants, convenience, without drive-through facilities				P	P	P	P	P									
Restaurants, general				P	P	P	P	P	P	P							
Shooting ranges																	
Shooting ranges, indoor				P	P	P			P	P	P				P	P	
Shooting ranges, outdoor																	P
Trades and skilled services						P	P	P	P	P	P						
Vehicular sales and service						P			P	P							
Vehicular service and maintenance						P			P	P	P						
Veterinary medical services				P	P	P			P	P	P						
Wholesale trades and services						P		P	P	P	P						
<i>Transportation, Communication and Utilities Uses</i>																	
Airstrips																	
Airports, general aviation										P	P						
Truck stop/travel center											P						
<i>Industrial Uses</i>																	
Biofuel facility										P	P						
Composting, where such use was approved or lawfully established prior to March 1, 2003																	
Extensive impact industries								P		P	P						
Limited impact industries								P	P	P	P						
Mining											P						
Salvage yards										P	P						P
Yard trash processing											P						P
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002									P	P							
<i>Life Science, Technology and Research (LSTAR) Uses</i>																	
Biomedical research	P	P	P	P	P	P			P	P	P				P	P	
Bioscience research	P	P	P	P	P	P			P	P	P				P	P	
Computer and electronic components research and assembly	P	P	P	P	P	P			P	P	P				P	P	
Computer and electronic products research and assembly	P	P	P	P	P	P			P	P	P				P	P	
Computer programming/software research	P	P	P	P	P	P			P	P	P				P	P	
Computer system design	P	P	P	P	P	P			P	P	P				P	P	
Electromedical apparatus research and assembly	P	P	P	P	P	P			P	P	P				P	P	
Electronic equipment research and assembly	P	P	P	P	P	P			P	P	P				P	P	
Laser research and assembly	P	P	P	P	P	P			P	P	P				P	P	
Lens research	P	P	P	P	P	P			P	P	P				P	P	
Management, scientific and technical services	P	P	P	P	P	P			P	P	P				P	P	

Marine Research	P	P	P	P	P	P		P	P	P	P			P	P
Medical and dental labs	P	P	P	P	P	P			P	P	P			P	P
Medical equipment assembly	P	P	P	P	P	P			P	P	P			P	P
Optical equipment assembly	P	P	P	P	P	P			P	P	P			P	P
Optical instruments assembly	P	P	P	P	P	P			P	P	P			P	P
Optoelectronics assembly	P	P	P	P	P	P			P	P	P			P	P
Pharmaceutical products research	P	P	P	P	P	P			P	P	P			P	P
Precision instrument assembly	P	P	P	P	P	P			P	P	P			P	P
Professional, scientific and technical services	P	P	P	P	P	P			P	P	P			P	P
Reproducing magnetic and optical media	P	P	P	P	P	P			P	P	P			P	P
Research and development laboratories and facilities, including alternative energy	P	P	P	P	P	P			P	P	P			P	P
Scientific and technical consulting services	P	P	P	P	P	P			P	P	P			P	P
Simulation training	P	P	P	P	P	P			P	P	P			P	P
Technology centers	P	P	P	P	P	P			P	P	P			P	P
Telecommunications research	P	P	P	P	P	P			P	P	P			P	P
Testing laboratories	P	P	P	P	P	P			P	P	P			P	P
<i>Targeted Industries Business (TIB) Uses</i>															
Aviation and aerospace manufacturing									P	P	P				
Business-to-business sales and marketing	P	P	P	P	P	P			P	P	P				
Chemical manufacturing									P	P	P				
Convention centers					P	P			P	P	P			P	P
Credit bureaus	P	P	P	P	P	P			P	P	P			P	P
Credit intermediation and related activities	P	P	P	P	P	P			P	P	P			P	P
Customer care centers	P	P	P	P	P	P			P	P	P			P	P
Customer support	P	P	P	P	P	P			P	P	P			P	P
Data processing services	P	P	P	P	P	P			P	P	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	P	P	P			P	P	P			P	P
Food and beverage products manufacturing									P	P	P				
Funds, trusts and other financial vehicles	P	P	P	P	P	P			P	P	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	P	P	P			P	P	P			P	P
Insurance carriers	P	P	P	P	P	P			P	P	P			P	P
Internet service providers, web search portals	P	P	P	P	P	P			P	P	P			P	P
Irradiation apparatus manufacturing									P	P	P				
Lens manufacturing									P	P	P				
Machinery manufacturing									P	P	P				
Management services	P	P	P	P	P	P			P	P	P			P	P
Marine and marine related manufacturing								P	P	P	P				
Metal manufacturing									P	P	P				
National, international and regional headquarters	P	P	P	P	P	P			P	P	P			P	P
Nondepository credit institutions	P	P	P	P	P	P			P	P	P			P	P
Offices of bank holding companies	P	P	P	P	P	P			P	P	P			P	P
On-line information services	P	P	P	P	P	P			P	P	P			P	P
Performing arts centers				P	P	P			P	P	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	P	P	P		P	P	P			P	P
Semiconductor manufacturing								P	P	P				
Simulation training	P	P	P	P	P	P		P	P	P			P	P
Spectator sports					P	P		P	P	P			P	P
Surgical and medical instrument manufacturing								P	P	P				
Technical support	P	P	P	P	P	P		P	P	P			P	P
Telephonic and on-line business services	P	P	P	P	P	P		P	P	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	P				
Transaction processing	P	P	P	P	P	P		P	P	P			P	P
Trucking and warehousing								P	P	P				
Wood and paper product manufacturing								P	P	P				

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 669, pt. 1, 6-28-2005; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 891, pt. 1, 2-22-2011; Ord. No. 970, pt. 1, 4-7-2015; Ord. No. 1014, pt. 2, 12-6-2016; Ord. No. 1045, pt. 1, 1-9-2018)

**Development standards**

The land development standards set forth in Tables 3.12.1 and 3.12.2 shall apply to all lands zoned in accordance with this Division. The development standards in the following table are consistent with the minimum lot size and minimum open space requirements of the Residential Estate Density future land use designation. Please see excerpts below:

**TABLE 3.12.1  
DEVELOPMENT STANDARDS**

<b>A</b>	<b>PC</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>45</b>	<b>30</b>	<b>40</b>	<b>—</b>
A	PS-1	10,000	80	—	—	45	40	40	—
<b>A</b>	<b>PS-2</b>	<b>10,000</b>	<b>80</b>	<b>—</b>	<b>—</b>	<b>45</b>	<b>40</b>	<b>40</b>	<b>—</b>

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 727, pt. 1, 10-24-2006; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1014, pt. 2, 12-6-2016)

**TABLE 3.12.2.  
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	PR	25	25	25	25	20	20	30	40	10	10	20	30
<b>A</b>	<b>PC</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>20</b>	<b>20</b>	<b>30</b>	<b>40</b>	<b>10</b>	<b>10</b>	<b>20</b>	<b>30</b>
A	PS-1	25	25	25	25	20	20	30	40	10	10	20	30
A	PS-2	25	25	25	25	20	20	30	40	10	10	20	30
A	PR	25	25	25	25	20	20	30	40	10	10	20	30
A	PC	25	25	25	25	20	20	30	40	10	10	20	30
A	PS-1	25	25	25	25	20	20	30	40	10	10	20	30
<b>A</b>	<b>PS-2</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>20</b>	<b>20</b>	<b>30</b>	<b>40</b>	<b>10</b>	<b>10</b>	<b>20</b>	<b>30</b>

**Standards for Amendments to the Zoning Atlas**

1. The Comprehensive Growth Management Plan (CGMP) requires that Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations pursuant to Policy 4.4A.1., CGMP, Martin County, Fla. (2016).
2. 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 (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,*

As described earlier in this report, the PS-2 and PC zoning districts implement the Institutional General and Institutional Conservation future land use designations.

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

The 51.2-acre lot size exceeds the minimum lot size for the PS-2 and PC zoning districts. Any proposed building permits on the site must comply with all applicable land development regulations.

*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 PC and PS-2 zoning districts are consistent with PC and PS-2 zoning districts on CPA 21-04 to the south. The PS-2 permits dredge removal operations.

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

The requested zoning district of PC and PS-2 is consistent with the proposed Institutional, General and Institutional, Conservation future land use designations 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 historically and recently surrounding the site is in conformance with the Institutional, General and Institutional, Conservation land use designated for the area. Any development proposed on the property in conformance with the Institutional, General and Institutional, Conservation future land use designations and the PC and PS-2 zoning districts will be required to meet the County development standards. Therefore, the proposed PC and PS-2 zoning is compatible with the existing historical uses and the current contemporaneous development pattern and is appropriate for this property.

## **Location Map**



- 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.

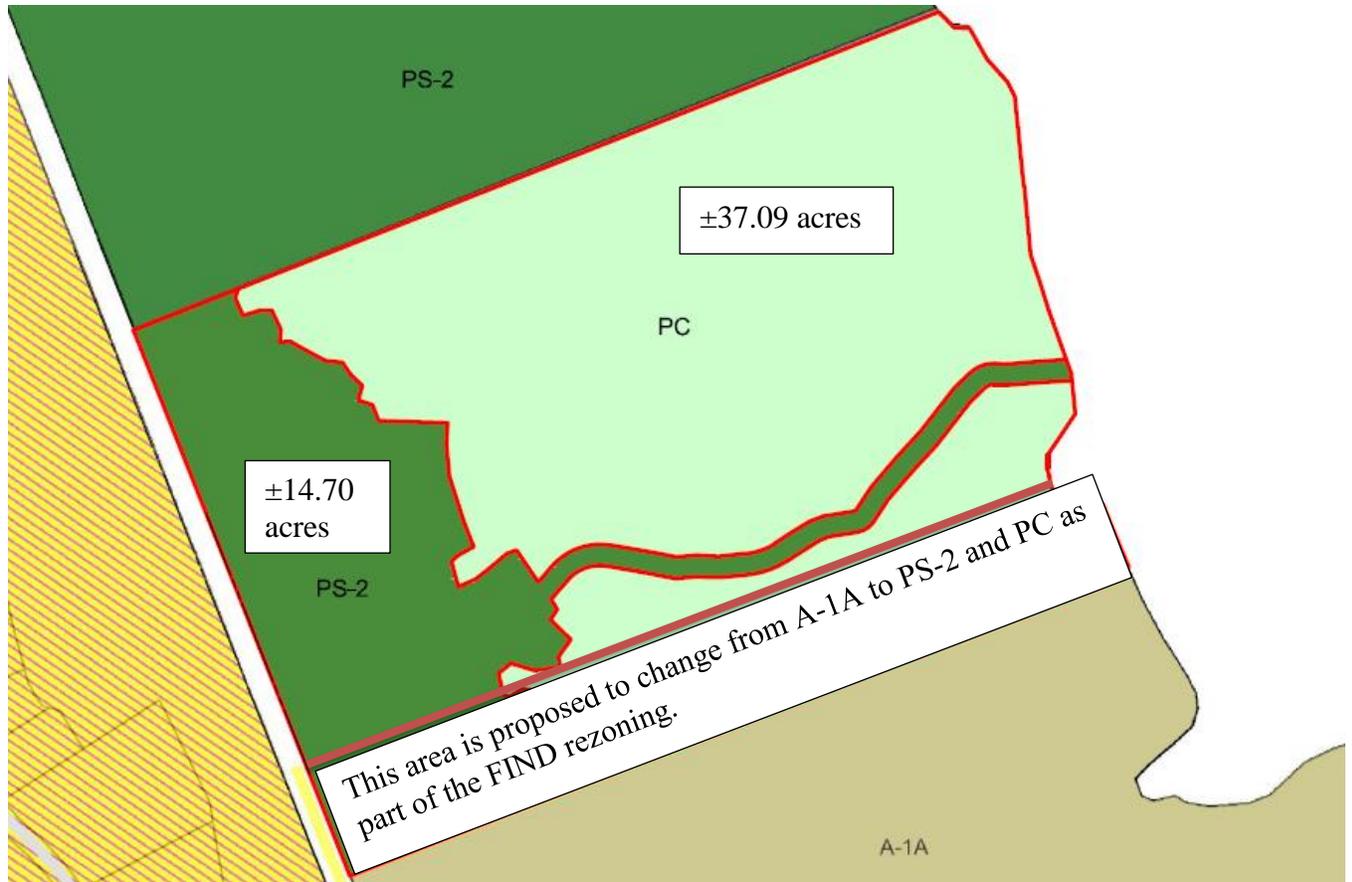
- f. *Whether and to what extent the proposed amendment would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the county's resources; and,*

The land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for development contains residential land uses within proximity to the subject parcel. The rezoning to PC and PS-2 districts would be consistent with the Institutional, General and Institutional, Conservation Future Land Use provisions and provide the opportunity for the residential use of the property. This 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 RE-1/2A zoning district is suitable, contemplated and supported by the CGMP.

#### Current Zoning Atlas



### Proposed Zoning Atlas



Zoning district designations of abutting properties:

- To the north: PS-2
- To the south: A-1A
- To the east: N/A
- To the west: PUD-R

## Future Land Use Map Excerpt



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

CPA 21-05 and this concurrent rezoning have not been presented at a public hearing yet.

### 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 rezoning process does not include a site plan review; therefore departments related to site plan review were not included in this rezoning staff report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Glenn Rosado	288-5930	Pending
G	Development Review	Glenn Rosado	288-5930	Pending
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Glenn Rosado	288-5930	Exempt

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) is 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).

### D. Review Board action

A review and recommendation is required on this application from the Local Planning Agency (LPA). Final action on this application is required by the Board of County Commissioners (BCC). Both the LPA and the BCC meetings must be advertised public hearings.

***E. Location and site information***

Location: 51.79 acres, located at S.E. Gomez Avenue.

Existing zoning:	IZ and E1
Future land use:	Residential Estate Density 2upa
Commission district:	District 3
Community redevelopment area:	N/A
Municipal service taxing unit:	District 3
Planning area:	

***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 land use, site design standards, zoning and procedural 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:**

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any specific department issues will be addressed at such time as development of the subject site is proposed.

***H. Determination of compliance with the urban design and community redevelopment requirements - Community Development Department***

See section G. above.

***I. Determination of compliance with the property management requirements - Engineering Department***

See section G. above.

***J. Determination of compliance with environmental and landscaping requirements - Growth Management Department***

See section G. above.

***K. Determination of compliance with transportation requirements - Engineering Department***

See section G. above.

***L. Determination of compliance with county surveyor - Engineering Department***

See section G. above.

***M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department***

See section G. above.

***N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments***

See section G. above.

***O. Determination of compliance with utilities requirements - Utilities Department***

See section G. above.

***P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department***

See section G. above.

***Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department***

See section G. above.

***R. Determination of compliance with Martin County Health Department and Martin County School Board***

See section G. above.

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

Review is ongoing.

***T. Determination of compliance with the adequate public facilities requirements - responsible departments***

The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B., LDR, Martin County, Fla. (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.

**U. Post-approval requirements**

Not applicable.

**V. Local, State, and Federal Permits**

No Local, State and Federal Permits are applicable to a rezoning action which does not permit any development activities.

**W. Fees**

Not applicable.

**X. General application information**

Applicant: Loblolly Community Service Corporation Property

**Y. Acronyms**

- ADA..... Americans with Disability Act
- AHJ ..... Authority Having Jurisdiction
- ARDP ..... Active Residential Development Preference
- BCC..... Board of County Commissioners
- CGMP ..... Comprehensive Growth Management Plan
- CIE ..... Capital Improvements Element
- CIP ..... Capital Improvements Plan
- FACBC ..... Florida Accessibility Code for Building Construction
- FDEP..... Florida Department of Environmental Protection
- FDOT ..... Florida Department of Transportation
- LDR..... Land Development Regulations
- LPA ..... Local Planning Agency
- MCC..... Martin County Code
- MCHD..... Martin County Health Department
- NFPA ..... National Fire Protection Association
- SFWMD ..... South Florida Water Management District
- W/WWSA.... Water/Waste Water Service Agreement

**Z. Figures/Attachments**

Figures within the report:

Figure 1, Location Map

Figure 2, Subject Site 2021 Aerial

Figure 3, Current Zoning Atlas, IZ, and E1

Figure 4, Proposed Zoning Atlas, PC, PS-2