



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

BARON LANDINGS, LLC REZONING

Applicant:	Baron Landings, LLC
Agent for the Applicant:	HJA Design Studio, LLC, Michael Houston
County Project Coordinator:	Elizabeth (Liz) Nagal, AICP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number	G076-007
Record Number:	DEV2023020009
Report Number:	2023_0511_G076-007
Application Received:	03/09/2023
Transmitted:	3/10/2023
Date of Report	05/11/2023
LPA Meeting:	06/01/2023
BCC Meeting:	06/06/2023

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B. Project description and analysis

This is a request by Baron Landings, LLC (G076-007) for a proposed amendment to the county zoning atlas for a general commercial district classification. The proposed amendment is to change the existing zoning district for approximately 21.40 acres from PUD to General Commercial (GC). Associated with the request to rezone is a proposal to terminate the Golf World PUD Agreement. The subject parcel is part of the 26.06-acre former Golf World entertainment facility on the east side of SR76/S Kanner Highway, south of Salerno Road and north of Cove Road, in Stuart.

The property is designated General Commercial on the Future Land Use Map (FLUM) of the Comprehensive Growth Management Plan (CGMP). The site is currently zoned as the Golf World Commercial PUD, compatible with the General Commercial future land use and does not require a mandatory zoning change. A zoning change is requested to address a change in ownership and circumstances regarding the existing Golf World business which is no longer active on the site.

There is currently no pending application for any particular uses or structures on this 21.40-acre portion of the site. An application to rezone the front 4.63-acres of the Golf World PUD from PUD to General Commercial was approved in November 2022 and a minor final site plan for three commercial buildings has been submitted for that portion.

There are two (2) standard zoning districts that are available to implement the Commercial General land use policies of the CGMP, which are CC, Community Commercial, and GC General Commercial Districts. In addition to the standard zoning districts, the PUD (Planned Unit Development) District is

also available. 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 following tables compare the permitted uses and the development standards for the available standard zoning districts.

PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS
(Excerpt from Table 3.11.2)

USE CATEGORY	C	G
	C	C
<i>Residential Uses</i>		
Accessory dwelling units		
Apartment hotels	P	P
Plant nurseries and landscape services	P	P
<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
Hospitals		P
Places of worship	P	P
Post offices	P	P
Protective and emergency services	P	P
Public libraries	P	P
Public parks and recreation areas, active	P	P
Public parks and recreation areas, passive	P	P
Public vehicle storage and maintenance		
Recycling drop-off centers	P	P
Residential care facilities	P	
Solid waste disposal areas		

Utilities	P	P
Commercial and Business Uses		
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>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
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
Management services	P	P
National, international and regional headquarters	P	P
Nondepository credit institutions	P	P
Offices of bank holding companies	P	P
On-line information services	P	P
Performing arts centers	P	P

Securities, commodity contracts	P	P
Semiconductor manufacturing		
Simulation training	P	P
Spectator sports	P	P
Technical support	P	P
Telephonic and on-line business services	P	P
Transportation services		P
Transaction processing	P	P

The following table identifies minimum development standards in each of the two zoning districts.

DEVELOPMENT STANDARDS
(Excerpt from Table 3.12.1)

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	CC	10,000	80	—	20.00	50	30	30	—
A	GC	10,000	80	—	20.00	60	40	20	—

STRUCTURE SETBACKS
(Excerpt from Table 3.12.2)

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

Standards for Amendments to the Zoning Atlas

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

The Martin County Land Development Regulations (LDR), Article 3, Section 3.2 E.1. 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 rezoning is consistent with all applicable Provisions of the CGMP;

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 (Golf World) to General Commercial (GC), Community Commercial (CC), or terminating the current PUD and introducing a new PUD zoning agreement. The General Commercial land use designation is applicable to properties principally located 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-orientated 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 21.40-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 will have direct connection from SR 76/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 one mile 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 just 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. And, Whether the proposed rezoning is consistent with all applicable provisions of the Martin County Land Development Regulations (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 portion of the 26.06 property is 21.40-acres with an approximate lot width of 700 feet along S Kanner Highway which meets the requirements for GC as shown in Table 3.12.1.

With respect to the other Land Development Regulation requirements, full compliance is dependent on site planning review. The granting of a zoning change by the County does not exempt the applicant from any of the County's Land Development Regulations. As rezoning does not authorize development, the only result of this proposed amendment is aligning the zoning district with the existing future land use as intended by the Martin County Comprehensive Growth Management Plan.

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 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, connected with the former Golf World business operation and use that no longer is operating. The property currently has a Commercial General future land use.

A request to rezone the front 4.63-acres of the PUD to GC was approved in November 2022. A minor final site plan for the 4.63-acre site with proposed 16,000 square feet of commercial uses in three (3) buildings is currently under review. The rezoning of the subject 21.40-acres to GC will allow the accommodation of commercial development on the property consistent with the General Commercial future land use. Adjacent land uses include established commercial uses including retail, restaurants, office, clubs to the west and south. A site plan has recently been approved for a gas station and convenience store on the abutting commercial property to the north. The existing land use to the east is low density, with an approved PUD for approximately 167 units. Any development on the subject parcel adjacent to the low density future land use would be subject to meeting all requirements for screening and buffering between commercial and residential uses.

A zoning change to a GC zoning district classification is therefore consistent with the existing General Commercial future land use designation and established development patterns abutting S Kanner Highway to the north, south, west and east.

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

The PUD was specific to the outdoor commercial amusement which is no longer in operation. Any proposed development by the new owner requires amending the PUD or seeking another zoning district for the subject 21.40 acres.

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 of the CC zoning district, with access to the site directly from S Kanner Highway.

Directly to the north of this site, a gas station has been recently approved on the property directly north of this site. In November 2022, the 4.63-acre portion of this Golf World PUD was rezoned from PUD to GC.

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

All public facilities and services are available. Development of the site would utilize the existing facilities and services such as the recently widened S Kanner Hwy. Any future proposal triggering a development review process would also include a new site plan review and approval.

f. Whether and to what extent the proposed zoning 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 21.40-acres is consistent with the General Commercial future land use designation and with the recent rezoning of the front 4.63-acres of the property from PUD to GC. 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	Elizabeth Nagal, AICP	320-3056	Comply
G	Development Review	Elizabeth Nagal, AICP	320-3056	Comply
S	County Attorney	Elysse Elder	288-5925	Review Ongoing
T	Adequate Public Facilities	Elizabeth Nagal, AICP	320-3056	Exempt

Staff has reviewed this petition for a rezoning of property to the appropriate zoning district designation and has found this request to be in compliance with the substantive provisions of Article 3. The Board is advised that this application is in order and qualifies for an action of approval.

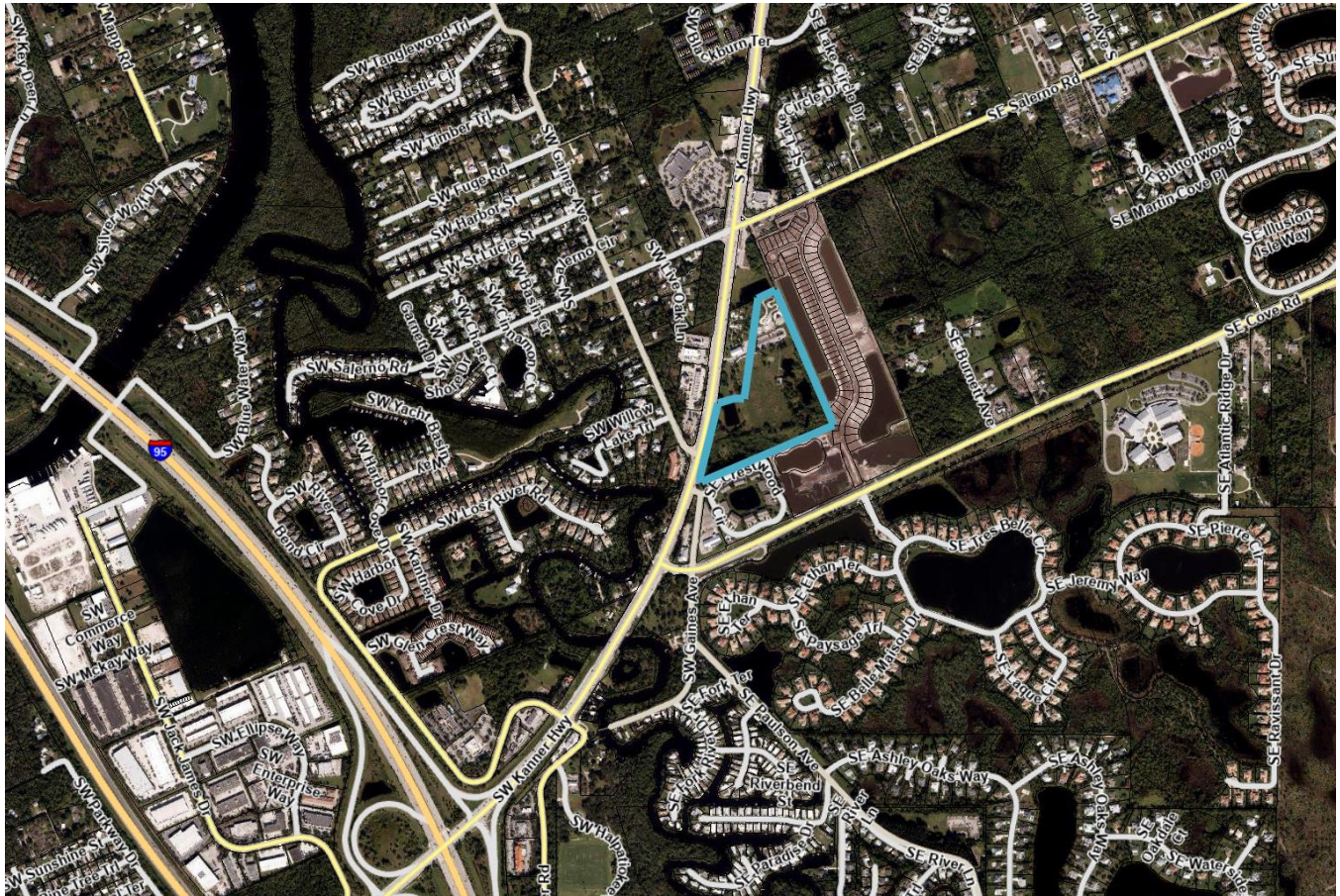
D. Review Board action

This application is classified as an amendment to the official zoning atlas. Pursuant to Section 10.3.B., Land Development Regulations (LDR), Martin County, FL (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, FL (2019), final action on the request for an amendment to the official zoning atlas is required by the Board of County Commissioners (BCC) at a public hearing.

E. Location and site information

Parcel number:	55-38-41-061-000-043-00030-2
Address:	6801 S Kanner Highway, Stuart
Existing Zoning:	PUD-C, Golf World
Future Land Use:	General Commercial
Nearest Major Road:	S Kanner Highway
Gross Area of Site:	26.06 Acres
Subject Site Area:	21.40-Acres

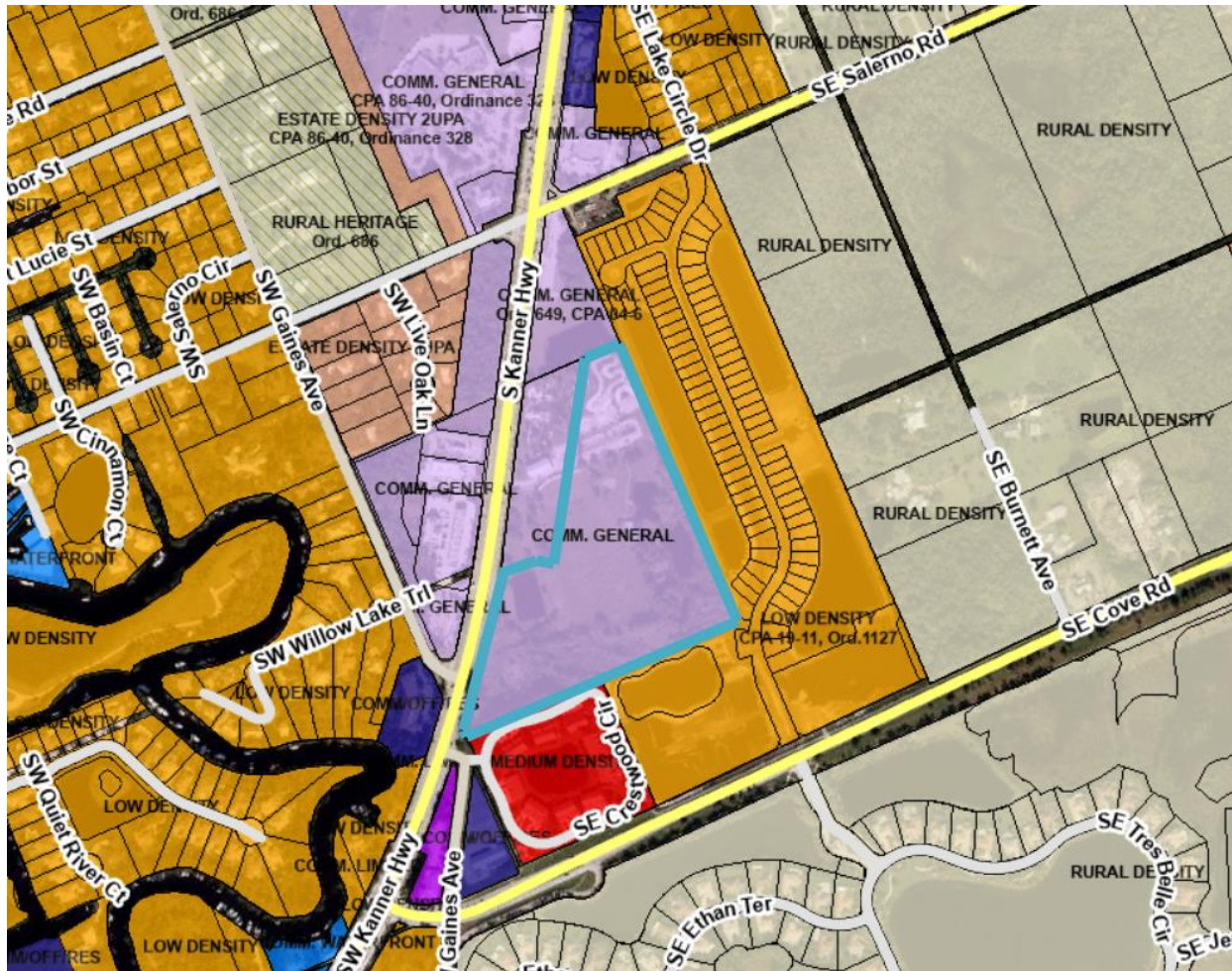
Figure 1 Location Map



Adjacent existing or proposed development:

To the north:	Undeveloped, recent approval for a gas station
To the south:	Crestwood Condominium
To the east:	Undeveloped, recent approval for 54 townhomes and 162 duplex units
To the west:	Portion of Golf World Business (no longer operable), restaurants with drive-thru, gas station, and retail facilities on west side of S Kanner Highway

**Figure 2
Future Land Use Map**



Adjacent property Future Land Use:

- To the north: Commercial General
- To the south: Medium Density, Low Density, Commercial/Office/Residential, Commercial Limited
- To the east: Low Density
- To the west: Commercial General, Commercial/Office/Residential (west of S Kanner Highway)

**Figure 3
Zoning Map**



Zoning district designations of abutting properties:

To the north:	GC, General Commercial
To the south:	R-3A, Liberal Multiple-Family District, PUD
To the east:	Residential
To the west:	PUD Residential
	GC, General Commercial

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

Comprehensive Growth Management Plan

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. The application proposes rezoning to a standard zoning district defined in the Land Development Regulations for the purpose of implementing the CGMP for lands designated General Commercial on the Future Land Use Map of the CGMP Martin County, FL, LDR §3.10 (2013).

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.

Existing Preserve Area Management Plan (PAMP):

The existing Golf World PUD has a PAMP that was approved through the 2nd Amendment to the PUD in 1988. The PAMP language and preserve areas were included on the landscaping plan and the master site plan. The PAMP was approved prior to the establishment of the first policies in the Martin County Comprehensive Plan and Land Development Regulations for preservation of native upland habitat, which were first adopted in the CGMP in 1990.

As the PAMP was part of the approved PUD documents, the County has determined the PAMP is a valid document and the preserve areas will need to be identified on the first final site plan that is submitted on the overall 26.06-acre site. The specific areas and acreage will be determined based on the current environmental assessment and conditions on site in order to maintain the intent of upland preserve areas shown on the PAMP but allow for the preservation of the best upland habitat as site conditions have drastically changed over the decades since PAMP approval. Current county environmental regulations will require all wetlands to be preserved and protected with the appropriate wetland buffers. Any proposed amendment to the existing PAMP that changes the size, shape, or area will be brought to the Board of County Commissioners for approval with a recommendation by the Growth Management Director pursuant to Section 4.36.C.

Additional Information:

Information #1:

Newspaper Advertisement

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.3.) in the legal advertisement section of a newspaper of general circulation in Martin County, as defined in F.S. Chapter 50 and consistent with the provision of F.S. Chapters 125, 163 and 286. [Martin County, FL, LDR, Article 10, Section 10.6.D. (2019)] The applicant shall reimburse the County for the cost(s) of the newspaper ad(s) as a post approval requirement for the application.

Information #2:

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, property owners associations, condominium associations and the

owners of each condominium unit within the notice area. [Martin County, Fla, LDR, Article 10, Section 10.6.E.1. (2019)]

Information #3:

Notice to adjacent governments:

Notice of all development applications relating to property which is within one mile of another general purpose government shall be mailed by the applicant to the appropriate entity within the jurisdiction at least 14 days prior to the public hearing. [Martin County, Fla, LDR, Article 10, Section 10.6.F. (2019)]

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

Review is 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

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

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: Baron Landings, LLC.
 Jeremiah Baron
 49 SW Flagler Avenue
 Stuart, FL 34994
 772-286-5744
jbaron@commercialrealestatellc.com

Agent: HJA Design Studio, LLC.
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 Stuart, FL 34994
 772-678-7200
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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/Wastewater Service Agreement

O. Attachments