# Proposed Amendment to the Martin County Comprehensive Growth Management Plan

#### **REQUEST NUMBER**:

CPA 2018-11, Leighton Farm Ave.

#### APPLICANTS:

Martin County Board of County Commissioners

#### **REPRESENTED BY**:

Nicki van Vonno, AICP Growth Management Department

#### PLANNER-IN-CHARGE:

Irene A. Szedlmayer, AICP Senior Planner

#### DATE OF REPORT

Sept. 21, 2018 Dec. 20, 2018 (revised)

Public Hearing	Date	Action
LPA	Oct. 4, 2018	LPA voted to recommend approval of the amendment of the Future Land Use Map to designate the subject property General Commercial Future Land Use.
BCC Transmittal	Oct. 23, 2018	The Board approved transmittal of the amendment of the Future Land Use Map to designate the subject property General Commercial Future Land Use.
BCC Adoption	Jan. 29, 2019	

- <u>Property</u>: This application involves 0.79 acres located between the western boundary of the current SW Leighton Farms Avenue right-of-way and the eastern boundary of the right-of-way for the realigned SW Leighton Farm Avenue, near the intersection with SW Martin Highway.
- <u>Request</u>: To amend the Future Land Use Map to change the Agricultural Ranchette Future Land Use designation to General Commercial. The PUD zoning will remain unchanged.
- <u>Staff Recommendation</u>: Staff recommends that the future land use designation on the property be changed from Agricultural Ranchette to General Commercial.

## 1. EXECUTIVE SUMMARY

The requested amendment of the Future Land Use Map (FLUM) is needed to accomplish an important County transportation objective—the realignment of SW Leighton Farm Avenue. The Board of County Commissioners (Board) approved an exchange of property with the Moyal Group, Inc. and directed that an amendment of the FLUM be initiated to change the future land use designation of the subject property from Agricultural Ranchette to General Commercial.

The property exchange makes possible the re-alignment of SW Leighton Farm Ave. to form a 4-legged intersection with SW Deggeller Court at SW Martin Hwy. and create a safer and more efficient intersection.

The subject land abuts ten acres of land owned by the Moyal Group, Inc. that already has the General Commercial Future Land Use designation.



## <u>Figure 1.</u> Location Map

# 2. PROJECT/SITE SUMMARY

## 2.1 Physical/Site Summary

The property is 0.79 acres and vacant. Figure 2 shows the property outlined in green and the rights-of-way surrounding the property—SW Martin Hwy. to the north, the current SW Leighton Farm Ave. right-of-way to the east, and the right-of-way for the future Leighton Farm Ave. alignment to the west—outlined in black.

Figure 2. Subject Property (outlined in green)



## 2.2 Major Roadways

SW Martin Hwy. is classified as a major arterial. SW Deggeller Court and SW Leighton Farm Ave. are classified as residential streets. Deggeller Ct. is privately maintained. SW Martin Hwy, between the intersection with SW Martin Downs Blvd. and the Turnpike toll plaza west of the interchange with I-95, is maintained by Florida DOT. SW Leighton Farm Ave. is maintained by Martin County.

The realignment of SW Leighton Farm Avenue has been anticipated by the Board since at least 1988. The Florida Department of Transportation has agreed to

construct the realignment as part of its planning and design for widening SW Martin Hwy.

# 2.3 Current Requests to Amend the Comprehensive Plan

In addition to this amendment, four Board-initiated FLUM amendments and two Board-initiated text amendments are pending. The total land affected by the five pending amendments of the FLUM is approximately 15 acres. They are described below and the FLUM amendments are illustrated in Figure 3.

- A. **CPA 18-8, Former Fire Station 10:** A county-initiated request to change the future land use designation on a 14,810 sq. ft. county-owned property located on NE Samaritan. The current future land use designation is General Institutional and a commercial future land use and zoning are recommended.
- B. **CPA 18-9, Reserve Area No.1, Plat of Leilani Heights Phase 1**: A county-initiated request to change the future land use designation on a 3.4-acre, county-owned property from Low Density Residential to Institutional-Recreation and the concurrent re-zoning from R-2 to Public Recreation.
- C. **CPA 18-14, Dixie Hwy. in Rio**: A county-initiated request to amend the Future Land Use Map from Institutional-General to Commercial General on 6,930 sq. ft. owned by the Martin County Community Redevelopment Agency.
- D. CPA 18-12, Leighton Farm Ave: The companion text amendment to CPA 18-11 to amend Chapter 4, the Future Land Use Element to extend the boundary of Figure 4-2, the Urban Service District.
- E. CPA 18-13, Chapter 1 Text Amendment: A county-initiated text amendment to allow privately-initiated amendments of the Comprehensive Growth Management Plan to be submitted anytime, rather than requiring all privately-initiated amendments to be submitted in September.
- F. **CPA 18-15, Jensen Beach Impoundment**: A county-initiated request to change the future land use designation on 10± acres from Medium Density to Public Conservation, along with a zoning change from PUD-Residential to Public Service.



Figure 3. Pending Amendments of the Future Land Use Map

## 2.4 Past Changes in Future Land Use Designation

Since the CGMP was adopted in 1982, the FLUM has been amended numerous times between the St. Lucie River and the Florida Turnpike. West of the Turnpike in the vicinity of the subject property, the FLUM has remained constant, with one notable exception—CPA 2007-07, Turnpike Plaza. CPA 2007-07 changed the future land use designation on the abutting 10 acres from Limited Commercial to General Commercial. See Figure 4.



Figure 4. FLUM showing subject property and FLUM Amendments since 1982

## 2.5 Adjacent Future Land Use (see Figure 5)

North (across SW Martin Hwy): Industrial

- South: Agricultural Ranchette
- East: General Commercial
- West: Agricultural Ranchette



# Figure 5. Adjacent Future Land Use designations

## 2.6 Environmental Considerations

## 2.6.1 Wetlands, Soils and Hydrology

## A. <u>Wetlands</u>

The Martin County Wetlands Composite Map, CGMP Figure 9-1, is a predictive tool based on satellite wetland mapping, presence of hydric soils, and inclusion on the National Wetlands Inventory. The more indications present, the more likely a wetland is present. The wetlands composite shows no indicators that wetlands are present on the subject site or in the vicinity.

# B. Soils

The soil on the subject site is Nettles Sand. Arents Soil, 0-2% slopes is nearby. [MC Navigator, South Florida Water Management District Soil Map layer.] See Figure 6.

# 2.6.2. Wellfield Protection

Sections 4.141 through 4.154, LDR, establish wellfield protection zone 1, protection zone 2 and protection zone 3. According the County's internal utilities base map, the subject property is not near any wellfield protection zone.



<u>Figure 6</u>. Soil Survey

## 2.7 Adjacent Existing Land Use (see Figure 7)

North: Industrial and Commercial (north side of SW Martin Hwy.) South: Grazing East: Vacant Commercial West: Grazing



Figure 7. Adjacent Existing Land Use

## 3. ANALYSIS

## 2.1 Criteria for change in the Future Land Use

Regarding proposed amendments of the Comprehensive Growth Management Plan, Section 1.11.C.(2) provides, in relevant part, as follows:

"Staff recommendations shall be consistent with this chapter and with the goals, objectives, and the policies established in this Plan, as well as good planning principles.

In evaluating each Future Land Use Map amendment request. . . , staff begins with the assumption that the Future Land Use Map, as amended, is generally an accurate representation of the intent of the Board of County Commissioners, and thus the community, for the future of Martin County. Based on this assumption, staff can recommend approval of a requested change provided it is consistent with all other elements of this Plan and at least one of the following three situations has been demonstrated by the applicant to exist:

- (a) Past changes in land use designations in the general area make the proposed use logical and consistent with these uses and adequate public services are available of [sic] and growth in the area—in terms of development of vacant land, redevelopment and availability of public services—has altered the character of the area such that the proposed request is now reasonable and consistent with area land use characteristics; or
- (b) The proposed change would correct an inappropriately assigned land use designation; or
- (c) The proposed change is a County initiated amendment that would correct a public facility deficiency in a County facility that provides for the health, safety or general welfare of County residents and cannot otherwise be adequately provided in a cost effective manner at locations where the proposed land use is currently consistent with the CGMP.

If staff cannot make a positive finding regarding any of the items in (a) through (c), along with a determination of consistency with all Plan goals, objectives, and policies and the requirements of this chapter, staff shall recommend denial."

The 2007 decision to designate the adjacent 10 acres General Commercial Future Land Use, the determination in 2012, by the Martin County Metropolitan Planning Organization, in its Congestion Management Process Update, to align SW Leighton Farm Ave. with SW Deggeller Ct., and the Board's decision in May 2018 to exchange property with the Moyal Group, Inc., satisfy the criteria in paragraph (a) and allow staff to recommend approval of the proposed amendment of the FLUM. Adequate public facilities will be provided pursuant to CGMP Policy 14.1B.2.(2) which provides in part, "Future development shall pay for the full cost of the capital improvements needed to address the impact of such development," and CGMP Policy 4.7D.3, which provides in part, "development shall bear the full cost of providing the new or expanded capital facilities required by it."

Additionally, this is a County-initiated amendment integrally related to capacity improvements to SW Martin Hwy. between SW Citrus Blvd. and SW Martin Downs Blvd. The roadway segment between SW Citrus Blvd. and the Florida Turnpike is currently operating at a Level of Service F. Therefore, this amendment also satisfies the criteria in paragraph (c) and allows staff to recommend approval of the proposed amendment of the FLUM.

## 2.2 Existing and Requested Future Land Use designations

This proposed amendment of the FLUM is needed to accomplish an important County and regional transportation objective. The rationale and justification of the amendment was persuasively stated in the staff report presented to the Board by the Public Works Department on May 22, 2018. A portion of that staff report is attached as Exhibit B to this report and the following summary is based on it.

Since at least 1988, the Martin County Board of County Commissioners has recognized the need to realign SW Leighton Farm Ave. to form a proper four-legged intersection with Deggeller Ct. and SW Martin Hwy. The realignment was shown on two approved, but unbuilt and now expired, site plans. The 2011 Martin County MPO added the realignment to its Congestion Management Process Update. In January 2017, the Florida Department of Transportation (FDOT) began its study of and design for the widening of SW Martin Hwy. between Citrus Blvd. and the turnpike toll plaza. FDOT has also agreed to design and construct the realignment of SW Leighton Farm Ave. Rather than having FDOT use eminent domain to acquire the property needed for the realignment, Martin County staff negotiated with the property owner, The Moyal Group, Inc., to exchange the proposed 80-foot wide right-of-way for the existing 80-foot wide right-of-way.

At the May 22, 2018 meeting, the Board approved the property exchange. The Moyal Group, Inc. has conveyed to the County an 80-foot wide right-of-way for the new alignment of the roadway in exchange for the County's conveyance to it of the 80-foot wide right-of-way from the abandoned roadway alignment, after FDOT removes and regrades the former roadway.

The important County transportation objective coupled with the small land area involved, indicates that the Goals, Objectives and Policies contained in the Land Use Element of the CGMP may be less pertinent to this amendment that the Goals, Objectives and Policies of the Transportation Element. Nonetheless, the current and proposed future land use designation will be reviewed.

The Agricultural Ranchette Future Land Use designation (Ag. Ranchette) requires a minimum 5-acre lot area. The Ag. Ranchette designation

"is intended to protect and preserve areas of Martin County generally located between the fringe of the agricultural heartland and the outer fringe of urban development. These areas are situated in locations removed from urban services, have developed at very sparse densities and maintain their original agricultural and rural character." CGMP Policy 4.13A.3.

The designation is intended to recognize

"the value of these lands for small agricultural operations, recreational equestrian activities and small stables, rural residences and open space. <u>Id.</u>

These policies and intentions remain valid, relevant and appropriate for the expanse of Ag. Ranchette land west, northwest and south of the subject parcel.

However, these policies do not disallow the change to General Commercial Future Land Use of the subject 0.79 acre parcel, that abuts and is under common ownership with 10 acres with the General Commercial Future Land Use, and is separated from other Ag. Ranchette property by an 80-foot roadway right-of-way. The change in the FLUM will enable any future development on the adjacent 10 acres to access SW Leighton Farm Ave. without crossing another future land use designation.

Amendments of the FLUM to change Ag. Ranchette to a more urban future land use are governed by the same criteria applicable to the conversion of Agricultural Future Land Use to a more urban future designation. Policy 4.13A.1.(2) provides the following criteria for considering such requests:

- "(a) The proposed development shall not adversely impact the hydrology of the area or the productive capacity of adjacent farmlands not included in the amendment application in any other manner;
- (b) The proposed land conversion is a logical and timely extension of a more intense land use designation in a nearby area, considering existing and anticipated land use development patterns; consistency with the goals and objectives of the CGMP; and availability of supportive services, including improved roads, recreation amenities, adequate school capacity, satisfactory allocations of water and wastewater facilities, and other needed supportive facilities. Such findings shall be based on soil potential analysis and agricultural site assessment.

These criteria are met by the proposed amendment of the FLUM. Given the small size of the parcel and its location abutting land with Commercial General Future Land Use and separated from other Ag. Ranchette land by road right-of-way, this amendment will not affect the productive capacity of any nearby Ag. Ranchette land. The Land Development Regulations should help ensure that the hydrology of the area is not adversely affected. The proposed amendment of the FLUM is logical and timely in order to accomplish a transportation improvement the need for which was recognized by the Board of County Commissioners 30 years ago.

# 2.3 Urban Sprawl

The Florida Community Planning Act, §163.3177(9), Fla. Stat. (2018), requires any amendment to the Future Land Use Element of the County's Comprehensive Plan to discourage urban sprawl. The statute defines 'urban sprawl' as "a development pattern characterized by low density, automobiledependent development with a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses." The statute provides a list of thirteen "primary indicators" that a plan amendment "does not discourage the proliferation of urban sprawl." The evaluation of these 13 indicators consists of an analysis of the plan amendment within the context of the features and characteristics that are unique to Martin County in order to determine whether the plan amendment promotes urban sprawl.

None of the 13 indicators of urban sprawl are present in the proposed amendment of Martin County's FLUM. The subject property is less than one acre, within 1,000 feet of the Florida Turnpike, abutting 10 acres under common ownership which already has the General Commercial FLU and across the street from existing Industrial and Commercial development.

(1) Promotes, allows, or designates for development substantial areas of the jurisdiction as low-intensity, low-density, or single-use development or uses.

No. 0.79 acres is not a substantial area.

(2) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

No. 0.79 acres is not a significant amount and the property is not a substantial distance from existing urban areas.

(3) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

No. Ten acres that already have the General Commercial FLU abut this small parcel and are under common ownership with this small parcel.

(4) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

No. There are no wetlands, floodplains, lakes, rivers, shorelines, etc. on the site.

(5) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

No. This is 0.79 acres adjacent to General Commercial FLU and separated from other Ag. Ranchette lands by road right-of-way. Nettles Sand "has very

serious limitations for crops because of wetness." Source: 1981 <u>Soil Survey of</u> <u>Martin County.</u>

(6) Fails to maximize use of existing public facilities and services.

No. This amendment will facilitate needed improvements to the intersection of SW Leighton Farm Ave. and SW Martin Hwy. and facilitate capacity improvements on SW Martin Hwy.

(7) Fails to maximize use of future public facilities and services.

Development of the abutting 10 acres for General Commercial purposes will require the public water and wastewater services. The small increase in the land area may help maximize the use of such facilities at this site.

(8) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

No. Adding this 0.79 acre parcel to the 10-acre parcel which already has the General Commercial FLU will not cause disproportionate costs for public facilities and services.

(9) Fails to provide a clear separation between rural and urban uses.

This FLUM amendment effectuates a change anticipated since at least 1988 and is very limited in scale. Pressure to allow the conversion of additional Ag. Ranchette land to more intense use may be expected. However, the relocated Leighton Farm right-of-way provides a clear separation between rural and urban uses.

(10) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

No. This property is less than one acre and the focus of unique facts and circumstances regarding the realignment of SW Leighton Farm Ave.

(11) Fails to encourage a functional mix of uses.

No. This amendment involves only 0.79 of an acre and the focus of unique facts and circumstances regarding the realignment of SW Leighton Farm Ave.

(12) Results in poor accessibility among linked or related land uses.

No. This amendment will improve access to SW Martin Hwy by land uses along SW Leighton Farm Ave.

#### (13) Results in the loss of significant amounts of functional open space.

No. This amendment involves only 0.79 of an acre.

Florida Statute also sets forth factors that evidence that a proposed amendment to the FLUM discourages the proliferation of urban sprawl. These eight factors are the converse of the thirteen set-forth above. Given the very small size of the subject parcel and the unique facts and circumstances regarding this amendment, staff believes that 6 of the 8 criteria are irrelevant. Staff believes the proposed amendment satisfies the two criteria that are relevant. Nonetheless, the required threshold is that the proposed amendment incorporates a development pattern or urban form that achieves four or more of the following eight factors and staff's analysis follows:

(1) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

True. This amendment involves only 0.79-acre and abuts land with General Commercial FLU and common ownership.

(2) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

True. The amendment is part of a negotiated agreement that avoided the use of eminent domain by FDOT for provision on essential transportation facilities.

(3) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

This criterion is inapplicable to the 0.79-acre parcel that is the subject of this application given its unique facts and circumstances.

(4) *Promotes conservation of water and energy.* 

This criterion is inapplicable to the 0.79-acre parcel that is the subject of this application given its unique facts and circumstances.

(5) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

This criterion is inapplicable to the 0.79-acre parcel that is the subject of this application given its unique facts and circumstances.

(6) Preserves open space and natural lands and provides for public open space and recreation needs.

This criterion is inapplicable to the 0.79-acre parcel that is the subject of this application given its unique facts and circumstances.

(7) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

This criterion is inapplicable to the 0.79-acre parcel that is the subject of this application given its unique facts and circumstances.

(8) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or it provides for an innovative development pattern such as transit-oriented developments or new towns.

This criterion is inapplicable to the 0.79-acre parcel that is the subject of this application given its unique facts and circumstances.

## 2.4 Capital Facilities Impact

This section of the staff report addresses CGMP Policy 4.1B.2. which provides:

"All requests for amendments to the FLUMs [sic] shall include a general analysis of (1) the availability and adequacy of public facilities and (2) the level of services required for public facilities in the proposed land uses. This analysis shall address, at a minimum, the availability of category A and category C service facilities as defined in the Capital Improvements Element."

## 2.4.1 Mandatory Facilities

## 2.11.1.A. Water and Sewer

Martin County's Level of Service (LOS) for both treatment and distribution of potable water and for wastewater collection and treatment services for commercial uses is 0.1 gallon per square foot. CGMP Policy 14.1A.2(3) and (4).

County Utilities Department staff state that the County has adequate water and wastewater capacity. Any development on this parcel will be required to connect to county water and wastewater lines. The developer will be required to extend those lines to the property. See Figure 8.

Figure 8. Martin County Utilities



## 2.4.1.B. Drainage

Drainage concerns include on-site and downstream flooding and non-point source pollution. The LDRs mandate stormwater detention and retention to attenuate those impacts. The CGMP has established the following levels of service for drainage facilities:

- Major Drainage Ways (more than one square mile) 8.5" in a 24-hour period for 25 year/24-hour design storm.
- Underground Storm Sewers 6" in a 24-hour period for 5 year / 24- hour design storm.
- All Other Facilities 7" in a 24-hour period for 10-year/24-hour design storm.
- Finished Floor Elevation 100-year/3-day storm.

All applicants for development orders must demonstrate compliance with these post-development standards. The change in the future land use designation will have no significant impact on the maintenance of the drainage LOS.

#### 2.4.1.C. Transportation

The adopted LOS for all County arterial and collector roads is D, for the peak hour/peak direction. SW Martin Highway in the vicinity of the subject property has a LOS of F. However, the Florida Department of Transportation (FDOT) is currently designing and acquiring all of the right-of-way necessary to widen SW Martin Highway in its fiscal year beginning July 2021. In addition, the re-alignment of SW Leighton Farm Avenue with SW Deggeller Court, made possible by this FLUM amendment, will improve the safety at the intersection on SW Martin Highway.

For the purpose of this proposed amendment, staff can provide a "positive evaluation," meaning there is sufficient roadway capacity planned in the adopted Capital Improvement Element [Martin County, Fla., CGMP Policy 14.1C.5.(2)(e) (2013)]. This evaluation shall not be used by any applicant or their successors in title, in any way whatsoever as committing the County legally through the theory of equitable estoppel or any other legal theory, to approve any final development order for a project without a determination and reservation of roadway adequate capacity. [Martin County, Fla., CGMP Policy 14.1C.5.(2)(c) (2013)].

#### 2.4.1.D. Solid Waste

The change in the future land use designation will have virtually no impact on maintenance of the solid waste LOS.

#### 2.4.1.E. Parks and Recreation

The change in the future land use designation will have virtually no impact on the County's LOS for active parks.

## 2.11.1.F. Fire, Public Safety and Emergency Medical Services

The County's LOS standards for Fire/Rescue in Urban Areas are as follows:

- 1. Advanced Life Support 8 minutes 90% of the time;
- 2. Basic Life Support 6 minutes 90% of the time;
- 3. Fire Response 6 minutes 90% of the time. (CGMP Policy 14.1A.2.)

The change in the future land use designation on 0.79 acres will have virtually no impact on the County's LOS standards for Fire/Rescue.

## 2.4.1.G. Schools

The General Commercial Future Land Use does not allow residential development. The change in the future land use designation on 0.79 acres will have no impact on maintenance of the LOS for public school facilities.

## 2.4.2. Non-Mandatory Facilities

## 2.4.2.A. Libraries

The only commercial uses expected to create demand on library services are Nursing Homes and Assisted Living Facilities and they are required to pay impact fees. The change in the future land use designation on 0.79 acres will have virtually no impact on maintenance of the LOS for library facilities.

## 3. CONCLUSION

Staff recommends approval of the amendment of the FLUM. The amendment is a component of an agreement regarding the exchange of property between the County and the private landowner. The property exchange will enable the realignment of SW Leighton Farms Ave. where it intersects with SW Martin Hwy. This realignment will in turn facilitate needed improvements to SW Martin Hwy. The proposed amendment of the FLUM facilitates a transportation improvement the need for which was recognized by the Board of County Commissioners for 30 years.

## **EXHIBITS**

Exhibit A. FLUM with current designation and FLUM with recommended designation

# EXHIBIT A



#### CPA 18-11, Leighton Farm Ave.--Current Future Land Use Map





