

# LEILANI HEIGHTS, PHASE 1, RESERVED AREA NO. 1 RE-ZONING

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

### **Applicant:**

Martin County Board of County Commissioners

### **Represented By:**

Nicki van Vonno, AICP

Growth Management Director

Property Owner:	Martin County
Planner in charge:	Irene A. Szedlmayer, AICP
Growth Management Director:	Nicki van Vonno, AICP
Project Number:	CPA 18-9, Reserve Area No. 1, Leilani Heights Phase 1
Application Received:	02/27/2018
Date of Staff Report:	06/24/2018; revised 12/19/18
LPA Meeting Date:	09/20/2018
BCC Meeting Date:	01/29/2019

## ***B. Project Description and Analysis***

### **1. Introduction**

This application involves two contiguous lots owned by Martin County totaling 3.4 acres and located within the Leilani Heights Phase 1 Subdivision, south of NE 24<sup>th</sup> Street Extension and west of NE 18<sup>th</sup> Avenue. The County currently has a half-acre playground on the northeast corner of the site.

The property is entirely surrounded by detached single-family residential development. Aerial imagery indicates a fence separates the Pinelake Village Mobile Home Park, adjacent to the south, from the subject parcel. The Board of County Commissioners initiated the change of the Low Density Residential Future Land Use designation and the R-2 Zoning District to the most appropriate institutional designations. The Board's Resolution 18-2.44 is attached as Exhibit A.

The plat of Leilani Heights, Phase 1, recorded in 1973, identified the property as "Reserved Area No. 1 (Park)." Martin County has three institutional future land use designations—Public Recreation, Public Conservation, and General Institutional. Five zoning districts implement those future land use designations (FLU), as set forth in Table 1. One zoning district is designed to implement the Institutional – Recreation FLU--PR (Recreation), one zoning district implements the Institutional–Conservation FLU--PC (Conservation), and three zoning districts implement the Institutional-General FLU-- PS-1 (Public Service-1), PS-2 (Public Service-2) and

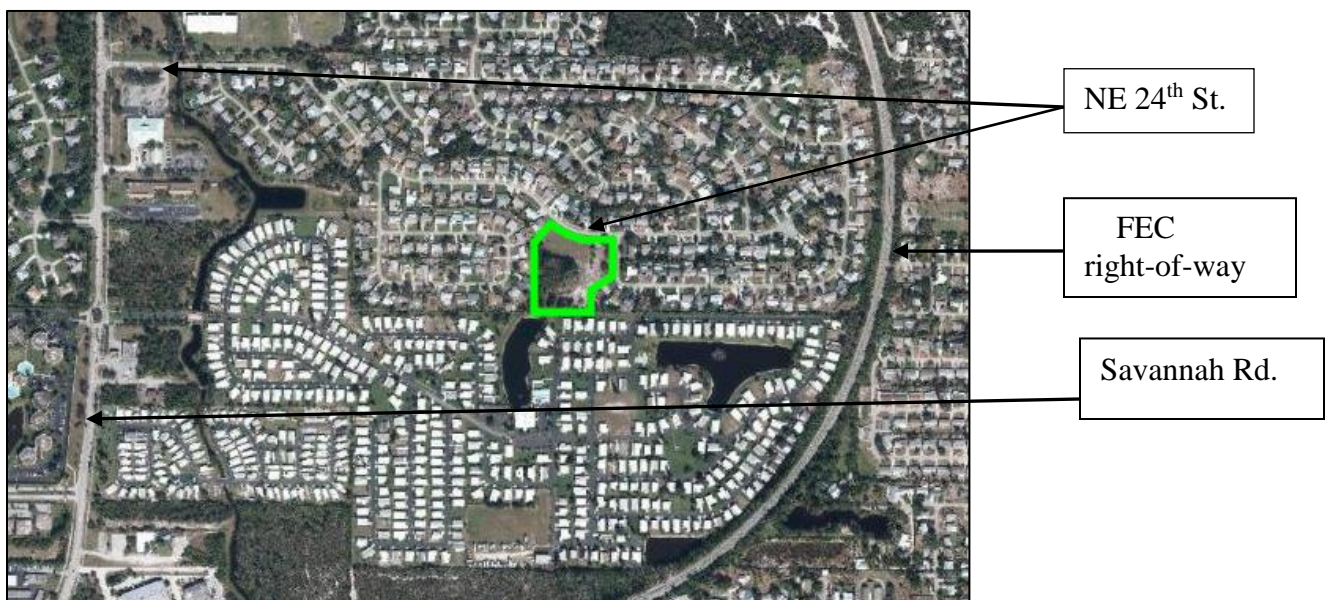
## Public Airport Facilities.<sup>1</sup>

Table 1. Institutional Future Land Uses and their implementing Zoning Districts

Future Land Use	Zoning District
Institutional –Recreation	PR (Recreation)
Institutional –Conservation	PC (Conservation)
Institutional General	PS-1 (Public Service-1)
	PS-2 (Public Service-2)
	Public Airport Facilities

The companion staff report reviewing the change of the future land use designation concluded that the Institutional-Recreation Future Land Use is the most appropriate for the subject land. The Zoning District designed to implement the Recreational Future Land Use designation is PR (Public Recreation).

Figure 1. Location of Subject Land



## 2. Permitted Uses

The PR zoning district has nine permitted uses. They are:

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<sup>11</sup> The PAF zoning district is irrelevant to the consideration of the proper zoning for this 3.4 acres and is therefore not discussed in this report.

1. community centers
2. dredge spoil facilities
3. educational institutions
4. fairgrounds
5. active public parks and recreation areas
6. passive public parks and recreation areas
7. campgrounds
8. marinas, commercial
9. recreational vehicle parks

The Public Conservation Zoning District permits only one use: passive public parks and recreation areas. The PS-1 and PS-2 (Public Service-1 and Public Service-2) zoning districts permit many, varied uses. All uses permitted in the PR zoning district, as well as the other zoning districts intended to implement an Institutional Future Land Use designation are set forth in Exhibit A.

Several of the uses that are permitted within the PR Zoning District would not be permitted or would be inappropriate on this particular property, given its small size and location in the midst of a residential neighborhood. For example, educational institutions must be located on a major collector or an arterial roadway, [Section 3.69.B., LDR], and this property is located on a local street. The 3.4 acres would be too small to accommodate a campground, a fairgrounds or a recreational vehicle park. Additionally, the only type of “dredge spoil facilities” permitted in the PR District is “the temporary storage of dredged spoil material resulting from the construction, reconstruction or maintenance of recreational facilities.” [Section 3.268.B., LDR]. Furthermore, any active recreational facility developed in the future on this property, such as tennis courts or baseball fields, would be required to have a 40-foot landscape buffer when adjacent to a residential zoning district. [Section 3.90., LDR] Therefore, while some uses generally permitted in the PR zoning district may not be appropriate for this site, nothing in the Table of Permitted Uses indicates that the PR zoning district is not the most appropriate zoning district. Other regulations and processes and procedures are in place to assure any future development on the site is appropriate for its size and location.

### 3. Development Standards

The development standards applicable to the four institutional zoning districts are summarized in Table 1. All require no less than 40% open space and limit building coverage to 45%. The PR, Public Recreation, and PC, Public Conservation, require no minimum lot area or lot width.

Table 2. Development Standards applicable to Institutional Zoning Districts

Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Bldg. Coverage	Maximum Height	Minimum Open Space
PR			45%	40 ft.	40%
PC			45%	30 ft.	40%
PS-1	10,000 sf.	80 ft.	45%	40 ft.	40%
PS-2	10,000 sf.	80 ft.	45%	40 ft.	40%

Source: Table 3.12.1, LDR.

The setbacks applicable to the four institutional zoning districts are identical. They are set-out in Table 3. Nothing in regard to the setbacks raises any concern about the appropriateness of the PR zoning district for the subject property.

Table 3. Setbacks applicable to Institutional Zoning Districts

Zoning District	Front/by story				Rear/by story				Side/by story			
	1	2	3	4	1	2	3	4	1	2	3	4
PR	25	25	25	25	20	20	30	40	10	10	20	30
PC	25	25	25	25	20	20	30	40	10	10	20	30
PS-1	25	25	25	25	20	20	30	40	10	10	20	30
PS-2	25	25	25	25	20	20	30	40	10	10	20	30

Source: Table 3.12.2, LDR.

#### 4. Adjacent Zoning Districts

North, East and West: R-2 (Single-Family Residential District)

South: TP (Mobile Home Park District)

**Figure 2.** Adjacent Zoning Districts – current zoning map

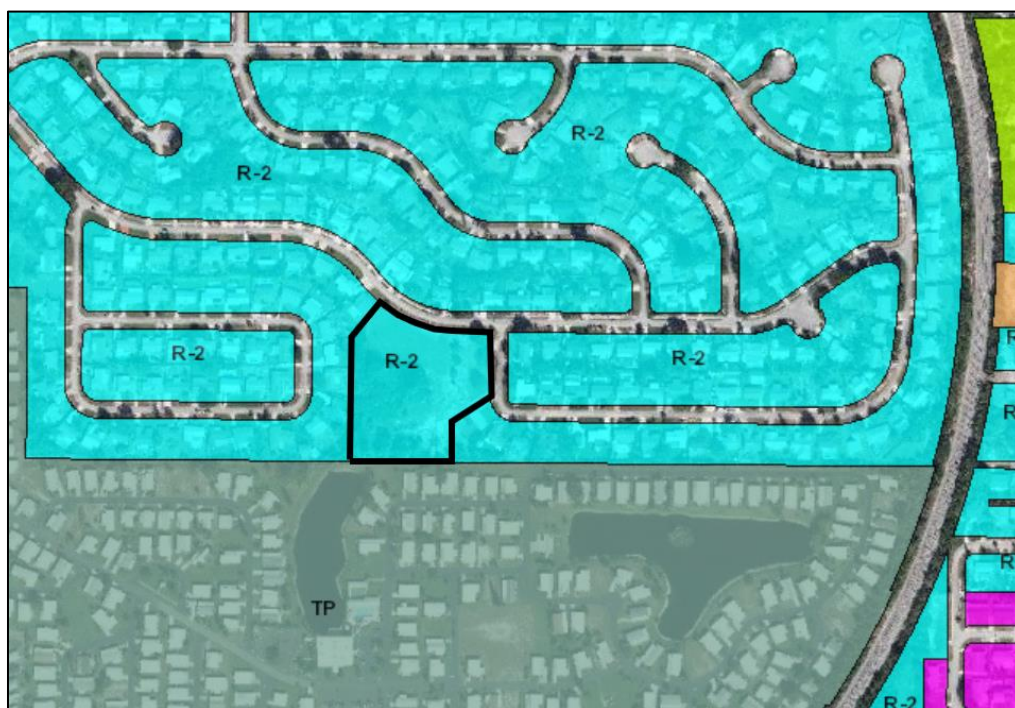
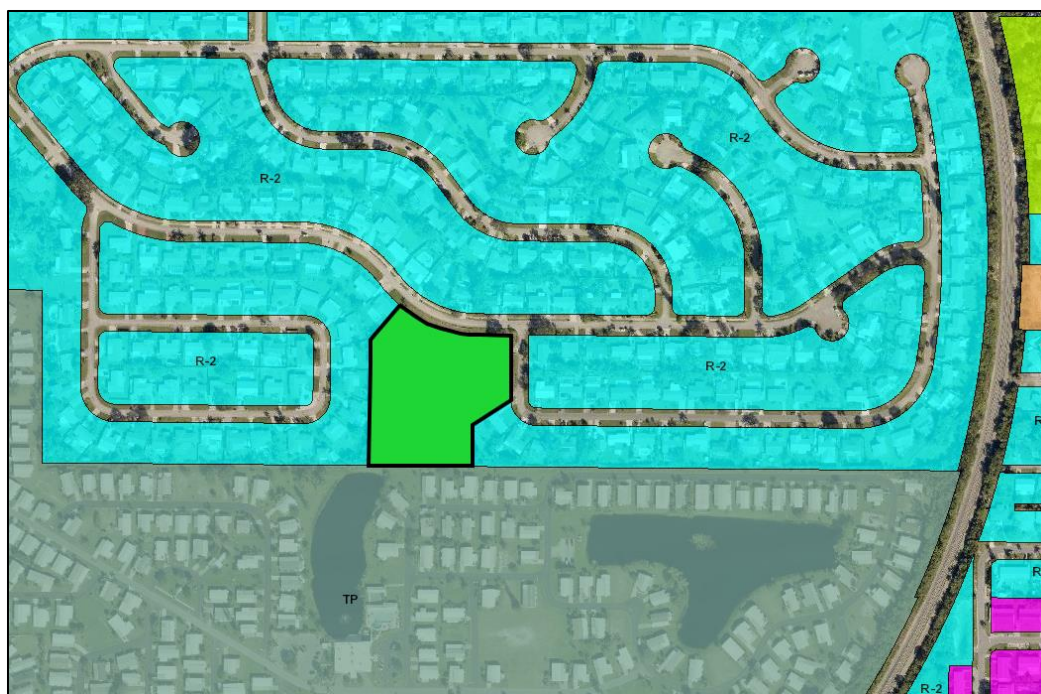


Figure 3. Adjacent Zoning Districts – proposed zoning map





### ***C. Standards for Amendments to the Zoning Atlas***

The Martin County Land Development Regulations (LDR), Article 3, Section 3.2.E.2., requires a proposed amendment to the Martin County Zoning to be considered pursuant to seven factors. Those seven factors and the evaluation of how they apply to the subject 3.4 acres follow.

1. *Whether the proposed zoning amendment is consistent with all applicable provisions of the Comprehensive Plan.*

As stated in in the companion staff report evaluating the most appropriate institutional future land use designation, staff's conclusion is that the Institutional-Recreation Future Land Use is the best fit. Therefore, re-zoning to PR is consistent with the CGMP.

2. *Whether the proposed zoning amendment is consistent with all applicable provisions of the LDR.*

The PR Zoning District is consistent with all applicable provisions of the LDR.

3. *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.*

The proposed PR Zoning District 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. The surrounding area is developed with detached, single-family residences. A small public park is located on part of the property. The PR zoning on this property confirms the role of this small parcel in the surrounding neighborhood.

4. *Whether and to what extent there are documented changed conditions in the area.*

The direction by the Board of County Commissioners in September 2017 to remove the property from the list of surplus property and to initiate the change in the future land use and zoning might be considered 'documented changed condition.'

5. *Whether and to what extent the proposed amendment would result in demands on public facilities.*

The proposed amendment contributes to maintenance of the County's Level of Service for active parks. Currently, one-half acre of this 3.4 acre site is included

on the inventory of County parks. After the re-zoning, it will be appropriate to include the remaining 2.9 acres on the inventory. It is possible that including the land on the official inventory of county parks may create some demand to improve or augment the park facilities. Depending on what if any improvements are made to Leilani Heights Park, it may lead to requests for improved access from the adjacent mobile home community. Requests for improved facilities at this park can be evaluated and ranked relevant to all other park priorities.

6. *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.*

The re-zoning of the property is consistent with the plat that was recorded forty-five years ago. The amendment of the Zoning Atlas makes the zoning district consistent with the intent for the land expressed on the plat in 1973. The re-zoning results in a logical, timely and orderly development pattern and an appropriate use of County resources.

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

Whatever facts are presented at the public hearings on this application should be taken into account in the decision-making.

#### ***D. Staff Recommendation***

**Staff recommends the PR (Public Recreation) Zoning District for this property.**

The specific findings and conclusion of each county department 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	Assessment
F	Comprehensive Plan	Irene Szedlmayer	Comply
G	Development Review	Irene Szedlmayer	NA
S	County Attorney	Krista Storey	Review Ongoing
T	Adequate Public Facilities	Irene Szedlmayer	Exempt

The choice of the most appropriate zoning 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.2., LDR, set-out on pages 5 and 6 of this report.

### ***E. Review Board action***

A review and recommendation is required on this application from the LPA. Final action on this application is required by the BCC. Both the LPA and the BCC meetings must be advertised public hearings.

### ***F. Location and site information***

Location: Within the Leilani Heights neighborhood, south of NE 24<sup>th</sup> Street Extension and west of NE 18<sup>th</sup> Avenue.

Parcel numbers: 27-37-41-026-000-00012-5 and 27-37-41-026-000-00010-7

Existing zoning: R-2

Current Future Land Use: Low Density Residential

Proposed Future Land Use: Institutional-Recreation

Commission District: 1

Community Redevelopment Area: none

Municipal Service Taxing Unit: District 1

Planning Area: North County

### ***G. Determination of compliance with Comprehensive Growth Management Plan - Growth Management Department***

#### **Findings of Compliance:**

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

### ***H. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department***

#### **Findings of Compliance:**

The GMD Comprehensive Planning Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved issues related to land use, site design, zoning, or procedural requirements associated with this application.

#### **Additional Information:**

The amendment of the Zoning Atlas authorizes no 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.



## ***I. Fees***

Because this re-zoning action was initiated by the Board of County Commissioner, no application fee applies. Expenses have been incurred to notify all owners of property within 1,000 feet of the proposed action and the public hearings related thereto, to publish notice of the public hearings in the newspaper, and to erect signs.