

MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

WOLFF, BONNY & CHARLES Rezoning

Applicant: Wolff, Bonny & Charles Property Owner: Wolff, Bonny & Charles

Agent for the Applicant: Deanna Freeman; Cuozzo Planning Solutions.

County Project Coordinator: Matthew Stahley, Senior Planner

Growth Management Director: Nicki van Vonno, AICP

Project Number: W093-001

Application Type and Number: DEV2018100007

Report Number: 2019_0109_W093-001_DRT_Staff_BCC

 Application Received:
 10/24/2018

 Transmitted:
 10/15/2018

 Date of Report:
 11/09/2018

 Date of LPA Meeting:
 01/03/2019

 Date of BCC Meeting:
 02/12/2019

B. Project description and analysis

This is an application for a proposed amendment to the county Zoning Atlas for a residential district designation (Section 3.2.E, LDR). A Zoning District change from WE-1, Waterfront Estate District to RE-1/2A, Residential Estate District is proposed for an approximate 1.29-acre parcel located at 2785 SE St. Lucie Boulevard approximately 400 feet southeast of SE Indian Street in Stuart.

The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Estate Density 2UPA which is a residential classification that has a maximum density allowance of 2 units per acre. The current zoning on the property is WE-1, Waterfront Estate district, which is a category B district. The WE-1 zoning district is consistent with the future land use designation. Therefore, the request to rezone this property is considered non-mandatory.

There is one (1) standard "Category A" zoning district that is available to implement the Estate Density 2UPA land use policies of the CGMP, which is RE-1/2A, Residential Estate District. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County.

The following tables compare the permitted uses and the development standards for the existing WE-1 and proposed RE-1/2A zoning districts.

PERMITTED USES IN THE WE-1 and RE-1/2A DISTRICTS (Excerpt from Tables 3.11.1 & 3.11.3)

USE CATEGORY	WE-1	RE-1/2A
Residential Uses		
Multifamily dwellings		
Townhouse dwellings		
Single-family detached dwellings	P	P
Duplex dwellings		
Modular Homes	P	P
Zero lot line single-family dwellings		
Public and Institutional Uses		
Community centers	P	P
Educational institutions	P	P
Neighborhood assisted residences with six (6) or fewer residents	P	P
Neighborhood boat launches		P
Places of worship	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
Recycling drop-off centers		P
Residential care facilities		
Utilities	P	P
Commercial and Business Uses		
Bed and breakfast inns	P	P
Commercial day care	P	P
Family day care	P	P
Golf courses	P	P

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)
В	WE-1	30,000	100	(a)		25	25/2	50	_
A	RE-1/2A	21,780	100	2.00	_	_	30	50	_

⁽a) Maximum residential density shall be one single family residential dwelling unit per lawfully established lot.

TABLE 3.12.2 STRUCTURE SETBACKS

				by story ft.)				y story čt.)				y story kt.)	
C A T	Zoning District	1	2	3	4	1	2	3	4	1	2	3	4
В	WE-1	50(g)	50(g)	-	-	25(g)	25(g)	-	-	15	15	-	-
A	RE-1/2A	25	25	25	25	15	15	15	15	15	15	15	15

(g) In the WE-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 50-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C. Where existing principal residences on adjacent lots are set back more than 50 feet from the mean high water line, the minimum setback from the mean high water line shall be the mean setback of the nearest principal residences on adjacent lots, or, where there is no principal residence within 1,000 feet, the minimum setback from the mean high water line shall be 50 feet. Accessory structures which are not roofed or enclosed by walls or screening shall only be subject to the minimum 50-foot setback from the mean high water line.

Shoreline protection zone applies to all waterfront lots.

For residential lots of record created prior to April 1, 1982 with an area of more than one acre but not more than two acres, with wetlands that abut or connect to the estuaries or their navigable tributaries, the wetland buffer zone may be reduced to less than 75 feet but shall not be reduced to less than 25 feet for either primary or accessory structures. New principal structures on lots shall maintain a wetland buffer zone equal to or greater than the average wetland buffer and Shoreline Protection Zone of the nearest principal residences on adjacent lots. The average Shoreline Protection Zone or wetland buffer of the nearest principal residences on adjacent lots shall be determined by measuring from the point of each of the existing principal residences nearest to mean high water.

Standards for Amendments to the Zoning Atlas

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

2. The Martin County Land Development Regulations (LDR), Article 3, Section 3.2 E.1. 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,

The subject property is designated for Estate Density 2UPA use on the Future Land Use Map (FLUM) of the Comprehensive Growth Management Plan (CGMP). The zoning implementation policies and requirements are contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code. Pursuant to Article 3 there is one (1) standard Category A zoning district that is available to implement the Estate Density 2UPA future land use classification, which is the RE-1/2A Residential Estate District. Therefore, rezoning the subject property to the RE-1/2A zoning district is consistent with the Comprehensive Plan. The choice of the most appropriate district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) are asked to consider based on the "standards for amendments to the zoning atlas" provided in Section 3.2 E.1., Article 3, Land Development Regulations (LDR), Martin County Code (MCC). The granting of a zoning change by the County does not exempt the applicant from any of the County's Comprehensive Growth Management Plan. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

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

There is one (1) standard Category A zoning district that is available to implement the Estate Density 2UPA future land use classification, which is the RE-1/2A Residential Estate

District. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another option. Pursuant to Section 3.10.B., LDR, the RE-1/2A district is intended to implement the policies of the CGMP for lands designated Estate Density - up to two units per acre on the Future Land Use Map of the CGMP. Therefore, rezoning the subject property to the RE-1/2A zoning district is consistent with the Land Development Regulations. The choice of the most appropriate district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) are asked to consider based on the "standards for amendments to the zoning atlas" provided in Section 3.2 E.1., Article 3, Land Development Regulations (LDR), Martin County Code (MCC). The granting of a zoning change by the County does not exempt the applicant from any of the County's Land Development Regulations. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

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

The subject property is located on SE St Lucie Blvd, between Old St Lucie Blvd and the St Lucie River, and is surrounded by single family development to the north, east, and south, as shown in Figure 3, Section E of this report. The existing waterfront parcels adjacent and in close vicinity to the subject property vary in size from approximately 0.5 to 2.4 acres, which are consistent with the existing Future Land Use designation of Estate Density 2UPA and the proposed RE-1/2A zoning district of the subject parcel. The surrounding properties to the north and east have the same Estate Density 2UPA future land use designation as the subject property, as shown in Figure 5, Section E of this report. Properties located west of SE St Lucie Blvd have been designated as medium Density Residential land use, which allows up to 8 units per acre or a minimum lot size of 0.125 of an acre, and the existing multiple family parcels generally range in size from approximately 0.1 of an acre to 0.5 of an acre

The primary land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for this area identifies the waterfront properties as Estate Density 2 UPA, transitioning landward to Low Density residential land use. The parcels developed to date along the waterfront range from 0.5 of an acre up to several acres. The residential developments separated from the waterfront lots by residential roadways contain single family residential uses on smaller lots, starting from approximately 0.5 of an acre per lot. Several waterfront parcels in the area are also zoned RE-1/2A, consistent with the future land use and this application, as shown in Figure 4, Section E of this report.

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

The infrastructure needed to support development and to provide services at established service levels to existing development in this local area is present. The pattern of development which has focused on residential uses is well established. A review of historical aerials and a comparison of the original plat to the current parcel configurations and development of the area indicate that conditions have changed slightly in the area of the subject property, with redevelopment occurring in conformance with the future land use designation and the related development standards. However, redevelopment of the most similar waterfront properties has primarily occurred at approximately one half to two thirds

Development Review Staff Report

of the maximum density allowable. A granting of the request to rezone would be consistent with changes in the area as several nearby and similar parcels have been assigned the RE-1/2A zoning district in conformance with the future land use designation of Estate Density 2UPA.

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 services to the site are provided by Martin County Utilities, the regional service provider for this area of the County. Sewer service is currently not available to this property.

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 Estate Density development at the waterfront transitioning to Low Density Residential and then to higher residential densities and commercial uses proceeding landward and towards major transportation corridors. The subject property is located at the waterfront within an area that has consistently been residential. Single family development on lots resulting in a mix of densities from 2 units per acre to less than 1 unit per acre is well established and the extension of this pattern to the subject property is contemplated and supported by the CGMP.

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

The subject application requires a public hearing before the Local Planning Agency, who will make a recommendation on the request, and before the Board of County Commissioners, who will take final action on the request. The two hearings will provide the public an opportunity to participate in the review and decision making process. Any public comments received on this application will be provided at each hearing to the Agency Members and Commissioners for consideration.

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	Matthew Stahley	320-3047	Comply
F	ARDP	Samantha Lovelady	288-5664	N/A
G	Development Review	Matthew Stahley	320-3047	Comply
Н	Urban Design	Santiago Abasalo	288-5485	N/A
Н	Community Redevelopment	Santiago Abasalo	288-5485	N/A
I	Property Management	Colleen Holmes	288-5794	N/A
J	Environmental	Shawn McCarthy	288-5508	N/A

Development Review Staff Report						
J	Landscaping	KarenSjoholm	288-5909	N/A		
K	Transportation	Lukas Lambert	221-2300	N/A		
L	County Surveyor	Tom Walker	288-5928	N/A		
M	Engineering	Michelle Cullum	288-5512	N/A		
N	Addressing	Emily Kohler	288-5692	N/A		
N	Electronic File Submission	Emily Kohler	288-5692	N/A		
O	Water and Wastewater	James Christ	320-3034	N/A		
O	Wellfields	James Christ	320-3034	N/A		
P	Fire Prevention	Doug Killane	288-5633	N/A		
P	Emergency Management	Dan Wouters	219-4941	N/A		
Q	ADA	Kevin Landry	320-3026	N/A		
R	Health Department	Todd Reinhold	221-4090	N/A		
R	School Board	Kimberly Everman	219-1200	<u>N/A</u>		
S	County Attorney	Krista Storey	288-5923	Review Ongoing		
T	Adequate Public Facilities	Matthew Stahley	320-3047	Exemption		

Staff has reviewed this petition for a rezoning of property to the appropriate zoning district designation, has determined that the petition has been submitted and reviewed consistent with the procedural requirements of Article 10 and is in compliance with the substantive provisions of Article 3. 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 map. Pursuant to Section 10.4.A.1., Land Development Regulations (LDR), Martin County, Fla. (2016), 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.A.1., LDR, Martin County, Fla. (2016), final action on this request for an amendment to the official zoning map is required by the Board of County Commissioners (BCC) at a public hearing.

This matter was heard before the Local Planning Agency (LPA) on January 3, 2019. The LPA voted unanimously to recommend approval of the rezoning request.

E. Location and site information

Parcel number(s) and address:

37-38-41-003-000-00221-6 2785 SE St Lucie Blvd Existing Zoning: WE-1, Waterfront Estates

Future land use: FLU-ES-2, Future Land Use Estate Res 2 Unit/Acre

Census tract: Not Applicable

Commission district: 2

Community redevelopment area: Not Applicable Municipal service taxing unit: District 2 Planning area: Stuart Urban

Storm surge zone: AE

Taxing district: Not Available

Traffic analysis zone: 16

Gross area of site: 1.29 acres

Figure 1: Location Map



Figure 2: Subject Site 2018 Aerial



Adjacent existing or proposed development:

To the north:

To the south:

Single Family Residential

Single Family Residential

Single Family Residential

Single Family Residential

To the west: Multiple Family Residential (across SE St Lucie Blvd)

Figure 3: Local Area 2018 Aerial

Development Review Staff Report



Zoning district designations of abutting properties:

WE-1, Waterfront Estates District To the north: To the south: R-1C, Single-Family Residential District WE-1, Waterfront Estates District To the east:

To the west: Neighborhood General Zoning Overlay (Golden Gate CRA)

Subject Site

Figure 4: Zoning Map

Future land use designations of abutting properties:

Estate Density 2UPA To the north:

Low Density To the south:

Estate Density 2UPA To the east: Medium Density To the west:

Figure 5: Future Land Use Map

Development Review Staff Report



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

Findings of Compliance:

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

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

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

Additional Information:

Information #1:

The request for the non-mandatory rezoning of the parcel described above in Section B of this report has been found to be consistent with code and the zoning district designations for the area. A reason for the rezoning request has not been supplied by the applicant and staff makes no assumptions as to the request. No site changes or development applications are associated with this rezoning request.

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 10.12) 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. In addition, notice shall be mailed to all homeowner associations, condominium associations and the owners of each condominium unit within the notice area. MARTIN COUNTY, FLA., LDR, § 10.6.E.1. (2016)

Information #3:

Notice(s) of public hearings regarding development applications shall be published at least 14 days prior to the date of the public hearing by the County (seven calendar days if the application is being expedited pursuant to section 10.12) in the legal advertisement section of a newspaper of general circulation in Martin County. The applicant shall reimburse the County for the cost(s) of the newspaper ad(s) as a post approval requirement for the application. MARTIN COUNTY, FLA., LDR SECTION 10.6.D. (2016)

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

Commercial Design

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. The proposed project is located within a residential land use designation. Therefore, the Commercial Design reviewer will not be required to review any forthcoming development proposal associated with this application. MARTIN COUNTY, FLA., LDR SECTION 4.871.B. (2016)

Community Redevelopment Area

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. The proposed project is not located within any Community Redevelopment Area. Therefore, the Community Redevelopment Area reviewer will not be required to review any forthcoming development proposal associated with this application. MARTIN COUNTY, FLA. LDR ARTICLE 3, DIVISION 6 (2016)

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

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 property management or dedication issues will be addressed at such time as development of the subject site is proposed.

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

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 environmental or landscaping issues will be addressed at such time as development of the subject site is proposed.

K. Determination of compliance with transportation requirements - Engineering Department

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 transportation issues will be addressed at such time as development of the subject site is proposed.

L. Determination of compliance with county surveyor - Engineering Department

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 property survey issues will be addressed at such time as development of the subject site is proposed.

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

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 stormwater management or engineering issues will be addressed at such time as development of the subject site is proposed.

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

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 electronic file or addressing issues will be addressed at such time as development of the subject site is proposed.

O. Determination of compliance with utilities requirements - Utilities Department

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 utilities issues will be addressed at such time as development of the subject site is proposed.

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

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 fire prevention or emergency management issues will be addressed at such time as development of the subject site is proposed.

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

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 ADA issues will be addressed at such time as development of the subject site is proposed.

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

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 issues related to requirements of the Department of Health or Martin County School Board review will be addressed at such time as development of the subject site is proposed.

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

Review 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

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.

V. Local, State, and Federal Permits

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

W. 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:

Fee type:Fee amount:Fee payment:Balance:Application review fees:\$3,115.00\$3,115.00\$0.00

Advertising fees*: TBD

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.

X. General application information

Applicant: Wolff, Bonny & Charles

2785 SE St. Lucie BLVD Stuart, FL 34997-5124

Agent: Cuozzo Planning Solutions, LLC

Deanna Freeman PO Box 564

Jensen Beach, FL 34958

772-233-5095

Y. Acronyms

ADA Americans with Disability Act
AHJ Authority Having Jurisdiction
ARDP Active Residential Development Preference
BCCBoard of County Commissioners
CGMP Comprehensive Growth Management Plan
CIECapital Improvements Element
CIPCapital Improvements Plan
FACBC Florida Accessibility Code for Building Construction
FDEPFlorida Department of Environmental Protection
FDOT Florida Department of Transportation
LDRLand Development Regulations
LPALocal 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