



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

SUNRISE RESTAURANTS, LLC REZONING

Applicant:	Sunrise Restaurants, LLC, Fred Ayres
Property Owner:	Sunrise Restaurants, LLC
Agent for the Applicant:	Lucido and Associates, Morris A. Crady
County Project Coordinator:	Catherine Riiska, MS, PWS, Principal Planner
Growth Management Director:	Nicki van Vonno, AICP
Project Number:	C110-007
Application Type and Number:	DEV2019030010
Report Number:	2019_0503_C110-007_DRT_Staff_FINAL.docx
Application Received:	03/28/2019
Transmitted:	04/01/2019
Staff Report:	05/01/2019
LPA Hearing:	06/06/2019
BCC Hearing:	06/18/2019

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B. Project description and analysis

This is an application for a proposed amendment to the county Zoning Atlas for a Commercial Limited district designation (Section 3.2.E, LDR). A Zoning District change from R-3A, Liberal Multiple Family Residential District, to the LC, Limited Commercial District, or the most appropriate zoning district, is proposed for an approximate 2.29-acre parcel located approximately 1,000 feet north of the intersection of NE Indian River Dr and NE Causeway Blvd in Jensen Beach at 4000 NE Indian River Dr. The parcel, which is bisected by NE Indian River drive, is bounded on the west by the FEC railroad right-of-way and on the east by the Indian River.

The portion of the site, located on the west side of NE Indian River Drive, contains a structure formerly known as the Admiral's Table restaurant that was originally developed in the 1970's and has been vacant for approximately 20 years, with associated paved parking in various states of deterioration. The portion of the site located on the east side of NE Indian River Drive abuts the Indian River and is undeveloped. The future land use designation for the entire property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Commercial Limited, which is a classification that is allocated to commercial sites accessible to major thoroughfares near residential neighborhoods intended to accommodate commercial uses of a scale and intensity that shall

be compatible with adjacent residential neighborhoods. Areas designated for Limited Commercial development are not intended to accommodate large-scale retail sales, service or trade activities that generally serve a larger market area. Pursuant to Section 3.402., LDR, the existing Category C R-3A zoning district is inconsistent with the Commercial Limited future land use designation. Therefore, the request to rezone this property is considered mandatory.

There is one (1) Category A standard zoning district that is available to implement the Commercial Limited future land use policies of the CGMP, which is the LC Limited Commercial district. In addition to the standard zoning districts, 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 PUD zoning district requires additional benefits to the County and more controls by the County. The applicant is proposing to rezone the property to the LC Limited Commercial district. The following tables provide the permitted uses and the development standards for the available standard zoning district LC, followed by the standards for the existing category C R-3A zoning district.

TABLE 3.11.2 (EXCERPT)
PERMITTED USES – CATEGORY “A” NONRESIDENTIAL DISTRICTS

USE CATEGORY	LC
<i>Residential Uses</i>	
Accessory dwelling units	
Apartment hotels	P
Mobile homes	
Modular homes	
Multifamily dwellings	
Single-family detached dwellings	
Single-family detached dwellings, if established prior to the effective date of this ordinance	
Townhouse dwellings	
Duplex dwellings	
Zero lot line single-family dwellings	
<i>Agricultural Uses</i>	
Agricultural processing, indoor	
Agricultural processing, outdoor	
Agricultural veterinary medical services	
Aquaculture	
Crop farms	
Dairies	
Exotic wildlife sanctuaries	

Farmer's markets	
Feed lots	
Fishing and hunting camps	
Orchards and groves	
Plant nurseries and landscape services	P
Ranches	
Silviculture	
Stables, commercial	
Storage of agricultural equipment, supplies and produce	
Wildlife rehabilitation facilities	
<i>Public and Institutional Uses</i>	
Administrative services, not-for-profit	P
Cemeteries, crematory operations and columbaria	
Community centers	P
Correctional facilities	
Cultural or civic uses	P
Dredge spoil facilities	
Educational institutions	P
Electrical generating plants	
Fairgrounds	
Halfway houses	
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance	
Hospitals	
Neighborhood assisted residences with six (6) or fewer residents	
Neighborhood boat launches	
Nonsecure residential drug and alcohol rehabilitation and treatment facilities	
Nonsecure residential drug and alcohol rehabilitation and treatment facilities, on lots where such use was lawfully established prior to the effective date of this ordinance	
Places of worship	P
Post offices	P
Protective and emergency services	P

Public libraries	P
Public parks and recreation areas, active	P
Public parks and recreation areas, passive	P
Public vehicle storage and maintenance	
Recycling drop-off centers	P
Residential care facilities	P
Solid waste disposal areas	
Utilities	P
<i>Commercial and Business Uses</i>	
Adult business	
Ancillary retail use	
Bed and breakfast inns	P
Business and professional offices	P
Campgrounds	
Commercial amusements, indoor	P
Commercial amusements, outdoor	
Commercial day care	P
Construction industry trades	P
Construction sales and services	P
Family day care	
Financial institutions	P
Flea markets	
Funeral homes	P
General retail sales and services	
Golf courses	
Golf driving ranges	
Hotels, motels, resorts and spas	P
Kennels, commercial	
Limited retail sales and services	P
Marinas, commercial	
Marine education and research	
Medical services	P
Pain management clinics	P

Parking lots and garages	P
Recreational vehicle parks	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
Restaurants, convenience, with drive-through facilities	
Restaurants, convenience, without drive-through facilities	P
Restaurants, general	P
Shooting ranges	
Shooting ranges, indoor	P
Shooting ranges, outdoor	
Trades and skilled services	
Vehicular sales and service	
Vehicular service and maintenance	
Veterinary medical services	P
Wholesale trades and services	
<i>Transportation, Communication and Utilities Uses</i>	
Airstrips	
Airports, general aviation	
Truck stop/travel center	
<i>Industrial Uses</i>	
Biofuel facility	
Composting, where such use was approved or lawfully established prior to March 1, 2003	
Extensive impact industries	
Limited impact industries	
Mining	
Salvage yards	
Yard trash processing	
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002	
<i>Life Science, Technology and Research (LSTAR) Uses</i>	
Biomedical research	P

Bioscience research	P
Computer and electronic components research and assembly	P
Computer and electronic products research and assembly	P
Computer programming/software research	P
Computer system design	P
Electromedical apparatus research and assembly	P
Electronic equipment research and assembly	P
Laser research and assembly	P
Lens research	P
Management, scientific and technical services	P
Marine Research	P
Medical and dental labs	P
Medical equipment assembly	P
Optical equipment assembly	P
Optical instruments assembly	P
Optoelectronics assembly	P
Pharmaceutical products research	P
Precision instrument assembly	P
Professional, scientific and technical services	P
Reproducing magnetic and optical media	P
Research and development laboratories and facilities, including alternative energy	P
Scientific and technical consulting services	P
Simulation training	P
Technology centers	P
Telecommunications research	P
Testing laboratories	P
<i>Targeted Industries Business (TIB) Uses</i>	
Aviation and aerospace manufacturing	
Business-to-business sales and marketing	P
Chemical manufacturing	
Convention centers	
Credit bureaus	P

Credit intermediation and related activities	P
Customer care centers	P
Customer support	P
Data processing services	P
Electrical equipment and appliance component manufacturing	
Electronic flight simulator manufacturing	
Fiber optic cable manufacturing	
Film, video, audio and electronic media production and postproduction	P
Food and beverage products manufacturing	
Funds, trusts and other financial vehicles	P
Furniture and related products manufacturing	
Health and beauty products manufacturing	
Information services and data processing	P
Insurance carriers	P
Internet service providers, web search portals	P
Irradiation apparatus manufacturing	
Lens manufacturing	
Machinery manufacturing	
Management services	P
Marine and marine related manufacturing	
Metal manufacturing	
National, international and regional headquarters	P
Nondepository credit institutions	P
Offices of bank holding companies	P
On-line information services	P
Performing arts centers	P
Plastics and rubber products manufacturing	
Printing and related support activities	
Railroad transportation	
Reproducing magnetic and optical media manufacturing	
Securities, commodity contracts	P
Semiconductor manufacturing	

Simulation training	P
Spectator sports	
Surgical and medical instrument manufacturing	
Technical support	P
Telephonic and on-line business services	P
Textile mills and apparel manufacturing	
Transportation air	
Transportation equipment manufacturing	
Transportation services	
Transaction processing	P
Trucking and warehousing	
Wood and paper product manufacturing	

TABLE 3.12.1 (excerpted)
DEVELOPMENT STANDARDS

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	LC	10,000	80	10.00	20.00	50	30	30	—

TABLE 3.12.2 (excerpted)
STRUCTURE SETBACKS

		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	LC	25	25	25	25	20	20	30	40	10	10	20	

Category C Zoning District Standards

Sec. 3.407. – R-3A Liberal Multiple-Family District.

3.407.A. Uses permitted. In this district, a building or structure or land shall be used for only the following purposes subject to any additional limitations pursuant to section 3.402:

1. Any uses permitted in the R-3 Multiple-Family Residential District.

2. Restaurants and/or lunchrooms, not the drive-in type, with an enclosed seating capacity of ten persons or more.
3. Beauty parlors and barbershops.
4. Dry cleaning and laundry pickup stations.
5. Fire stations.
6. Boat docks and dry and wet storage facilities under cover, and facilities for maintenance and repairs of boats or yachts, upon submission of plans for review and approval of the planning and zoning board.
7. Mobile home and travel trailer sales.
8. Gasoline or other motor fuel stations, provided all structures and buildings, except principal use signs, and including storage tanks shall be placed not less than 25 feet from any side or rear property lines.
9. Professional and business offices.
10. Retail stores.

3.407.B. Required lot area and width. Lots or building sites shall have an area of not less than 7,500 square feet, with a minimum width of 60 feet measured at the building line:

1. Single-family structures: The minimum lot size shall be the same as above. A minimum of 600 square feet of living area shall be required, exclusive of carports, breezeways or utility rooms.
2. Two-family structures: The minimum lot size shall be 7,500 square feet, with a minimum width of 75 feet a minimum of 800 square feet of living area per two-family structure shall be required, exclusive of carports, breezeways or utility rooms.
3. Apartment buildings: There shall be a minimum building site of 15,000 square feet with a minimum width of 100 feet measured at the building line for the first four apartment units. For each additional apartment unit, 2,600 square feet shall be added to the required minimum building site and an additional five feet shall be added to the required minimum width at the building line. A maximum density of 15 apartment units may be permitted per acre depending on available community services and capital improvements. There shall be a minimum of 325 square feet of living area in each apartment unit.
4. Triplex structures: The minimum lot size shall be 11,250 square feet, with a minimum width of 88 feet; a minimum of 1,200 square feet of living area per three-family structure shall be required, exclusive of carports, breezeways or utility rooms.

3.407.C. Minimum yards required.

1. Front:
 - 1 story: 20 feet.
 - 2 stories: 25 feet.
2. Sides and rear:
 - 1 story: 6 feet.
 - 2 stories: 10 feet.
3. For structures in excess of two stories, five feet shall be added to the required yards per story.
4. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.
5. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.
6. No setback or yard shall be required adjacent to water frontage.

3.407.D. Building height regulations.

1. The maximum building height in this district shall be four stories or 40 feet.

3.407.E. Percentage of land coverage.

1. One- to four-story dwelling structures and accessory structures shall not occupy more than 30 percent of the building site required.

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 Commercial Limited land 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 identify one (1) standard zoning districts, LC Limited Commercial District, that is available to implement the Commercial Limited future land use classification.

In addition to the standard zoning districts the PUD (Planned Unit Development) District is also available as a fourth option. The PUD District offers more design flexibility to

applicants for proposed projects in exchange for additional benefits provided to the public and more controls by the County, which is considered concurrently with a proposed site 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., Land Development Regulations (LDR), Martin County Code (MCC).

Policy 4.13A.8.(2) of Chapter 4, Future Land Use Element, of the CGMP addresses the Commercial Limited land use designation:

Limited Commercial development is allocated to commercial sites accessible to major thoroughfares near residential neighborhoods. The scale and intensity of commercial uses in Limited Commercial areas shall be compatible with adjacent residential neighborhoods. Sites in this designation are intended for shops with limited inventory of goods as well as transient lodging facilities consistent with the CGMP and the Land Development Regulations. This designation is not generally intended to accommodate residential development. Duly approved residential uses existing at the effective date of the CGMP shall be considered permitted uses.

Areas designated for Limited Commercial development are not intended to accommodate large-scale retail sales, service or trade activities that generally serve a larger market area. Such stores would usually require a larger floor area, carry a relatively larger inventory and require a substantially greater parking area.

Land Development Regulations implementing the Limited Commercial future land use designation shall be consistent with these development standards. Minimum net lot sizes shall be 10,000 square feet. FAR shall be governed by the parking standards of the Land Development Regulations. Maximum densities for hotel/motel units shall be 20 units per gross acre. Maximum building coverage shall be 50 percent. Minimum open space shall be 30 percent. Maximum building height shall be 30 feet.

Residential use shall be allowed in the Limited Commercial future land use designation as part of a mixed-use project in any of the seven CRAs designated in Policy 4.2B.4. Residential densities shall be as provided for in Policy 4.3A.3.

This application requests a rezoning of the property to the LC Zoning District, which is the one Category A standard zoning district created specifically to implement the CGMP policies for lands designated Commercial Limited on the Future Land Use Map of the CGMP. The site fronts and spans NE Indian River Drive, a minor arterial roadway, serving as a major thoroughfare along the west bank of the Indian River, is in close proximity to residential neighborhoods, and therefore meets the locational criteria of sites suitable for the Commercial Limited future land use designation and development. The proposed redevelopment of this subject site, for which this rezoning is intended for application of the standards associated with the Commercial Limited land use, is a local restaurant, which is a permitted use under the proposed zoning district of LC and does not include the use of large-

scale retail sales, service or trade activities that generally serve a larger market area. The site is located within the primary urban services district and will be required to demonstrate compliance with all applicable standards for the Commercial Limited land use designation in the CGMP.

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

There is one (1) standard zoning district that is available to implement the Commercial Limited future land use policies of the CGMP, which is the requested LC Limited Commercial District.

The subject property has an area of approximately 2.3 acres and a lot width of approximately 250 linear feet fronting the right-of-way for NE Indian River Drive for both the eastern and western portions of the parcel, consistent with the minimum development standards governing the requested LC Zoning District, as shown above in Table 3.12.1. With respect to the other Land Development Regulation requirements related to roads, drainage, environmental protection, utilities, emergency services, landscaping, etc., full compliance is being assessed regarding the specific redevelopment plan that has been submitted to the County under a separate application (C110-008) that is under review. This request to rezone the subject property is consistent with the information the County provided to the applicant at a pre-application workshop held with the County Development Review Team on September 6, 2018, and is considered mandatory.

The granting of a zoning change by the County does not exempt the applicant from any of the County's Land Development Regulations and no redevelopment of the property is proposed as part of this application requesting a rezoning. 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,

As shown in the figures contained in Section E below, the subject property is bisected by and has two frontages on NE Indian River Drive, within a corridor designated for commercial limited land use along this major thoroughfare and within close proximity to land designated for and developed for residential use. The adjacent parcels to the north and south have the same Limited Commercial land use. The primary land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for the local area include a concentration of commercial limited uses along the NE Indian River Drive corridor. The proposed zoning district of LC is the one standard Category A zoning district created for the implementation of the Commercial Limited future land use designation and permits the existing and proposed redevelopment of the site. Existing development within the area consists primarily of limited commercial uses in immediate vicinity and residential land uses in near proximity, consistent with the intent of the Commercial Limited future land use designation as described in the CGMP. Therefore, the requested LC zoning district is suitable to the site and is compatible with the character of the existing land uses in the adjacent and surrounding area.

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

The requested zoning district of LC is the one standard Category A zoning district that is consistent with the future land use designation and the currently existing development associated with the areas adjacent to, and within proximity of, the subject site. This project is located within the primary urban service district and the infrastructure needed to support and provide services to the existing and proposed development in this local area are available. Development that has occurred within recent years located both north and south of the site is in conformance with the future land use designations for the area. The redevelopment being proposed on the property via a separate application is a permitted use within the proposed LC zoning district and in conformance with the Commercial Limited future land use designation. The proposed redevelopment of the site is under review via a separate application (C110-008) and it will be required to meet the County development standards. Therefore, the proposed LC zoning is compatible with the existing historical uses and the current contemporaneous development pattern and is appropriate for this property.

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

The subject property is located within the Primary Urban Services District of the County. As such, the full range of urban services at service levels established by the CGMP is available or must be made available for any uses that are planned for the property. Water and wastewater services to the site will be provided by Martin County Utilities, the regional service provider for this area of the County.

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

The land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for development contains commercial limited land uses within proximity to the subject parcel along the NE Indian River Drive corridor. The rezoning to LC, Limited Commercial District, would be consistent with the Commercial Limited Future Land Use provisions and provide the nearby residents with the reinstatement of a historically available use, a restaurant establishment in a convenient location. The application of the requested LC zoning district is consistent with the ongoing logical development of the locale and would improve conditions by allowing for redevelopment of an unused, abandoned site via the County's current standards. This development pattern is well established adjacent to, and within the vicinity of, the subject parcel and the extension of this pattern to the subject property through the assignment of the requested LC zoning district is suitable, 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 public hearings will provide the public an opportunity to participate in the review and decision making process.

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	Catherine Riiska	288-5667	Comply
G	Development Review	Catherine Riiska	288-5667	Comply
H	County Attorney	Krista Storey	288-5443	Review Ongoing
I	Adequate Public Facilities	Catherine Riiska	288-5667	Exempt

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. Staff recommends approval of this rezoning petition.

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.

E. Location and site information

Parcel number(s) and address:

053941000014000210

8100 SW Jack James Drive

Existing Zoning:

PUD-C, Commercial Planned Unit Development (expired)

Future land use:

Industrial

Gross area of site:

1.26 acres

Figure 1: Location Map



Figure 2: Subject Site 2018 Aerial



Adjacent existing or proposed development:

To the north: Savannah State Park (across NE Jensen Beach Blvd)
To the south: Single Family Residential
To the east: Commercial, Retail, and Multifamily Residential
To the west: Single Family Residential (across Drainage ROW)

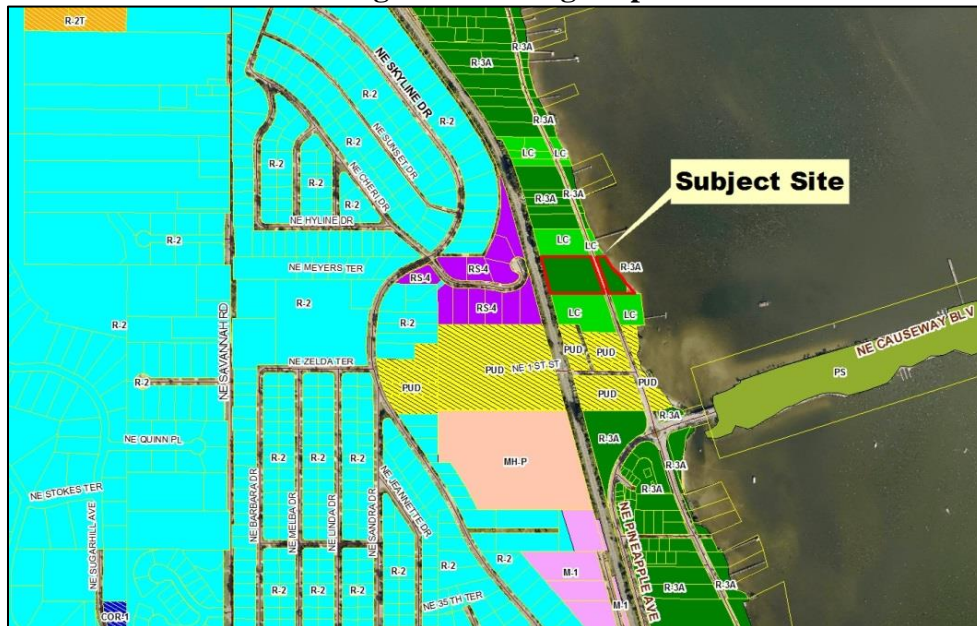
Figure 3: Local Area 2018 Aerial



Zoning district designations of abutting properties:

To the north: R-3A, Liberal Multiple Family (across NE Jensen Beach Blvd)
 To the south: R-2, Single Family Residential
 To the east: R-3A, Liberal Multiple Family, and PUD-R
 To the west: RS-6, Single Family Residential (across Drainage ROW)

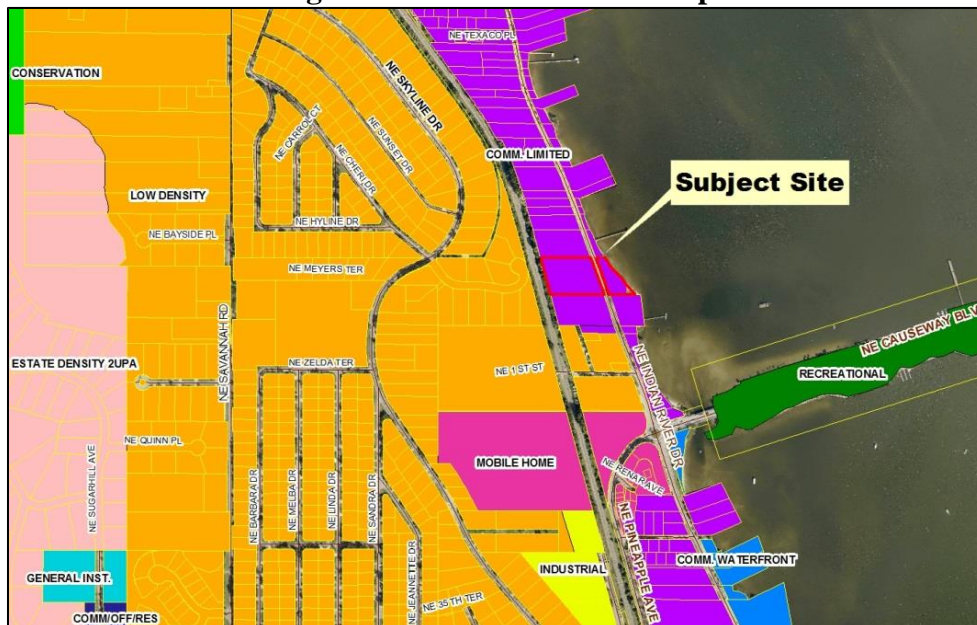
Figure 4: Zoning Map



Future land use designations of abutting properties:

To the north: Conservation (across NE Jensen Beach Blvd)
 To the south: Estate Density 2 UPA
 To the east: COR, Commercial Office/Residential
 To the west: Medium Density Residential (across Drainage ROW)

Figure 5: Future Land Use Map



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:

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. 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, condominium associations and the owners of each condominium unit within the notice area. MARTIN COUNTY, FLA., LDR, § 10.6.E.1.

Information #2:

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 10.12) 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. [Section 10.6.D., LDR, MCC]

Information #3:

Once everyone has signed off with a comply, the project will be scheduled for the next LPA meeting dependent upon the County's scheduling policy. Following the LPA meeting, the project will be scheduled for the next BCC meeting dependent upon the County's scheduling policy.

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

Review 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

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

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:	\$1,000.00	\$1,000.00	\$0.00
Advertising fees*:	TBD		
Recording fees**:	TBD		
Mandatory impact fees:	TBD		
Non-mandatory impact 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: Sunrise Restaurants, LLC
Fred Ayres
3945 NE Indian River Drive
Jensen Beach, FL 34957

Agent: Lucido and Associates
Morris A. Crady
701 SE Ocean Blvd.
Stuart, FL 34994
772-220-2100
mcrady@lucidodesign.com

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/Waste Water Service Agreement

O. Attachments