

CPA19-9 Realty Trust Parcels REZONING

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A. Application Information

Request Number: Realty Trust Parcels

Report Issuance Date: June 3, 2019

Applicant: Real Estate Investment Realty Trust & 1750 SE Darling St
Realty Trust. Company Representative: Stephen Wilchins

Agent: Lucido & Associates
Morris A. Crady, AICP
Senior Vice President
701 SE Ocean Boulevard
Stuart, FL 34994

County Project Coordinator: Maria Jose, M.S., Planner
Growth Management Director: Nicki van Vonno, AICP

<u>PUBLIC HEARINGS:</u>	Date	Action
Local Planning Agency:	8/15/19	
Board of County Commission Transmittal:	N/A	
Board of County Commission Adoption:	8/27/19	

B. Project description and analysis

This application is a request for a zoning district change on a parcel from A-1A to COR-1 zoning designation. The application was submitted concurrently with a Future Land Use Map change from Rural Density Residential to Commercial Office/Residential (COR) future land use. The proposed change is on 9.54 acres, located on the intersection of SE Willoughby Blvd and SE Darling St, in Stuart.

Zoning District	District Purpose
CO (Commercial Office District)	The CO district is intended to implement the CGMP policies for lands designated Commercial Office/Residential on the Future Land Use Map of the CGMP. This district is generally used as a transition zone between more intense commercial areas and residential areas where a determination has been made that residential uses within this district are not appropriate.
COR-1 (Commercial Office/Residential District)	The COR-1 district is intended to implement the CGMP policies for lands designated Commercial/Office Residential on the Future Land Use Map of the CGMP. This district is generally used as a transition zone between more intense commercial areas and residential areas, particularly in areas that were originally developed as residential but where a gradual conversion to transitional, nonresidential and mixed uses is warranted.
COR-2 (Commercial Office/Residential District)	The COR-2 district is intended to implement the CGMP policies for lands designated Commercial/Office Residential on the Future Land Use Map of the CGMP. This district is generally used as a transition zone between more intense commercial areas and residential areas.

Staff recommendation:

Staff recommends zoning district change from A-1A to COR-1. The decision on the appropriate zoning depends on the final decision for the future land use designations on the property. The proposed zoning district COR-1 implements the future land use designation proposed for assignment on the Future Land Use Map.

Permitted Uses:

Below are excerpts from Article 3 of the Land Development Regulations, Martin County Code including the permitted use schedule for the existing and proposed zoning districts. Lands zoned in accordance with this Division shall be limited to the uses indicated as permitted in Table 3.11.2. The "P" indicates that the use is permitted within that zoning district provided that the use can be developed in accordance with, the requirements set forth in Divisions 3 and 4 and all other applicable requirements of this Article and the Land Development Regulations.

PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS

USE CATEGORY	C O	C O R I	C O R 2
<i>Residential Uses</i>			
Accessory dwelling units		P	P
Apartment hotels			P
Mobile homes			
Modular homes		P	P
Multifamily dwellings		P	P
Single-family detached dwellings		P	P
Single-family detached dwellings, if established prior to the effective date of this ordinance			
Townhouse dwellings		P	P
Duplex dwellings		P	P
Zero lot line single-family dwellings		P	P
<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			
Ranches			
Silviculture			
Stables, commercial			
Storage of agricultural equipment, supplies and produce			
Wildlife rehabilitation facilities			

USE CATEGORY	C O R I	C O R 2	C O R 2
<i>Public and Institutional Uses</i>			
Administrative services, not-for-profit	P	P	P
Cemeteries, crematory operations and columbaria			
Community centers	P	P	P
Correctional facilities			
Cultural or civic uses	P	P	P
Dredge spoil facilities			
Educational institutions	P	P	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		P	P
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	P	P
Post offices	P	P	P
Protective and emergency services	P	P	P
Public libraries	P	P	P
Public parks and recreation areas, active	P	P	P
Public parks and recreation areas, passive	P	P	P
Public vehicle storage and maintenance	P		
Recycling drop-off centers	P	P	P
Residential care facilities		P	P
Solid waste disposal areas			

USE CATEGORY	C O R	C O R I	C O R 2
Utilities	P	P	P
<i>Commercial and Business Uses</i>			
Adult business			
Ancillary retail use	P	P	P
Bed and breakfast inns	P	P	P
Business and professional offices	P	P	P
Campgrounds			
Commercial amusements, indoor			
Commercial amusements, outdoor			
Commercial day care			
Construction industry trades			
Construction sales and services			
Family day care		P	P
Financial institutions	P	P	P
Flea markets			
Funeral homes			
General retail sales and services			
Golf courses			
Golf driving ranges			
Hotels, motels, resorts and spas			
Kennels, commercial			
Limited retail sales and services			
Marinas, commercial			
Marine education and research			
Medical services	P	P	P
Pain management clinics			
Parking lots and garages			
Recreational vehicle parks			
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance		P	P

USE CATEGORY	C O I	C O R I	C O R 2
Residential storage facilities	P	P	P
Restaurants, convenience, with drive-through facilities			
Restaurants, convenience, without drive-through facilities			
Restaurants, general			
Shooting ranges			
Shooting ranges, indoor			
Shooting ranges, outdoor			
Trades and skilled services			
Vehicular sales and service			
Vehicular service and maintenance			
Veterinary medical services			
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	P	P
Bioscience research	P	P	P
Computer and electronic components research and assembly	P	P	P

USE CATEGORY	C O I	C O R I	C O R 2
Computer and electronic products research and assembly	P	P	P
Computer programming/software research	P	P	P
Computer system design	P	P	P
Electromedical apparatus research and assembly	P	P	P
Electronic equipment research and assembly	P	P	P
Laser research and assembly	P	P	P
Lens research	P	P	P
Management, scientific and technical services	P	P	P
Marine Research	P	P	P
Medical and dental labs	P	P	P
Medical equipment assembly	P	P	P
Optical equipment assembly	P	P	P
Optical instruments assembly	P	P	P
Optoelectronics assembly	P	P	P
Pharmaceutical products research	P	P	P
Precision instrument assembly	P	P	P
Professional, scientific and technical services	P	P	P
Reproducing magnetic and optical media	P	P	P
Research and development laboratories and facilities, including alternative energy	P	P	P
Scientific and technical consulting services	P	P	P
Simulation training	P	P	P
Technology centers	P	P	P
Telecommunications research	P	P	P
Testing laboratories	P	P	P
<i>Targeted Industries Business (TIB) Uses</i>			
Aviation and aerospace manufacturing			
Business-to-business sales and marketing	P	P	P
Chemical manufacturing			
Convention centers			
Credit bureaus	P	P	P

USE CATEGORY	C O R I	C O R 2	C O R 2
Credit intermediation and related activities	P	P	P
Customer care centers	P	P	P
Customer support	P	P	P
Data processing services	P	P	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	P	P
Food and beverage products manufacturing			
Funds, trusts and other financial vehicles	P	P	P
Furniture and related products manufacturing			
Health and beauty products manufacturing			
Information services and data processing	P	P	P
Insurance carriers	P	P	P
Internet service providers, web search portals	P	P	P
Irradiation apparatus manufacturing			
Lens manufacturing			
Machinery manufacturing			
Management services	P	P	P
Marine and marine related manufacturing			
Metal manufacturing			
National, international and regional headquarters	P	P	P
Nondepository credit institutions	P	P	P
Offices of bank holding companies	P	P	P
On-line information services	P	P	P
Performing arts centers			
Plastics and rubber products manufacturing			
Printing and related support activities			
Railroad transportation			

USE CATEGORY	C O R	C O R 1	C O R 2
Reproducing magnetic and optical media manufacturing			
Securities, commodity contracts	P	P	P
Semiconductor manufacturing			
Simulation training	P	P	P
Spectator sports			
Surgical and medical instrument manufacturing			
Technical support	P	P	P
Telephonic and on-line business services	P	P	P
Textile mills and apparel manufacturing			
Transportation air			
Transportation equipment manufacturing			
Transportation services			
Transaction processing	P	P	P
Trucking and warehousing			
Wood and paper product manufacturing			

LDR, Article 3, Sec. 3.12. Development standards

The land development standards set forth in Tables 3.12.1 and 3.12.2 shall apply to all lands zoned in accordance with this Division.

**TABLE 3.12.1
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	CO	10,000	80	—	—	40	30	40	—
A	COR-1	10,000	80	5.00	10.00	40	30	40	—
A	COR-2	10,000	80	10.00	20.00	40	30	40	—

**TABLE 3.12.2.
STRUCTURE SETBACKS**

		Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
		1	2	3	4	1	2	3	4	1	2	3	4
C A T	Zoning District												
A	CO	25	35	35	35	20	30	30	30	10	20	30	30
A	COR-1	25	25	25	25	20	20	30(h)	30(h)	10	10	30	30
A	COR-2	25	35	35	35	20	30	30	30	10	20	30	30

Standards for Amendments to the Zoning Atlas

1. The Comprehensive Growth Management Plan (CGMP) requires that Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations pursuant to Policy 4.4A.1., CGMP, Martin County, Fla. (2016).
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,

Please see the staff report for CPA 19-9, Realty Trust Parcels Future Land Use Map Amendment.

The report discusses compatibility with the Martin County CGMP and recommends COR future land use designation. COR-1, COR-2 and CO zoning districts are the only standard zoning districts that implements COR future land use designation. However, COR-1 and COR-2 are the only ones that allow residential uses.

COR-1, which is the applicant's request, allows 5 units per acre while COR-2 allows 10 units per acre. All designations are consistent with the CGMP and with adjacent parcels.

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

The site and the requested COR-1 zoning district implements the proposed COR future land use category pursuant to the requirements and standards of the LDR. The site meets the minimum lot width and minimum lot size for the COR-1 zoning district. Any site plan proposed on the 9.54 acres (415,562.4 sq. ft.) must comply with all applicable land development regulations.

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,

COR-1 zoning district implements the proposed COR future land use. COR-1 provides potential office space, limited goods/services and/or residential options in accordance with the CGMP policies. The subject site is located near a signalized intersection of 2 major roadways and is adequately sized to provide required buffers and ensure compatibility with the adjacent residential uses.

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

The growth in the area, particularly the surrounding institutional and commercial uses, and public infrastructure improvements, has altered the character of the area such that the proposed request is now reasonable and consistent with area land use characteristics. There have been some zoning changes in the area. The future land use map amendments discussed in Section 1.4 of the staff report for CPA 19-9 identifies the changes to the Future Land Use Map since 1982 to parcels near the subject site. The rezonings listed below facilitate the development of vacant land consistent with the adopted Future Land Use Map. See Figure 1, which shows all the past zoning resolutions in the area nearby the subject parcel.

1. **Resolution 08-7.5:** Zoning amendment, where the lot was changed from A1-A to PUD for Ault Acres PUD
2. **Resolution 17-7.23:** Zoning amendment, where a lot was changed to COR-2.
3. **Resolution 10-8.1:** Change in zoning classification to PS-1 on a lot
4. **Resolution 17-7.25:** Zoning amendment, where a lot was changed to RE-1/2A.
5. **Resolution 11-8.11:** Zoning amendment that changing lot from A1-A to RE-2A



Figure 1, where the subject site is in blue and parcels marked white had rezonings

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

The property is located in the heart of the Primary Urban Service District and all required public facilities and services are in place or will be available to support future development in accordance with the COR-1 zoning district.

- 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 change in future land use is in direct response to the pattern of growth and the investment in public facilities and services that has occurred since the CGMP was adopted. The proposed request will conserve and enhance the value of existing developments and will support a reasonable mix of land uses in the area, while using the county's resources efficiently and economically.

Please refer to Figure 2 below, which shows the proposed zoning atlas.

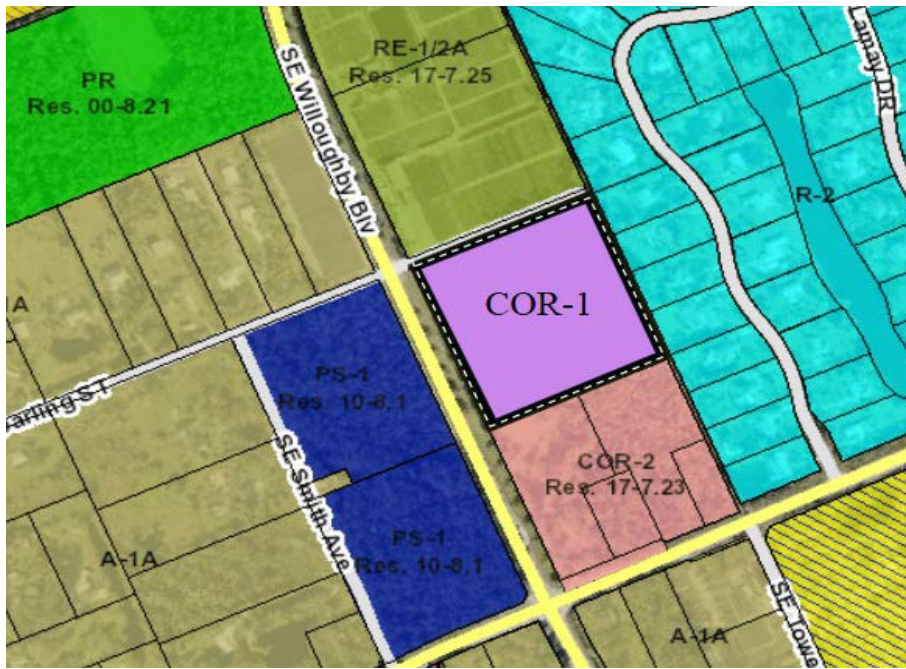


Figure 2, Proposed Zoning District, COR-1 (Commercial Office/Residential)

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

CPA 19-9 and this concurrent rezoning have not been presented at a public hearing yet.

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 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	Phone	Assessment
F	Comprehensive Plan	Maria Jose	288-5930	Pending
G	Development Review	Maria Jose	288-5930	Pending
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Maria Jose	288-5930	Exempt

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) is 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).

D. Review Board action

A review and recommendation is required on this application from the Local Planning Agency (LPA). Final action on this application is required by the Board of County Commissioners (BCC). Both the LPA and the BCC meetings must be advertised public hearings.

E. Location and site information

Location: Approximately ±9.54 acres, located on the intersection of SE Willoughby Blvd and SE Darling St, in Stuart.

Existing zoning:	A-1 Agricultural
Future land use:	Rural Density Residential
Commission district:	District 4
Community redevelopment area:	N/A
Municipal service taxing unit:	District 4 Municipal Service Taxing Unit
Planning area:	Port Salerno

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

Unresolved issues:

Item #1:

Compatibility with the Future Land Use Map. The Growth Management Department staff has reviewed the Future Land Use Map Amendment in a separate report. Should the proposed change to the Future Land Use Map be adopted, the proposed COR-1 zoning district would correctly implement the respective Commercial Office/Residential (COR) Future Land Use designation.

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

Unresolved issues:

No site plan has been proposed. See Section F. above.

Additional Information:

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

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

See above statement.

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

See above statement.

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

See above statement.

K. Determination of compliance with transportation requirements - Engineering Department

See above statement.

L. Determination of compliance with county surveyor - Engineering Department

See above statement.

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

See above statement.

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

See above statement.

O. Determination of compliance with utilities requirements - Utilities Department

See above statement.

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

See above statement.

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

See above statement.

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

See above statement

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

Review is 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

Not applicable.

V. Local, State, and Federal Permits

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

W. Fees

Not applicable.

X. General application information

Applicant and Property Owner: Real Estate Investment Realty Trust &
1750 SE Darling St Realty Trust
Company Representative: Stephen Wilchins

Y. 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

Z. Figures/Attachments

Figures within the report:
Figure 1, Past Zoning Resolutions
Figure 2, Proposed Zoning Map