



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

WEDGEWOOD COMMONS SHOPPING CENTER REZONING

Applicant:	SUSO 4 Wedgewood, LP
Property Owner:	SUSO 4 Wedgewood, LP
Agent for the Applicant:	Culpepper and Terpening, Inc., Stefan K. Matthes, P.E.
County Project Coordinator:	Peter Walden, Principal Planner
Growth Management Director:	Nicki van Vonno, AICP
Project Number:	W092-002
Application Type and Number:	DEV2019040005
Report Number:	2019_0807_W092-002_Staff_Report
Application Received:	05/17/2019
Transmitted:	05/17/2019
Date of Report:	05/23/2019
Updated report:	08/07/2019
LPA Meeting:	08/15/2019
BCC Meeting:	09/10/2019

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B. Project description and analysis

This is an application for a proposed amendment to the county Zoning Atlas for an commercial district designation (Section 3.2.E, LDR). The proposed amendment is to change the existing zoning district on an approximate 10 acre parcel of land from B-1, Business District, to LC, Limited Commercial District or the most appropriate district. The parcel is located within the existing Wedgewood Commons Shopping Center located on the southwest corner of SE Indian Street and SE Federal Highway in Stuart. Included with this application is a Request for a Certificate of Facilities Exemption.

The 10 acres related to the zoning request correspond with lots 99 and 100 of the Port Sewell Plat dated 1917. The property was originally assigned land use designations of General Commercial and COR, Commercial Office Residential in 1982 with the adoption of the original Future Land Use Map (FLUM). The parcel was later designated limited commercial land use in 1985 with the adoption of Ordinance 260, the 6th update of the FLUM.

It does not appear that the Original B-1 Zoning District designation was ever changed from the 1967 code. Much of the property in the Wedgewood Commons Shopping Center was developed as GC, General

Commercial District through Covenants, approved in the 1980s and 90s. The Wedgewood site plan was approved with the split GC and B-1 zoning district designations.

The current zoning district on the property is B-1, Business District a Category “C” district in the current Article 3 zoning code. This district is inconsistent with the future land use designation. Therefore, the request to rezone is considered mandatory.

There is one (1) standard “Category A” zoning district that is available to implement the Limited Commercial land use policies of the CGMP, which is the LC, Limited Commercial 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 indicate the permitted uses and the development standards for the LC, Limited Commercial category “A” Districts (only permitted uses are listed). The permitted uses for the B-1 District are listed separately as the permitted uses do not directly correspond to the Category “A” table.

PERMITTED USES

Sec. 3.11. - Permitted uses.

Lands zoned in accordance with this Division shall be limited to the uses indicated as permitted in Tables 3.11.1, 3.11.2 and 3.11.3. A "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 LDR.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002)

TABLE 3.11.2
PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS

USE CATEGORY	L C
<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
Non depository 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	

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	Zoning District	Min. Lot Area	Min. Lot Width	Max. Res. Density	Max. Hotel Density	Max. Building Coverage	Max. Height	Min. Open Space	Other Req.
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T		(sq. ft.)	(ft)	(upa)	(upa)	(%)	(ft)/(stories)	(%)	(footnote)
A	LC	10,000	80	10.00	20.00	50	30	30	—

TABLE 3.12.2.
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	

Sec. 3.417. - B-1 Business District.

3.417.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 use permitted in a HB-1 Limited Business District.
2. Churches or schools may be constructed on property presently owned and held for such purposes, if such construction is commenced within five years from the date of September 14, 1965.
3. Offices, banks, theatres (not drive-ins), beauty parlors, bars and nightclubs, photograph studios, dry cleaning and laundry pickup stations, barbershops, florists, automobile salesrooms, used car lots, parking lots and storage garages, telephone exchanges, restaurants and lunchrooms, police and fire stations, motels and hotels, golf driving ranges and putt-putt golf.
4. Mechanical garages and gasoline and other motor fuel stations, so long as such work is confined within a building, and vehicles awaiting repair shall be screened from view on the street and abutting property.
5. Signs appertaining to the above uses.
6. Refuse and storage areas, which shall be screened from view.

3.417.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 along the front property line. Structures in this district shall be limited to 35 feet. Motels and hotels shall comply with the minimum requirements of the HR-2 Multiple-Family Residential District.

3.417.C. *Minimum yards required.*

1. *Front:* 20 feet.
2. *Rear:* 20 feet.
3. *Side:* None, except where a B-1 District lies adjacent to a residential district or is separated only by a road, no building shall be built within 20 feet of a common property line, and a landscaped buffer strip shall be provided between the two uses with an evergreen hedge, uniformly colored masonry wall or board fence six feet high. Such screen shall be located on the sides and rear of the property:
 - a. 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.

- b. No structure shall be built with 65 feet of the center line of a designated through-traffic highway.

(Ord. No. 608, pt. 1, 3-19-2002)

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 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.

- a. ***Whether the proposed amendment is consistent with all applicable provisions of the Comprehensive Plan; and,***

The requested Limited Commercial Zoning District implements the Limited Commercial Land Use policies of the CGMP. The granting of a zoning change to the Limited Commercial Zoning District by the County will be consistent with the policies set forth in the CGMP.

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

Zoning implementation policies and requirements are contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code. Pursuant to Article 3 there is 1 “straight” Category A zoning district available to implement the Limited Commercial future land use classification, which is the LC, Limited Commercial Zoning District. Therefore, rezoning the subject property to the LC, Limited Commercial Zoning District is consistent with the Comprehensive Plan. In addition to the “straight” zoning district, the PUD (Planned Unit Development) District is also available as another option. Pursuant to Section 3.10.B., LDR, the

LC, Limited Commercial District is intended to implement the policies of the CGMP for lands designated Limited Commercial on the Future Land Use Map of the CGMP. Therefore, rezoning the subject property to the Limited Commercial District is consistent with the Land Development Regulations. 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 in the Wedgewood Commons Shopping Center, an established commercial center located on SE Federal Highway in the heart of the Urban Services corridor.

The property is not in a Community Redevelopment Area. Wedgewood Commons is an established commercial center located on the corner of 2 major arterial roads.

The requested zoning change to the LC, Limited Commercial Zoning District is compatible with the distribution of uses in the area and implements the future land use on the property.

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

The pattern of development which has focused on commercial uses is well established. A review of historical aerials and a comparison of the original future land use map to the current parcel configurations and development of the area indicate that conditions have not substantially changed in the area since the adoption of the County's Future Land Use Map in 1982.

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

The property is located within the Primary Urban Services District. As such, the full range of urban services at service levels established by the CGMP is available for the property. The request to rezone does not increase the intensity or uses of Future Land Use Designation therefore, the rezoning to LC, Limited Commercial does not increase the demands on Public Facilities.

- 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 proposed amendment to the zoning atlas is consistent with the Limited Commercial designation assigned to the Future Land Use Map in 1984. The permitted uses and Land Development regulations pertaining to the LC, Limited Commercial Zoning District are well suited for the area and will conserve the value and development pattern that is well established.

- 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.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Sections F through J of this report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Peter Walden	219-4923	Comply
G	Development Review	Peter Walden	219-4923	Comply
H	County Attorney	Krista Storey	288-5443	Review ongoing
I	Adequate Public Facilities	Matt Stahley	320-3047	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. The Board is advised that this application is in order and qualifies for an action of approval.

D. Review Board action

Pursuant to Sections 10.1.D., 10.4.A.1., and 10.5.A.1., LDR, Martin County, Fla. (2016), applications for a zoning map change shall be subject to a review and recommendation of the Local Planning Agency (LPA) with final action to be determined by the Board of County Commissioners (BCC). Both the LPA and BCC meetings shall be public hearings in accordance with Section 10.7., LDR, Martin County, Fla. (2016).

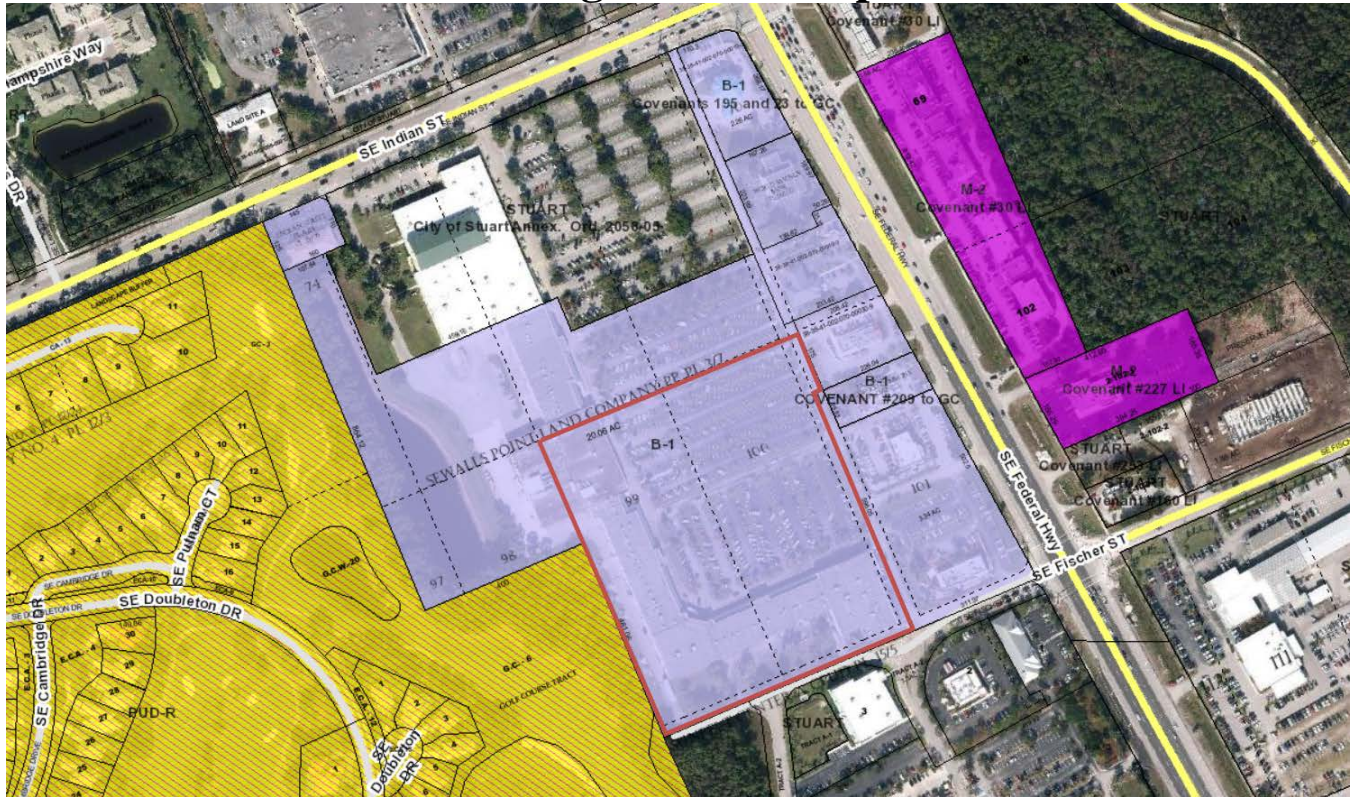
E. Location and site information

Parcel number(s) and address:	38-38-41-002-073-00000-9
Existing Zoning:	B-1, Business District
Future land use:	Limited Commercial
Census tract:	Not Applicable
Commission district:	2

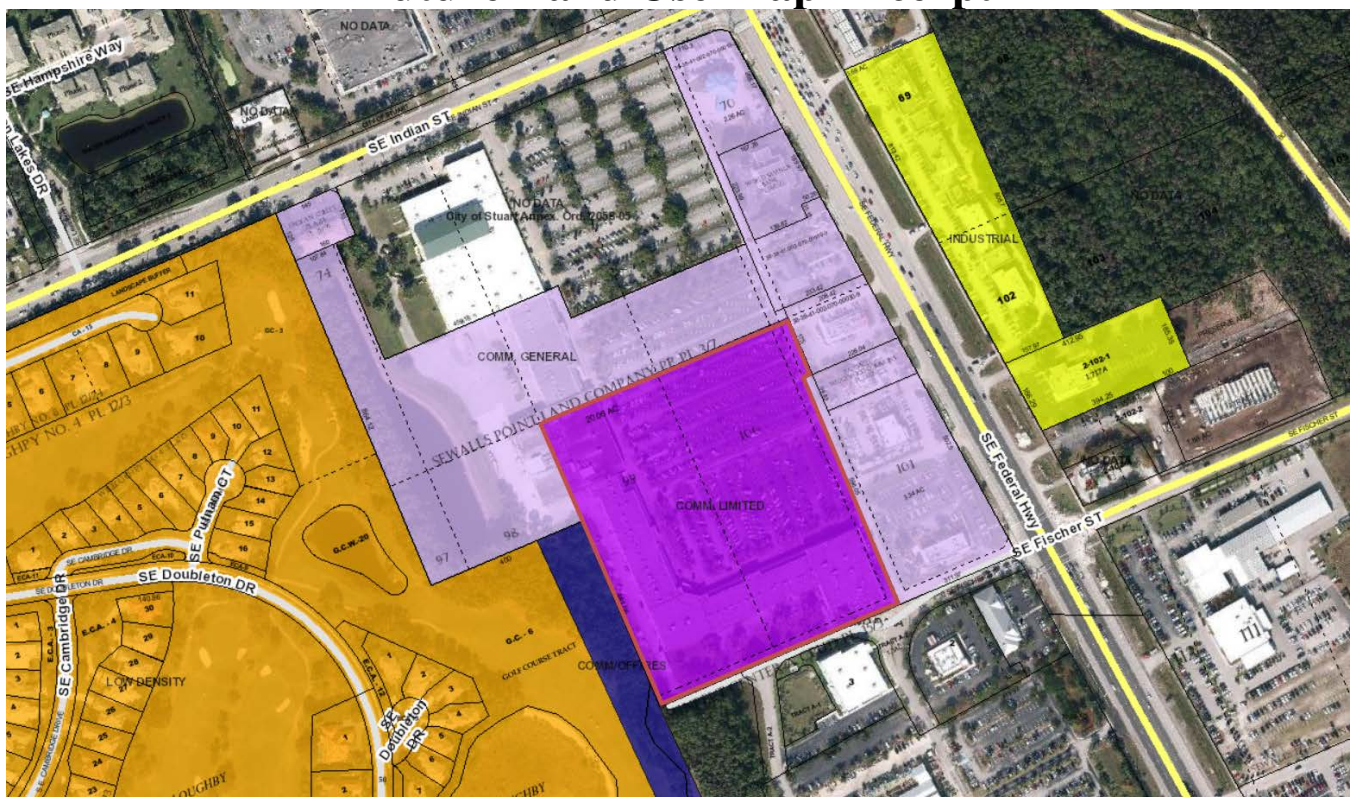
Location Map

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Zoning Atlas Excerpt



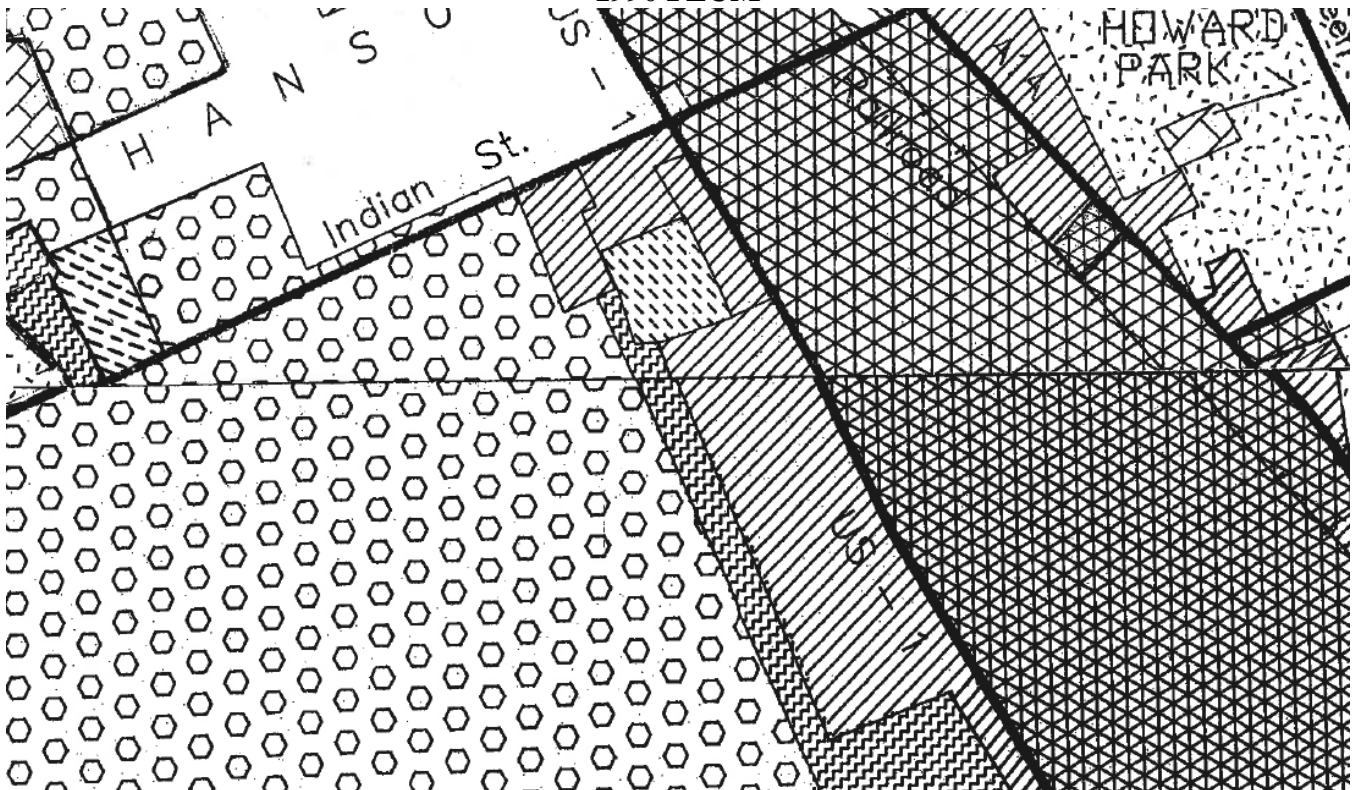
Future Land Use Map Excerpt



1982 FLUM



1990 FLUM



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

Findings of Compliance:

Zoning Conditions

Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations. MARTIN COUNTY, FLA., CGMP POLICY 4.4A.1 (2016)

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. MARTIN COUNTY, FLA., CGMP POLICY 4.4A.1. (2016)

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

The Growth Management Department Development Review Division staff has reviewed the application and, pursuant to the analysis provided in Section B of this report, finds this application in compliance with the applicable regulations. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application. MARTIN COUNTY, FLA., LDR SECTION 3.2.E. (2016)

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.

Information #2:

Notice(s) of public hearings regarding development applications shall be published by the County 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. MARTIN COUNTY, FLA., LDR SECTION 10.6.D. (2016)

Information #3:

Based upon the staff findings of compliance, this application will be scheduled for the LPA meeting on August 15, 2019, and following that hearing will be scheduled for the BCC meeting on September 10, 2019.

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. Exempted development will be treated as committed development for which the County assures concurrency.

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. 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		

* 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.

L. General application information

Applicant: SUSO 4 Wedgewood LP
David Dunn
121 King Street, West, Suite 200
Toronto, ON m5h 319

Agent: Culpepper and Terpening, Inc.
2980 South 25th Street
Ft. Pierce, FL 34981

M. 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