

CPA19-18 Tradewinds Hobe Sound REZONING

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A. Application Information

Request Number: Tradewinds Hobe Sound

Report Issuance Date: October 8, 2019

Applicant: Michael Dooley representing
Laurel Land Holdings, LLC
Hobe Sound Jupiter Island Properties, LLC

Agent: Mike McCarty
McCarty and Associates Land Planning and Design
73 SW Flagler Avenue
Stuart, FL 34994

County Project Coordinator: Samantha Lovelady, AICP, Principal Planner

PUBLIC HEARINGS:

	Date	Action
Local Planning Agency:	October 17, 2019	
Board of County Commission Transmittal:	November 12, 2019	
Board of County Commission Adoption:		

B. Project description and analysis

This application is a request for a zoning district change on three parcels from RM-6, COR-2 and LC to RM-10 zoning district. The application was submitted concurrently with a Future Land Use Map change from Medium Density Residential, Commercial/Office Residential (COR) and Limited Commercial to High Density Residential future land use. The proposed change is on 13.66 acres, located on Federal Highway in Hobe Sound.

Staff recommendation:

Staff recommends a zoning district change from RM-6, COR-2 and LC to the RM-10 zoning district. The decision on the appropriate zoning depends on the final decision for the future land use designations on the property. The proposed zoning district RM-10 implements the future land use designation proposed for assignment on the Future Land Use Map. The RS-10 also implements the High Density Future Land Use designation.

A	RM-10 (High Density Residential District)	The RM-10 district is intended to implement the policies of the CGMP for lands designated High Density on the Future Land Use Map of the CGMP.
A	RS-10 (High Density Residential District)	The RS-10 district is intended to implement the policies of the CGMP for lands designated High Density on the Future Land Use Map of the CGMP.

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 3.11.1. 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.

The table below excerpts permitted uses from Tables 3.11.1. and 3.11.2. It shows the differences in permitted uses between the existing zoning districts and the proposed zoning district. RS-10 is included because it is also an option to implement the High Density Residential Future Land Use Designation.

As the table below shows, Commercial uses like Apartment Hotels are permitted in the COR-2 and the LC zoning districts but, not in the proposed RM 10. Multifamily dwellings are permitted in the existing RM-6 and COR-2 and also in the proposed RM-10 zoning district, at different densities.

USE CATEGORY	RS-10	RM-10	RM-6 (Existing)	COR-2 (Existing)	LC (Existing)
<i>Residential Uses</i>					
Accessory dwelling units				P	
Apartment hotels				P	P
Mobile homes					
Modular homes	P	P	P	P	

Multifamily dwellings		P	P	P	
Single-family detached dwellings	P	P	P	P	
Single-family detached dwellings, if established prior to the effective date of this ordinance					
Townhouse dwellings		P	P	P	
Duplex dwellings		P	P	P	
Zero lot line single-family dwellings	P	P	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					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	P
Cemeteries, crematory operations and columbaria					
Community centers	P	P	P	P	P
Correctional facilities					
Cultural or civic uses				P	P

Dredge spoil facilities					
Educational institutions	P	P	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 or fewer residents	P	P	P	P	
Neighborhood boat launches	P	P	P		
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	P	P
Post offices				P	P
Protective and emergency services	P	P	P	P	P
Public libraries	P	P	P	P	P
Public parks and recreation areas, active	P	P	P	P	P
Public parks and recreation areas, passive	P	P	P	P	P
Public vehicle storage and maintenance					
Recycling drop-off centers	P	P	P	P	P
Residential care facilities		P	P	P	P
Residential care facilities, where such use was lawfully established prior to the effective date of this ordinance					
Solar energy facilities (solar farms)				P	P
Solid waste disposal areas					
Utilities	P	P	P		

<i>Commercial and Business Uses</i>				P	
Adult business				P	P
Bed and breakfast inns	P	P	P	P	P
Business and professional offices					
Campgrounds					P
Commercial amusements, indoor					
Commercial amusements, outdoor					P
Commercial day care	P	P	P		P
Construction industry trades					P
Construction sales and services				P	
Family day care	P	P	P	P	P
Financial institutions					
Flea markets					P
Funeral homes					
General retail sales and services					
Golf courses	P	P	P		
Golf driving ranges					P
Hotels and motels					
Kennels, commercial					P
Limited retail sales and services					
Marinas, commercial					
Marine education and research				P	P
Medical services					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				P	
Residential storage facilities				P	P
Restaurants, convenience, with drive through facilities					
Restaurants, convenience without drive through facilities					P
Restaurants, general					P

Shooting ranges, indoor					
Shooting ranges, outdoor					P
Sporting clay course					
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					
<i>Industrial Uses</i>					
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					

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	RM-10	4,500(h)	40(h)	10.00(g)	—	—	40	50	—
A	RS-10	4,500	40	10.00	—	—	40	50	—

- (g) The maximum density for the RM-10 district is 15 units per acre for sites meeting the affordable housing criteria set forth in Section 4.4.M.1.e.(5) ***[now Policy 4.13A.7(5)]*** of the Comprehensive Growth Management Plan.
- (h) The minimum lot area and minimum lot width requirements shall not apply to zero lot line, townhouse or multifamily developments on lots created after March 29, 2002.

The High Density Residential future land use designation permits a maximum of 10 units per acre for units offered at market rates. See provision (g) above. The applicant is requesting the High Density Residential future land use designation because a density bonus permits a maximum of 15 units per acre where affordable housing is proposed.

The approval of a zoning change does not guarantee a proposed site plan will achieve the maximum potential. Site plan applications must comply with all applicable requirements in the Land Development Regulations and the Comprehensive Growth Management Plan. In addition to development standards listed above and setbacks listed below please see the attached Standards for Specific Uses. Depending on the types of dwellings proposed in a site plan (town house, multi-family) different requirements are listed in the attached Standards for Specific Uses.

**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	RM-10	25	25	25	25	10	20	30	40	10	10	20	30
A	RS-10	25	25	25	25	10	20	20	30	5	5	10	10

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 19-18, Tradewinds Hobe Sound Future Land Use Map Amendment. The report discusses compatibility with the surrounding area and consistency with the Martin County CGMP and recommends High Density Residential future land use designation.

RM-10, which is the applicant’s request, allows 10 units per acre, while providing the option for 15 units per acre for affordable housing. RS-10 is also an available option for the Board to consider.

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

The site and the requested RM-10 zoning district implements the proposed High Density Residential 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 RM-10 zoning district. Any site plan proposed on the 13.66 acres (595,029.6 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,

RM-10 zoning district implements the proposed High Density Residential future land use. The request for High Density residential development is compatible with adjacent Medium Density Residential future land use designations, the multiple family development on SE Courtney Terr. and the skilled nursing facility to the north. SE Federal Hwy. separates the subject site from the golf course maintenance facilities and the Medalist Club golf course. The area of least compatibility will be with the single-family residential units on SE James Rd. and with the duplex units to the south of the 7.8 acre portion of the site that currently has the Medium Density Residential future land use designation. There is unopened right-of-way between the subject property and the duplex units to the south.

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

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 19-18 identifies the changes to the Future Land Use Map since 1987 on 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 96-8.62:** Zoning amendment, where 295.96 acres were changed to RM-5
2. **Resolution 00-11.25:** Zoning amendment, where 456.62 acres were changed to RM-5 and RM-8.
3. **Resolution 04-10.15:** Zoning amendment, where the lot was changed to COR-2.

See Figure 1, where the subject site is in red.

An aerial photograph overlaid with a zoning map. The map shows several residential zones: RM-8 (dark green), RM-5 (light green), R-2B (yellow), and PS (purple). A prominent diagonal road, SE Federal Hwy, runs from the top left towards the bottom right. To the right of this highway, there are several streets including SE Woodview Ter, SE Randall Ct, SE Courtney Dr, SE James St, SE Highgate Way, SE Villa Cir, SE Villa Way, and SE Phyllis St. A red rectangle highlights a parcel located between SE Courtney Dr and SE James St, along SE Highgate Way. Other labels include 'COVENANT #64 to RM-8', 'COVENANT #63 GC', and 'COVENANT #60'. In the bottom left corner, there is a scale bar indicating 100 feet and a north arrow pointing towards the top right.

- 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 requested RM-10 zoning district.

- 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, while using the county's resources efficiently and economically.

Figure 2
Proposed Zoning District, RM-10



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

CPA 19-18 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	Samantha Lovelady	288-5664	
G	Development Review	Not Applicable	288-5664	
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Samantha Lovelady	288-5664	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: The proposed change is on Approximately 13.66 acres, located on Federal Highway in Hobe Sound.

Existing zoning:	RM-6, COR-2 and LC
Future land use:	Medium Density, Commercial Office/Residential and Commercial Limited
Commission district:	District 3
Community redevelopment area:	N/A
Municipal service taxing unit:	District 3 Municipal Service Taxing Unit
Planning area:	South

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 RM-10 zoning district would implement the High Density Residential 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.

Proposed future development of the site will be required to meet all provisions of the LDR and CGMP through the review of a development review application, including those related to roads, drainage, environmental protection, utilities, emergency services, landscaping, etc. Proposed Residential development will be required to demonstrate compliance with the density transition requirements of Policy 4.1F., CGMP, for development review staff to bring forth a recommendation of approval

This rezoning action does not authorize any development and redevelopment of this site will be subject to Growth Management and Building department and zoning review prior to authorization of construction.

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

See statement G.

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: Michael Dooley representing
Laurel Land Holdings, LLC
Hobe Sound Jupiter Island Properties, LLC

Y. Acronyms

ADAAmericans with Disability Act
AHJ.....Authority Having Jurisdiction
ARDP.....Active Residential Development Preference
BCCBoard of County Commissioners
CGMPComprehensive Growth Management Plan
CIECapital Improvements Element
CIPCapital Improvements Plan
FACBCFlorida Accessibility Code for Building Construction
FDEPFlorida Department of Environmental Protection
FDOT.....Florida Department of Transportation
LDRLand Development Regulations
LPA.....Local Planning Agency
MCCMartin County Code
MCHD.....Martin County Health Department
NFPANational Fire Protection Association
SFWMDSouth 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