

PROPOSED AMENDMENT TO THE MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback.

REQUEST NUMBER: CPA 19-10, Turner Groves, Text

Report Issuance Date: July 29, 2019

APPLICANT: **Turner Groves LTD Partnership**
Mitch Hutchcraft, Vice President
3602 Colonial Court
Fort Myers, FL 33913

REPRESENTED BY: Melissa Corbett
The MilCor Group
10975 SE Federal Hwy
Hobe Sound, FL 33455

PLANNER-IN-CHARGE: Clyde Dulin, AICP, Comprehensive Planning Administrator
Growth Management Department

<u>PUBLIC HEARINGS:</u>	Date	Action
Local Planning Agency:	July 18, 2019	Recommend approval
Board of County Commissioners Transmittal:	August 27, 2019	Approved for transmittal
Board of County Commissioners Adoption:	October 22, 2019	

APPLICANT REQUESTS: This is a request for a text amendment to Chapter 4, Future Land Use Element. Specifically, the request proposes changes to Policy 4.13A.9 (7)(k), Comprehensive Growth Management Plan (CGMP). The text change is applicable only to an 1,717 acre area west of Interstate 95 and north of SW Martin Highway.

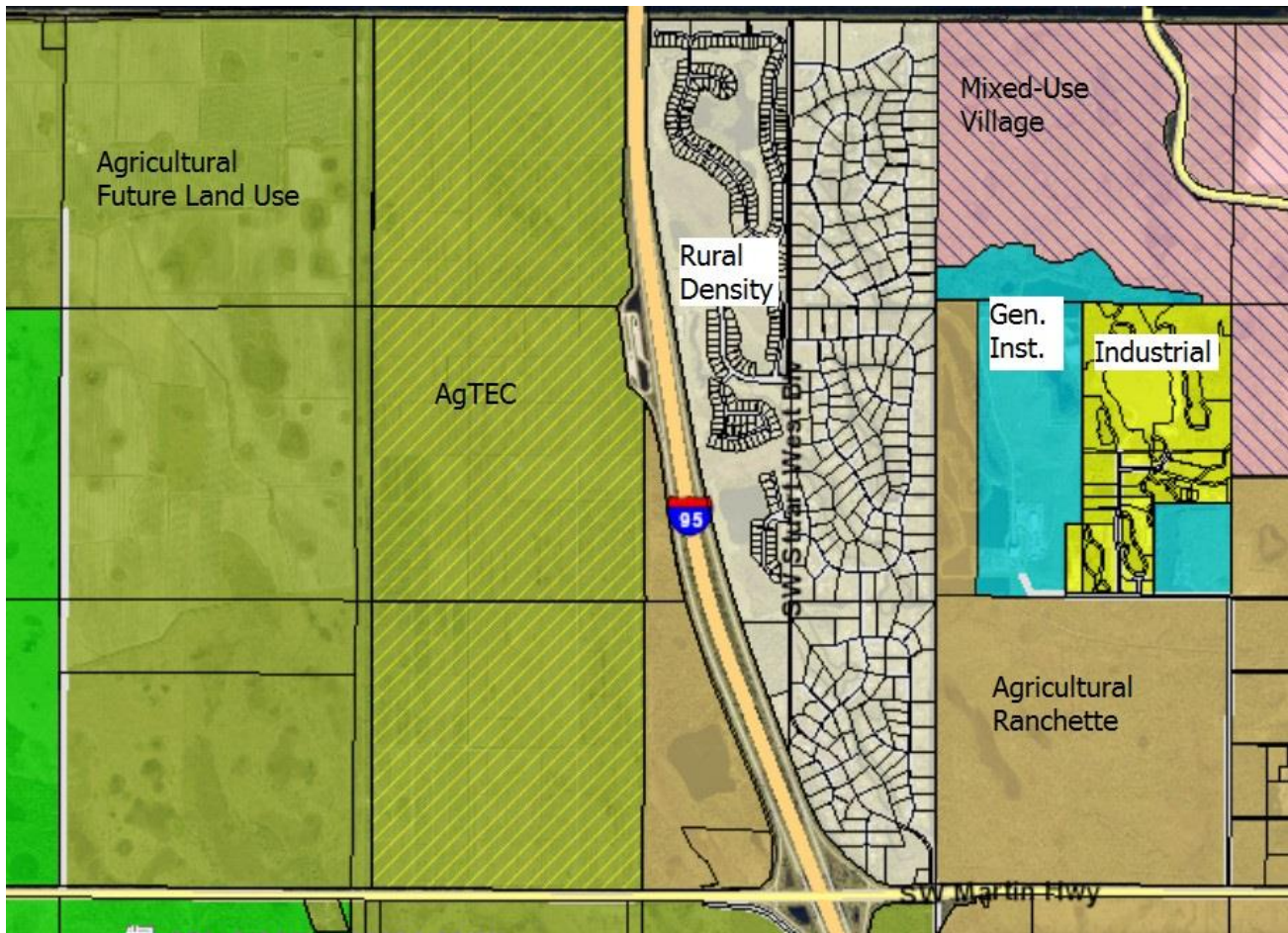
STAFF RECOMMENDATION: Staff recommends approval for the reasons outlined in the staff report.

BACKGROUND

CPA 10-5, Sunrise Groves was a site specific text amendment that created a new future land use designation called AgTEC. The new future land use designation allows continued agricultural uses while permitting a mixture of industrial and commercial uses. It was adopted by Ordinance 882.

CPA 10-4, Sunrise Groves was a Future Land Use Map amendment that assigned the AgTEC future land use designation to 1,717 acres west of Interstate 95 and north of SW Martin Highway. It was adopted by Ordinance 881. Both of these amendments were adopted August 10, 2010 and became effective July 13, 2011. Please see Figure 1, showing the location where the AgTEC future land use was assigned.

Figure 1, AgTEC Location.



Proposed Text Change

A portion of one sentence in one subsection of Policy 4.13A.9 is proposed for deletion. The stricken text in the following paragraph is the only proposed change. No other changes are proposed for Policy 4.13A.9. The full text of Policy 4.13A.9, the AgTEC future land use designation, is attached as Attachment 1.

Policy 4.13A.9(7)(k): In order to protect the allocation of the industrial land base, Martin County may initiate an amendment to remove the AgTEC land use category if the owner, or its designee, has not achieved a Planned Unit Development approval for an initial phase of development within 5 years of the effective date of the amendment, ~~and a final site plan approval for an initial phase of development within 10 years of the effective date of this amendment.~~

Staff Analysis

The requirement to achieve a Planned Unit Development approval for an initial phase of development occurred within five years of the text amendment becoming effective on July 13, 2011. The applicant complied with that portion Policy 4.13A.9 (7)(k) within the first five years.

The balance of the text in Policy 4.13A.9 (7)(k) requires “a final site plan approval for an initial phase of development within 10 years” of July 13, 2011. However, that requirement of the Comp. Plan is inconsistent with provisions in Florida Statutes. As the applicant has described in the justification statement, Section 252.363, Florida Statutes,

“authorizes extensions for permits or other authorizations during and following the declaration of an emergency by the Governor. Consistent with this Section, the land owner has notified Martin County of its intent to claim multiple extensions, in accordance with the requirements of Section 252.363, F.S. Martin County has acknowledged, in writing, the extension of the Final Site Plan requirement for the AgTEC-1 PUD in accordance with the state statute. As a result of statutorily authorized extensions, the deadline has been extended by operation of law beyond the date established in the CGMP.”

Staff recommends approval of the proposed text change based upon the following Plan text and State Statute.

- Chapter 1, Preamble contains the following text: “The CGMP shall have the maximum legal status consistent with Florida law and all land development shall be consistent with this Plan. The requirements of this Plan shall not be interpreted or applied in a manner inconsistent with state law.” Martin County, Fla., CGMP, Section 1.3. (2018)
- Section 1.12.C. Status of Development orders contains the following text, as amended by Ordinance 1087.

“A timetable for development is the schedule for project phasing, construction, and completion as specified in a development order. Timetable extensions shall not be granted unless an application is made prior to the expiration of the approved timetable, or unless the affected phases meet all requirements of this the Comprehensive Plan in effect at the time of the request for an extension. Timetable extensions allowed in accordance with Florida Statutes shall be recognized.”

Martin County, Fla., CGMP, Section 1.12.C. (2018)
- There are many development orders throughout Martin County and the State of Florida that have received timetable extensions pursuant to Section 252.363, F.S. and numerous declarations of emergency by the Governor. To deny timetable extensions permitted by Section 252.363, F.S. could be judged inconsistent with Florida Statutes. Attachment 2, provides the text of Section 252.363, F.S.

Attachment 1, Text of Policy 4.13A.9.

Attachment 2, Section 252.363, Florida Statutes

Application Materials

Full text of Policy 4.13A.9., Comprehensive Growth Management Plan, Martin County Code

Policy 4.13A.9. AgTEC policies. The AgTEC land use category, is intended to allow the continuation of permitted economically viable agriculture, support the development of targeted businesses, tax base and employment opportunities, and facilitate environmental enhancement through the protection of common open space or restoration of natural systems while protecting and enhancing the Martin Grade Scenic Corridor. The AgTEC land use category shall apply solely to the 1,717 acre parcel located west of Interstate 95 and north of S.W. Martin Highway and further described in Exhibit "A" attached to Ordinance #881.

While a primary emphasis for this land use category is to provide an opportunity for targeted industries and institutions, this land use category shall also set the standard for green development in the region through sustainable, environmentally-friendly, and energy efficiency in planning and design, and the accommodation of an evolving agricultural industry.

(1) Uses permitted within the AgTEC land use category are limited to the following primary and ancillary uses:

(a) Primary "Targeted Employment" Uses (requires PUD approval):

- Research and Biotech development laboratories and facilities
- Administrative services, not for profit
- Business and professional offices
- Educational institution
- Electronic equipment manufacturing and testing
- Limited impact industries (including distribution centers)
- Medical and dental labs
- Medical equipment manufacturing
- Optical equipment manufacturing
- Pharmaceutical products manufacturing
- Precision instrument manufacturing
- Public park and recreation, active
- Utilities

(b) Ancillary Uses:

- Commercial day care
- Convenience restaurants
- Copy services and duplicating services
- Financial institutions
- General restaurants
- Hotels and motels
- Mail services and parcel exchange
- Physical fitness centers
- Post offices

(c) Any Agricultural Use that is permitted in the Agricultural Future Land Use Designation (approved in accordance with current County requirements).

The total non-agricultural development within the (AgTEC) land use category shall be limited to 5 million square feet of Targeted Employment Uses, 1 million square feet of office/regional headquarters/Institutions floor area, 200,000 square feet of ancillary retail development and 500 hotel units. Only retail uses that are intended to service the permitted uses in the nearby agricultural land use designation or the Targeted Employment /commerce activities and are ancillary to the principal uses shall be allowed. Further, to promote distribution of the retail uses throughout the site, no more than 20 percent of the square footage contained in any non-agricultural Final Site Plan Approval shall be allocated to ancillary retail. Similarly, in order to ensure a mix of uses and provide for internal capture, a minimum of 25,000 square feet of ancillary uses shall be required for each 1,000,000 square feet of primary uses.

Bona fide agricultural uses and their support structures, or agriculturally related uses (such as the growing of feedstock for renewable fuels), shall not be counted against the total development allocations for non-agricultural development. Total acreages for non-agricultural and agricultural development are shown below.

Use	Minimum Area (Acres)	Maximum Area (Acres)
Non-agricultural development/ Targeted Employment Uses	0	900
Common Open Space/ Agriculture	817	1,717

- (2) Non-agricultural development on the property will be limited within the first 5 years (following the effective date) to a development program not to exceed 1,000,000 square feet of industrial land uses (or the trip generation equivalent of alternative land uses) unless the applicant is able to demonstrate that transportation concurrency requirements have been satisfied for additional development, or additional development is otherwise permitted by applicable laws and ordinances at time of development approval, and the requirements of Policy 4.13A.9(3)(e) are satisfied.
- (3) The AgTEC land use category is for the expressed purpose of providing land for targeted employment uses and the ancillary uses that these businesses need to thrive, or for supporting agricultural activities and uses permitted in agricultural land use categories. Therefore, all development proposals or activities shall be aimed at providing locations for Targeted Sectors as defined by the State of Florida, or for facilitating the growth and expansion of agriculture, or bona fide agriculturally related uses such as the growing of materials for renewable/bio fuels.

Development within the AgTEC shall meet the following requirements:

- (a) Permitted zoning categories within the AgTEC shall include A-2, AG-20A and non-residential Planned Unit Development. All development proposals that convert from agriculture to a non-agriculture employment use must be approved through the Planned Unit Development (PUD) process. Any Agricultural related activity that currently requires a non-residential site plan approval would still be required to obtain the same local permits for development.
- (b) AgTEC uses shall be located no closer than 300 feet from any existing residential use.
- (c) All development shall be limited to a maximum height of 40 feet, and as set forth in Policy 4.1F.8 a maximum height limit of four stories, excluding non-habitable structures as described in Section 3.14 of the Martin County Land Development Regulations.
- (d) Prior to any non-agricultural master site plan approval within the AgTEC land use category, a water and wastewater service agreement with the City of Port St. Lucie shall be established. No non-agricultural development shall be approved unless it will be served by regional water and wastewater facilities provided by the City of Port St. Lucie by facilities located within the City.
- (e) Non-agricultural development on the property shall be subject to Development of Regional Impact thresholds and be limited to 1,000,000 square feet of industrial land uses (or the trip generation equivalent of alternative land uses) until the applicant has achieved the following:
 - i. An Application for Development Approval (ADA) for a Development of Regional Impact (DRI) with the Treasure Coast Regional Planning Council, if required, a Sector Plan or other regional transportation planning effort. The purpose of the additional review is to identify mitigation measures and compensatory obligations necessary to address the development proposed within the application, and the transportation impacts on

roadway, intersections, and interchange facilities in Martin County, St. Lucie County, and the City of Port St. Lucie.

- ii. The applicant will provide the right-of-way for a typical multi-lane arterial roadway and shall commit to fund construction (including an additional 30 feet to accommodate the option for multi-modal forms of transportation and the bridge over the canal) for a north-south roadway, connecting Martin Highway to Becker Road, providing the opportunity for a regional parallel reliever road to I-95, consistent with the AgTEC Long Range Transportation Map. No development beyond the first 1,000,000 square feet of non-agricultural development shall be approved until the road and bridge have been constructed of sufficient length and lane geometry connecting the project to Becker Road. The timing of all phases of construction of road shall be determined by the Development of Regional Impact or other applicable transportation analyses. The right-of-way and construction costs of the north-south road may be impact fee creditable and/or creditable against any proportionate share established as part of an Application for Development Approval, pursuant to state and county regulations.
 - iii. An agreement with the City of Port St. Lucie has been entered into for the construction of the roadway connection to Becker Road, and funded by the applicant consistent with the schedule and geometric needs identified by the Development of Regional Impact or other applicable transportation analyses as agreed by the City of Port St. Lucie. Martin County shall amend Exhibits 5.5 A, B, and C of the Transportation Element to reflect the inclusion of this road through the next scheduled update. Furthermore, Martin County shall request its Metropolitan Planning Organization to update the Regional Long Range Transportation Plan to reflect Martin County's inclusion of the road through its next scheduled update.
- (4) Provide a minimum of 30 percent common open space for the entire property (gross acreage) and an additional 10 percent open space within each specific development parcel, for a total of 40 percent of the gross acreage ultimately being placed in open space or agricultural uses. The 30 percent Open Space shall be shown on the required Conceptual Master Plan. Final Site Plan approval for each specific site development area must demonstrate the provision of the additional 10 percent of open space. Further, a minimum of 75 percent of the common open space shall be provided in the western half of the AgTEC land use category to facilitate compact development oriented to the eastern portion of the site, and to provide a "transect" that reduces in intensity as you move away from Interstate 95. The common open space and required development tract open space shall be proportionately established with each development phase. Open space shall be defined in accordance with the Comprehensive Growth Management Plan.
- (5) The AgTEC future land use category is hereby established as a Freestanding Urban Service District. The provision of urban services shall be in accordance with Policies 4.7A.13. and 4.13A.9. except as otherwise provided in Policy 4.13A.9.
- (6) Agricultural activity, consistent with the Agricultural land use designation, may be pursued in compliance with the Comprehensive Growth Management Plan and the Land Development Regulations, and shall comply with the open space provisions for the Agricultural future land use. Any non-agricultural, primary or ancillary use must be approved through a PUD, and shall comply with the performance standards in Section 4.5 of the Comprehensive Growth Management Plan, except as otherwise specified in this policy.
- (7) Any PUD zoning within the AgTEC shall, at a minimum, incorporate the following sustainability and environmental design principles:
- (a) Maintain water quality in excess of the Martin County and SFWMD standards through the incorporation of low impact development techniques, Best Management Practices, and sustainable stormwater management practices. The applicant shall investigate financially feasible partnership opportunities with organizations including, but not limited to Martin County, the SFWMD, Martin Soil and Water Conservation District, IFAS and USDA on possible environmental service opportunities that could serve as demonstration projects to illustrate techniques in water quality enhancement, more environmentally beneficial surface water management activities, or restoration of localized hydrology or habitat.

- (b) Minimize greenhouse gas emissions and vehicle miles traveled (VMT) by locating employment intensive uses, such as regional headquarter offices or labor intensive industrial uses in such a manner as to locate them close to mass transit/alternative transit modes, or in close proximity to existing and planned residential areas; and provide a mix of uses to promote internal capture of trips during the work day in accordance with Chapter 163.3177 (6) (a). Provide transportation demand management strategies to support a reduction in VMT. Prior to approval of any Planned Development Application, a Transportation Demand Measures (TDM) implementation plan will be developed for each phase of the project. The following TDM elements shall incorporate any combination of the following as part of this implementation plan:
- Land Use/Site Planning Measure - The Master Development Plan reflecting the proposed mix of uses shall demonstrate support for the use of non-motorized modes of travel (bicycle and pedestrian pathways) as well as a "park-once" philosophy.
 - Land Use/Site Planning Measure - Concurrent with obtaining each certificate of occupancy for a non-residential building located on a parcel 50 acres or greater, implement parking strategies that provide preferred parking for alternative (i.e. hybrid or electric) vehicles and car pool vehicles.
 - Land Use/Site Planning Measure - Provide right-of-way for implementation of future transit stops along the proposed Village Parkway.
 - Land Use/Site Planning Measure - Upon the completion of 1,000,000 square feet of non-agricultural development, provide a dedicated car/van pool parking facility to be located near one of the interchanges to further reduce VMT for both project and non-project use.
 - Transit Measure - Coordinate with Treasure Coast Connector to provide a bus route(s) to/from the site upon the certificate of occupancy of 3 million square feet of non-agricultural development.
 - Transit Measure - Establish a development order condition or deed restriction for companies within the AgTEC land use category to provide a financial incentive in the form of a subsidy of at least 50 percent of the annual ticket cost to at least 5 percent of the persons employed at the project site for riding future transit service.
 - Transit Measure - Provide onsite bus stop facilities within one year of provision of a bus service.
 - Transportation Demand Management (TDM) Measure - Provide an on-going ride-sharing information service to persons employed at the project site.
- (c) Incorporate design and development standards from programs such as the Leadership in Energy and Environmental Design (LEED), Florida Green Building Council or other programs for energy efficiency and environmental sustainability.
- (d) Utilize native vegetation and xeriscape techniques, including limiting irrigated turf to a maximum of 15 percent of lot area to decrease the overall consumption of irrigation water.
- (e) Incorporate compact development designs which provide large areas of common open space and provide opportunities for natural lands restoration.
- (f) Establish a continuous 100 foot wide conservation area, beginning at the southwestern corner of the property, and running northward 13,200 feet (along the western property line). This area shall be documented in phases that correspond with development approvals, through the adoption of a conservation designation on a PUD, or the establishment of deed restrictions or conservation easements. If a conservation easement is established, it shall benefit Martin County, the South Florida Water Management District, or any other appropriate entity. Within this conservation area, the following uses are permitted: access for management of publicly owned land, separation from preserve uses, agriculture, passive recreation, water quality and water management areas (in accordance with applicable permits), environmental service activities, and other similar uses.

- (g) Where appropriate, provide an open space management and enhancement plan as part of each PUD submittal to demonstrate interconnectivity of common open space areas.
 - (h) Final Site Plan Approval for any development within the AgTEC land use category shall demonstrate that any external service areas or illumination are adequately screened for adjacent residential uses, or that illumination is shielded and oriented away from adjacent residential or preserve areas.
 - (i) In conjunction with the approval of any PUD within the AgTEC land use category, the developer/owner shall provide a plan for supporting the protection and enhancement of the Martin Grade Scenic Corridor that includes at a minimum providing financial support and helping address traffic impacts on the corridor by exploring alternative roadway locations, traffic patterns, traffic timing, and roadway designs for the purpose of protecting and enhancing the scenic character of the corridor.
 - (j) In furtherance of the intent of this land use category, the land owner or its designee shall obtain a Planned Unit Development approval from the Martin County Board of County Commissioners for an initial phase of development, consistent with the design and development criteria contained in this Policy, within 5 years of the effective date of this amendment.
 - (k) In order to protect the allocation of the industrial land base, Martin County may initiate an amendment to remove the AgTEC land use category if the owner, or its designee, has not achieved a Planned Unit Development approval for an initial phase of development within 5 years of the effective date of the amendment, and a final site plan approval for an initial phase of development within 10 years of the effective date of this amendment.
- (8) Any PUD zoning within the AgTEC shall, at a minimum, incorporate the following design principles:
- (a) In order to support the "Martin Grade Scenic Corridor", any development within the AgTEC land use designation shall provide a minimum 100 foot building setback from the Martin Highway right-of-way, which shall include a minimum 50 foot buffer preserve area adjacent to the right-of-way.
 - (b) A minimum of 90 percent of the native vegetation within the 100 foot building setback shall be preserved.
 - (c) Prior to approval of any development plan for buildings abutting Martin Highway, the land owner shall submit a landscape plan that augments the preserved native vegetation with additional native ground cover, understory and canopy trees, with the goal of providing a Type "5" buffer, and/or meeting 50 percent opacity at eye level within 5 years.
 - (d) Prior to approval of the first Final Site Plan for a phase within the AgTEC land use category, the land owner/developer shall submit a uniform signage plan that ensures a common design theme, clear requirements for signage location, size and materials, and a limit on the overall amount of signage permitted along the Martin Highway frontage.
 - (e) In order to reinforce the rural character of properties located to the west of the AgTEC site, and to support the "Scenic Highway" designation of portions of Martin Highway, only agricultural uses that are consistent with the Agricultural land use category and AG-20A zoning shall be permitted on the western 40 percent of the frontage of Martin Highway to a depth of 1,000, subject to the necessary site development plan approval.
 - (f) In cooperation with Martin County, the State of Florida and the South Florida Water Management District, the land owner/developer shall investigate the opportunity to incorporate additional water storage capacity within the proposed water management system of the AgTEC area for any future widening of Martin Highway. As part of any such widening project that includes the Martin Grade Scenic Corridor, the land owner/developer will assist the county in exploring alternative traffic patterns, traffic timing, and roadway cross sections for the purpose of protecting and enhancing the scenic character of the corridor.

- (g) To assist Martin County with hurricane evacuation needs, the property owner shall coordinate with Martin County to identify opportunities for Martin County to fund upgrades to proposed public or private facilities such that they may serve the public as hurricane shelters, community relief centers or emergency operations centers during declared hurricane events.

Attachment 2.

Below is the text of Section 252.363, Florida Statutes

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.
2. The expiration of a building permit.
3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.
4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c).

(b) Within 90 days after the termination of the emergency declaration, the holder of the permit or other authorization shall notify the issuing authority of the intent to exercise the tolling and extension granted under paragraph (a). The notice must be in writing and identify the specific permit or other authorization qualifying for extension.

(c) If the permit or other authorization for a phased construction project is extended, the commencement and completion dates for any required mitigation are extended such that the mitigation activities occur in the same timeframe relative to the phase as originally permitted.

(d) This subsection does not apply to:

1. A permit or other authorization for a building, improvement, or development located outside the geographic area for which the declaration of a state of emergency applies.
2. A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.
3. The holder of a permit or other authorization who is determined by the authorizing agency to be in significant noncompliance with the conditions of the permit or other authorization through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or an equivalent action.
4. A permit or other authorization that is subject to a court order specifying an expiration date or buildout date that would be in conflict with the extensions granted in this section.

(2) A permit or other authorization that is extended shall be governed by the laws, administrative rules, and ordinances in effect when the permit was issued, unless any party or the issuing authority demonstrates that operating under those laws, administrative rules, or ordinances will create an immediate threat to the public health or safety.

(3) This section does not restrict a county or municipality from requiring property to be maintained and secured in a safe and sanitary condition in compliance with applicable laws, administrative rules, or ordinances.