

PROPOSED AMENDMENT TO THE MARTIN COUNTY COMPREHENSIVE PLAN

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REQUEST NUMBER: CPA 19-7 Grove XXIII Golf Course LLC, Text
Report Issuance Date: June 12, 2019

APPLICANT: Grove XXIII Golf Course LLC

REPRESENTED BY: Lucido & Associates
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PLANNER-IN-CHARGE: Maria Jose, M.S., Planner
Growth Management Department

<u>PUBLIC HEARINGS</u>	<u>Date</u>	<u>Action</u>
Local Planning Agency:	8/15/19	LPA voted 4-0 recommending approval
Board of County Commission Transmittal:	8/27/19	BCC voted 4-1 approving proposal
Board of County Commission Adoption:	10/22/19	

APPLICANT REQUEST: The proposed text amendment is to Martin County's Comprehensive Growth Management Plan (CGMP), Policy 4.1B.2 of Chapter 4 and Policy 10.2A.8 of Chapter 10, allowing a specific site to have golf cottages as part of the private golf course.

STAFF RECOMMENDATION:
Staff recommends approval of the text amendment, as proposed.

EXECUTIVE SUMMARY:

On February 18, 2019, the application for this text amendment was found to be sufficient. After the staff report was drafted, the applicant decided to revise the application. The revised application materials were resubmitted on May 15, 2019. This staff report will consider the revised text amendment. The application is for a text amendment to Policy 4.1B.2 of the CGMP, adding site-specific language that allows golf cottages to one private golf course, Grove XXIII Golf Course, described in detail through the proposed text. Additionally, a text amendment to Chapter 10 of the CGMP is also proposed, where language is added to Policy 10.2A.8 of the CGMP, regarding sewage limitations. This text amendment to the CGMP is proposed along with a concurrent amendment to the Land Development Regulations (LDR) that provides more details about the use of golf cottages. The amendment to the LDR will be reviewed in a separate staff report.

The following is the proposed text amendment by the applicant, where the underlined language is text proposed to be added to CGMP, Policy 4.1B.2 4 and Policy 10.2A.8:

Policy 4.1B.2. Analysis of availability of public facilities. All requests for amendments to the FLUMs shall include a general analysis of (1) the availability and adequacy of public facilities and (2) the level of services required for public facilities in the proposed land uses. This analysis shall address, at a minimum, the availability of category A and category C service facilities as defined in the Capital Improvements Element. No amendment shall be approved unless present or planned public facilities and services will be capable of meeting the adopted LOS standards of this Plan for the proposed land uses. The Capital Improvements Element or other relevant plan provisions and the FLUMs may be amended concurrently to satisfy this criterion. The intent of this provision is to ensure that the elements of the CGMP remain internally consistent.

Compliance with this provision is in addition to, not in lieu of, compliance with the provisions of Martin County's Concurrency Management System. When a map amendment is granted under this provision, it does not confer any vested rights and will not stop the County from denying subsequent requests for development orders based on the application of a concurrency review at the time such orders are sought.

Martin County may adopt sub-area development restrictions for a particular site where public facilities and services, such as arterial and collector roads, regional water supply, regional wastewater treatment/disposal, surface water management, solid waste collection/disposal, parks and recreational facilities, and schools, are constrained and incapable of meeting the needs of the site if developed to the fullest capacity allowed under Goal 4.13 of this Growth Management Plan. The master or final site plan for a site that is subject to such sub-area development restrictions shall specify the maximum amount and type of development allowed. Sub-area development restrictions apply to the following sites:

- (1) The tract of real property described in the Warranty Deed recorded at OR Book 2157, Page 2403, of the Public Records of Martin County, which is limited to 365,904 square feet of nonresidential use, consistent with the assigned future land use designation, and on which residential uses shall not be allowed.
- (2) The development of the tract of real property described in the Warranty Deed recorded in OR Book 2239, Page 2498, Public Records of Martin County, Florida, shall be restricted and managed as follows:
 - (a) Uses on the subject property shall be limited to nonresidential uses. Residential uses shall not be permitted.
 - (b) Uses on the property shall be consistent with the future land use designations for the property and the applicable land use policies of the Martin County Comprehensive Growth Management Plan (CGMP).
 - (c) The maximum intensities of uses on the subject property contained within a building or buildings shall not exceed 1,600,000 square feet.
 - (d) All future applications for development approval shall be processed as a Planned Unit Development (PUD).

- (e) The maximum intensities of all uses contained within a building or buildings shall not exceed 500,000 square feet on the subject property (of which up to 25,000 square feet may be in marina uses) prior to December 1, 2015.
- (3) This sub-area policy applies only to lands within the boundaries of Florida state parks within Martin County, Florida. Recreation facilities allowed in the state parks shall be limited to those supporting resource-based outdoor recreation activities specifically identified in the park's approved management plan which has been developed according to F.S. sections 253.034 and 259.032, and F.A.C. 18-2 including, but not limited to, hiking, biking and equestrian trails, swimming areas, interpretive visitor centers, resource-based camping accommodations for use by tents, pop-up campers and other recreational vehicles, and cabins. All uses within the state parks must conform to the park's management plan. Activities which are normally allowed in this land use category but are prohibited under this sub-area policy include fairgrounds, commercial marinas, ball fields, dredge spoil facilities and other user-based (active) recreation facilities.
- (4) The tract of real property described in the Special Warranty Deeds recorded at OR Book 3020, Page 2321, and OR Book 3020, Page 2328 of the Public Records of Martin County that is limited to an 18-hole private golf course utilizing an on-site sewage treatment and disposal system with a maximum cumulative flow of 5,000 gallons per day for the clubhouse, maintenance area, guardhouse and golf course shelters; and up to four (4) golf cottages, which may be permitted as an accessory use to the golf course utilizing an on-site sewage treatment and disposal system with a maximum cumulative flow of 2,000 gallons per day subject to State Health Department regulations.

Chapter 10

Policy 10.2A.8. The following standards shall apply to all on-site sewage treatment and disposal system installations:

1. No onsite sewage treatment and disposal system shall exceed a total site buildout flow of 2,000 gpd, except as described below and in Policy 4.13A.8(5) and Policy 4.1B.2(4). Total site buildout shall be as determined by the Florida Department of Health.
2. All on-site sewage treatment and disposal systems shall be designed, located and installed in accordance with the "Standards for On-Site Sewage Treatment and Disposal Systems," State of Florida Department of Health, Chapter 64E-6, Florida Administrative Code or as required by the goals, objectives and policies of this element, whichever is the more restrictive.
3. On-site sewage treatment and disposal systems (including the drainfield) shall not be located within ten feet of designated upland preserve areas.
4. The property owner shall be responsible for assuring adequate drainage so adjacent parcels will not be adversely affected.
5. When a parcel of land is located on or surrounding a water body or wetland, the on-site sewage treatment and disposal system shall be placed on the side of the parcel farthest from and at least 75 feet from the water body or wetland. This

requirement shall be designated on the final plat of any approved subdivision located on or surrounding a water body or wetland. In the case of a lot of record created prior to April 1, 1982, the requirement set forth in this subsection shall be waived in cases of severe hardships. The Growth Management Department director may approve such a waiver in writing upon a finding that requiring the 75-foot setback would prevent any reasonable use of the lot and upon an affirmative recommendation of the Florida Department of Health. A severe hardship does not exist if the building(s), driveways or other features on the property can be moved and still comply with all the current codes.

6. Each on-site sewage treatment and disposal system tank utilized must be equipped with an on-site sewage treatment and disposal system effluent filter. These filters must be maintained by the property owner and must remain in service for the life of the on-site sewage treatment and disposal system. A list of approved filters is available at the Florida Department of Health.
7. The installation of an on-site sewage treatment and disposal system shall not be permissible when the use is determined by the Florida Department of Health to constitute a high expected failure level.
8. On-site sewage treatment and disposal systems shall be set back a minimum of 15 feet from the design high-water line of a retention or detention area designed to contain standing or flowing water for less than 72 hours after a rainfall, or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention area.
9. For on-site sewage treatment and disposal systems outside the Primary Urban Service District the BCC may waive the 2,000 gpd limitation set forth in Policy 10.2A.8.1 above, to the extent necessary for nonresidential or agricultural uses permitted by the future land use designation and zoning district, but in no event shall the waiver allow total site buildout flows to exceed 5000 gpd.
 - a. In order to obtain a waiver of Policy 10.2A.8.1. a person must submit an application in a form prescribed by the County Administrator. The application must contain a concise statement by the applicant detailing the circumstances that justify a waiver of the 2,000 gpd flow limitation. The application must also contain written concurrence from the Florida Department of Health that the use to be served requires a system greater than 2,000 gpd total site buildout flow, but the system does not exceed 5,000 gpd total site buildout flow.
 - b. The waiver shall not be granted unless the Board determines that:
 1. The proposed system meets all criteria required by the Florida Department of Health.
 2. The system has been located to protect wetlands, wellfields, water bodies, drainage facilities or other surface waters, to the maximum extent practicable. For on-site sewage treatment and disposal systems adjacent to wetlands, wellfields, water bodies, drainage facilities and other surface waters, a minimum setback of 200 feet has been provided.
 - c. In granting the waiver, the Board may prescribe any appropriate maintenance conditions.

- d. In granting the waiver, the Board's decision shall be based upon the particular circumstances of the application and shall not constitute a precedent for other waiver applications.

2. ANALYSIS

The proposed text amendment permits golf cottages on an existing private golf course outside the Primary Urban Service District and provides an exception to the specific site regarding the septic tank flow limitations currently allowed. More detailed analysis follows.

A) Characteristics

The Grove golf course does not have access to centralized water and sewer service. It was previously permitted to have a clubhouse, maintenance area, guardhouse and golf shelters on septic system(s) with a total flow of 5,000 gallons per day. That exception (to the 2000 gallon per day septic system limitation) was granted pursuant to Policy 10.2A.8(9), CGMP, Martin County, Fla. (2019). The proposed text recognizes that exception and allows an additional 2,000 gallons per day for additional facilities.

The tract of real property described in the Special Warranty Deeds recorded at OR Book 3020, Page 2321, and OR Book 3020, Page 2328 of the Public Records of Martin County that is limited to an 18-hole private golf course utilizing an on-site sewage treatment and disposal system with a maximum cumulative flow of 5,000 gallons per day for the clubhouse, maintenance area, guardhouse and golf course shelters; and up to four (4) golf cottages, which may be permitted as an accessory use to the golf course utilizing an on-site sewage treatment and disposal system with a maximum cumulative flow of 2,000 gallons per day subject to State Health Department regulations.

The Florida Department of Health (FDOH) has verified that the current permits allow 4,983 gpd, and they cannot permit anything over 5,000 gpd without a variance. Anything over 5000 gpd requires a variance or permitting through Florida Department of Environmental Protection.

Golf courses are already permitted uses in the County's agricultural zoning districts, in addition to many of other uses. Please see Attachment 1, which is a permitted uses table from LDR, Section 3.11. The golf cottages included in the proposed language are accessory uses to golf courses. Please see Attachment 2, which is Section 3.73 of the LDR, containing standards for the specific use, golf courses. The proposed text amendment would allow the particular golf course described in the proposed text amendment up to four golf cottages with a maximum cumulative flow of 2,000 gallons per day. This is limited to the specific site location described in the proposed language. The site specific approach ensures that the exemption takes place only for this specific site, thus preventing unintended negative consequences for other agricultural areas of Martin County.

B) Septic Systems

The following text change to Policy 10.2A.8 has been proposed to maintain internal consistency with the proposed text in Chapter 4. The existing reference to Policy 4.13A.8(5) permits a site specific Rural Service Node to function on a 10,000 gallon per day septic system. Please see the proposed new language below, marked as underlined.

Policy 10.2A.8. The following standards shall apply to all on-site sewage treatment and disposal system installations:

1. *No onsite sewage treatment and disposal system shall exceed a total site buildout flow of 2,000 gpd, except as described below and in Policy 4.13A.8(5) and Policy 4.1B.2(4). Total site buildout shall be as determined by the Florida Department of Health.*

The May 15, 2019 application materials point out that the 225-acre site could otherwise allow 17 sites (Rural Density future land use) and eight sites (Agricultural future land use). No exceptions would need to be granted for those 25 sites to each have a residence and accessory uses with a maximum of 2,000 gallon per day septic system. The applicant is making a comparison between the potential for 50,000 gallons of waste versus a maximum 7,000 gallons of waste on the same 225 acres.

3. CONCLUSION

This text amendment will be limited to the applicant's property and so it will not be applicable to other uses outside the Primary Urban Service District. Golf courses are already a permitted use and so golf cottages will simply be an accessory use to enhance the Grove XXIII Golf Course. Since the text amendment only pertains to the Grove XXIII Golf Course, it prevents negative consequences that could arise if all golf courses outside the Primary Urban Service District were allowed to have the particulars addressed in this text amendment language. The site specific approach and the elements in the new language are reasons why staff recommends approval of this text amendment, as proposed.

3. FIGURES/ATTACHMENTS

Attachment 1, Permitted Uses Table, Table 3.11.1, LDR

Attachment 2, Section 3.73 of LDR

Attachment 3, FAC Code, 64E

Attachment 4, Permits from Florida Department of Health