

# **PROPOSED AMENDMENT TO THE MARTIN COUNTY COMPREHENSIVE PLAN**

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**REQUEST NUMBER:** CPA 19-22 Publix Supermarket FLUM

Report Issuance Date: December 31, 2019

**APPLICANT:** Publix Supermarket, Inc.

**REPRESENTED BY:** Gunster Law Firm  
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Stuart, FL 34996

**PLANNER-IN-CHARGE:** Maria Jose, M.S., Planner  
Growth Management Department

<b><u>PUBLIC HEARINGS:</u></b>	Date	Action
Local Planning Agency:	2/6/2020	
Board of County Commission Transmittal:	TBD	
Board of County Commission Adoption:	TBD	

**SITE LOCATION:** The 16.72 acre parcel is located at the southeast corner of SW Kanner Hwy. and SW Pratt Whitney Road, in Stuart.

**APPLICANT REQUEST:** The request is for a comprehensive plan amendment to the Future Land Use Map (FLUM) to change a 6 acre portion of a 16.72 acre parcel from Agricultural to General Commercial so that the entire parcel can have a single land use designation of General Commercial. Along with this is a concurrent separate application to rezone the entire 16.72 acre parcel from R-3A and A-1 to GC and a text amendment that would extend the Primary Urban Service District (PUSD) and add new language that limits the development on the subject site.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed FLUM change from Agricultural future land use to General Commercial.

**EXECUTIVE SUMMARY:**

The subject site is shown below, highlighted in blue (Figure 1).

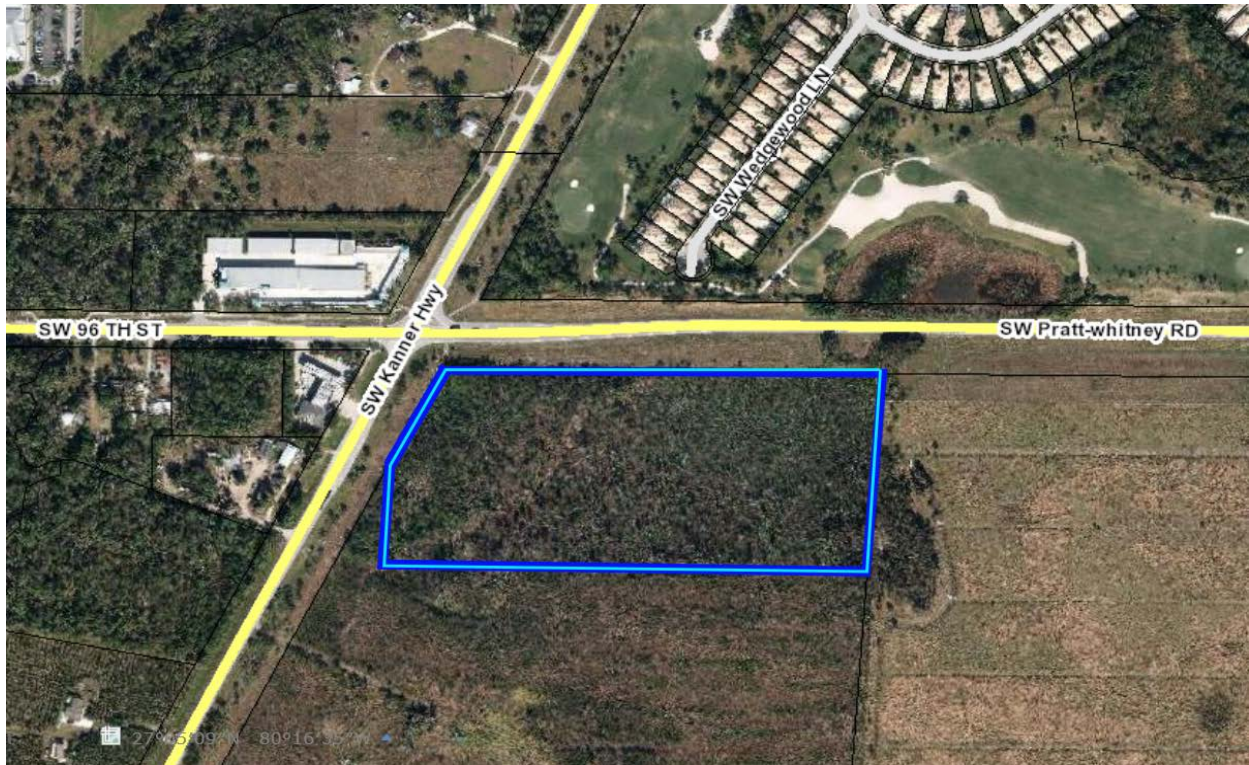


Figure 1, a location map that shows the subject site, highlighted in blue.



Figure 2, the current FLUM, showing the Agricultural portion, highlighted in black hatching.

Currently, the parcel does not have a single future land use designation. A 6 acre portion of the 16.72 subject site is Agricultural while the rest of the parcel is designated as General Commercial. This staff report will consider the General Commercial future land use and will analyze whether it is consistent with the Comprehensive Growth Management Plan (CGMP) and compatible with the surrounding properties.

## **1. PROJECT/SITE SUMMARY**

### **1.1. Physical/Site Summary**

The subject property is 16.72 acres. The parcel is within the following:

*Planning District:* Mid County.

*Adjacent Planning District:* South County.

*Commission District:* District 3.

*Taxing District:* District 3 Municipal Service Taxing Unit.

*Urban Service District:* Yes, but only partially. Out of the 16.72 acres, 9.15 is within the PUSD and 7.57 acres is outside of the PUSD (approximately). A concurrent text amendment proposes to extend the PUSD boundary so that the entire subject parcel can be within the PUSD.

### **1.2 Major Roadways**

The major roadways closest to the subject parcel are SW Kanner Hwy., which is a major arterial road, west of the parcel and SW Pratt-Whitney Rd., which is a minor arterial road, north of the parcel.

### **1.3. Current Amendment Requests**

- A. CPA 19-06, Neill Parcels, is a request amend the FLUM on 499.4 acres located south of SW 96<sup>th</sup> Street and between SW Kanner Highway (SR76) and the St. Lucie Canal. The land currently has three future land use designations-Agricultural, Industrial and Commercial Waterfront. The proposed future land use designations are Industrial, Commercial Waterfront, and Low Density Residential.
- B. CPA 19-09, Realty Trust Parcels, is a request to amend the FLUM on 9.5 acres on SE Willoughby Boulevard, north of SE Salerno Road, changing the parcel from Rural Density Residential (1/2 unit per acre) to Commercial Office/Residential.
- C. CPA 19-11, Cove Salerno Partners, is a request to amend the FLUM on 47.12 acres located just east of Kanner Highway, between Cove and Salerno Roads, changing the land from Residential Estate Density (2 units per acre) to Low Density Residential (5 unit per acre).
- D. CPA 19-13, Jensen Beach FLUM, is a request to amend the FLUM on 67 acres comprising the Jensen Beach CRA. The amendment of the FLUM will be accompanied by revised Land Development Regulations and text amendments to the Comprehensive Plan. Future Land Use Map Amendments are planned for each of the other five Community Redevelopment Areas.
- E. CPA 19-15, Winemiller Farms, is a request to amend the FLUM on 1,909.1 acres from Agricultural Ranchette to a new future land use designation, Agri Neighborhood Community. The applicant, under a concurrent text amendment, proposes to expand the Primary Urban Service District on approximately 545 acres within the larger 1901 acres.
- F. CPA 19-17, 1545 and 1565 NW 9<sup>th</sup> Avenue, is a request to amend the FLUM on two lots with split future land use designations—General Commercial and Low Density Residential on each lot. The request is to designate the entirety of the lots General Commercial.
- G. CPA 19-18, Tradewinds at Hobe Sound, is a request to amend the FLUM on 13.3 acres located between SE Federal Highway and SE Dixie Highway, just north of SE Dharlys Street, changing the land from Medium Density Residential (7.8 acres), Commercial Office/Residential (1.92 acres) and Limited Commercial (3.89 acres) to High Density



Residential.

- H. CPA 19-19, Pulte at Christ Fellowship Church, is a request to amend the FLUM on 321 acres located at 10205 Pratt Whitney Road, from Rural Density (1 unit per 2 acres) to Residential Estate Density (one unit per acre).
- I. CPA 19-20, Tucker Commons, is a request to amend the FLUM on 0.75 acres on SW Mapp Road, changing the land from Commercial Office/Residential and Low Density Residential to General Commercial.
- J. CPA 19-26, Sunshine State Carnations, is a request to amend the FLUM on 19.51 acres located on SE Gomez Avenue, Hobe Sound, from Residential Estate Density (up to 2 units per acre) to Low Density Residential (up to 5 units per acre).

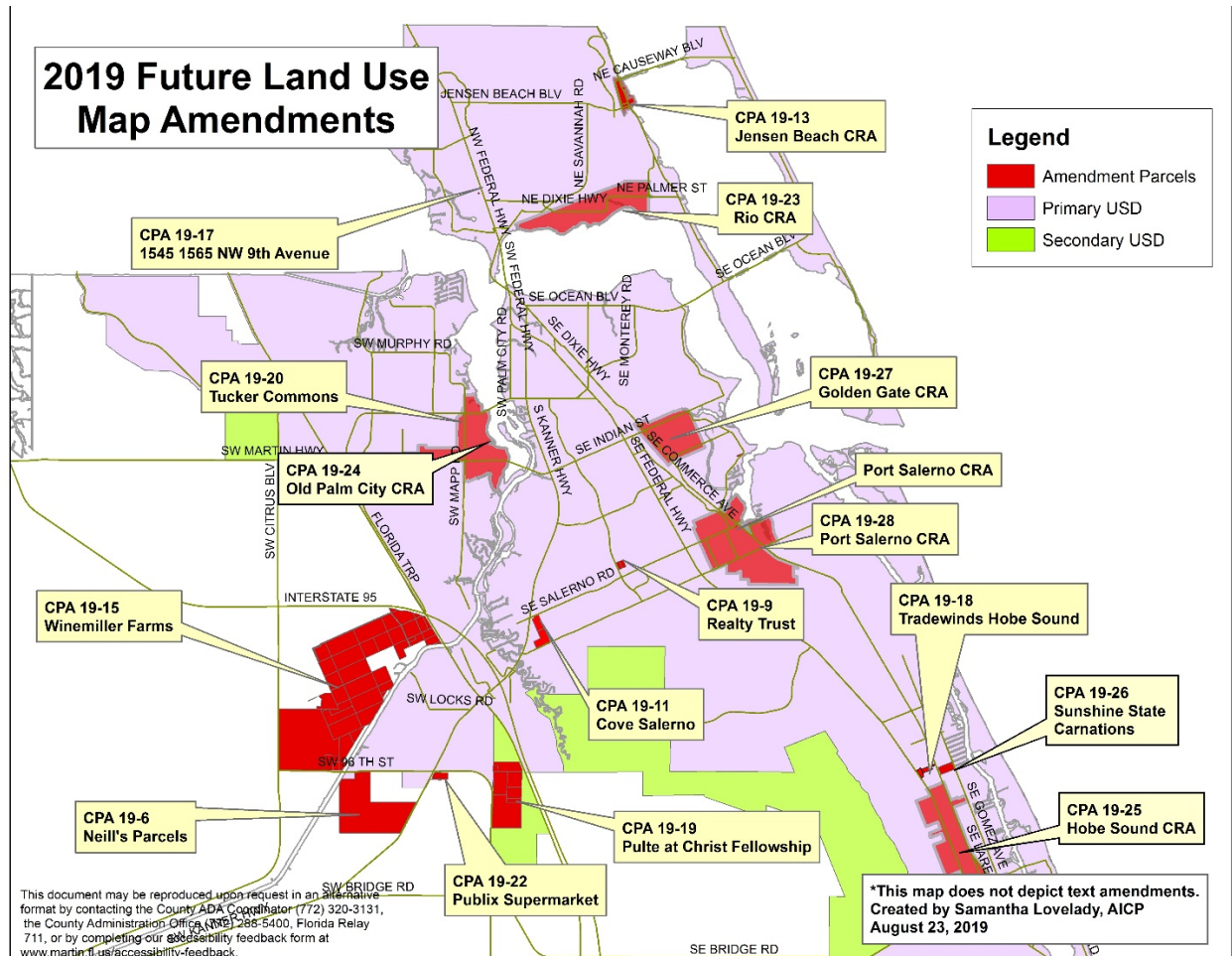


Figure 3, a map that depicts the current FLUM amendment requests

#### 1.4. Past Changes (proposed and adopted) in Future Land Use Designations

There have been some changes in the surrounding area. Since adoption of the Comprehensive Growth Management Plan in 1982, some amendments to the FLUM have occurred in the immediate area. See Figure 4, where the following list of adopted amendments are labeled. The adopted amendments are summarized below.

- A. CPA 05-11, Klein, Ordinance 680:** A FLUM amendment for 1.75 acres located on the southwest corner of the intersection of CR 76A (SW 96<sup>th</sup> Street) and SR 76 (Kanner Hwy.).

changing the parcel from Commercial Office/Residential to Limited Commercial.

- B.** CPA 07-16, Ranch Trail, Ordinance 764: A FLUM amendment for the 145 acres located along S.W. Ranch Trail, S.W. 21<sup>st</sup> Drive, S.W. 18<sup>th</sup> Avenue and S.W. 23<sup>rd</sup> Avenue in the Tropical Farms Area, changing the land from Residential Estate Density (allowing a maximum of two units per acre) to Rural Heritage (allowing a maximum of one unit per two acres).
- C.** CPA 99-02, Tropical Farms Utilities, Ordinance 554: A FLUM amendment for a +/- 15.24 acres located between SR 76 and the Florida Turnpike, changing the parcel from Rural Density Residential and Residential Estate Density (2 upa) to General Institutional.
- D.** CPA 05-1, Public Lands - Tropical Farms, Ordinance 685: A FLUM amendment for 88 acres of land lying adjacent to the Florida Turnpike just south of the intersection at Kanner Hwy. and the Turnpike, changing the parcel from Rural Density to General Institutional.
- E.** CPA 10-19, 7<sup>th</sup> Edition, Ordinance 876: A FLUM amendment for approximately 249 acres located south of SW 96<sup>th</sup> Street and west of SW Kanner Hwy., changing the land from Agricultural to Marine Waterfront Commercial (75 acres) and Industrial (174 acres).
- F.** CPA 10-23, Atlantic Ridge (State Park), Ordinance 887: A FLUM amendment for 5,747 acres of land lying east of east of Interstate 95, north of SE Bridge Road, and south of SE Cove Road changing the land from Low Density Residential, Residential Estate Density, Rural Density and Agricultural Ranchette to Institutional Recreational.

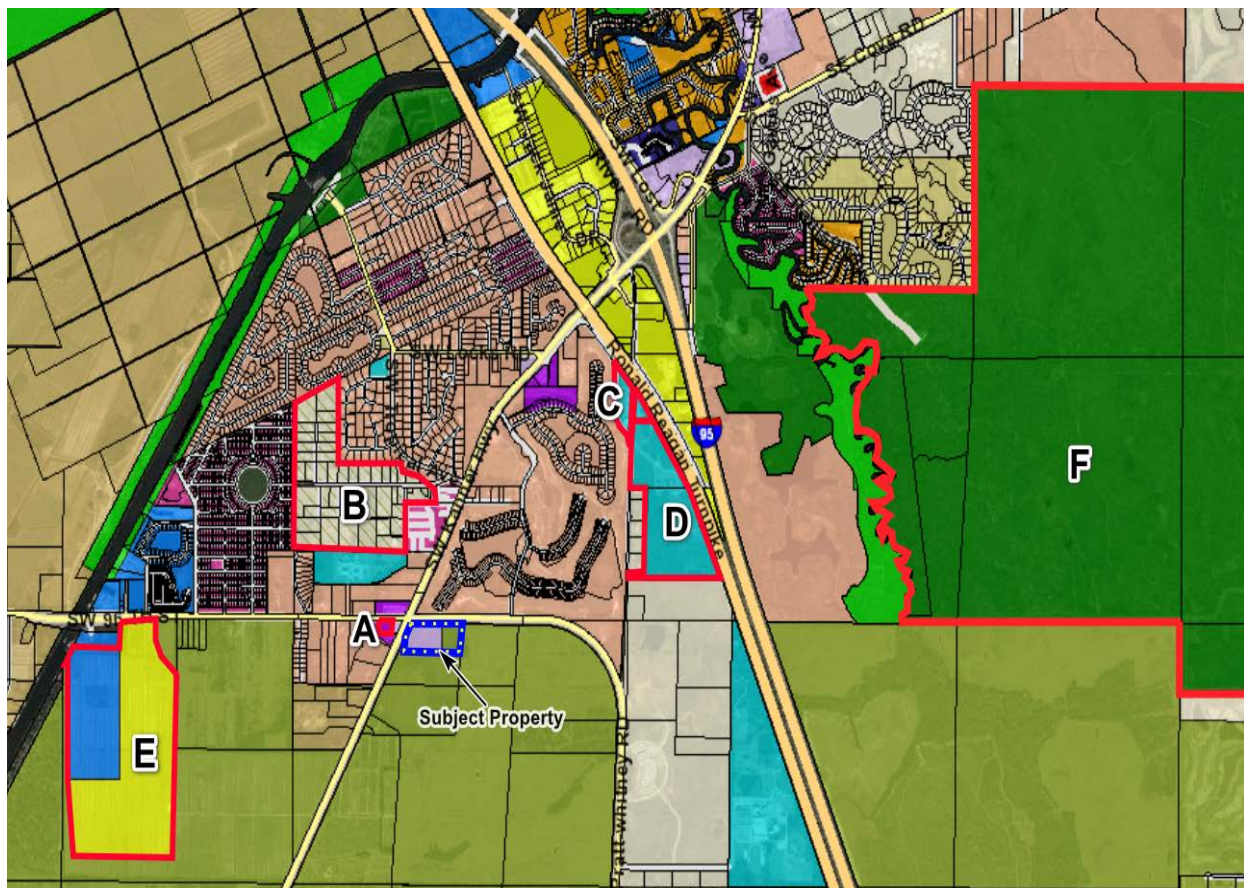


Figure 4 shows the subject site, outlined in blue and yellow. The labeled parcels outlined in red represent past amendments that have been adopted.



### Proposed, but not adopted or repealed

The following is a list of amendments that were proposed but not adopted. One was adopted and then repealed. Please see Figure 5.

- A. CPA 03-6 Harmony proposed changing 4,579 acres from Agricultural to Agricultural Ranchette.
- B. CPA 10-1 St. Lucie Partners, Ordinance 878, adopted a change from Agricultural to Agricultural Ranchette on 3,902 acres. Concurrently, Ordinance 879 adopted text changes creating a sub-area policy on the same 3,902 acres as described in Ordinance 878. Both ordinances were repealed later. CPA 12-11 Ordinance 921 repealed both Ordinances 878 and 879 regarding St. Lucie Partners text amendments and changed 3,902 acres back to Agricultural.
- C. CPA 11-1 Groves 14 proposed changing 75 acres from Rural Density to Agricultural Ranchette and 1,682 acres from Agricultural to Agricultural Ranchette.
- D. CPA 12-1 Hobe Grove DRI proposed changing 2,823 acres from Agricultural to a new future land use designation called Hobe Grove.
- E. CPA 12-4 Harmony DRI proposed changing 2,700 acres from Agricultural to a new future land use designation, Harmony DRI.
- F. CPA 12-6 Extreme Sports proposed changing 114 acres from Agricultural and Expressway Oriented Transient Commercial Service Center to a new future land use designation called Extreme Sports Water Ski Park and Hotel.

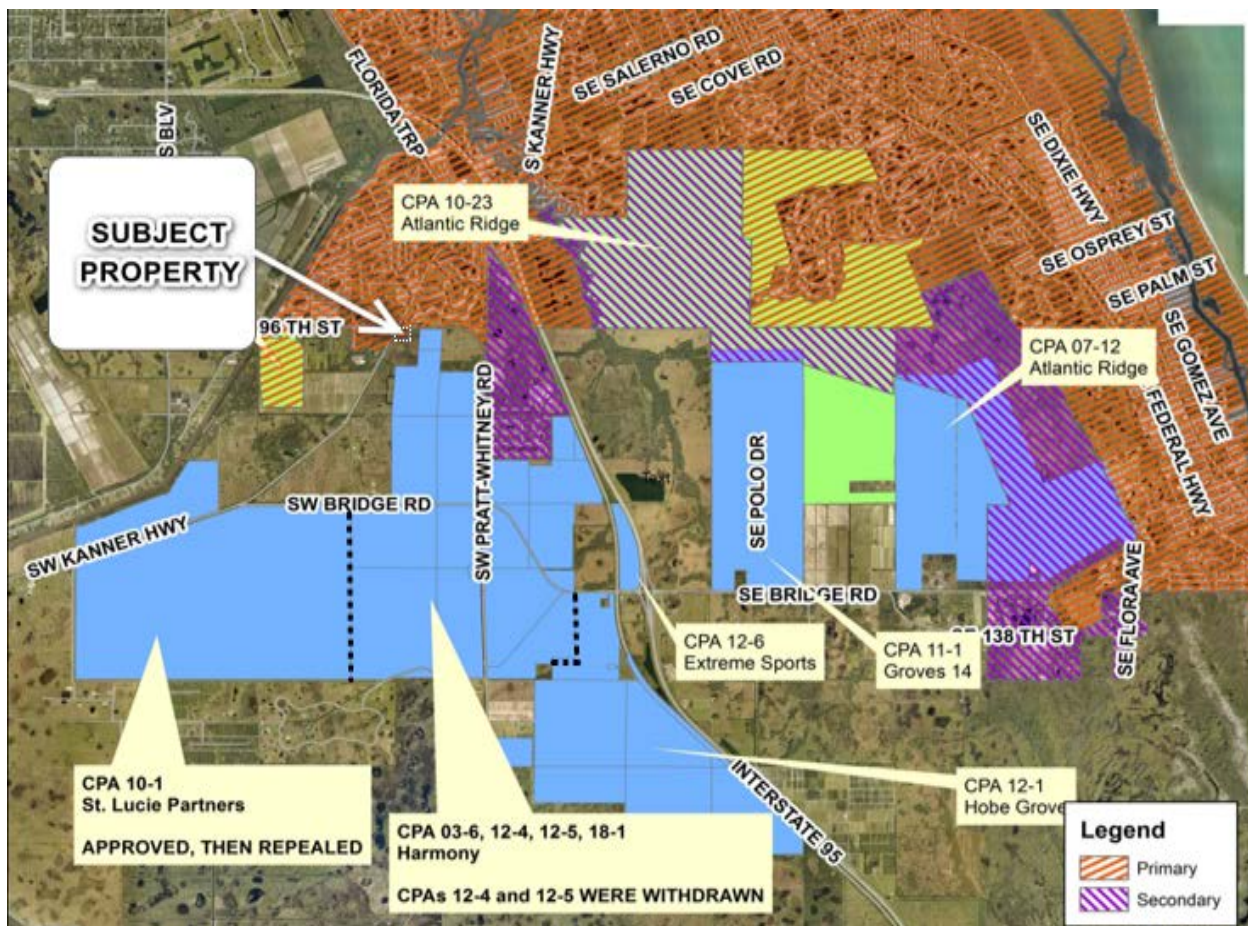


Figure 5. The labeled parcels show past amendments that have not been adopted.

### 1.5. Adjacent Future Land Use

North: Residential Estate Density (2 upa) and Limited Commercial

South: Agricultural

East: Agricultural

West: General Commercial, Limited Commercial, and Residential Estate Density (2 upa)

### 1.6. Environmental Considerations

#### 1.6.1. Wetlands, soils and hydrology

The Soil Survey of the Martin County Area, published by the United States Department of Agriculture (1978), lists the soil type on the subject property as a combination of two main soil types, holopaw sand and nettles sand. Holopaw soils are on nearly level low lying flats, poorly defined drainageways and depressional areas. Slopes range from 0 to 2 percent. The Nettles series consists of very deep, poorly and very poorly drained, slow or very slow permeable soils on broad areas of flats and depressions of Peninsular Florida. They formed in sandy and loamy marine sediments. Slopes range from 0 to 2 percent. See Figure 6.

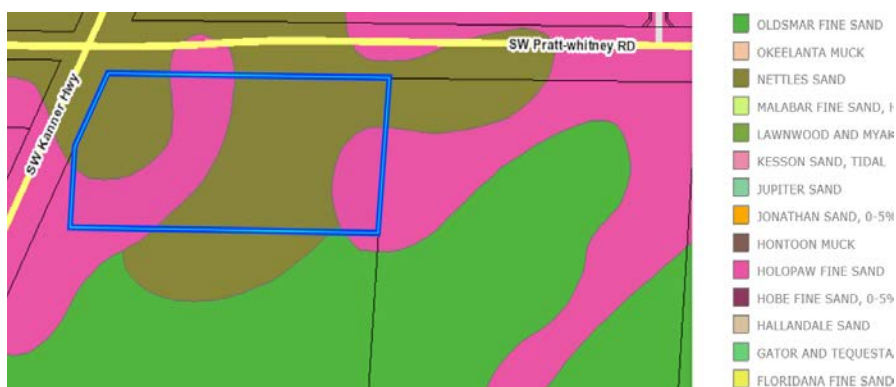


Figure 6, a soils map that shows the subject parcel, highlighted in blue, with various soil types.

The Composite Wetlands Map indicates a high potential for the presence of wetlands on the property. The applicant states that the 16.72 acre subject property contains 3.32 acres of wetlands and 3.78 acres of required Upland Buffer/Wetland Buffer. Therefore, the parcel can only be developed in the portion of the parcel without environmental constraints and the proposed FLUM change from Agricultural to General Commercial would allow that. Any development on the property would require an environmental assessment to identify wetlands on or within 100 feet of the property. See Figure 7.



Figure 7, a composite wetlands map that shows the subject parcel to have a high potential for the presence of wetlands on the property.



### 1.6.2. Wellfield protection

The following is a description of the presence of existing wellfields proximate to the site and applicable wellfield protection measures.

The site is not within wellfield protection zone 1 (WPO) but is within zone 2. See Figure 8. The subject site is highlighted with an orange border.



Figure 8, a map that shows the subject site, highlighted in orange, is near wellfield protection zone 1 and is within zone 2.

### 1.7. Adjacent Existing Uses

Below is a summary of the existing adjacent land uses in the general vicinity of the subject property:

North- Private, single family homes (Florida Golf Club Residential Development). Also a self-storage warehouse.

South – Agricultural acreage.

East- Agricultural acreage.

West- Existing Sunoco Gas Station with 7-Eleven convenient store. Also, a single family transitional area with a dwelling and vacant residential area.

## 2. ANALYSIS

### 2.1. Criteria for a Future Land Use Amendment (Section 1-11 CGMP)

In evaluating each Future Land Use Map amendment request, staff begins with the assumption that the Future Land Use Map, as amended, is generally an accurate representation of the intent of the Board of County Commissioners, and thus the community, for the future of Martin County. Based on this assumption, staff can recommend approval of a requested change provided that consistency is maintained with all other elements of this Plan and at least one of the following four items is found to apply. If staff cannot make a positive finding regarding any of the items in (a) through (d), staff shall recommend denial.

*(a) Past changes in land use designations in the general area make the proposed use logical and consistent with these uses and adequate public services are available; or*

Except for the adopted changes listed in Section 1.4 of this report, development has occurred consistent with the FLUM adopted in 1982. Section 1.4 of this report shows land use changes



that brought commercial land use designations to the general area. Adequate public services such as water and sewer are available to the subject parcel that can support the proposed land use. Kanner Hwy. is currently being widened from two to four lanes adjacent to the subject site.

*(b) Growth in the area, in terms of development of vacant land, redevelopment and availability of public services, has altered the character of the area such that the proposed request is now reasonable and consistent with area land use characteristics; or*

Yes, the proposed request is now reasonable and consistent with the land use characteristics of the area. The proposed land use change will make way for the subject site to be utilized for commercial services. Please see the following list:

1. Vacant land in the area has developed in many ways. Examples include: The Florida Club, Locks Landing, Savannah Estates, Tropical Estates, Gregor Woods, Lake Tuscany, River Marina, River Forest, St. Lucie Falls, Christ Fellowship Church, South Fork High School and Foxwood. The subdivisions listed are within the existing PUSD and SUSD and contain single-family residential units with a variety of lot sizes. The proposed expansion of the existing commercial future land use designation could serve the residential population of the subdivisions listed above.
2. Public services and provisions are available today such as water and sewer, and improved major roads. Widening of Kanner Hwy. from four to six lanes east of I-95 was recently completed and widening from two to four lanes west of the Florida Turnpike are currently in progress.

*(c) The proposed change would correct what would otherwise appear to be an inappropriately assigned land use designation; or*

No. The Agricultural designation is not inappropriate considering the Agricultural land to the east and south of the site. However, Agriculture and General Commercial are very different designations to have within the same ownership.

*(d) The proposed change would fulfill a public service need that enhances the health, safety or general welfare of County residents.*

Not applicable. The proposed change would not correct a public facility deficiency.

Staff can make a positive finding regarding two out of the four criteria.

## **2.2. Urban Sprawl**

Urban sprawl is defined as a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

Florida Statute 163.3177(3)(a)9. states that any amendment to the future land use element shall discourage the proliferation of urban sprawl and provides thirteen indicators to judge whether a future land use amendment discourages the proliferation of urban sprawl. This proposed

amendment complies with 13 out of 13 sprawl criteria that discourages the proliferation of urban sprawl.

Florida Statute provides an additional eight criteria, of which four must be met, in order to judge whether an amendment can be determined to discourage the proliferation of urban sprawl. This proposed amendment meets 8 out of 8 criteria that determine the application discourages urban sprawl.

An evaluation of the thirteen indicators for urban sprawl and a determination on the eight criteria for this future land use request follows:

*(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.*

The site is located partially within the Primary Urban Service District (PUSD). A concurrent text amendment proposes to include the entire site with the PUSD. The 6 acres proposed for General Commercial are not a substantial area of the jurisdiction. The proposal for General Commercial does not promote low-intensity development and instead, paves the path for commercial usage. Discourages the proliferation of urban sprawl.

*(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*

The proposed change does not designate a significant amount of urban development to occur at substantial distances from existing urban areas. It proposes a small expansion at the edge of the existing urban area, facilitating infill development of undeveloped urban land. Discourages the proliferation of urban sprawl.

*(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.*

The site is integrated within rural, residential and commercial land uses. The proposed change will not promote development occurring in such patterns such as radial, strip or ribbon patterns emanating from the existing urban developments. Discourages the proliferation of urban sprawl.

*(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

There are no environmentally sensitive areas related to rivers, shore lines, beaches and bays or estuarine systems on this property but, there are wetlands. Currently, the portion of the site that is already designated as General Commercial, contains wetlands. This amendment will allow future developments to be constructed on the portion of the parcel that does not contain environmental constraints. Discourages the proliferation of urban sprawl.

*(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.*

The existing future land use designation, General Commercial, is on the edge of the PUSD and has the Agricultural future land use adjacent on two sides. The proposed expansion of the General Commercial future land use will continue to be on the edge of the PUSD and continue to have the Agricultural future land use on two sides. A commercial development will not bring



residential development in conflict with agricultural activity to the south and east. Discourages the proliferation of urban sprawl.

*(VI) Fails to maximize use of existing public facilities and services.*

The parcel is partially located within the PUSD and has access to services such as water and sewer. Development of the site at the proposed future land use designation will put additional trips on the road and would utilize the existing facilities and services. Discourages the proliferation of urban sprawl.

*(VII) Fails to maximize use of future public facilities and services.*

The parcel is located partially within the PUSD and has access to services such as water and sewer. Development of the site would utilize the increased capacity created by the widening of Kanner Hwy.

*(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.*

The parcel is partially located within the PUSD and is partially outside of the urban service district. Public services (law enforcement, fire, libraries, parks etc.) are currently provided to the area of the subject site. The proposal to change the 6 acre portion of the subject site to General Commercial will not result in land use patterns that will disproportionately increase the cost/time of providing these services. Discourages the proliferation of urban sprawl.

*(IX) Fails to provide a clear separation between rural and urban uses.*

The parcel is partially located within the PUSD and a concurrent proposal requests for the entire parcel to be within the PUSD. The rural uses in the area are outside of the PUSD. These district designations separate rural areas from urban uses. Discourages the proliferation of urban sprawl.

*(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*

The application proposes a small expansion at the edge of the existing urban area, facilitating infill development of the existing undeveloped urban land. Thus, the proposal will encourage infill development of this site. Discourages the proliferation of urban sprawl.

*(XI) Fails to encourage a functional mix of uses.*

The site is in a rural area in proximity to residential suburbs and rural lands, with a mix of various uses such as residential, agricultural and limited commercial. The proposal would expand an existing commercial land use in the area, thus encouraging a functional mix of uses. Discourages the proliferation of urban sprawl.

*(XII) Results in poor accessibility among linked or related land uses.*

No, this site does not result in poor accessibility among related land uses. The parcel is located near a major arterial (SW Kanner Hwy.) in an area with other urban land uses. The proposed land use changes will not change the accessibility among existing land uses. Discourages the proliferation of urban sprawl.

*(XIII) Results in the loss of significant amounts of functional open space.*

The proposed future land use, General Commercial, requires 20 percent of the gross land area to be set aside as open space. The proposed future land use designation will not result in a loss of public open space. Discourages the proliferation of urban sprawl.

The site complies with 13 out of 13 sprawl criteria that discourages urban sprawl.

### **2.2.1. Proliferation of Urban Sprawl**

In order for the application to be determined to discourage the proliferation of urban sprawl, the amendment must incorporate development patterns or urban forms that achieve four or more of the following:

*(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.*

The proposal locates economic growth and associated land development adjacent to existing General Commercial land at the edge of the existing PUSD. The proposed change may facilitate more flexibility in the design of a site and avoid wetland impacts. Discourages the proliferation of urban sprawl.

*(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.*

Water and sewer service is already available to the subject site. The proposed amendment would utilize already existing public infrastructure and services such as the major arterial road, SW Kanner Hwy. Discourages the proliferation of urban sprawl.

*(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.*

The proposed amendment can help to meet the commercial needs of the area. This proposal could bring commercial services that can be accessed within a walking distance from the residential communities of the area. This amendment is not residential and may have a limited influence the range of housing choices in the area. Discourages the proliferation of urban sprawl.

*(IV) Promotes conservation of water and energy.*

The proposed land use designation will be used for commercial services. In that sense it promotes the conservation of energy because it locates intense uses such as commercial usage in properties that have access to centralized water and sanitary sewer service. Discourages the proliferation of urban sprawl.

*(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.*

The proposed amendment would change a portion of the subject parcel from Agricultural to General Commercial. However, the proposed amendment only affects a 6 acre portion of a 16.72 acre parcel. That portion of the site with the Agricultural future land use designation is not used for agricultural production and does not have an agricultural tax classification. It will not result in the damage of nearby agricultural areas or soils and does not infringe on such activities. Additionally, the concurrent text amendment proposes to include the entire parcel within the PUSD. Thus, it creates a clear separation from commercial and agricultural. Discourages the proliferation of urban sprawl.



*(VI) Preserves open space and natural lands and provides for public open space and recreation needs.*

The site is not public open space and the proposed land use change alone will not affect public open space. Additionally, the proposed future land use designation requires 20 percent of the land to be kept as open space. Discourages the proliferation of urban sprawl.

*(VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.*

Yes, the proposed amendment will create a balance of land uses by bringing commercial land use to an area that has a high concentration of residential units and rural/urban uses. The proposed amendment will satisfy the nonresidential needs of the area by allowing the subject site to be used for commercial services. If developed, the site will not negatively impact the balance of land uses in the area. Discourages the proliferation of urban sprawl.

*(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.*

Though the proposed future land use designation does not provide for transit-oriented development or new towns as defined in s. 163.3164, there is a need to remediate the existing pattern in the vicinity that constitutes sprawl. This area is heavily auto-mobile dependent, where driving is required for basic commercial services. This proposed amendment will bring in commercial land use to the area, thus promoting a mix of land uses. Discourages the proliferation of urban sprawl.

Eight out of eight of the criteria have been met to determine the application discourages urban sprawl.

### **2.3 Land Use Compatibility**

The lands north of the subject site are mostly Residential Estate Density (2 upa) and a parcel that is Limited Commercial. The parcels to the north are private, single family homes on large parcels, some vacant parcels and also Florida Golf Club Residential Development, all designated as Residential Estate Density. The parcel designated as Limited Commercial contains a self-storage warehouse. The land use designations of these parcels to the north of the subject site are compatible to the proposed amendment.

The existing area on the east and south side is designated as Agricultural. It is located outside of the Urban Service District. The existing General Commercial future land use is adjacent to the Agricultural future land use on the east and south. If the proposed change is made, the General Commercial future land use will still be adjacent to the Agricultural future land use on the east and the south.

The Martin County Property Appraiser classifies the land to the south as "Vacant Acreage." The land to the east has an agricultural tax classification. This will be compatible with the proposal to change the entire subject site to General Commercial designation.

The properties to the west of the subject site are designated General Commercial, Limited Commercial and Residential Estate Density (2 upa). The commercial areas contain a Sunoco Gas Station with a 7-Eleven convenient store. Also, a single family transitional area with a dwelling.

The neighboring parcels along with their land uses will not be negatively impacted by the proposed land use change. The land use change has the potential to bring commercial usage to the subject site.

## **2.4 Consistency with the Comprehensive Growth Management Plan**

Below is an excerpt from the CGMP describing commercial development and specifically the future land use designation of General Commercial, extracted from Policy 4.13A.8.(3), CGMP, Martin County, Fla. (2019).

- (3) *General Commercial development.* The General Commercial areas are designated on the Future Land Use Map to accommodate general retail sales and services; highway-oriented sales and services; commercial amusement; and trade and warehousing facilities. These areas are principally located in highly accessible parts of the urban service district that are compatible with the unique location and market requirements of these uses. The sites are located on major or minor arterials and require a minimum net lot size of 10,000 square feet. The FAR shall be governed by the parking standards of the Land Development Regulations. Maximum densities for hotel/motel units located in a General Commercial future land use designation shall be 20 units per gross acre. Maximum building coverage shall be 60 percent. Minimum open space shall be 20 percent. Maximum building height shall be 40 feet.

The Land Development Regulations implementing the General Commercial future land use designation shall be consistent with the development standards described above. This area is not intended to accommodate businesses, trades or services that generate significant nuisance impacts, including glare, smoke or other air pollutants; noise; vibration; major fire hazards; need for extensive outside storage and display; or other impacts associated with more intensive industrial uses. Automotive sales and services shall be located in the General Commercial land use classification on sites appropriately designated for highway-oriented commercial uses in the Land Development Regulations.

The areas designated for General Commercial development are specifically not adapted to permanent residential housing, and such uses shall be located in other areas designated for residential development. On the other hand, transient residential facilities including hotels and motels, timesharing or fractional fee residential complexes, or other transient quarters should be located in areas designated for commercial use. Areas planned for mixed-use developments as allowed under Goal 4.3 are considered compatible for mixed use.

The General Commercial site should generally be removed from single-family residential development and able to be buffered and screened consistent with the Land Development Regulations requiring appropriate landscaping and screening. Screening shall include vegetative berms (where feasible), plant material and/or aesthetic decorative fences or walls to assure compatibility with less intensive uses existing or anticipated on adjacent sites.

Residential use shall be allowed in the General Commercial future land use designation as part of a mixed-use project as allowed under Goal 4.3 in any of the seven CRAs designated in Policy 4.2B.4. Residential densities shall be provided for under Goal 4.3.



Prior to approval of a development plan, all applicants for development in the area designated General Commercial shall provide assurances that regional water distribution and wastewater collection utilities shall be provided by a regional public utility system.

**Staff Analysis:**

Out of the total 16.72 acres, 10.72 acres of the site (western portion) is already designated as General Commercial. The site is located adjacent to a major arterial road, SW Kanner Hwy., and meets the standards mentioned in Policy 4.13A.8.(3), CGMP, Martin County, Fla. (2019), mentioned above. Currently, the western portion (Commercial) of the site is within the PUSD. The eastern portion of the site, currently designated Agricultural, is located outside of the PUSD. However, a concurrent text amendment proposes an extension so that the entire subject parcel will be within the PUSD and would allow the proposed General Commercial designation to be located appropriately within the PUSD.

**Conversion of Land**

Since the 6 acre portion of the 16.72 acre subject property is currently designated as Agricultural, the standards mentioned in Policy 4.13A.1.(2) must be considered in order to determine whether the proposed change is appropriate.

The following is an excerpt from Policy 4.13A.1.(2), CGMP, Martin County, Fla. (2019),

*(2) Conversion of land designated Agricultural on the FLUM. Agriculturally designated land may be redesignated only by an amendment to the FLUM. The intent of this section aims to permit such an amendment upon a finding by the Board of County Commissioners that the applicant has demonstrated:*

*(a) The proposed development shall not adversely impact the hydrology of the area or the productive capacity of adjacent farmlands not included in the amendment application in any other manner;*

*(b) The proposed land conversion is a logical and timely extension of a more intense land use designation in a nearby area, considering existing and anticipated land use development patterns; consistency with the goals and objectives of the CGMP; and availability of supportive services, including improved roads, recreation amenities, adequate school capacity, satisfactory allocations of water and wastewater facilities, and other needed supportive facilities. Such findings shall be based on soil potential analysis and agricultural site assessment.*

**Staff Analysis:**

The properties east and south of the subject property are designated with a future land use designation of Agricultural. However, the proposed FLUM change from Agricultural to General Commercial would only take place on 6 acres. The other 10.72 acres of the site is already designated as General Commercial. The six acres of the larger 16.72 acres presents a small area for farming especially after subtracting wetlands and the necessary wetland buffer. Also, the six-acre area is insufficient for permitting a residential unit. The Agricultural future land use designation requires a minimum 20 acres for each residential unit. This could be considered as a mitigating factor when considering the condition expressed in (a).

Regarding (b), the proposed conversion from Agricultural land to General Commercial is a logical and timely extension of the 9.15 acres in the larger 16.72 acres that is already within the PUSD. This considers the existing and anticipated urban future land use to the north and the west of the subject site. The 9.15 acres of the subject site and the lands to the north and west are served by improved roads, recreation amenities, satisfactory allocations of water and wastewater facilities, and other needed supportive facilities. The applicant has provided a Soils Map. The soil types and descriptions found by staff is discussed in Section 1.6 of this staff report, where it is mentioned that the soils on site are poorly drained. Future development of the site will be required to protect any wetlands on site and thus minimize any impact on the hydrology.

Staff concludes that the Board may find that proposed amendment will not adversely impact the hydrology of the area or the productive capacity of adjacent farmlands; and that the proposed land conversion is a logical and timely extension of a more intense land use designation in a nearby area.

## 2.5. Capital Facilities Impact (i.e. Concurrency Management)

Policy 4.1B.2. of the Future Land Use Element states: “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.”

### 2.5.1. Mandatory Facilities

#### 2.5.1.1. Water/Sewer Facilities

The parcel is located in the Martin County Utilities Area. The site has adequate water and sewer lines, with a potable water line and a main sewer line, Sewer Force Main. Any proposed development will be required to submit an application for Development Review. The County will provide services subject to development plan approval, execution of a service agreement and a payment of appropriate fees and charges. Please see Figure 9.

a) Sewer Force Main, shown in green



b) Potable water, shown in blue

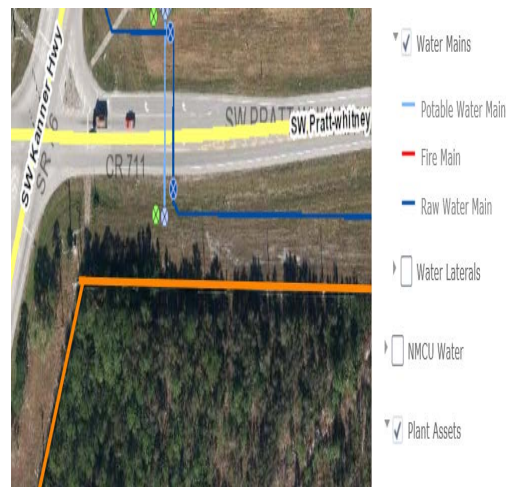


Figure 9

A memorandum (attached to this report) from Utilities Department staff indicates there is enough capacity to accommodate the proposed amendment.

#### **2.5.1.2. Drainage Facilities**

Level of Service for drainage facilities is listed below. Compliance with the following levels of service requirements must be evaluated with the submittal of a site plan. The developed site must comply with the following policies.

Policy 14.1A.2.(2) County water management systems:

Level of Service

Major Drainage Ways (over one square mile) - 8.5" in a 24-hour period (25 year/24-hour design storm)

Underground Facilities Utilizing Storm Sewers - 6" in a 24-hour period (5 year/24-hour design storm)

All Other Facilities - 7" in a 24-hour period (10-year/24-hour design storm)

Finished Floor Elevation - 100-year/3-day storm

(a) Building floors shall be at or above the 100-year flood elevations, as determined from the most appropriate information, including Federal Flood Insurance Rate Maps. Both tidal flooding and the 100-year, 3-day storm event shall be considered in determining elevations. Lower floor elevations will be considered for agricultural buildings and boat storage facilities that are nonresidential and not routinely accessed by the public.

(b) All project sites shall control the timing of discharges to preclude any off-site impact for any storm event. The peak discharge rate shall not exceed the predevelopment discharge rate for the 25-year frequency, 3-day duration storm event.

The minimum roadway flood protection design storm shall be the 10-year frequency, 24-hour duration storm event unless the roadway is classified as a scenic corridor, in which case the flood protection design storm will consider maintaining the character of the roadway.

#### **2.5.1.3. Transportation**

Policy 5.2A.1, states: *"Establish a base level of service.* The LOS standard for all roadways in unincorporated Martin County is LOS D in the peak hour/peak direction. Standards for the State Highway System are guided by FDOT's latest 'LOS Policy'. The methodology for determining roadway facilities' level of service shall adhere to the methodologies identified in the latest FDOT's Q/LOS Handbook."

A memorandum (attached to this report) from Public Works Department staff indicates there is enough capacity to accommodate the proposed amendment.

#### **2.5.1.4 Solid Waste Facilities**

The proposed Future Land Use designation does not exceed the level of service (LOS) criteria for solid waste facilities. The required LOS in Martin County is 1.06 tons of capacity per weighted population. The weighted average population (the average of seasonal and full time residents) countywide in Fiscal year 2020 is 175,341 persons. In fiscal year 2020, there are 263,012 tons of available capacity or 1.50 tons per weighted person. A change from Agricultural to General Commercial will not reduce the level of service below capacity.

#### **2.5.1.5. Parks/Recreation Facilities**

Parks and recreation facilities are calculated on a countywide basis. The county has a total population in Fiscal Year 2020 of 158,400 persons. There are currently 1,013 acres of active

parkland available in the County. The 2020 Capital Improvements Plan provides the following LOS analysis for services. The proposed change will not reduce active parks and recreation level of service below capacity. The current LOS for Beach Facilities is 8.5 parking spaces per 1,000 residents. That is a deficit from the required LOS of 9 parking spaces per 1,000 residents.

	REQUIRED LOS	PROVIDED	CURRENT LOS
ACTIVE PARKLAND	3 acres per 1,000 residents	1,097 acres	7.06 acres per 1,000 residents
BEACH FACILITIES	9 parking spaces per 1,000 residents	1,439 spaces	8.5 spaces per 1,000 residents

#### **2.5.1.6. Fire/Public Safety/EMS**

The following table shows the levels of service adopted in Chapter 14, Capital Improvements. Level of Service Area: Unincorporated Martin County. The analysis is based upon a 2020 (weighted average) population in unincorporated Martin County of 153,353 persons. The proposed future land use change will not diminish the level of service below capacity.

	Travel time	Areas of Martin County	Required LOS Percent of time	Current LOS Percent of time
Advanced life support	8 minutes	Urban	90	94
Advanced life support	20 minutes	Rural	90	94
Basic life support	6 minutes	Urban	90	94
Basic life support	15 minutes	Rural	90	94
Fire response	6 minutes	Urban	90	94
Fire response	15 minutes	Rural	90	94

#### **2.5.1.7. Schools**

Not applicable. The proposed change will not bring in residential units to the area.

### **2.5.2. Non-Mandatory Facilities**

#### **2.5.2.1. Libraries**

Library level of service is calculated on a countywide basis and has a goal of 0.60 gross square feet of library space for each resident. Two volumes of reading material are also planned for each weighted resident.

The Fiscal Year 2020 LOS shows the current gross square footage of library space is 105,226, with the LOS at 0.66.

There are currently 291,789 volumes available for a weighted average population of 175,341 resulting in 1.66 volumes per weighted resident. There is currently a deficit.

### **3. FIGURES/ATTACHMENTS**

Figure 1, Location Map

Figure 2, Current FLUM of subject site

Figure 3, Current Requests Map

Figure 4, Past Changes Map

Figure 5, Past changes (not adopted) Map

Figure 6, Soil Map

Figure 7, Composite Wetlands Map



Figure 8, Wellfield Protection Zone Map

Figure 9, Utilities Map

Memo from Utilities Department

Memo from Public Works Department

MARTIN COUNTY, FLORIDA  
INTER-OFFICE MEMORANDUM

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**TO:** Maria Jose, M.S.  
Planner

**DATE:** July 31, 2019

**FROM:** Jim Christ  
Planner



**SUBJECT:** Comprehensive Plan Amendment 2019-22 Publix

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After a review of the materials received July, 2019 the Utilities and Solid Waste Department have the following comments:

**BACKGROUND:**

Description: The parcel is on the SE corner of Pratt Whitney Rd. and Kanner Highway, a proposal to change the future land use of a property from Agricultural to General Commercial. The entire site is 16.72 acres. Out of this, 10.72 acres is already General Commercial. The remaining 6 acres is Agricultural. The proposal is to change this 6 acre portion to General Commercial too so that the entire property can have a single designation, General Commercial.

Existing Future Land Use: Agricultural and General Commercial

Proposed Future Land Use: General Commercial

Existing Development: Undeveloped.

Utilities: Water and wastewater services for the project will be provided by Martin County Utilities.

Project Coordinator: Maria Jose Planner

**Future Potential Development:**

Projected Utilities for the Existing Future Land Use:

There is a potential for approximately 466,963 sq. ft. commercial building 16.72 acres of Agricultural and General Commercial Land Use designation.

Projected Utilities for the Proposed Future Land Use:

There is a potential for approximately 623,779 sq. ft. commercial building on the 16.72 acres of General Commercial Land Use designation. Adequate treatment

plant capacity currently exists to service the proposed Comprehensive Plan Amendment.

## **COMMENTS:**

### **Utilities Comments:**

Potable Water Service is to be provided by the Consolidated Utility Water System Treatment Plants. The Service provider is Martin County. Adequate treatment plant capacity currently exists to service the proposed development. [ref. Code, LDR, s.5.32.D.3.a.(1) and (2) Code, LDR, Art.5, Div.2]

Determination of available capacity:	
Permitted Capacity	18.800 MGD
Maximum Day Flow (Past 12 months)	-12.504 MGD
Projects With Service Agreements	<u>-.437MGD</u>
Available Capacity	5.859 MGD

Sanitary sewer service is to be provided by the Martin County North Wastewater Treatment Plant. The service provider is Martin County. [ref. Code, LDR, s.5.32.D.3.b.(1) and (2) Code, LDR, Art.5, Div.2].

Determination of available capacity:	
Permitted Capacity	2.760 MGD
Maximum Month Average Daily Flow	-1.404MGD
Projects With Service Agreements	<u>-0.139MGD</u>
Available Capacity	1.217 MGD

Sanitary sewer Treatment Plant Capacity is in place to service the proposed development. Sanitary sewer service capacity must be reserved through the execution of a Water and Wastewater Service Agreement with Martin County and the payment of applicable fees. This project is in compliance with the Martin County Code [ref. Code, LDR, s.5.32.D.1, 2.(a)(b) and (c), 3.b.(1) and (2) Code, LDR, Art.5, Div.2].

Wastewater lines of adequate capacity to service the subject development site are in place. This project is in compliance with the Martin County Code [ref. Code, LDR, s.5.32.D.3.b.(3) and (4) Code, LDR, Art.5, Div.2].

### **Wellfield/Groundwater Protection Comments:**

If groundwater or surface water withdrawals are proposed for irrigation, the applicant will be required to submit a South Florida Water Use Permit and may be required to submit groundwater computer model.

JC/jc

# MARTIN COUNTY, FLORIDA

## INTER-OFFICE MEMORANDUM

[www.martin.fl.us](http://www.martin.fl.us)

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**TO:** Maria Jose, MS  
Planner

**DATE:** October 14, 2019

**FROM:** Lisa A. Wichser, P.E., CFM  
County Engineer

**SUBJECT:** Comprehensive Management Plan  
Proposed Amendment 19-22: Publix on SW Kanner Hwy. & SW Pratt Whitney Rd

Traffic Engineering staff has received the Traffic Analysis prepared by O'Rourke Engineering and Planning, dated July 2019 in support of the proposed amendment to the Future Land Use Map designation on approximately 6 acres of one parcel from Agricultural to create 16.71 acres of General Commercial located on the southeast corner of SR-76 (SW Kanner Highway) and CR-711 (SW Pratt Whitney Road).

O'Rourke Engineering and Planning demonstrated that the proposed Future Land Use Map designation would result in a net increase of 170 peak hour trips. Staff finds that CR-711 (SW Pratt Whitney Road) is the recipient of a majority of the generated trips and has the available capacity to absorb the additional trips.

For the purpose of this proposed amendment, staff can provide a "positive evaluation", meaning there is sufficient roadway capacity planned in the adopted long-range capital facility plans of the Comprehensive Growth Management Plan [Martin County, Fla., CGMP Policy 14.1C.5.(2)(e) (2013)]. However, this evaluation shall not be used by the applicant, or their successors in title, in any way whatsoever as committing the County legally through the theory of equitable estoppel or any other legal theory, to approve any final development order for the project without a determination and reservation of roadway adequate capacity [Martin County, Fla., CGMP Policy 14.1C.5.(2)(c) (2013)].

Staff will reevaluate the traffic impacts prior to the issuance of any development order associated with the property.

LL/LAW:ll