

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

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**REQUEST NUMBER:** CPA 19-21 Publix Supermarket Text

Report Issuance Date: December 31, 2019

**APPLICANT:** Publix Supermarket, Inc

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

<b><u>PUBLIC HEARINGS</u></b>	<b><u>Date</u></b>	<b><u>Action</u></b>
Local Planning Agency:	2/6/2020	LPA voted 4-0 recommending approval
Board of County Commission Transmittal:	3/3/2020	BCC voted 4-1 approving transmittal
Board of County Commission Adoption:	5/5/2020	

**APPLICANT REQUEST:** The proposed text amendment is to Martin County's Comprehensive Growth Management Plan (CGMP), Figure 4-2, Urban Service Districts, and 11-1, Areas Currently Served by Regional Utilities. Both Figures currently include 9.15 acres of the subject property and the proposed amendments would cover the entire 16.72-acre subject property. The applicant also proposes an amendment to Policy 4.1B.2. to establish sub-area development restrictions for the entire subject property.

A concurrent separate application would change a portion of the parcel from Agricultural to General Commercial on the Future Land Use Map and rezone the entire parcel from R3-A and A-1 to GC.

## **STAFF RECOMMENDATION:**

Staff recommends approval of the text amendments, for the reasons identified in this staff report.

## **EXECUTIVE SUMMARY:**

The application is for a text amendment to Figure 4-2 and 11-1 of the CGMP, extending the PUSD line approximately 599 feet east in order to cover the entire 16.72-acre subject property, which is located at the southeast corner of SW Kanner Hwy. and Pratt Whitney Road. Figure 4-2 Urban Service Districts, and Figure 11-1, Areas Currently Served by Regional Utilities, currently include 9.15 acres of the 16.72-acre site. The proposed text amendments to Figure 4-2 and 11-1 will include 7.57 additional acres.

Additionally, a text amendment to Chapter 4 of the CGMP is also proposed, where site-specific language is added to Policy 4.1B.2., establishing sub-area development restrictions for the subject property, limiting the maximum intensity to 63,810 sq. ft. of non-residential use. The text amendment to Policy 4.1B.2. will be applicable to the entire 16.72-acre site.

**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.:**

*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:

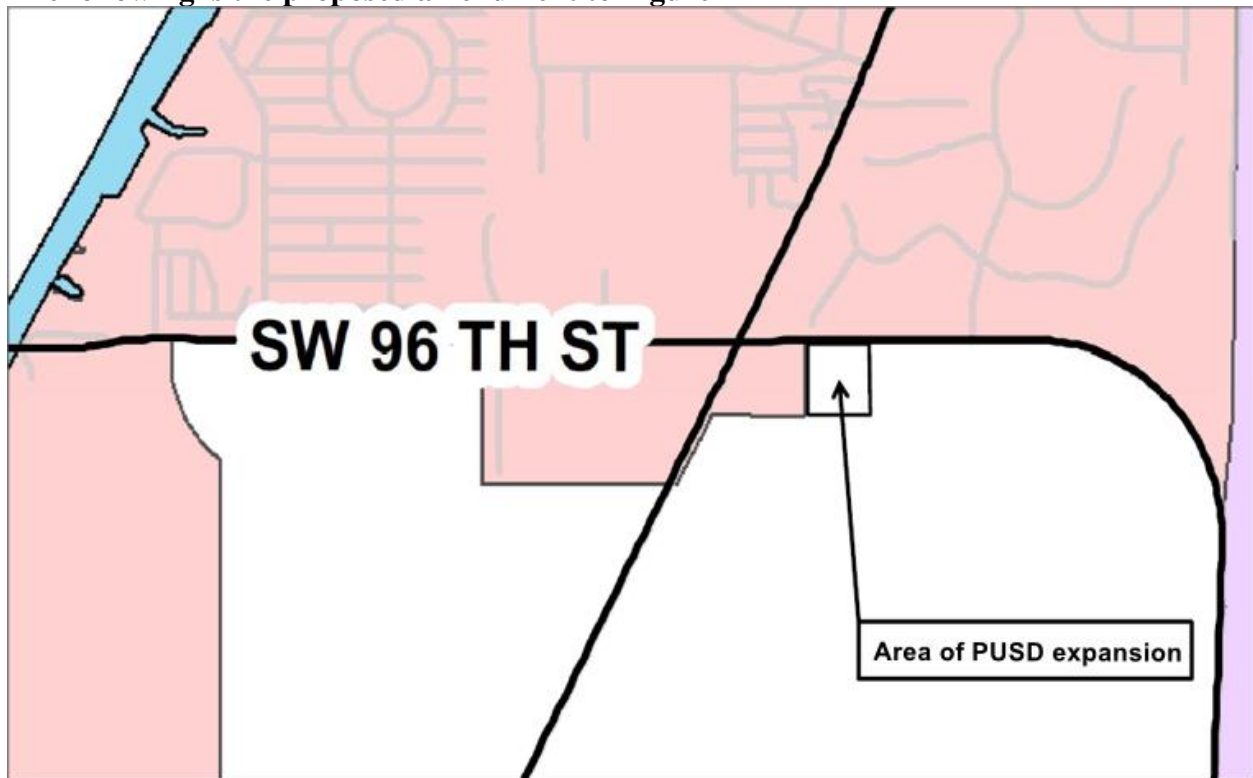
- (1) The tract of real property described in the Warranty Deed recorded at OR Book 2157, Page 2403, of the Public Records of Martin County, which is limited to 365,904 square feet of nonresidential use, consistent with the assigned future land use designation, and on which residential uses shall not 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.

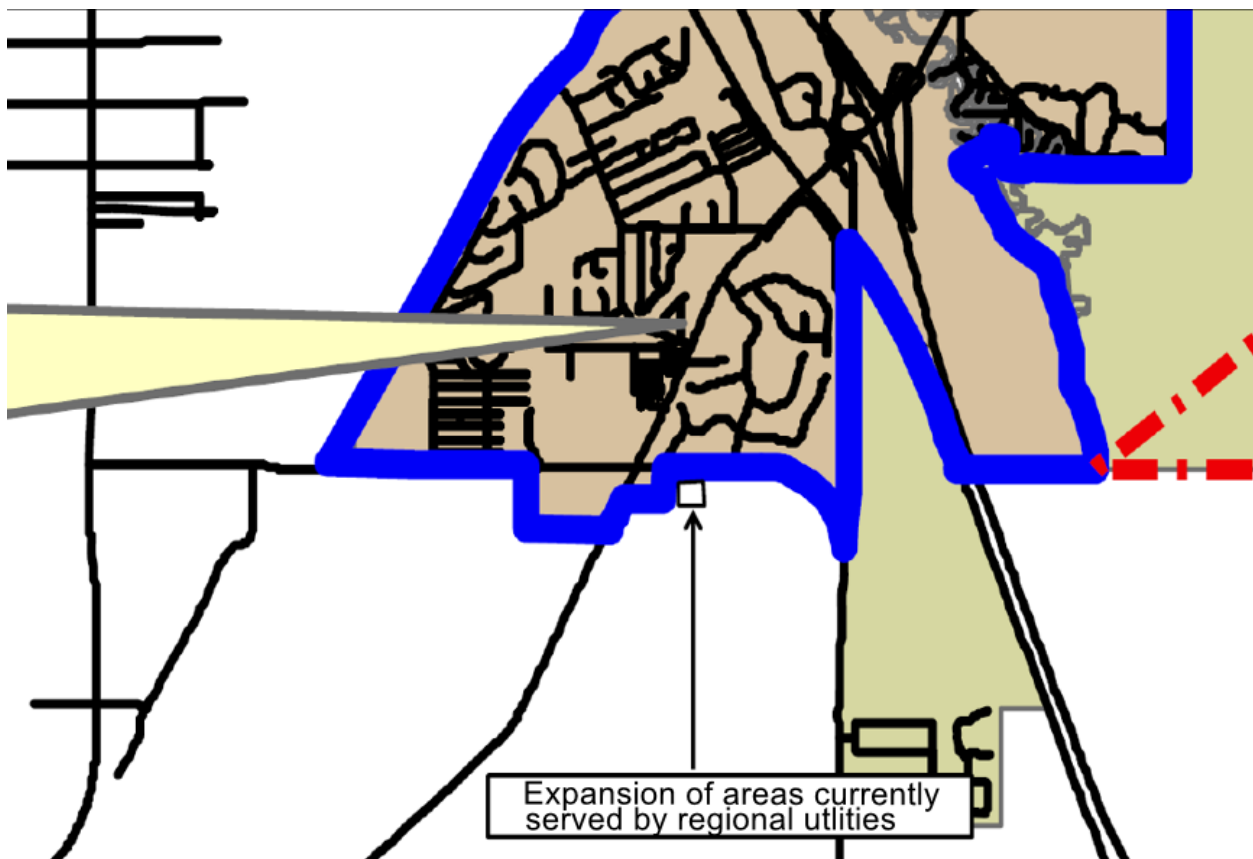
Staff note: subsection (4) was recently adopted by Ordinance 1118 and does not yet appear in the codified Chapter 4, published by MuniCode.

- (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.
- (5) The development of the tract of real property described in the Warranty Deed recorded in OR Book 3022, Page 766, Public Records of Martin County, Florida, shall be restricted and managed as follows:
- (a) The maximum intensity of uses on the subject property contained within a building or buildings shall not exceed 63,810 square feet.

The following is the proposed amendment to Figure 4-2



The following is the proposed amendment to Figure 11-1



## 2. ANALYSIS

The proposed text amendment is regarding the 16.72-acre subject parcel. Currently, the parcel does not have a single future land use designation. A 6 acre portion (western portion) of the 16.72 subject site is Agricultural while the rest of the parcel (eastern portion) is designated as General Commercial. The applicant states that despite the inconsistencies, the property has always been considered as one unified parcel. Please see the separate staff report on the proposed Future Land Use amendment.

The proposed text amendment contains two parts that are concurrent. One is to amend Figures 4-2 and 11-1 of the CGMP so that the entire subject parcel can be included in the PUSD, and served by regional utilities. The other is to add new language to CGMP, Policy 4.1B.2. that limits development within the subject parcel. More detailed analysis follows.

### A) Proposal for amending Figures 4-2 and 11-1 of the CGMP

The Future Land Use Maps were previously drawn at a scale of 1 inch equals 1000 feet and the maps did not always follow parcel boundaries. These facts may explain why the General Commercial future land use designation does not match the ownership of the parcel.

Additionally, the Primary Urban Service District (PUSD) and Secondary Urban Service District (SUSD) were depicted on a single page in the Comprehensive Plan. That drawing was not drawn to any scale. Prior to the use of digital maps, the future land use designations permitted in the Primary or the Secondary Urban Service Districts (as shown on the Future Land Use Map) were used to more accurately locate the boundary of the Primary and Secondary Urban Service Districts. The line between the General Commercial and the Agricultural future land use designations would have been used as the boundary for the PUSD. Please see Figure 4-5 attached to this staff report for a historic representation of the PUSD and SUSD. The proposed amendments to the FLUM and the PUSD present an opportunity to make the hatching of the PUSD match the boundary of the General Commercial future land use. Likewise, it allows Figure 11-1 to match the other drawings.

The applicant proposes to amend Figures 4-2 and 11-1, so that the entire 16.72-acre subject property will be within the PUSD. Currently, a majority of the property (10.72 acres) has a land use designation of General Commercial and could be referred to as the "Commercial Portion". A majority of this Commercial Portion is located within the PUSD. However, the applicant has pointed out that approximately 1.57 acres of the Commercial Portion is located outside of the PUSD, see Figure 1. The remaining portion of the subject property, located to the east of the Commercial Portion, has a land use designation of Agricultural and could be referred to as the "Agricultural Portion". This Agricultural Portion is currently located outside of the PUSD. See Figure 1 and Figure 2 below.



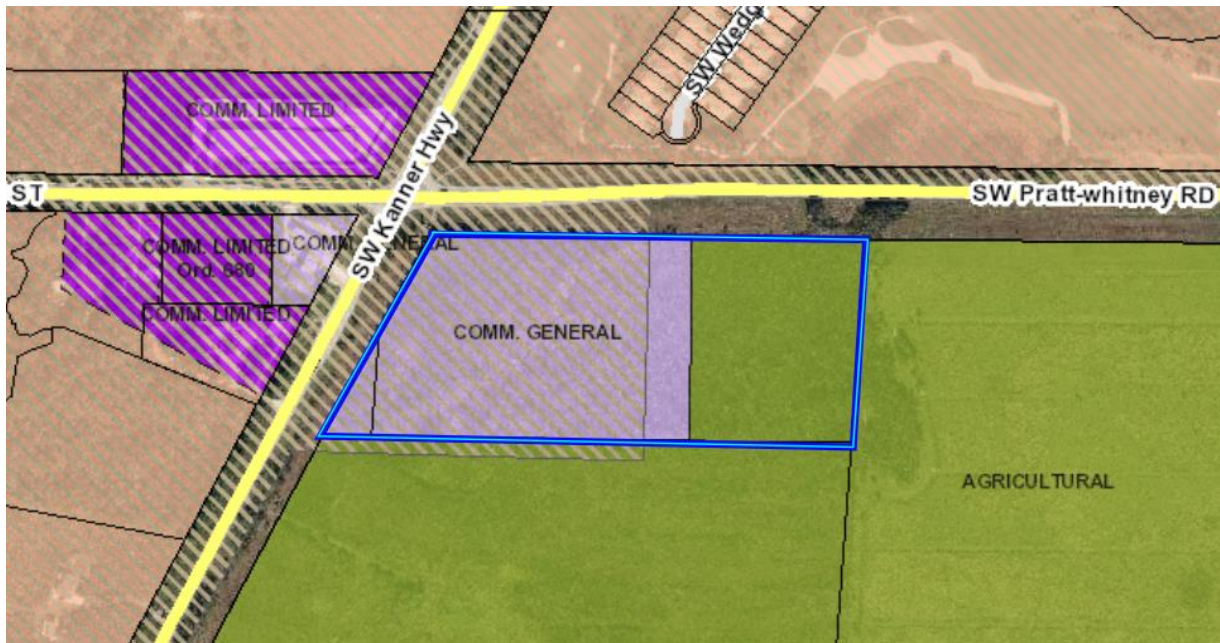


Figure 1, which shows that a portion of the subject parcel (highlighted in blue) is outside the PUSD (shown in yellow hatching), including some land that is designated as General Commercial.

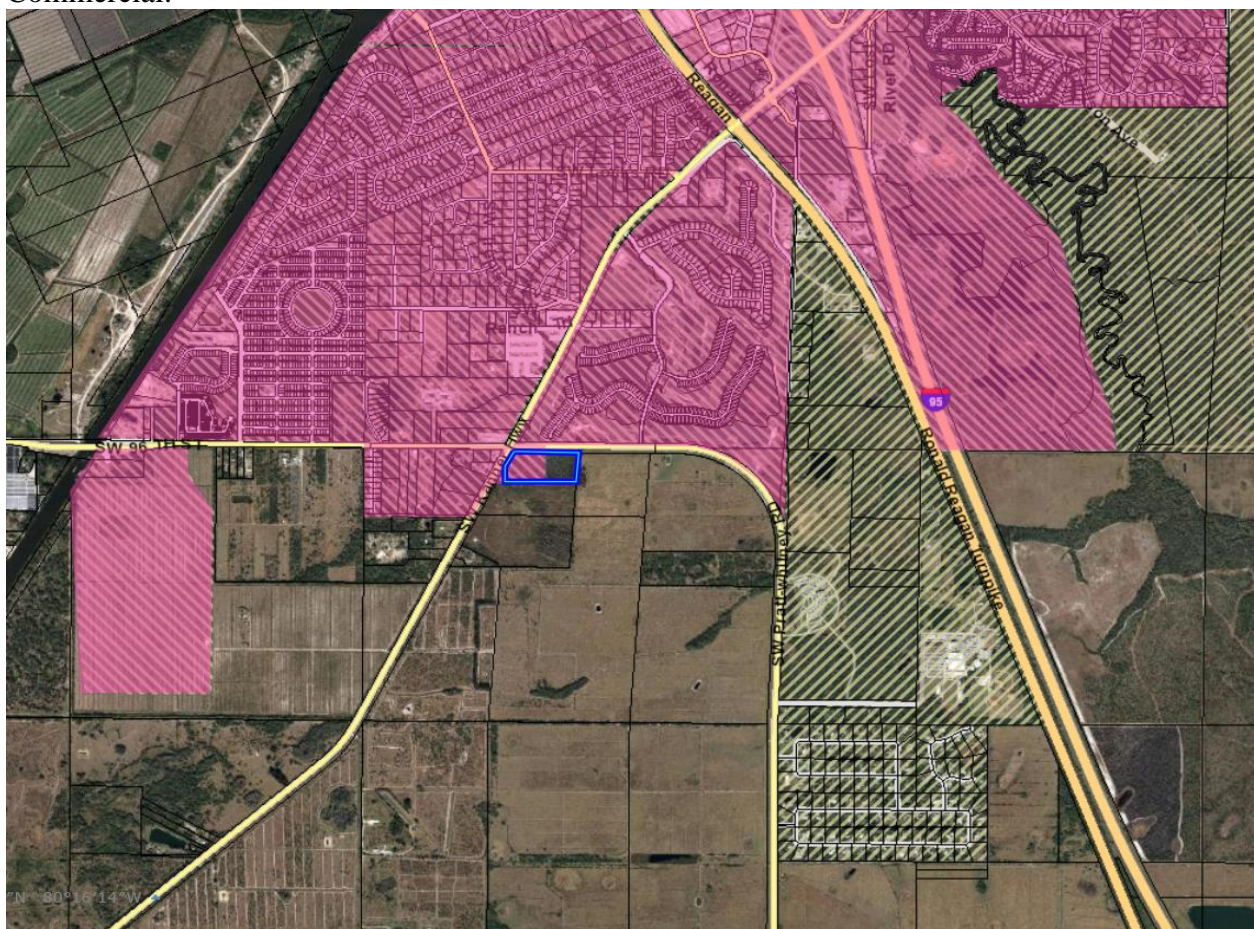


Figure 2, which shows the Primary Urban Service District highlighted in pink and the subject site highlighted in blue. The beige hatching depicts the Secondary Urban Service District (SUSD).

The applicant proposes to extend the Primary Urban Service District approximately 599 feet east to cover the entire 16.72-acre subject property. The concurrent application that proposes to change the Agricultural Portion to General Commercial will result in the ability of the property to be used for commercial development. The following is an excerpt from Objective 4.7A, Comprehensive Growth Management Plan, Martin County, Fla. (2019).

*Objective 4.7A. To concentrate higher densities and intensities of development in strategically located Primary Urban Service Districts, including commercial, industrial and residential development exceeding a density of two units per acre, where all public facilities are available or are programmed to be available at the base levels of service adopted in the Capital Improvements Element.*

Commercial land use designations belong in the PUSD, not outside of it. Therefore, it is necessary to pair the proposed FLUM change (Agricultural to General Commercial) with a proposal to extend the PUSD so that both will be consistent.

The request to extend the PUSD 599 feet east covers only a total of 7.57 acres, which is not a significant amount of land. The result of this proposal would be the subject parcel having a unified and consistent status rather than two separate ones, where the western portion is within the PUSD and the eastern portion is outside of the PUSD.

Another factor to consider is how the proposal could ultimately benefit the vicinity of the subject parcel and its residents. There is an existing concentration of residential development inside the PUSD and SUSD that may be served by commercial development of this parcel. For example, there are single family units and residential communities located nearby the subject parcel such as Florida Club, Saint Lucie Falls (both located within the PUSD) and Foxwood (located within the SUSD). Additionally, South Fork High School is located near the subject site and the pass by traffic generated by the school can have access to the services from the possible commercial development on the subject parcel.

B) Proposal to add language to Policy 4.1B.2. that limits development to the subject parcel

The following site-specific text change to Policy 4.1B.2. has been proposed by the applicant to limit the subject parcel's development. The new language is site-specific and establishes sub-area development restrictions for the subject property, limiting its maximum intensity to 63,810 sq. ft. of non-residential use. Please see the proposed new language below, marked as underlined.

*Policy 4.1B.2. Analysis of availability of public facilities.*

(5) The development of the tract of real property described in the Warranty Deed recorded in OR Book 3022, Page 766, Public Records of Martin County, Florida, shall be restricted and managed as follows:

(a) The maximum intensity of uses on the subject property contained within a building or buildings shall not exceed 63,810 square feet.

The site-specific proposed text is only limiting the square footage. It is not limiting the types of uses and thus it is not limiting the intensity. However, by limiting the building to not exceed 63,810 square feet, the applicant is limiting the impact of any commercial development. The maximum building coverage permitted by the General Commercial future land use is 60 percent.

The subject site is 16.72 acres so 60 percent of that will be  $16.72 \times .60 = 10.032$  acres or 436,993 square feet of building coverage. Even though the subject site can have a maximum building coverage of 436,993 square feet, the applicant chooses to limit themselves to 63,810 square feet, which is a substantial reduction in the potential building

### 3. CONSISTENCY WITH THE CGMP

*Policy 4.7A.7. Allowed alterations to the Primary Urban Service District boundary.* The Primary Urban Service District boundaries delineated on Figure 4-2 (Urban Services District Boundary Map) are intended to separate urban from nonurban areas. The land uses and intensity of development permitted in the Primary Urban Service District and development in the district must have all public facilities and services at adopted LOS standards. Therefore, during consideration of any expansion, creation or contraction of these boundaries through the plan amendment process, the Board of County Commissioners must find that the requested alteration to the Primary Urban Service District boundary will:

- (1) Not create any internal inconsistency with other elements of the adopted CGMP;
- (2) Not result in incompatibilities with adjacent land uses;
- (3) Not adversely impact environmental, natural, historical or archaeological resources, features or systems to a degree that is inconsistent with this Plan;
- (4) Be consistent with Goal 4.9 relating to appropriate residential land use capacities;
- (5) Demonstrate that reasonable capacity does not exist on suitable land in the existing Primary Urban Service District for the 15-year planning period. For the purpose of this subsection, "reasonable" means available for development from the standpoint of environmental concerns, efficient use and expansion of public facilities and services, or availability of development sites in relationship to the projected needs of the population;
- (6) Demonstrate that the land affected is suitable for urban uses; at a minimum, unsuitable uses include environmentally sensitive areas (to the degree they are protected by this Plan), prime agricultural areas, prime groundwater recharge areas and critical habitat for endangered or threatened species. This criterion is not intended to preclude development of surrounding lands provided that the unsuitable areas are fully protected;
- (7) Demonstrate that the full range of urban public facilities and services can be economically and efficiently supplied at the adopted LOS standards; and
- (8) Be consistent with the adopted Capital Improvements Element.

#### Staff Analysis of Compliance with Policy 4.7A.7

- 1) Not create any internal inconsistency with other elements of the adopted CGMP

The proposed extension of the PUSD does not create internal inconsistencies within other elements of the CGMP. In fact, the proposal is consistent with the policies and objectives in the CGMP. E.g., it is stated that high intensity uses such as commercial uses must be concentrated within the



PUSD, pursuant to Objective 4.7A, Comprehensive Growth Management Plan, Martin County, Fla. (2019).

*Objective 4.7A. To concentrate higher densities and intensities of development in strategically located Primary Urban Service Districts, including commercial, industrial and residential development exceeding a density of two units per acre, where all public facilities are available or are programmed to be available at the base levels of service adopted in the Capital Improvements Element.*

Additionally, the following is another excerpt, pursuant to Policy 4.7A.2, Comprehensive Growth Management Plan, Martin County, Fla. (2019).

*Policy 4.7A.2. Development in Primary Urban Service District. Martin County shall require new residential development with lots of one-half acre or smaller, commercial uses and industrial uses to locate in the Primary Urban Service District. This requirement is to ensure consistency with the County's growth management policies and Capital Improvements Element and to assure that the Plan's LOS standards will be provided and maintained cost-efficiently.*

According to the CGMP, commercial uses should be located in the PUSD to ensure consistency with the CGMP. The proposed extension of the PUSD is concurrent to the FLUM amendment proposal to change the subject property to General Commercial. Since General Commercial is a future land use designation that allows the property to be used for commercial uses, the proposed PUSD extension is consistent with CGMP policies. Criterion met.

2) Not result in incompatibilities with adjacent land uses

The proposal will extend the PUSD enough to cover the subject property only. There will be no difference in the compatibility. There is already General Commercial land in the PUSD adjacent to all of the same future land uses and actual uses. The proposed expansion of the PUSD will not change the compatibilities with adjacent land uses. Criterion met.

(3) Not adversely impact environmental, natural, historical or archaeological resources, features or systems to a degree that is inconsistent with this Plan;

Any proposed development of the site must protect wetlands and preserve a percentage of the native upland habitat on site. The application materials do not identify any historical or archeological features. These issues must also be addressed at site plan review. Criterion met.

(4) Be consistent with Goal 4.9 relating to appropriate residential land use capacities;

Not applicable, because residential land use designations are not being requested.

5) Demonstrate that reasonable capacity does not exist on suitable land in the existing Primary Urban Service District for the 15-year planning period.

Please see the attached Commercial Industrial Land Analysis, which shows data regarding existing commercial acreage within Martin County. The 2016 analysis identifies a total of 842 acres of vacant commercial land in the 57,027-acre PUSD. The analysis on Page 6 indicates there is a 671-acre surplus of vacant commercial land (all types).

The data is categorized according to parcel size, accessibility to water/sewer, land use designation, zoning category and compatibility to land use because the future land use designation without, consistent zoning, sufficient parcel size and utility services limits the options for commercial development. The commercial acreage is divided into categories such as

“larger than 5 acres” and “Category A Zoning” and so forth. The 2016 analysis identified only 192 acres of vacant General Commercial land with a consistent zoning district and only 139 acres of vacant General Commercial land that is divided into parcels larger than five acres. Only 106 acres are identified with a General Commercial future land use designation, a consistent zoning district, water, sewer service and no concurrency issues. The concurrent proposed FLUM amendment will add 6 acres to the commercial inventory and move approximately 10.72 acres from the less suitable group of vacant parcels to the most suitable group of parcels.

Since the 2016 analysis was done, the Village of Indiantown incorporated. When the Commercial Industrial land Analysis is updated, parcels in the Village will not be included and the 671-acre surplus of vacant commercial land (all types) decreases. The most suitable acreage of General Commercial land will also decrease.

The subject site has access to water and sewer, is greater than 5 acres, and proposes Category A zoning that complies with its land use designation. Based upon the best available data, staff finds this Criterion has been met.

(6) Demonstrate that the land affected is suitable for urban uses

Yes, the land is suitable for urban uses. The 16.72 acre property is already designated as Commercial, except for the 6 acre portion of it, designated Agricultural. The concurrent FLUM change proposes to change the Agricultural portion to General Commercial so that the entire parcel can have a single future land use designation, General Commercial.

Approximately, 9.15 acres out of the 16.72 acre subject site is already within the PUSD. The existing and anticipated urban future land uses to the north and the west of the subject site are within the PUSD. 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.

A full range of public facilities and services are currently available to the subject property. Additionally, the property is located on the intersection of SW Kanner Hwy., a major arterial road, and SW Pratt Whitney Rd., which is a minor arterial road. Criterion met.

(7) Demonstrate that the full range of urban public facilities and services can be economically and efficiently supplied at the adopted LOS standards; and

Martin County Utilities has water and sewer lines across the street from the subject site and is capable of serving the existing PUSD and the proposed expansion of the PUSD. Please refer to the staff report of the concurrent FLUM amendment, CPA 19-22, where there is a generalized capacity analysis of the subject site. Also, attached to the CPA 19-22 staff report are memos from the Utility Department and the Public Works Department in which both analysis states that there is enough capacity to accommodate commercial developments on the subject site. Criterion met

(8) Be consistent with the adopted Capital Improvements Element.

The Capital Improvements Element already plans for commercial development on 10.72 acres of the 16.72 acre property. Water and sewer service is already available and the Florida Department of Transportation is currently expanding State Road 76 adjacent to this property. The 7.57 acre

expansion of the Primary Urban Service District will not require an amendment to the Capital Improvements Element. Criterion met.

### **3. CONCLUSION**

The amendments to Figure 4-2 and 11-1 will be limited to 7.57 acres of the site. The text amendment limiting building square footage will be applicable to the entire 16.72 acre property. The proposed amendments will have a small impact on the edge of the existing PUSD. Staff recommends approval.

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

Figure 1, a location map that shows the subject property and the PUSD

Figure 2, a larger map that shows the subject property, the PUSD and the SUSD

Commercial Industrial Land Analysis

Figure 4-2, Urban Service Districts

Figure 11-1, Areas currently served by Regional Utilities

Figure 4-5