

CPA 19-27, Port Salerno FLUM

Public Comment



June 18, 2020

VIA HAND-DELIVERY AND E-MAIL

Paul Schilling, Director
Martin County Growth Management Department
2401 SE Monterey Road
Stuart, FL 34996

Re: Schulz's Marina (Parcel ID #52-38-41-009-003-00020-6) – Request for Letter of Zoning Determination to Affirm Existing Use & Operation of Marina and Request to Maintain Existing Use & Operation of Marina Under the Proposed Changes to the Port Salerno CRA Future Land Use and Zoning (Our ref. #20-290)

Dear Paul:

On behalf of the property owner, Richard Schulz, I am submitting the above-referenced requests in response to a site inspection conducted on June 11, 2020 with Assistant County Administrator, Don Donaldson, Richard Schulz, his legal counsel, Bob Raynes, and his environmental permitting specialist, Danna Small.

Specifically, Mr. Schulz is requesting a letter of zoning determination confirming the existing marina use is legal and conforming, and seeking changes to the proposed County-initiated amendments to the Port Salerno Community Redevelopment Area (CRA) future land use map and land development regulations to ensure the existing use and operation of the marina will continue to be legal and conforming.

It is our understanding that the proposed CRA amendments have been advertised for a Local Planning Agency public hearing on July 2, 2020 and a County Commission public hearing on July 28, 2020.

In support of the Letter of Zoning Determination (LOZD) request, I have enclosed the application fee check of \$158.00 made payable of the Martin County Commission.

Existing Use and Operation (LOZD):

As identified on the attached 2020 aerials, the approximately one-half acre subject property is located on SE Mulford Lane within the current Port Salerno CRA Town Center and Mixed Use Overlay. As shown on the aerials and the enclosed survey, existing improvements on the property include a concrete driveway with security gates, a stabilized rock parking area and a commercial boat dock with electric and water service. The site has lush landscaping and is meticulously maintained by Mr. Schulz.

According to research conducted by Danna Small, the original dock existed on the property since 1952 and was registered as a grandfathered structure in 1986 by the Florida Department of Environmental Protection (DEP). According to DEP, the existing dock is legally existing and has all of the appropriate authorizations to operate as a commercial docking facility or "marina".

The boats moored at the marina are mostly fishing vessels owned by individuals that employ many local tradesman to operate and maintain the vessels. No liveboards are allowed and all boat owners are required to have a hurricane action plan that ensures the boats are removed well in advance of any approaching hurricane event.

According to Mr. Schulz, he has operated the marina for the past 25 years and has never had one complaint from surrounding property owners. The County property appraiser's office designates the use on the property as a commercial marina and determines the tax assessment based on the property's improvements and a commercial profit/loss statement submitted annually by Mr. Schulz.

As per enclosed Figure 3.262.4, Town Center Zoning and Mixed-Use Overlay, and the corresponding permitted use table, the existing use and operation as a marina is a permitted use. The existing stabilized rock parking area, which can support approximately 8 vehicles, meets all setbacks and buffer requirements per the existing Town Center Zoning and Mixed-Use Overlay.

County-initiated Amendments to Port Salerno CRA Land Use and Zoning:

The proposed County-initiated amendments to the existing Future Land Use and zoning on the property changes the Future Land Use on the subject property to "CRA Center" with a "General" Regulating Plan (or zoning) district, which do not permit commercial marinas (see proposed CRA Future Land Use Map and proposed Regulating Plan enclosed).

According to the proposed permitted use table (see Table PS-4 enclosed), the appropriate Future Land Use and Regulating Plan district that will maintain the existing use and operation of the marina, is "Commercial Waterfront" and "Waterfront", respectively.

Therefore, we respectfully request the County to revise the proposed amendment as needed to maintain Mr. Schulz's existing property rights.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Morris A. Crady, AICP
Senior Vice President

Encl.

Copy to: Client and Team Members (w/o encl.)
Susan Kores, Community Development Manager
Joshua Mills, Port Salerno CRA Project Manager
Don Donaldson, Assistant County Administrator

Martin County, FL



Date: 6/17/2020

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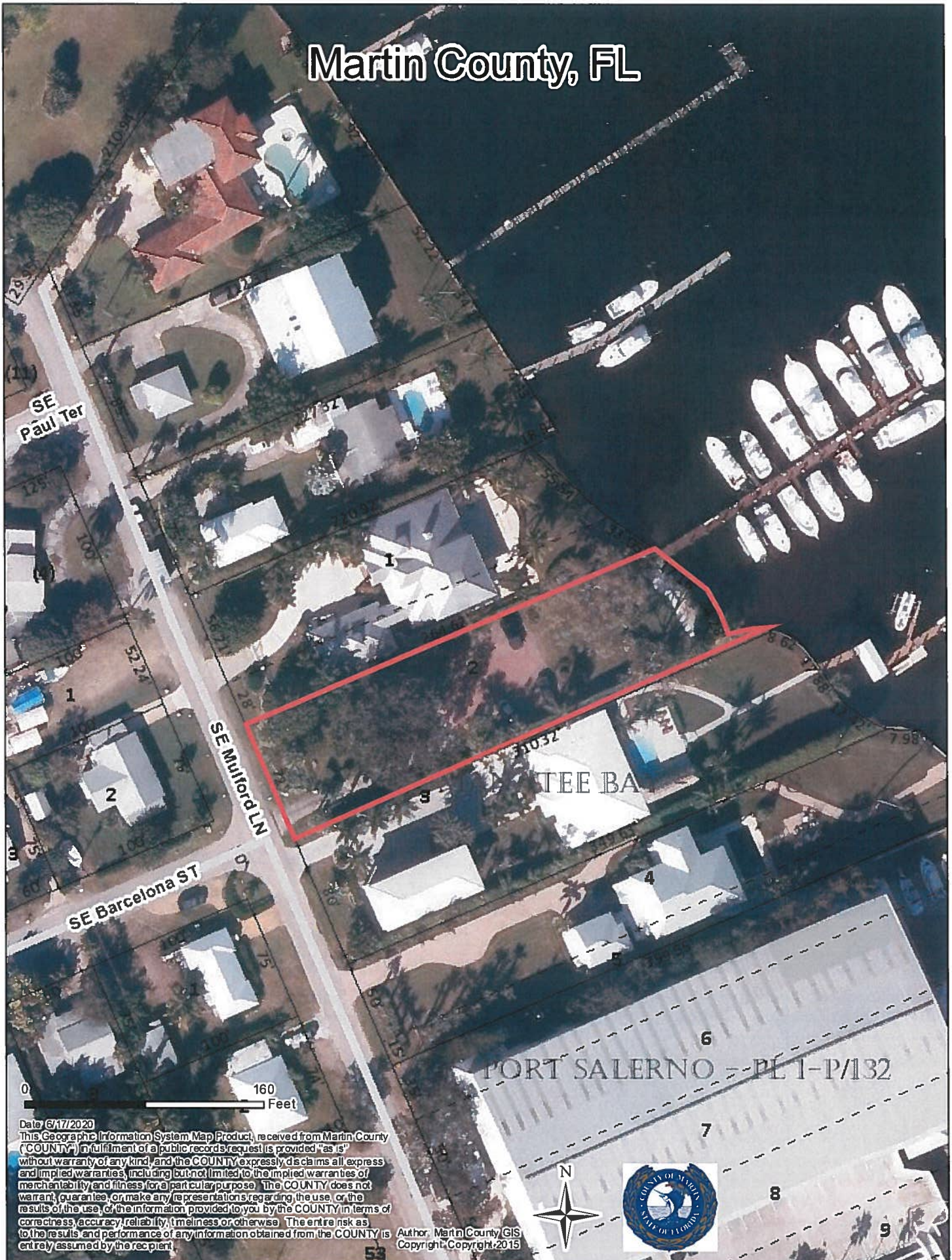
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Martin County, FL



Date: 6/17/2020

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"EXISTING"

Figure 3.262.4. Town Center Zoning Overlay and Mixed-Use Overlay

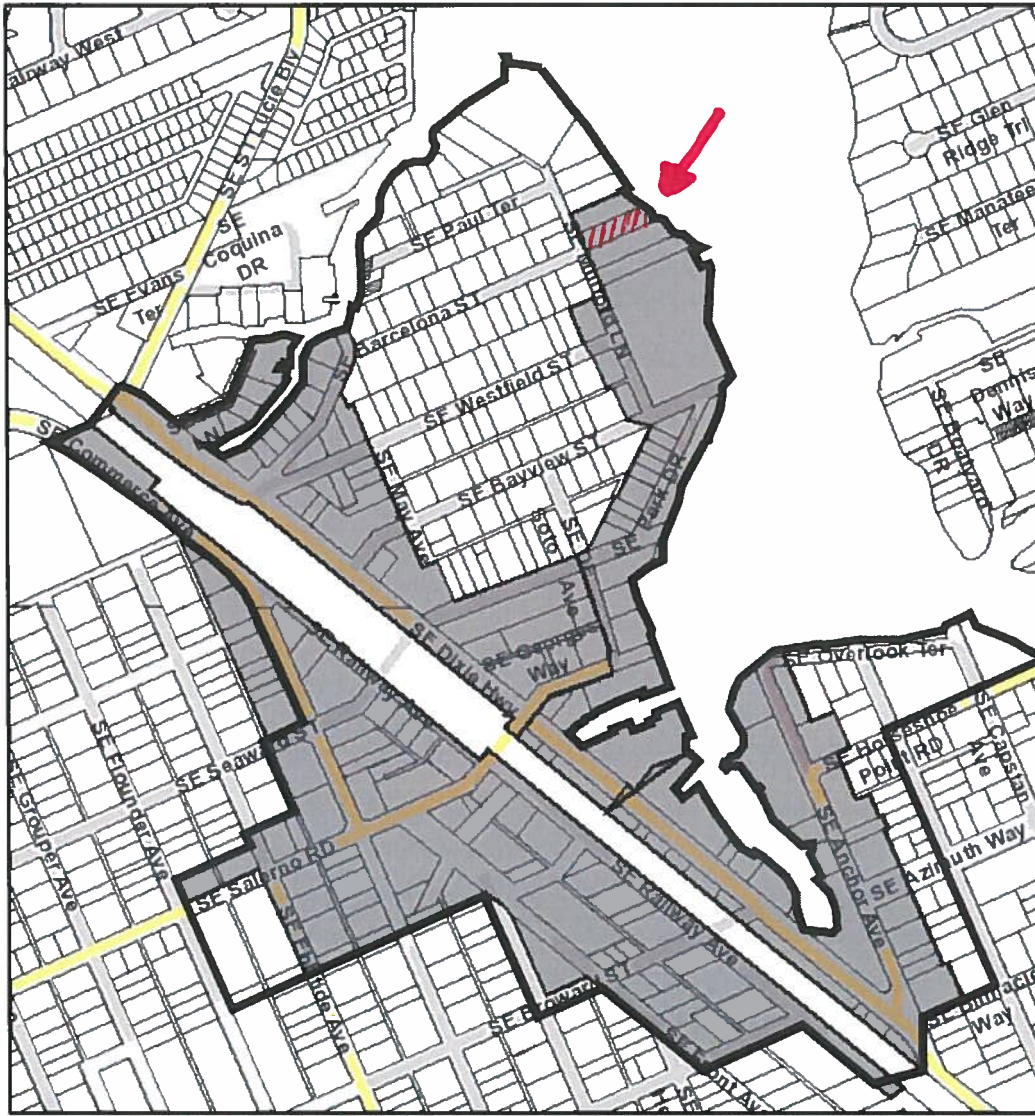


Figure 3.262.4 generally depicts Port Salerno's Town Center Zoning Overlay (black outline) and Town Center Mixed-Use Overlay (gray shading). This map is provided for the convenience of users of the LDRs. It is not legally-binding. To determine the status of any particular parcel, the official maps of Martin County should be consulted. They can be accessed on the Martin County website at <https://www.martin.fl.us/search?text=CRA%20maps>.

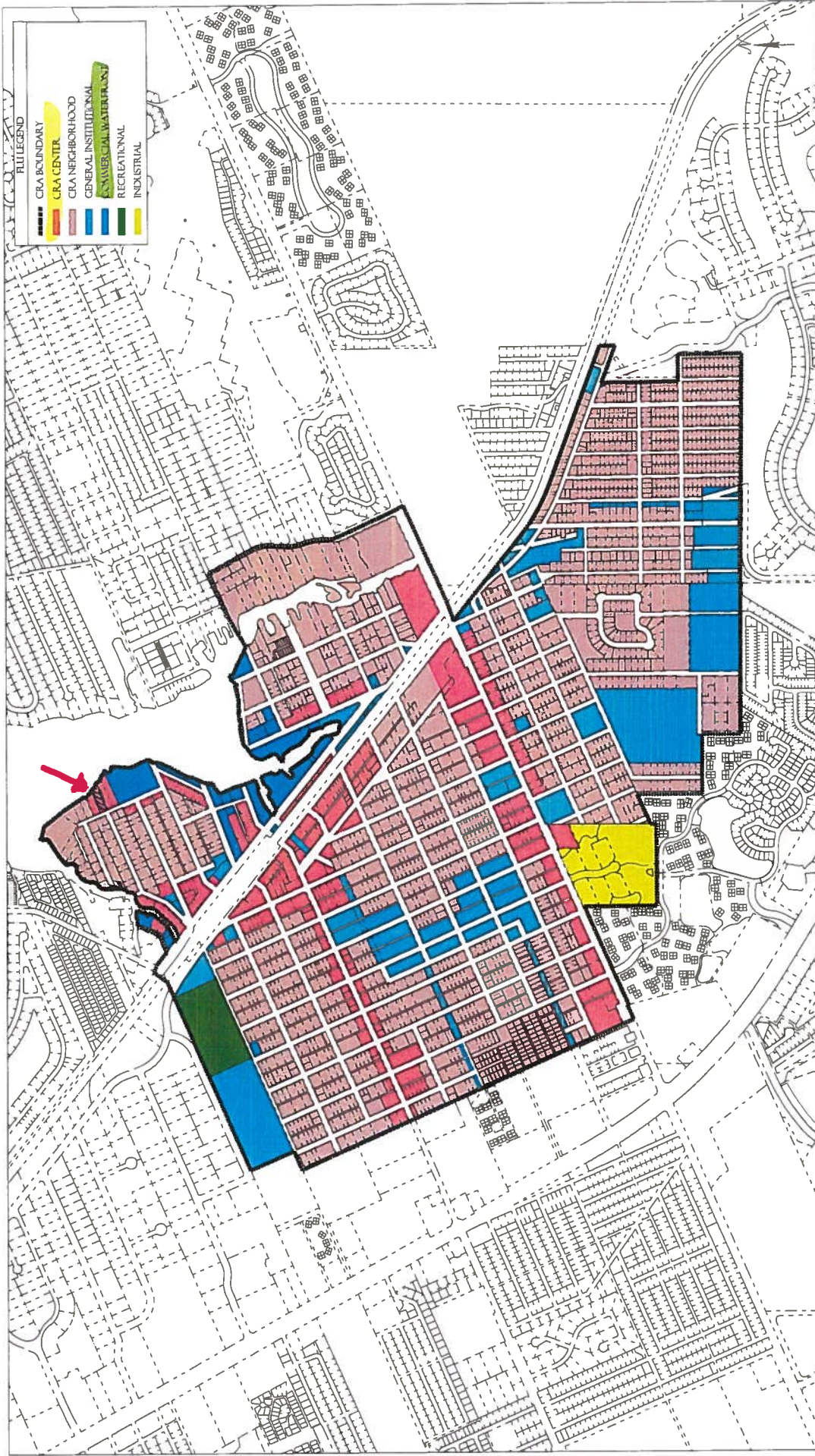
"EXISTING"

	COVE ROAD	SALERNO ROAD	TOWN CENTER
<i>Commercial and Business Uses</i>			
Amusement, Commercial ⁽¹⁾	X	X	X
Artisan, Art Studios, Galleries ⁽²⁾	X	X	X
Business and Professional Uses	X	X	X
Funeral Home	X	X	
Health and Fitness Club	X	X	X
Hotel or Motel	X		X
Kiosks ⁽³⁾	X	X	X
Medical Offices	X	X	X
Office, Business or Professional	X	X	X
Parking, Commercial ⁽⁴⁾	X	X	X
Pet Shop and Supplies ⁽²⁾	X	X	X
Restaurant, General ⁽²⁾	X	X	X
Retail Sales and Service, Limited ⁽²⁾	X	X	X
Retail Sales and Service, General ⁽²⁾	X	X	X
Service Station ⁽⁵⁾	X	X	
Theater, Indoor	X	X	X
Trade and Skilled Services ⁽²⁾	X	X	X
Veterinary Medical Services ⁽⁶⁾	X	X	X
Waterfront General Commercial ⁽⁷⁾			X
Waterfront Resort Commercial ⁽⁸⁾			X
<i>Transportation, Communication & Utilities</i>			
<i>Utilities</i> ⁽⁹⁾	X	X	X
<i>Industrial</i>			
Limited Impact Industry	X ⁽¹¹⁾		X

"EXISTING"

Notes to Table 3.262.1:

- (1) Maximum of four coin-operated amusements are allowed. Commercial Amusements must comply with section 3.59.F., LDR.
- (2) The outdoor storage of goods or materials is prohibited, unless completely screened from view from the street and adjacent property. The display of retail merchandise and street side cafes shall be allowed in the pedestrian zone provided a clear sidewalk is maintained and no visual or physical obstacle to pedestrian or vehicular movement results. Use of the public right-of-way for dining, display of retail goods or any other private use requires a right-of-way use permit.
- (3) Kiosks in the public right-of-way shall be subject to the approval of the Neighborhood Advisory Committee, a right-of-way use permit, and payment of an annual fee. The fee shall be determined by the Board of County Commissioners and deposited into the Port Salerno CRA Redevelopment Trust Fund account. Kiosks shall be subject to the Port Salerno CRA design regulations.
- (4) Parking may occur in a structure or on surface lots.
- (5) No more than four gas pumps (4 hoses) shall be allowed. Each pump may include a range of grades of gasoline or diesel fuel.
- (6) No outdoor kennels shall be allowed.
- (7) Waterfront General Commercial Permitted Uses include all Waterfront Resort Commercial Uses plus Fish Hatcheries; Fish Farms; Boat Engine Repair; Commercial Fish Processing; Limited Impact Industry; and Watercraft Manufacture.
- (8) Waterfront Resort Commercial Permitted Uses include Outdoor Performing Arts Theaters; Public or Private Boardwalks and Piers; Boat Ramps; Boat Sales, Service and Repair; Sanitary Pump-out Facilities; Wet or Dry Boat Storage; Commercial Marinas; Marine Education and Research (not including primary, secondary or high schools); Marine Fuel Sales; and other consistent uses, Minor boat maintenance such as oil changes, engine tune-ups or rigging is permitted to occur outdoors. Other outdoor boat repairs are permitted if such use constitutes the continuation of a legal use established prior to August 21, 2001 (date of adoption of section 3.262.). Waterfront Resort Commercial Permitted Uses also include hotels, motels, restaurants and retail shops and similar uses related to water-related tourism and visitation.
- (9) All utilities shall be underground.
- (10) Detached single-family dwellings are not permitted within the Town Center Mixed-Use Future Land Use Overlay.
- (11) Limited industrial use that is consistent with the approved site plan for the Port Salerno Industrial Park is permitted.



PORT SALERNO FLORIDA
 C. R. A. DISTRICT PROPOSED
 FUTURE LAND USE

DRAFT MAY 11, 2020
 100' 200' 400'
 Scale: 1" = 1000'



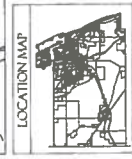
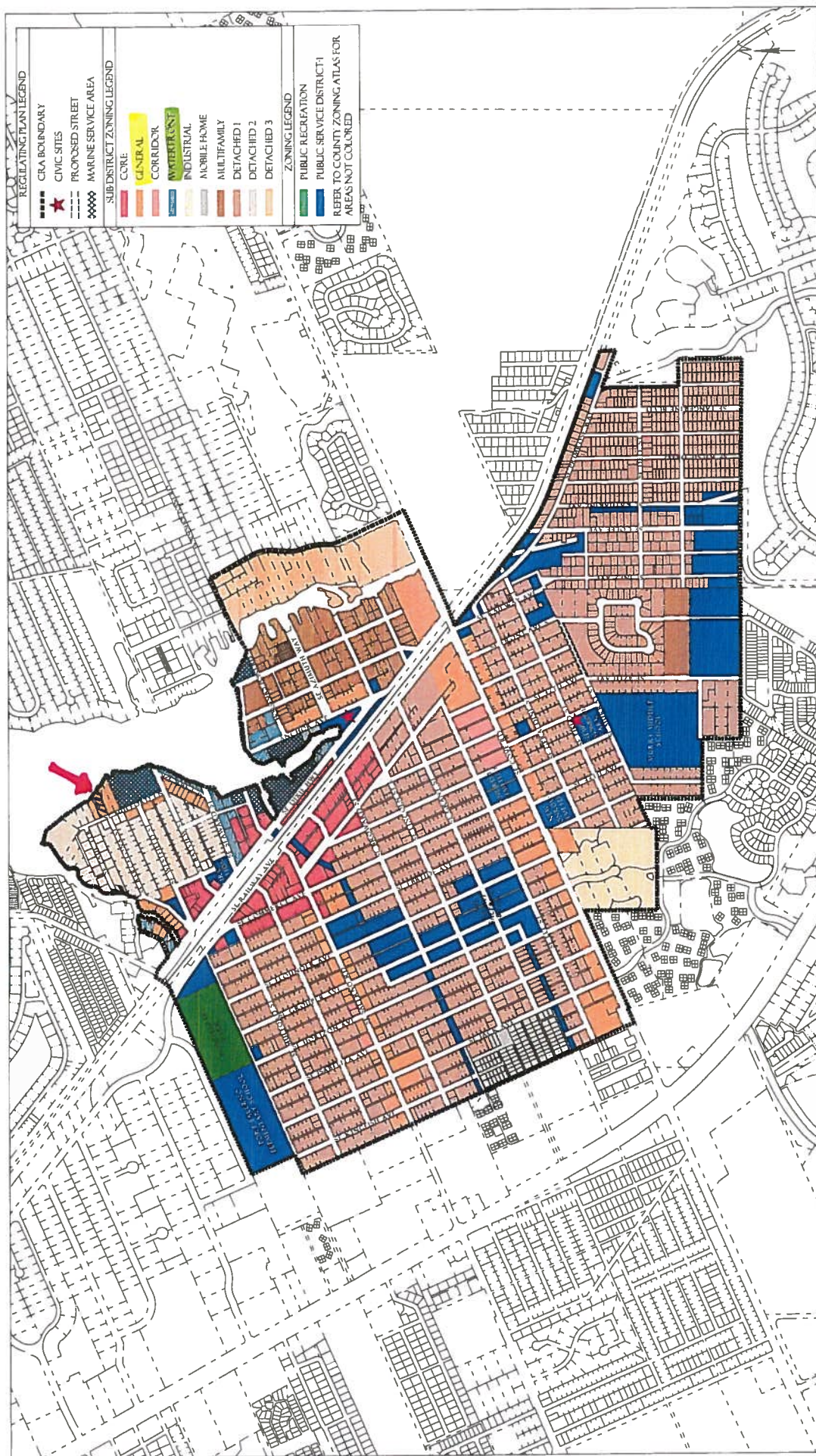


Table PS-4 Use Groups Permitted in Port Salerno Subdistricts

	Core	General	Water-front	Corridor	Industrial	Multi-family	Mobile Home	De-tached 1	De-tached 2	De-tached 3
Residential Use Groups, see 12.1.03										
Accessory dwelling units	P	P	-	P	-	P	-	P	P	P
Mobile homes	-	-	-	-	-	-	P	-	-	-
Other dwelling types	P	P	P ^{1,2}	P	-	P	-	-	-	-
Single-family dwellings	-	P	P ^{1,2}	P	-	P	-	P	P ³	P ³
Bed and breakfast inns	P	P	P ^{1,2}	P	-	P	P	P	P	P
Agricultural Use Groups, see 12.1.03										
Urban farming	-	-	-	P	-	-	-	-	-	-
Commercial & Business Use Groups, see 12.1.03										
Business & professional offices	P	P	P ¹	P	P	-	-	-	-	-
Construction services, limited	P	P	P ¹	P	P	-	-	-	-	-
Construction services, extensive	-	-	-	-	P	-	-	-	-	-
Convenience store with fuel	-	-	-	P	-	-	-	-	-	-
Drive-through facility	-	-	-	-	-	-	-	-	-	-
Drive-through restaurant	-	-	-	-	-	-	-	-	-	-
Hotels, motels, resorts spas	P	P	P ¹	P	-	-	-	-	-	-
Marinas	-	-	P	P	-	-	-	-	-	-
Medical offices	P	P	-	P	P	-	-	-	-	-
Parking lots and garages	P	P	-	P	-	-	-	-	-	-
Restaurants	P	P	P ¹	P	P	-	-	-	-	-
Retail & services, limited impact	P	P	P ¹	P	P	-	-	-	-	-
Retail & services, general impact	P ⁴	P ⁴	-	P ⁴	P	-	-	-	-	-
Retail & services, extensive impact	-	-	-	-	-	-	-	-	-	-
Recreational vehicle parks	-	-	-	-	-	-	-	-	-	-
Vehicular service and maintenance	-	-	-	-	P	-	-	-	-	-
Wholesale trades and services	-	-	-	-	P	-	-	-	-	-
Working waterfront	-	-	P	-	-	-	-	-	-	-
Public & Institutional Use Groups, see 12.1.03										
Institutional uses, limited impact	P	P	P	P	-	P	P	P	P	P
Institutional uses, general impact	-	P	-	P	-	-	-	-	-	-
Industrial Use Groups, see 12.1.03										
Limited impact industries	-	-	P	-	P	-	-	-	-	-
Extensive impact industrial industries	-	-	-	-	-	-	-	-	-	-
Footnotes, see above										

¹ Development in the Waterfront Subdistrict shall be water-dependent or water-related. Development on land in the Waterfront Subdistrict may contain residential uses when other uses in a mixed-use project are water-dependent or water-related and not located within the Marine Service Area. Water-related development includes marine resort-type uses including transient accommodations, restaurants and retail shops.

² Residential uses established prior to the effective date of Art. 12, Div. 6 or within a mixed-use project are permitted.

³ No duplexes are permitted.

⁴ Excluding Residential storage facilities.