

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

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**REQUEST NUMBER:** CPA 20-04 Pulte at Christ Fellowship Text Amendment

Report Issuance Date: July 10, 2020

**APPLICANT:** Christ Fellowship Church, Inc.  
Company Rep: Leo Abdella

**REPRESENTED BY:** Cotleur & Hearing  
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Jupiter, FL 33458

**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:	8/20/2020	LPA voted 4-1 for staff's alternate proposal
BCC Transmittal:	9/29/2020	
BCC Adoption:	TBD	

**APPLICANT REQUEST:** The proposed text amendment is to Martin County's Comprehensive Growth Management Plan (CGMP), Policy 4.7A.14. to establish a site-specific exception for the 321-acre subject property, located at 10205 SW Pratt Whitney Road in Stuart. The proposed text amendment would allow residential lot sizes of one-half acre or less.

In 2019, the applicant proposed a future land use amendment to change the land use designation from Rural Density Residential (up to 1 unit per 2 acres) to Residential Estate Density (up to 1 unit per acre). That amendment is discussed in a separate staff report CPA 19-19, Pulte at Christ Fellowship. The proposed text amendment considered in this staff report would permit lots smaller than one-half acre, however the proposed text amendment would not authorize more units than permitted by the Residential Estate Density future land use designation (maximum of one unit per gross acre).

## **STAFF RECOMMENDATION:**

Staff does not recommend approval of the text amendment as proposed by the applicant. However, staff is recommending an alternative text amendment that will improve internal consistency between Chapter 4 and Chapter 10 of the CGMP.

## **EXECUTIVE SUMMARY:**

Lot sizes of one-half acre or smaller have only been permitted in the Primary Urban Service District (PUSD). Lot sizes larger than one-half acre have been required in the Secondary Urban Service District (SUSD). It can be argued larger single-family residential lots permit a larger space between the potable water well and the septic system on the same lot. The larger space is intended to prevent the potable water well from pulling water from the septic system on the same lot. Likewise, larger minimum lot sizes allow a larger space between the septic system on one lot and the neighbors potable water well on another lot. The Martin County Health Department requires a minimum 75 feet between a potable water well and surrounding septic systems. The applicant argues that lot sizes of more than one half acre may have been required in the SUSD because septic systems were the primary means of wastewater disposal.

The proposed text amendment will only be applicable to a 321-acre parcel within the SUSD that already has water and wastewater service provided by the Martin County Utilities. The text amendment adds language to Policy 4.7A.14, CGMP regarding development outside of the Primary Urban Service District and would exempt the site from Policy 4.7B.6. requiring residential development in the Secondary Urban Service District to have lots larger than one-half acre. Please see the location map depicting the subject site and South Fork High School which is also served by Martin County Utilities.

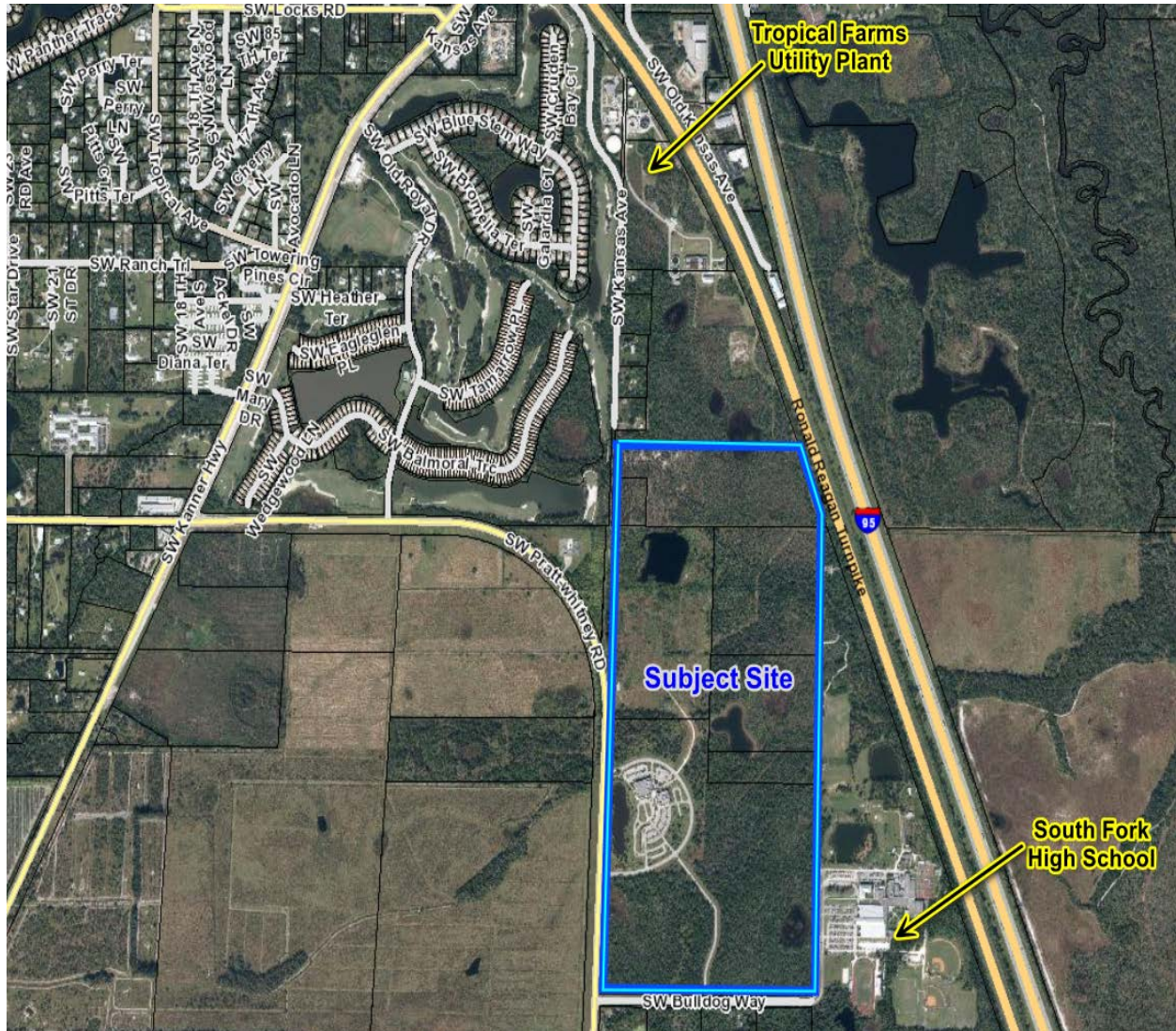


Figure 1, a location map that shows the subject site, highlighted in blue.

**The following is the proposed text amendment by the applicant, where the underlined language is text proposed to be added to CGMP, Policy 4.7.A.14.:**

*Policy 4.7A.14. Allowable development outside the Primary Urban Service District.* The following forms of development are recognized exceptions to the general prohibitions on development outside of the Primary Urban Service District set forth in Policies 4.7A.1. through 4.7A.13.:

- (1) The County landfill, parcel number 07-38-40-000-000-00020-7.
- (2) The AgTEC land use category as set forth in Policy 4.13A.9.
- (3) Facilities in Jonathan Dickinson State Park, as set forth in Policy 10.1A.7. and Policy 11.1C.10.
- (4) Seven J's Industrial Area, as recorded in Plat Book 15, Page 97 and/or any replat or redevelopment of the property contained within the plat recorded in Plat Book 15, Page 97.
- (5) Martingale Commons PUD f/k/a Palm City 95 PUD.
- (6) Sheriff's Shooting Range, parcel number 07-38-40-000-000-00030-5.
- (7) Parcel number 28-40-42-000-000-00020-5, parcel number 28-40-42-000-000-00040-1, parcel number 28-42-000-000-00011-0, and parcel number 21-40-42-004-000-00005-0 on S.E. Island Way.
- (8) Development on the parcels described in that certain deed recorded in Official Records Book 2571, Page 1380, of the Public Records of Martin County, Florida, consisting of 321 acres, more or less, and located south of Kansas Avenue and east of SW Pratt Whitney Road. In addition, Policy 4.7B.6 shall not be applicable to such parcels."

## **2. ANALYSIS**

Policy 4.7A.14 lists specific properties that are outside the PUSD in a freestanding Industrial Urban Service District or in the Secondary Urban Service District. The proposed subsection (8) adds the 321-acre property to the list and exempts it from the requirement that new residential development with lots one-half acre or smaller to be inside the PUSD. Policy 4.7A.2, set forth below, requires small lots to be located where public services like water and sewer can be provided efficiently. The subject site is located outside of the PUSD, but is adjacent to the PUSD and near a Martin County utility plant.

*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.

Staff's objection to the proposed text is that the last sentence is overly broad. As an alternative, staff recommends a text change to Policy 4.7B.6. Staff also recommends including South Fork High School in Policy 4.7A.14. The Board of County Commissioners approved an emergency extension of water and sewer service to South Fork High School due to a public health threat that occurred when the on-site package plant failed. Centralized water and sewer service have been available to South Fork High School since 2002.

**Staff Alternative:**

(8) Development on the parcels described in that certain deed recorded in Official Records Book 2571, Page 1380, of the Public Records of Martin County, Florida, consisting of 321 acres, more or less, and located south of Kansas Avenue and east of SW Pratt Whitney Road. In addition, Policy 4.7B.6 shall not be applicable to such parcels."

(9) South Fork High School.

**Larger than one-half acre.**

The applicant's proposed language exempts the subject site from Policy 4.7B.6. This policy requires lot sizes to be larger than one-half acre in the SUSD. Please see the excerpt from the CGMP below:

*Policy 4.7B.6. Criteria for change of designation.* In areas designated as Secondary Urban Service Districts, where development is proposed that would contain one-half acre lots or commercial and industrial uses, a change of designation to Primary Urban Service District (1) must be approved by the Board of County Commissioners as part of a future land use amendment and (2) must meet all the policies under Objective 4.7A relating to Primary Urban Service Districts, or as may be permitted in accordance with the Indiantown DRI consistent with Policy 4.1F.9.

**Staff's Alternate Proposal**

Staff recommends adding text to Policy 4.7B.6 so that the specific site does not need to be included in the PUSD and may have lots less than one half-acre in size. Staff also recommends amending Policy 4.7B.6 to reference lots smaller than one acre. Analysis later in the report will discuss the change to one-acre.

On August 20, 2020, during the LPA hearing for this amendment, staff suggested an improvement in the language, on which the LPA agreed. The following is the improved, updated language:

*Policy 4.7B.6. Criteria for change of designation.* In areas designated as Secondary Urban Service Districts, where development is proposed that would contain ~~one-half acre~~ lots smaller than one acre, or commercial and industrial uses, a change of designation to Primary Urban Service District (1) must be approved by the Board of County Commissioners as part of a future land use amendment and (2) must meet all

the policies under Objective 4.7A relating to Primary Urban Service Districts, or as may be permitted in accordance with the Indiantown DRI consistent with Policy 4.1F.9.

A change of designation to Primary Urban Service District shall not be required for development of lots smaller than one acre, described in that certain deed recorded in Official Records Book 2571, Page 1380, of the Public Records of Martin County, Florida, and located south of Kansas Avenue and east of SW Pratt Whitney Road.

### **Centralized Water and Sewer Services**

The applicant has stated in their application materials (Justification Statement) that minimum half acre lot sizes were set for the SUSD since lands/developments within the SUSD normally does not have access to water and sewer provisions and instead depended on septic systems.

“Because the site already has adequate levels of supportive facilities, including municipal water and wastewater services available on site, thus rendering individual septic systems unnecessary, we are putting forth this request for lot sizes less than one-half acre.”

As suggested by the applicant, lot sizes in these policies does appear related to the use of septic systems in the SUSD. Except for a five-year period between 2009 and 2014, centralized water and sewer service was not permitted in the SUSD. Septic systems in the SUSD were the only option. In 2007, a text amendment, CPA 07-22, was adopted, allowing the extension of centralized water and sewer services into the SUSD.

Properties in the SUSD (like the subject site) received site plan approval and were permitted to connect. A water and wastewater service agreement was executed for the 321 acre site. Please see the attached service agreement executed April 14, 2014. However, in December 2014, the text amendment CPA 14-6 removed the ability to extend water and sewer service to the SUSD. Ordinance 965 was adopted December 16, 2014.

CPA 14-6 also required new subdivisions of single-family residential development to have one-acre minimum lot sizes when served by on-site sewage treatment and disposal systems. This was an increase from the half-acre minimum lot size permitted between April 1, 1982 and December 14, 2014. The requirement for only half-acre lots in Policy 4.7B.6. (quoted above) is not as restrictive as the text adopted in 2014. Staff recommends amending Policy 4.7B.6. to be more consistent with the following text from Chapter 10, Sanitary Sewer Services.

“Policy 10.2A.7. The use of on-site sewage treatment and disposal systems to provide sanitary sewer service shall be limited to the following:

- “4. New subdivisions for single-family dwellings, on lots of a minimum **one acre** of usable upland area if a regional sewage system collection or transmission line with sufficient available capacity does not exist within one-quarter mile of the development as accessed via public easements or rights-of-way, and the regional sewage system does not have available capacity. For purposes of this section, the term "usable upland area" shall not include:
- a. Street rights-of-way.
  - b. Drainage easements.
  - c. Utility easements, except those allowing only overhead wires.
  - d. Wetlands.



- e. Streams, lakes or similar bodies of water.”

The text quoted above, requires one-acre lots where a regional sewage system is not available. The text is applicable regardless of location in the PUSD, the SUSD or outside both. The increase from one-half acre to one acre in 2014 appears intended to increase the distance between on-site sewage treatment and disposal systems and potable water wells.

Water and wastewater service has been provided to the 321-acre site by Martin County Utilities (2014). Figure 2, below, shows water lines in blue and wastewater lines in green currently serving the property and South Fork High School, both located in the Secondary Urban Service District. Regional sewage system collection lines not only exist within one quarter mile of the property, the lines are within the property.

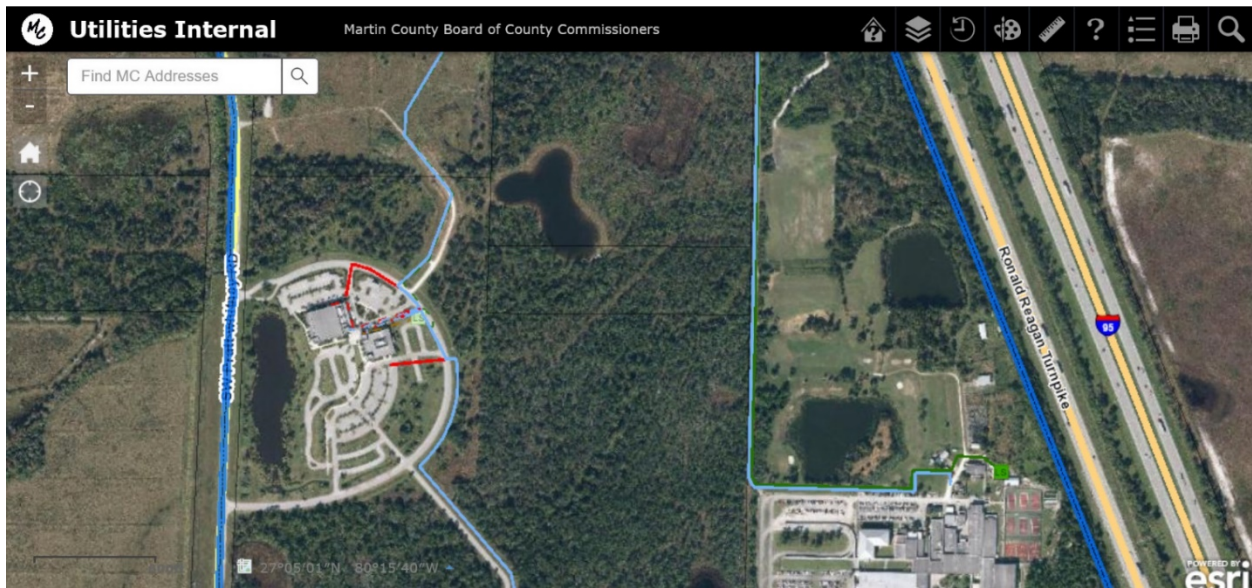


Figure 2, a map that shows the water lines and wastewater lines.

### 3. CONCLUSION

Staff recommends modifying the applicant’s proposed amendment to Policy 4.7A.14. and adding South Fork High School to the list of properties under Policy 4.7A.14. Staff also recommends the alternate proposal amending Policy 4.7B.6. Referencing one-acre lot sizes in Policy 4.7B.6 is more consistent with the one acre minimum required in Chapter 10, Sanitary Sewer Service. Staff also recommends approval because the site is already served by centralized water and sewer service. Where centralized water and sewer service is provided, applicants for development approval are **required** to connect if a transmission line with sufficient available capacity is within one-quarter mile of the development. Where centralized water and sewer service is provided, neither one-acre nor one half-acre minimum lot sizes appear necessary to separate potable water wells from on-site sewage disposal systems.

### 3. FIGURES/ATTACHMENTS

Excerpt of the CGMP, showing Policies 4.7A.1. through 4.7A.13

Water and Wastewater Service Agreement South Fork High School.

Water and Wastewater Service Agreement between Martin County and Christ Fellowship Church.