

PROPOSED AMENDMENT TO THE MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN

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REQUEST NUMBER: CPA 19-6, KL Waterside

FLUM Report Issuance Date: September 10, 2020

APPLICANT: KL Waterside, LLC
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PUBLIC HEARINGS:

Local Planning Agency:	September 17, 2020
Board of County Commission Transmittal:	October 13, 2020
Board of County Commission Adoption:	TBD

SITE LOCATION: The parcel is on 499.4 acres located south of SW 96th Street, between SW Kanner Highway (SR76) and the St. Lucie Canal.

APPLICANT REQUEST: This is an application for a Comprehensive Growth Management Plan (CGMP) Future Land Use Map amendment (FLUM) from Agricultural, Industrial and Marine Waterfront Commercial to Industrial, Agricultural and the elimination of Marine Waterfront Commercial. A separate staff report has been generated for a proposed zoning district change.

A separate staff report (CPA 19-5) has been created to evaluate the text amendments that amend Policy 4.1B.2, Policy 4.13A.10 and Policy 4.7A14 and other policies for internal consistency. The request also includes the retraction of the PUSD, while creating a Freestanding Industrial Urban Service District. The application also includes amendments to Figure 4-2 Urban Service Districts to include the Freestanding Urban Service District and changes to Figures 11-1, Areas Currently Served by Regional Utilities and 11-2, Potential Service Areas.

STAFF RECOMMENDATION:

Staff recommends approval of the FLUM amendment for the reasons outlined in the staff report. On September 17, 2020, the LPA voted 2-2 on the proposed changes.

EXECUTIVE SUMMARY:

The parcel is situated with access to both CR 76A (S.W. 96th Street) and S.R.-76 (Kanner Highway). Both roads are connector routes to I-95 and Florida's Turnpike. The property fronts on the Okeechobee Waterway which eventually leads to the Atlantic Ocean on the east coast and the Gulf of Mexico on the west coast. The property is just south of the area commonly known as St. Lucie Falls. The area includes developments such as River Marina, Eagles Landing, Locks Landing, Venetian Village and the Florida Club.

This application has been revised and now proposes to change 74.9 acres of Marine Waterfront Commercial, to Agricultural. Approximately 19 acres of the Marine Waterfront Commercial land is encumbered by a perpetual easement by the Army Corps of Engineers (ACOE). It relocates the 175 acres of Industrial to face Kanner Highway and adds 75 acres to the total Industrial acreage proposed. However, this is a no-net change in urban acreage and a no net change in Agricultural acreage.

See the Background below describing the changes from existing to the proposed.

The application is for a Future Land Use Map (FLUM) amendment request as summarized as follows:

<u>Future Land Use</u>	<u>Existing</u>	<u>Proposed</u>
Agricultural	249.1 acres	249.4 acres
Industrial	175.4 acres	250.0 acres
<u>Marine Waterfront Commercial</u>	<u>74.9 acres</u>	<u>0 acres</u>
Total:	499.4 acres	499.4 acres

BACKGROUND:

2010 The amendments from 2010 below created the future land use designations that exist on the property today.

CPA 10-19 - 7th-Edition. Ordinance 876 adopted a change from Agricultural to Marine Waterfront Commercial (75 acres) and Industrial (174 acres). Balance of the subject parcel remained Agricultural.

CPA 10-20 - 7th-Edition. Ordinance 877 expanded the Primary Urban Service District and adopted sub area policy on the same acreage in Ordinance 876. Balance of the subject parcel remained outside the PUSD.

- 2020 These application materials are the fourth proposal for the amendment. The amendment name was initially CPA 19-6, Neill Parcels. The applicant has since changed from Ann Mason Neill (Nancy) to KL Waterside, LLC, and is reflected in the name of the CPA.

On July 27, 2020, the application materials were revised to eliminate the Marine Commercial Waterfront, relocate the Industrial future land use designation to Kanner Highway, and return the existing future land uses to 249.4 acres of Agricultural.

There are companion text amendments to Chapter 4, Future Land Use Element. The application also includes amendments to Figure 4-2 Urban Service Districts retracting the Primary Urban Service District (PUSD); creating a Freestanding Urban Service District (FUSD); and changes to Figures 11-1, Areas Currently Served by Regional Utilities and 11-2, Potential Service Areas. The changes to Figures 11-1 and 11-2 are considered text amendments to Chapter 11, Potable Water Services Element/10 Year Water Supply Facilities Work Plan.

Figure 1 Location

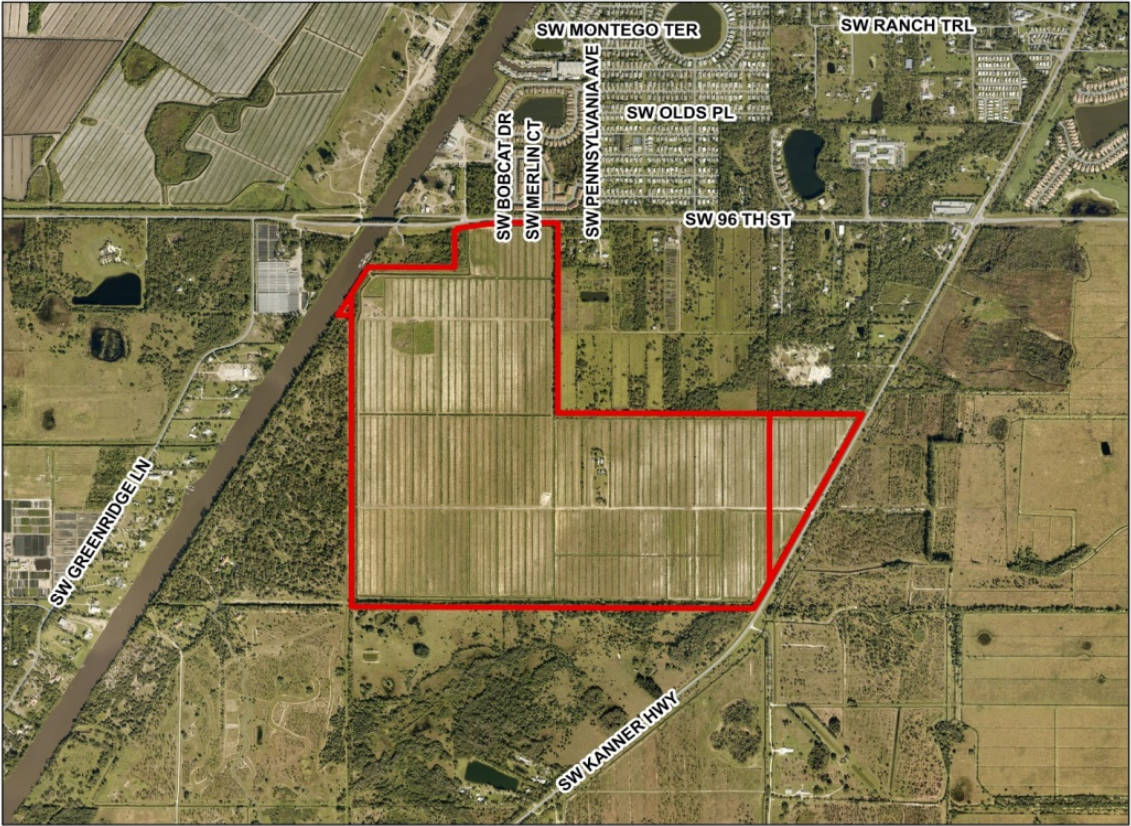


Figure 2 Existing FLUM

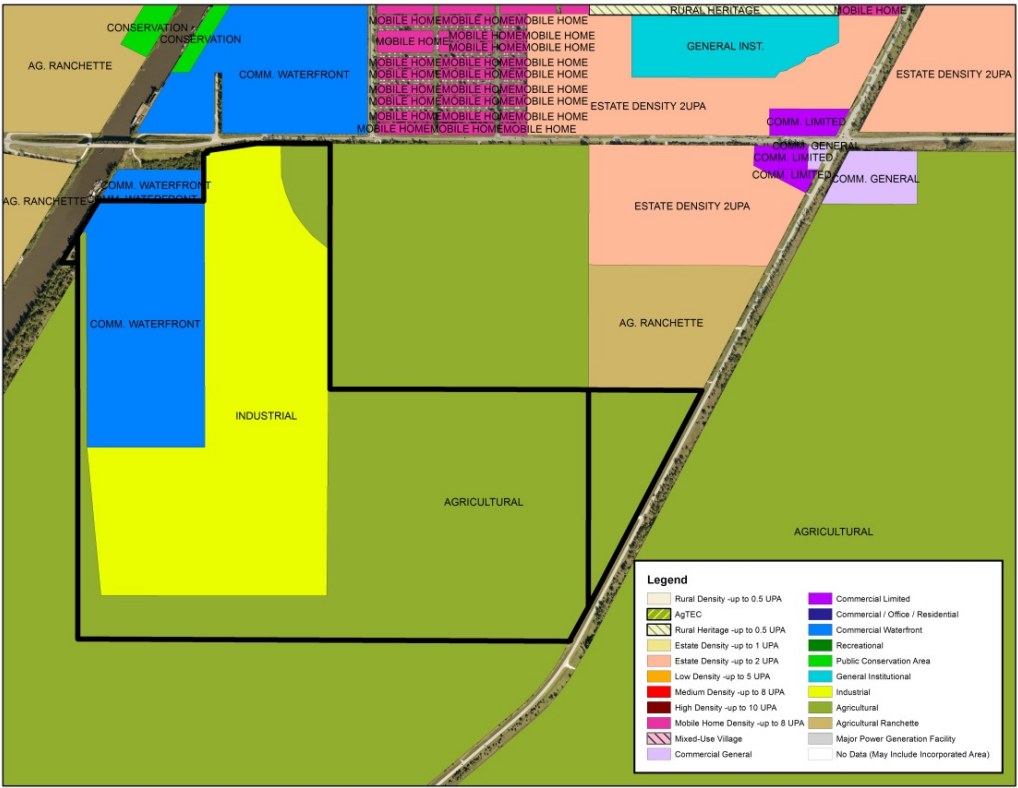
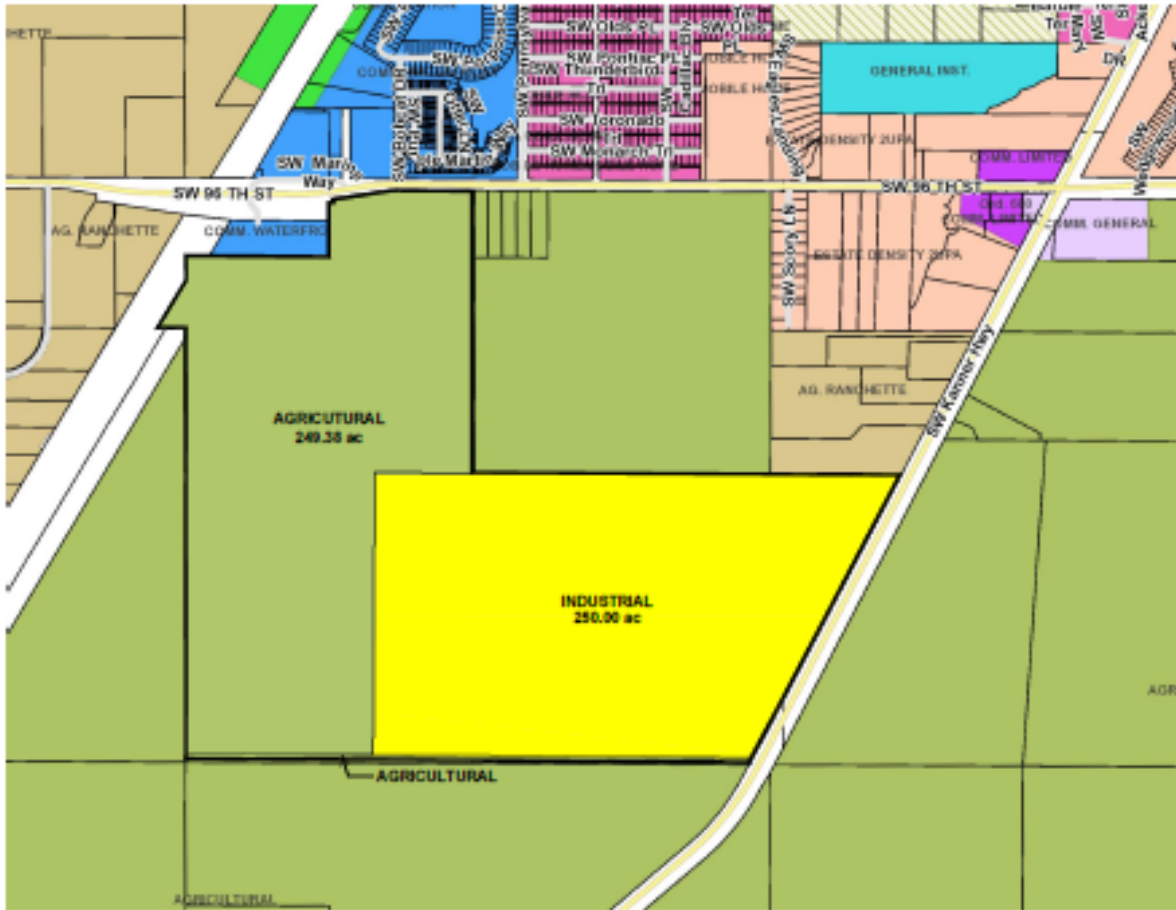


Figure 3 Proposed FLUM



1. PROJECT/SITE SUMMARY

1.1. Physical/Site Summary

The parcel is on 499.4 acres located south of SW 96th Street, between SW Kanner Highway (SR76) and the St. Lucie Canal. The subject property was changed from Agricultural to include approximately 175 acres of Industrial land use and 75 acres of Marine Commercial Waterfront land use (refer to Ordinance 876). Concurrent with the future land use changes the PUSD was expanded at that time. The balance of the property has an Agricultural future land use designation and is outside the PUSD. The entire property remains in agricultural production.

The parcel is within the following:

Commission District: District 3

Taxing District: District 3 Municipal Service Taxing Unit

1.2 Major Roadways

The major roadways fronting the subject parcel are SW Kanner Highway, which is a major arterial road and SW 96th Street, which is a minor arterial road, as classified on the 2040 Future Transportation map. Kanner Highway is maintained by the State and is being widened to 4 lanes between SW Locks Rd. and the intersection SW Pratt Whitney Road.

1.3. Current Amendment Requests

See Figure 4 below for a map of these amendments.

1. 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.
2. 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).
3. CPA 19-25, Hobe Sound FLUM, a request to amend the Future Land Use Map regarding the Hobe Sound CRA to change the Residential Estate Density, Low Density Residential, Medium Density Residential, Mobile Home Density, Commercial Office/Residential, Limited Commercial, and General Commercial future land use designations to CRA Center, CRA Neighborhood, General Institutional, and Recreational future land use designations, and to eliminate the Hobe Sound Mixed-Use Future Land Use Overlay.
4. 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).
5. CPA 19-27, Port Salerno CRA, a request to amend the Future Land Use Map regarding the Port Salerno CRA to change the Residential Estate Density, Low Density Residential, Medium Density Residential, Mobile Home Density, High Density Residential, Commercial Office/Residential, Limited Commercial, General Commercial and Recreational future land use designations to CRA Center, CRA Neighborhood, and General Institutional future land use designations and to repeal the Port Salerno Mixed-Use Future Land Use Overlay. The Marine Waterfront Commercial and Industrial future land use designations will be retained.
6. CPA 19-28, Golden Gate CRA, a request to amend the Future Land Use Map regarding the Golden Gate CRA to change the Medium Density Residential, High Density Residential, and General Commercial future land use designations to CRA Center, CRA Neighborhood and General Institutional future land use designations and to repeal the Golden Gate Mixed-Use Future Land Use Overlay.
7. CPA 20-01 Hodapp Property, initiated by the Board of County Commissioners (BOCC), is for a comprehensive plan amendment to the Future Land Use Map (FLUM) to change the parcel from Mobile Home future land use to Agricultural Ranchette future land use along with a concurrent separate application to rezone from RT to AR-5A.
8. CPA 20-02 Martinez Cove Rd. is a request to amend the FLUM on 2.38 acres located at 1500 SE Cove Road, from Rural Density Residential (up to 1 units per 2 acres) to Residential Estate Density (up to 2 units per acre).

Future Land Use Map Amendments

Legend

- Amendment Parcels
- Primary USD
- Secondary USD

CPA 19-15
Winemiller Farms

CPA 19-6
Neill's Parcels

CPA 19-22
Publix Supermarket

CPA 20-01
Hodapp Property

CPA 19-19
Pulte at Christ Fellowship

CPA 20-02
Martinez Cove Road

CPA 19-27
Golden Gate CRA

CPA 19-28
Port Salerno CRA

CPA 19-26
Sunshine State Carnations

CPA 19-25
Hobe Sound CRA

***This map does not depict text amendments.
Created by Samantha Lovelady, AICP
May 26, 2020**

The application materials list Future Land Use Map and text amendments as part of the justification for the proposed amendment. Most of the amendments listed in the application materials are located north and east of Interstate 95. Except for CPAs 04-15, 10-19 and 10-20, all of the amendments listed in the application materials range in size from nine acres to 54 acres. CPA 10-19 was a Future Land Use Map amendment on the subject site and CPA10-20 was the companion text amendment to expand the Primary Urban Service District on the subject site. With the exception of CPAs 04-15, 10-19 and 10-20, all of the amendments listed in the application materials were within the existing Primary Urban Service District at the time they were proposed. Concurrent expansions to the Primary Urban Service District (and extend urban services) were not necessary for most of the amendments listed in the application materials.

2003

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(nka Department of Economic Opportunity).

2007

- CPA 07-12 Atlantic Ridge Preserve proposed changing 2,760 acres from Low Density Residential (4 acres); Rural Density (1,404 acres) and Agricultural Ranchette (1,352 acres) to Residential Estate Density (802 acres) and Conservation (1,958 acres). A concurrent text amendment, CPA 07-13, proposed expanding the PUSD. Neither amendment was adopted.

2010

- 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 in 2012. See listing below.
- CPA 10-19 - 7th-Edition. Ordinance 876 adopted a change from Agricultural to Marine Waterfront Commercial (75 acres) and Industrial (174 acres). **(Subject Parcel)**
- CPA 10-20 - 7th-Edition. Ordinance 877 expanded the Primary Urban Service District and adopted sub area policy on the same acreage in Ordinance 876. **(Subject Parcel)**
- CPA 10-23 Atlantic Ridge (State Park). Ordinance 887 changed 5,747 acres from Low Density Residential, Residential Estate Density, Rural Density and Agricultural Ranchette to Institutional Recreational and Conservation. Concurrently, Ordinance 888 adopted text changes creating sub-area policy on the same 5,747 acres regarding recreation activities on State Park land. These amendments did not increase demands on public facility levels of service and did not require extending services outside the existing PUSD.

2011

- CPA 11-1 Groves 14 proposed changing 75 acres from Rural Density to Agricultural Ranchette and 1,682 acres from Agricultural to Agricultural Ranchette.
- CPA 11-2 Groves 14 proposed a text amendment that would create a flow way as part of a future Planned Unit Development on the northern portion of the property. Both Groves 14 amendments were denied August 30, 2011.

2012

- CPA 12-1 Hobe Grove DRI proposed changing 2,823 acres from Agricultural to a new future land use designation called Hobe Grove.
- CPA 12-2 Hobe Grove proposed a text amendment creating a new future land use designation and expanding the Primary Urban Service District. Both Hobe Grove applications were related to a proposed Development of Regional Impact and a Planned Unit Development. These applications were not approved.
- CPA 12-4 Harmony DRI proposed changing 2,700 acres from Agricultural to a new future land use designation, Harmony DRI.
- CPA 12-5 Harmony DRI proposed a text amendment creating a new future land use designation and expanding the Primary Urban Service District. Both Harmony applications were related to a proposed Development of Regional Impact and a Planned Unit Development. The Plan amendments were both withdrawn on March 23, 2012.
- 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.
- CPA 12-7 Extreme Sports proposed the new future land use designation. Both Extreme Sports amendments were denied by the Board of County Commissioners July 10, 2012.
- 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.

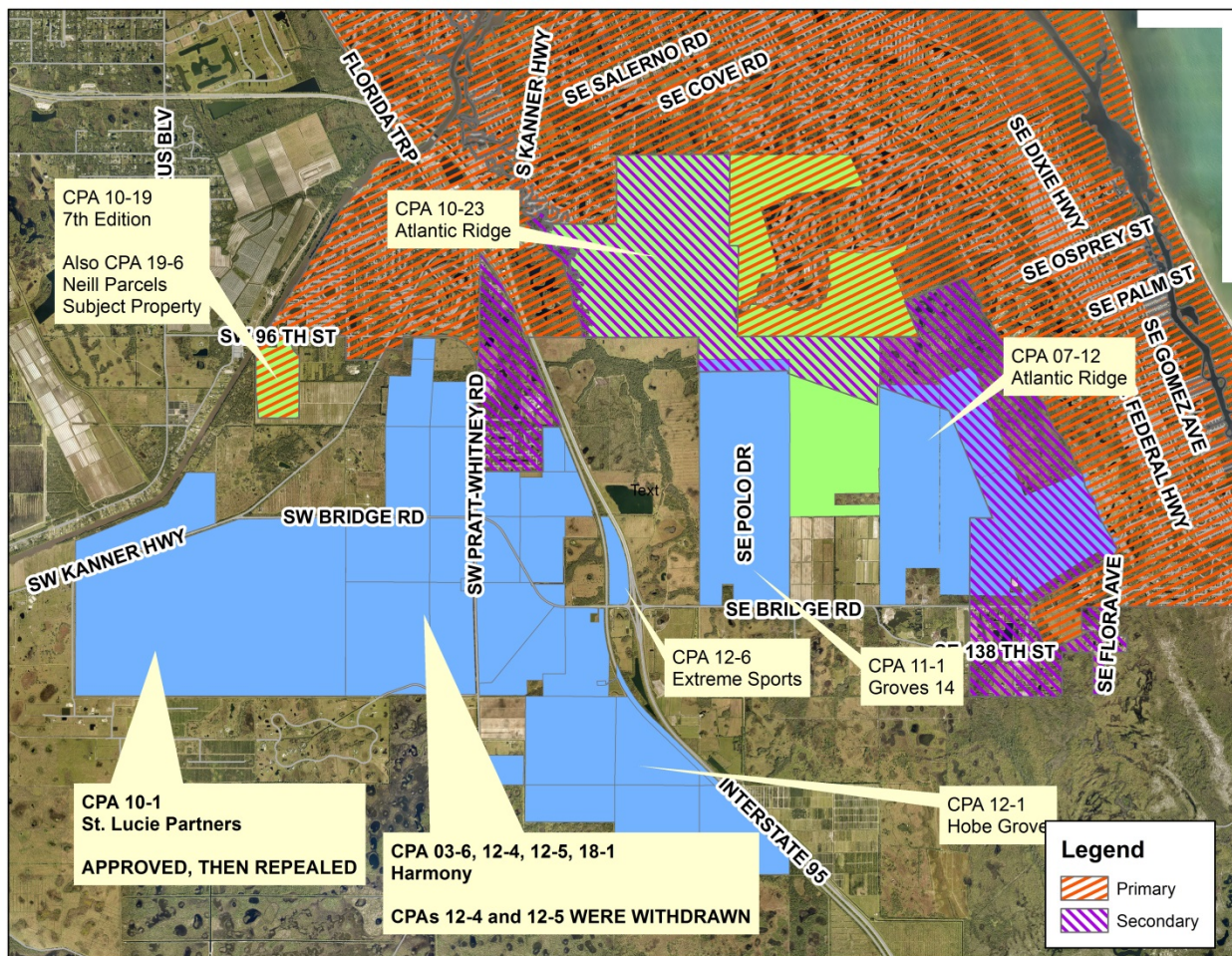
2018

- CPA 18-1 Harmony proposed a land use change on approximately ±2,658 acres from Agricultural to Residential Estate Density; Rural Density and Agricultural Ranchette. The amendment was not transmitted to the Department of Economic Opportunity.

2020

- CPA 19-22, Publix Supermarket, a proposed future land use map amendment from Agricultural to General Commercial and companion text amendment expanding the PUSD was approved.

Figure 5 Past Requested Changes in Vicinity of CPA19-6



Green denotes approved Future Land Use changes.

Blue denotes either denied, repealed or withdrawn.

1.5. Adjacent Future Land Use

North: Marine Commercial Waterfront, Agricultural and Agricultural Ranchette

South: Agricultural

East: Agricultural

West: Agricultural/St. Lucie Canal (C-44)

1.6. Environmental Considerations

1.6.1. Wetlands, soils and hydrology

#17 Wabasso sand. This soil type is nearly level, poorly drained soils, most are sandy to a depth of 20 to 40 inches, but some are sandy to a depth of more than 40 inches. Most have subsoil that is dark colored and sandy in the upper part and loamy in the lower part. This soil type generally consists of broad, nearly level flatwoods interspersed with sloughs, depressions and marshes. Some of these soils have hard limestone within a depth of 40 inches, and some are organic. Most areas within this soil type are in natural vegetation and are used for range purposes. Some large areas are used for citrus crops and improved pasture.

#20 Riviera fine sand. This nearly level soil is poorly drained. Under natural conditions this soil has severe limitations for cultivated crops because of wetness. However, if good water control systems remove excess surface water and provides for subsurface irrigation in dry seasons, this soil is suitable for vegetable crops. This soil is well suited to pasture and hay crops.

#21 Pineda sand. This nearly level soil is poorly drained. Under natural conditions this soil is poorly suited to citrus trees because of wetness, but if good water control system is adequate this soil is well suited to citrus. This soil is well suited to improved pasture especially grasses, and clover.

#27, Arents, organic substratum. A nearly level soil is somewhat poorly drained. It consists of fill material that was excavated and spread over organic soils, then shaped or smoothed to suit the desired use. The water table is at a depth of 20 to 40 inches during most of the year. Natural fertility is low. Most areas of this soil are used for urban development.

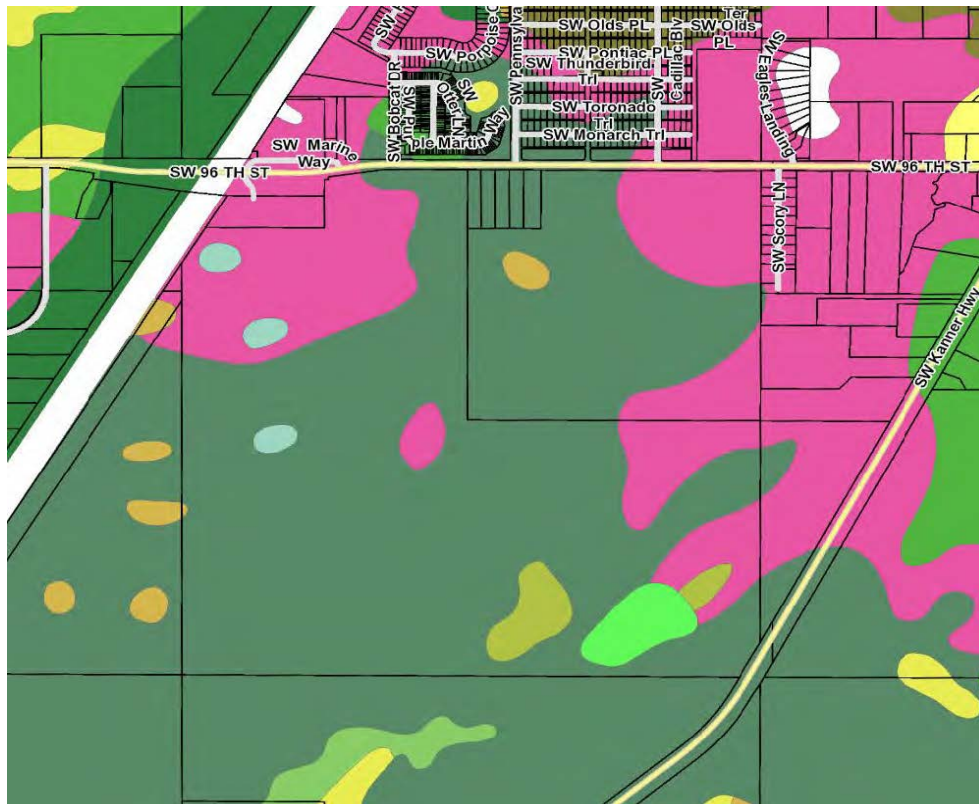
#36, Arents, 0 to 2 percent slopes. This nearly level soil is somewhat poorly drained to moderately well drained. It consists of fill material that was excavated and spread over the surface of wet mineral soils, then smoothed to suit the desired use. The mixed fill material was spread to a depth of about 20 to 50 inches. Generally, areas are irregular in shape and range from about 5 to 50 acres. The common profile of this soil includes a surface layer of light brownish gray fine sand about 30 inches thick. Below, is a natural undisturbed soil in which the upper 6 inches is black, mucky fine sand. Below the undisturbed soil to a depth of approximately 36 inches is dark grayish brown fine sand with pockets of dark gray fine sand to a depth of 60 inches or more. The water table is below a depth of 30 inches during most of the year. This soil type is generally not used for cropland since it consists of mixed soil material used to fill low areas to make them suitable for building sites or other urban uses.

#52 Malabar sand, this nearly level soil is poorly drained. Under natural conditions this soil has severe limitations for cultivated crops because of wetness and other soil factors. However, if good water control systems remove excess surface water and provides for subsurface irrigation in dry seasons, this soil is suitable for cultivated crops. This soil is well suited to pasture, hay crops, grasses, and white clover.

#66 Holopaw fine sand. This nearly level soil is poorly drained. Under natural conditions this soil has severe limitations for cultivated crops because of wetness and other soil factors. However, if good water control systems remove excess surface water and provides for subsurface irrigation in dry seasons, this soil is suitable for cultivated crops. Improved pasture is well suited to this soil.

The soils on the site do not indicate the presence of wetlands on the property.

Figure 6 Soils



Soil Legend

WULFERT AND DURBIN MUCK, TIDAL	PLACID AND BASINGER FINE SAND, DEPRESSIONAL	HOLOPAW FINE SAND
WINDER SAND, DEPRESSIONAL	PINELLAS FINE SAND	HOBE FINE SAND, 0-5% SLOPES
WAVELAND AND LAWNWOOD FINE SAND, DEPRESSIC	PINEDA AND RIVIERA FINE SAND	HALLANDALE SAND
WAVELAND AND IMMOKALEE FINE SAND	PAOLA AND ST LUCIE SAND, 8-20% SLOPES	GATOR AND TEQUESTA MUCK
WABASSO SAND	PAOLA AND ST LUCIE SAND, 0 - 8% SLOPES	FLORIDANA FINE SAND, DEPRESSIONAL
WABASSO AND OLDSMAR FINE SAND, DEPRESSIONAL	PALM BEACH-BEACHES COMPLEX, 0-8% SLOPES	DUETTE FINE SAND
URBAN LAND	OLDSMAR FINE SAND	CHOBEE LOAMY SAND, DEPRESSIONAL
UDORTHENTS, 0-35% SLOPES	OKEELANTA MUCK	CANOVA MUCK
ST LUCIE-PAOLA-URBAN LAND COMPLEX, 0-8% SLOP	NETTLES SAND	CANAVERAL SAND, 0-5% SLOPES
SANIBEL MUCK	MALABAR FINE SAND, HIGH	BOCA FINE SAND
SAMSULA MUCK	LAWNWOOD AND MYAKKA FINE SAND	BESSIE MUCK
SALERNO SAND	KESSON SAND, TIDAL	BASINGER FINE SAND
RIVIERA FINE SAND, DEPRESSIONAL	JUPITER SAND	ARENTS, ORGANIC SUBSTRATUM, 0-5% SLOPES
POMELLO SAND, 0-5% SLOPES	JONATHAN SAND, 0-5% SLOPES	ARENTS, 0-2% SLOPES
	HONTOON MUCK	ARCHBOLD SAND

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 proposed Industrial future land use is not in a wellfield protection area.

The project will be evaluated for wellfield requirements during the County's Development Review process. If groundwater or surface water withdrawals are proposed for irrigation, then the applicant will be required to submit additional information at the development review stage and submit a South Florida Water Management District Water Use Permit.

1.7. Adjacent Existing Uses

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

- NORTH: The Martin County Property Appraiser classifies it as 0100 Single Family, single-family homes, and undeveloped Marine Commercial Waterfront land.
- SOUTH: Unfarmed agricultural land. The Property Appraiser classifies it as 6300 GrazLD Soil Cpcty CL III
- EAST: Unfarmed agricultural land. The Property Appraiser classifies it as 6300 GrazLD Soil Cpcty CL III
- WEST: Unfarmed agricultural land and the Okeechobee Waterway. The Property Appraiser classifies it as 6300 GrazLD Soil Cpcty CL III.

2. ANALYSIS

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

In evaluating each Future Land Use Map amendment request or a text amendment request which changes an allowable use of land for a specific parcel, 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 it is consistent with all other elements of this Plan and at least one of the following four situations has been demonstrated by the applicant to exist. 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

The past changes in land use designations on the subject site created the current mix of urban and agricultural land uses. The relocation of the land uses to Kanner Highway is logical and the existing Industrial and Waterfront Commercial will revert to Agricultural. The current land uses front S.W. 96th Street, which is a minor arterial. The relocation to Kanner Highway is better suited because it a major arterial. Public services are available along Kanner Highway.

There will be no net loss of Agricultural land and no increase in urban land. This criterion has been met.

(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

The major change in public service availability has been the widening of Kanner Highway from two lanes to four lanes between SW Locks Rd. and the intersection of Kanner Highway and Pratt Whitney Rd. The development of vacant land and redevelopment of land have occurred mostly within the Primary Urban Service District. This criterion has been met.

The fact that the urban land is being relocated to Kanner Highway is appropriate, as Kanner Highway is being expanded and public services are available for the proposed Free Standing Urban Service District. Kanner Highway is major arterial, better suited for industrial uses. The existing urban future land uses front S.W. 96th St, a minor arterial, that currently serves existing residential neighborhoods and a school. Further, through the text amendment, vehicular trips will be limited. This criterion has been met.

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

The assignment of the Marine Waterfront Commercial may have been inappropriate because that portion of the Marine Waterfront Commercial land that is contiguous to the St. Lucie Canal has an easement recorded in favor of the Army Corps of Engineers.

The assigned Agricultural future land use designation is not “inappropriate” since the property has been used for agricultural crops for decades and is adjacent to thousands of acres of Agricultural land to the south, east and west. The proposed change does not correct an inappropriate designation, however the return of the existing Industrial and Commercial Waterfront to Agricultural will mean a no net loss of Agricultural and the proposed Industrial land use will not increase the inventory of Industrial lands. This criterion has been met.

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

This does not correct a public service need. However, the relocation of the urban future land uses to Kanner Highway means the future traffic will load onto a major arterial rather than the minor arterial SW 96th St., will have a positive effect on existing neighborhoods. This criterion has been met.

As stated above, if staff cannot make a positive finding regarding any of the items in (a) through (d), staff shall recommend denial. All of the four criteria in this section has received a positive finding.

2.2. Urban Sprawl

Florida Statute 163.3177(6)(a)9.a. 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.

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.

Section 163.3177(3)(a)9.b., F.S. provides an additional eight criteria. If a Plan amendment achieves four of the eight additional criteria the amendment discourages the proliferation of 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 250 acres of Industrial would not be considered “low-intensity” development. The return of the existing Industrial and Commercial Waterfront to Agricultural will mean a no net loss of Agricultural and the proposed Industrial land use will not increase the amount of urban lands. Industrial uses are better suited on Kanner Highway. 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 relocation to Kanner Highway, a major arterial, can be considered appropriate and will take future industrial traffic loads off of SW 96th St, a minor arterial. The location on Kanner Highway is not a substantial distance from the urban area. There will be no increase in the inventory of industrial land uses and no net loss of agricultural 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 proposed urban development does not extend in radial, strip, or ribbon patterns from the existing urban service districts. It will create an isolated Industrial future land use. However, this will only be allowed if the companion text amendment is approved for a Freestanding Industrial Urban Service District through Policy 4.13A.10. *Industrial development.* 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.

The site has been used for crop farming for decades. The proposed change will not impact any wetlands. 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 entire 499.4-acre parcel is currently being used for agricultural production. There will be no increase in the inventory of urban land uses and no net loss of agricultural land. Discourages the proliferation of urban sprawl.

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

The proposed designations will maximize use of existing public facilities. The location will be within the vicinity of available public facilities and services. The location of the Industrial future land use along Kanner Highway will require the same services as the current land use. The relocation to Kanner Highway, a major arterial, can be considered appropriate and will take future traffic loads off of SW 96th St, a minor arterial. The location on Kanner Highway is not a substantial

distance from the urban area. Discourages the proliferation of urban sprawl.

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

The location will be within the vicinity to available public facilities and services. The proposed Industrial designation will require the same future public facilities and services that are available to the existing land uses. The relocation to Kanner Highway, a major arterial, can be considered appropriate and will take future traffic loads off of SW 96th St, a minor arterial. The location on Kanner Highway is not a substantial distance from the urban area. Discourages the proliferation of urban sprawl.

(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 proposed Industrial would relocate development in proximity to existing services including: roads, storm water management, law enforcement, health care, fire and emergency response and general government services that are already provided. Discourages the proliferation of urban sprawl.

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

The relocation to Kanner Highway will put the Industrial future land use closer to urban uses and the I-95 interchange. The current location fronts SW 96th Street, a minor arterial, where there are residential neighborhoods and a school. Discourages the proliferation of urban sprawl.

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

The current location of the Industrial and Waterfront Commercial future land uses would load traffic onto S.W. 96th, where the existing uses to the north are residential neighborhoods and a school. The relocation to Kanner Highway, a major arterial, can be considered appropriate and will take future traffic loads off of SW 96th St, a minor arterial. It better protects existing neighborhoods from industrial development and traffic conditions and does not discourage infill development or redevelopment of existing neighborhoods. Discourages the proliferation of urban sprawl.

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

The proposed change does not encourage a functional mix of uses, nor did the existing future land use. The return of the existing Industrial and Commercial Waterfront to Agricultural will mean a no net loss of Agricultural and the proposed Industrial land use will not increase the amount of urban lands. This is a relocation of an existing future land use to another part of the property. Discourages the proliferation of urban sprawl.

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

There are no linked or related land uses surrounding the proposed Industrial future land use designation. However, the relocation to Kanner Highway will provide better accessibility for the Industrial future land use to Kanner Highway and the I-95 interchanges at Kanner Highway and Bridge Road. Discourages the proliferation of urban sprawl.

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

All of the property is in agricultural production and will not result in any loss of public open space. Similar open space requirements will be applied to the site plan that would be applied to the existing future land uses at the time of site planning. Discourages the proliferation of urban sprawl.

Staff analysis finds this amendment discourages the proliferation of urban sprawl under all the 13 criteria listed above.

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.

Natural resources and ecosystems are not negatively impacted by this request. Development of the site will not impact existing habitat. Discourages the proliferation of urban sprawl.

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

The proposed future land use designation would require extending existing public infrastructure and services. The relocation to Kanner Highway will provide for more a more cost-effective way to extend public infrastructure and services to the property. Discourages the proliferation of 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 existing future land uses on the property does provide for a walkable and connected communities and does not provide a mix of uses at densities and intensities to support multimodal transportation systems. The existing industrial development and the surrounding residential development does not contain sufficient density for transit. The proposed Industrial future land use is a relocation to Kanner Highway, a major arterial, a more appropriate location than S.W. 96th Street, a minor arterial. Discourages the proliferation of sprawl.

(IV) Promotes conservation of water and energy.

The proposed relocation of commercial and industrial uses within the site should have no net change on the conservation of water and energy. Discourages the proliferation of urban sprawl.

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

The return of the existing Industrial and Commercial Waterfront to Agricultural will mean a no net loss of Agricultural and the proposed Industrial land use will not increase the inventory of Industrial lands. Discourages the proliferation of urban sprawl.

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

All of the property is in agricultural production and will not result in any loss of public open space. Similar open space requirements will be applied to the site plan that would be applied to the existing future land uses at the time of site planning. 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.*

The proposed change does not create a balance of uses, nor did the existing future land use. However, the return of the existing Industrial and Commercial Waterfront to Agricultural will mean a no net loss of Agricultural and the proposed Industrial land use will not increase the inventory of Industrial lands. This is a relocation of an existing future land use to another part of the property. 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.*

The proposed future land use designations do not remediate a planned development pattern in the vicinity that constitutes sprawl. The proposed change does not involve development patterns for new towns defined in s. 163.3164.

This is a relocation of an existing future land use to another part of the property to a more appropriate location along Kanner Highway. This can be considered a remediation of an existing development pattern, since Kanner Highway is a major arterial and the current location fronts S.W. 96th Street, a minor arterial, and residential neighborhoods and a school. Discourages the proliferation of urban sprawl.

Of the eight criteria listed above, all have been met to determine the application discourages urban sprawl.

2.3 Land Use Compatibility

Except for a small Marine Waterfront Commercial parcel near the Arundel Bridge, a few residential units and a gas station on the south side of SW 96th Street, most of the higher densities and intensities of urban development are located north of SW 96th St. The land currently designated for Marine Waterfront Commercial and Industrial use within the property have never been converted from agriculture.

The existing Industrial land on the subject property is connected to the Marine Waterfront Commercial future land use and the St. Lucie Canal and thus related. Though isolated from other industrial areas these two existing designations are compatible and connected to the Canal. The new information (provided in the revised application materials) shows the Army Corps of Engineers have a perpetual Right-of-Way easement that has the potential to disconnect the existing Commercial and Industrial land from use of the St. Lucie Canal. Had this information been available in 2010, the Marine Waterfront Commercial future land use designation may not have been assigned as currently found on the Future Land Use Map.

The Industrial designation proposed for the subject site will be directly adjacent to Agricultural lands to the north, south and west. For this reason, staff recommends retaining the requirement for a Planned Unit Development zoning district in CPA 19-5, KL Waterside LLC.

2.4 Consistency with the Comprehensive Growth Management Plan

This section of the staff report will address the descriptions of the existing and proposed land use designations as discussed in Goal 4.13., Comprehensive Growth Management Plan, Martin County Code (CGMP).

“Policy 4.13A.1. Intent of agricultural designation. The FLUM identifies those lands in Martin County that are allocated for agricultural development. This designation is intended to protect and preserve agricultural soils for agriculturally related uses, realizing that production of food and commodities is an essential industry and basic to the County's economic diversity. Most agricultural lands are far removed from urban service districts and cannot be converted to urban use without substantial increases in the cost of providing, maintaining and operating dispersed services. The allocation of agricultural land is furthered by Goal 4.12. The further intent of the Agricultural designation is to protect agricultural land from encroachment by urban or even low-density residential development.”

The return of the existing Industrial and Commercial Waterfront to Agricultural will mean a net loss of Agricultural and the proposed Industrial land use will not increase the total amount of urban lands.

Figure 8 Existing Farm Land



The following excerpt from Policy 4.13A.8 describes commercial waterfront development intended for the Primary Urban Service District with the following subsection (4):

- (4) *Marine Waterfront Commercial. The Future Land Use Map designates Marine Waterfront Commercial areas to accommodate marine resort, marina and water-related services along highly accessible waterfront sites with the potential to satisfy the unique location, market and resource needs of water-dependent more intense marine service/industrial uses. Waterfront Commercial uses are generally either water-dependent or water-related. Specific zoning regulations shall regulate the nature of marine waterfront commercial operations. They shall also assist in maintaining the stability of adjacent and nearby residential areas through use restrictions, landscaping and screening, and nuisance abatement standards. The regulations shall also guard against environmentally adverse impacts to biologically active and environmentally sensitive habitats in a manner consistent with the Coastal Management and Conservation and Open Space Elements.*

The Land Development Regulations shall provide several marine waterfront commercial zoning districts to accommodate relevant activities, including transient residential facilities, other facilities oriented to marine resorts such as restaurants and shops, and more intense marine service uses that have specific siting criteria to assure compatibility with human and natural resources identified in section 8.4.A5.

Marine Waterfront Commercial sites shall have a minimum net lot size of 10,000 square feet, with a residential density not exceeding 10 units per gross acre and a hotel/motel density not exceeding 20 units per gross acre. The FAR shall be governed by the parking standards of the Land Development Regulations. Maximum building coverage shall be 50 percent. Minimum open space shall be 30 percent. Maximum building height shall be 30 feet for parcels zoned for resort (water-related) uses and 40 feet for parcels zoned for general (water-dependent) uses.

Marine Service Areas. Although Marine Waterfront Commercial areas allow for a variety of uses, Marine Service Areas shall not be developed or converted to

permanent residential uses other than accessory dwelling units (e.g., watchman's quarters).

(a) At a minimum, the following shall be considered Marine Service Areas:

- 1) Parcels zoned Waterfront General Commercial, including those zoned after the effective date of the Marine Service Area provision; and*
- 2) Parcels or portions of parcels used as marinas or marine repair facilities, including all related boat storage and repair areas, but not including vacant areas or portions of the parcel devoted to uses other than marinas or marine repair.*

(b) This restriction on permanent residential use in Marine Service Areas took effect on March 20, 2006. However, Land Development Regulations shall also be adopted to allow landowners to petition for amendments to the Marine Service Area map under certain circumstances. At a minimum, the petition process shall provide for amendments to the map where the landowner can demonstrate that:

(c) Land equally or more suitable for use as a Marine Service Area can be redesignated as such, so as to ensure no net loss of the total Marine Service Area. The Land Development Regulations may provide limits as to acceptable locations for such new Marine Service Areas; or

(d) The existing marine service uses on the site proposed for conversion to permanent residential uses can be replaced by developing similar marine service uses on the same parcel or on a different parcel not already designated as a Marine Service Area (including combinations of on-site and off-site improvements). The Land Development Regulations may provide limits as to acceptable locations for such new marine service uses; or

(e) A particular parcel of land in a Marine Service Area cannot reasonably be developed or redeveloped for marine service uses due to changes in the surrounding area or government regulations related to marine service uses.

Where new Commercial Waterfront lands are created via amendments to the Future Land Use Map, the Board of County Commissioners shall also determine whether such lands shall be designated as Marine Service Area. Lands that are changed from Commercial Waterfront to another future land use designation shall automatically be removed from the Marine Service Area with no additional action required.

Currently, the subject property has approximately 75 acres of land designated with a Marine Waterfront Commercial future land use and a Waterfront General Commercial zoning. The Plan text quoted above also considers this land a Marine Service Area.

And, the Plan text quoted above permits “landowners to petition for amendments to the Marine Service Area map under certain circumstances.” One of the circumstances described in Policy 4.13A.8. (4) (a) 2) (e) describes government regulations related to marine service uses.

The revised application materials show there is a perpetual Army Corps of Engineers (ACOE) Right of Way easement along the canal frontage. The ACOE easement has the potential to block access to the canal for all Marine Commercial Waterfront development on this property. This fact was not known when the land was designated a Marine Service Area in 2010. This proposed amendment to the Future Land Use may be considered a petition to amend the Marine Service Area Map concurrent with the future land use change from Marine Waterfront Commercial to Agricultural.

Additionally, the purpose of the no-net-loss policy was to prevent the conversion of existing Marine Service Areas (existing working waterfronts) to permanent residential uses. This property has never developed as a working waterfront and the proposed future land use change is not a conversion to residential uses. Therefore, staff does not recommend land equally or more suitable for use as a Marine Service Area be designated.

Policy 4.13A.10. Industrial development. The FLUM allocates land resources for existing and anticipated future industrial development needs. The allocation process gives high priority to industry's need for lands accessible to rail facilities, major arterials or interchanges, labor markets and the services of the Primary Urban Service District (Figure 4-2). Industrial development includes both Limited Impact and Extensive Impact Industries. Limited Impact Industries include research and development, light assembly and manufacturing. Extensive Impact Industries include heavy assembly plants, manufacturing/processing plants, fabricators of metal products, steam/electricity co-generation plants and uses customarily associated with airports...

...The locational criteria require that all development in areas designated Industrial shall provide assurances that regional water distribution and wastewater collection utilities shall be provided by a regional public utility system, as described in the Sanitary Sewer Services Element and the Potable Water Services Element.

Currently the land with an Industrial designation is located adjacent to the Marine Waterfront Commercial land and was planned to have access to the St. Lucie Canal. The revised application materials remove the Marine Waterfront Commercial land. The existing Industrial land will be better located where there is direct access to a major arterial road Kanner Highway and the I-95 interchanges at Kanner Highway and Bridge Road.

2.4.1 Conversion of Land

Policy 4.13A.1(2) must be considered when changing the Agricultural, Agricultural Ranchette or the Rural Density future land use designations to another designation. The Board must make findings described in subsections (a) and (b) below.

“(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;*”

Staff analysis. The application materials say that “There are no adjacent farmlands in production

and redeveloping the site into urban uses will not adversely affect the hydrology of the area or any nearby farmlands whatsoever.” Data and analysis were not provided to support this statement.

- (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.”*

The application materials indicate that the “soil characteristics supportive to agricultural crops have been significantly depleted and cannot compete with other agricultural markets due to significant and costly soil amendments including the application of fertilizer and pesticides.”

Aside from a soils map, data and analysis was not provided to support this statement. However, a review of the Property Appraiser’s records indicates the lands to the south have (for tax classification purposes) a grazing classification 6300 GrazLD Soil Cpcty CL III.

Currently, no part of the 499-acre site has been developed for urban uses. Approximately 250 acres of the site have urban designations. Following the proposed changes approximately 250 acres of the site will have urban designations. There will be no net change in the amount of land converted from agriculture to urban use.

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

Approximately half of the subject site (249.1 acres) is located within the Primary Urban Service District. The application requests to remove the existing Primary Urban Service District on the site. The companion text amendment proposes to create a Freestanding Urban Service District. There will be no net change for the provision of water and sewer facilities.

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:

Policy 5.2A.1. 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.

Approximately 250 acres of the site have urban designations. Following the proposed changes approximately 250 acres of the site will have urban designations. A sub area policy currently applicable limits intensity by limiting non-residential development to 1,600,000 square feet of non-residential uses. The sub area policy is proposed for change to limit the net inbound AM peak hour trips generated by all uses to 950 trips per day. Staff recommends approval of the proposed text change referencing trips. It has more certainty than estimating the number of trips possible with a wide variety of uses permitted in 1,600,000 square feet of industrial space. Under either sub area policy, staff will reevaluate the traffic impacts prior to the issuance of any development order associated with the property.

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 Industrial will not reduce the level of service below capacity.

2.5.1.5. Parks/Recreation Facilities

There are no residential land uses proposed, therefore there will be no impact on Parks levels of service.

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	1,013 acres	6.39 acres per 1,000 residents
BEACH FACILITIES	9 parking spaces per 1,000 residents	1,350 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

School facilities are calculated based on residential units.

Policy 17.1B.2., CGMP

“Within 30 days after the School District receives a completed public school impact form from an applicant for an amendment to the Comprehensive Plan future land use map, rezonings, developments of regional Impact, and master site plans which include residential units, the School District shall provide the local government with a general

capacity analysis which indicates the generalized capacity for all applicable school facilities. This analysis shall be used in the evaluation of the development proposals but shall not provide a guarantee of availability of services or facilities.”

The revised application does not propose residential land uses. It will not affect school capacity.

2.5.2. Non-Mandatory Facilities

2.5.2.1. Libraries

The proposed applications do not propose residential land uses, therefore there would be no impact 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.

CONCLUSION

The proposed future land use change is recommended for approval for the following reasons:

- Section 2.1. Criteria for a Future Land Use Amendment (Section 1-11 CGMP) provides criteria in which at least one of four must have a positive finding in order for staff to recommend approval. All of the criteria were met.
- Sections 2.2 and 2.2.1 of this staff report outlines how this amendment discourages the proliferation of sprawl.
- The amendment proposes to relocate the existing Industrial future land use to Kanner Highway, which is a major arterial with connection to the I-95 interchanges at Kanner Highway and Bridge Road. The relocation would take future industrial traffic loads off S.W. 96th Street, a minor arterial which currently serves residential neighborhoods and a school.
- There will be no net loss of Agricultural land and no increase in the urban area.

Attachments:

Email from the County Engineer

Utilities email.