

CPA19-6 Neill Parcels REZONING

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A. Application Information

Request Number: CPA 19-6, KL Waterside

Report Issuance Date: 12-21-2020

Applicant: KL Waterside, LLC
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Delray Beach, FL 33444

SIP Waterside Member, LLC
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New York, New York 10022

Agent: Lucido & Associates
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Senior Vice President
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Stuart, FL 34994

County Project Coordinator: Samantha Lovelady, AICP,
Principal Planner

Growth Management Director: Paul Schilling

<u>PUBLIC HEARINGS:</u>	<u>Date</u>	<u>Action</u>
Local Planning Agency:	September 17, 2020	
Board of County Commission Transmittal:	October 13, 2020	
Board of County Commission Adoption:	January 29, 2021	

B. Project description and analysis

This application is a request for a zoning district change on approximately 499 acres. It is being considered concurrent with a proposed amendment to the Future Land Use Map (FLUM), CPA 19-6, KL Waterside. The proposed zoning district changes are summarized in the table below. Though the applicant is proposing standard zoning districts, a sub-area policy in the Comprehensive Plan currently requires a Planned Unit Development (PUD) zoning district for the urban development on the site. Analysis of the

sub-area policy is found in the staff report for CPA 19-5, KL Waterside Parcels Text Amendment.

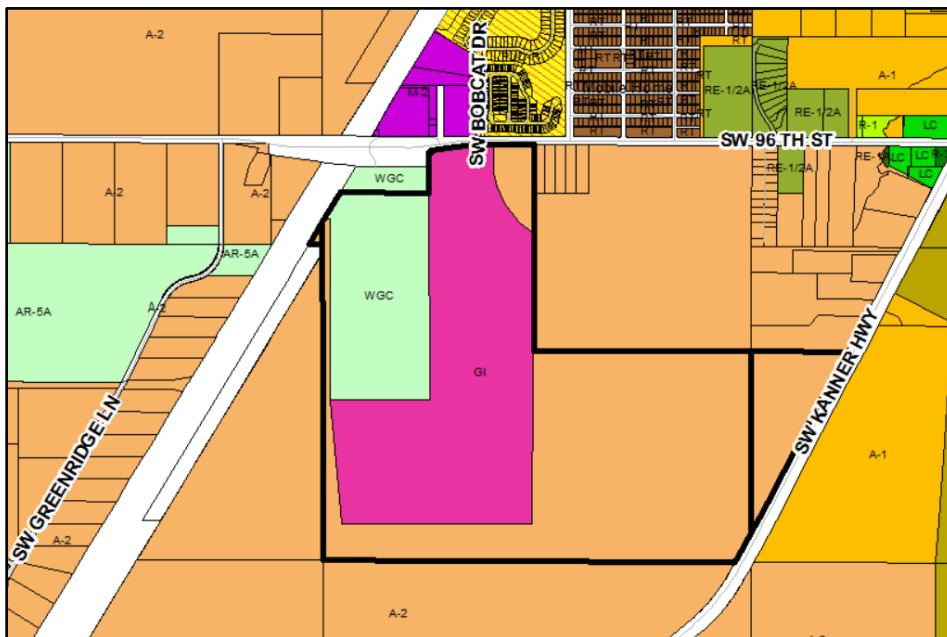
<u>Zoning District</u>	<u>Existing</u>	<u>Proposed</u>
A-2	249.1 acres	6.0 acres
AG-20	0	243.4 acres
GI	175.4 acres	0 acres
LI	0 acres	250 acres
Waterfront General Commercial	74.9 acres	0 acres
Total:	499.4 acres	499.4 acres

Staff recommendation:

Staff recommends approval of the proposed zoning district changes concurrent with the recommendation of approval for the proposed future land use designations in CPA 19-6, FLUM. However, a Planned Unit Development zoning district may be more appropriate than the LI zoning district. Currently, a sub-area policy in the Comprehensive Growth Management Plan requires urban development on the 499-acre property to occur through a Planned Unit Development zoning district. A concurrent text amendment in CPA 19-5, Text, is requesting to change Policy 4.1B.2(2)(d) to allow for a Planned Unit Development or a “major or minor development pursuant to the LI zoning district.” Please see the staff report for CPA 19-5 for more analysis.

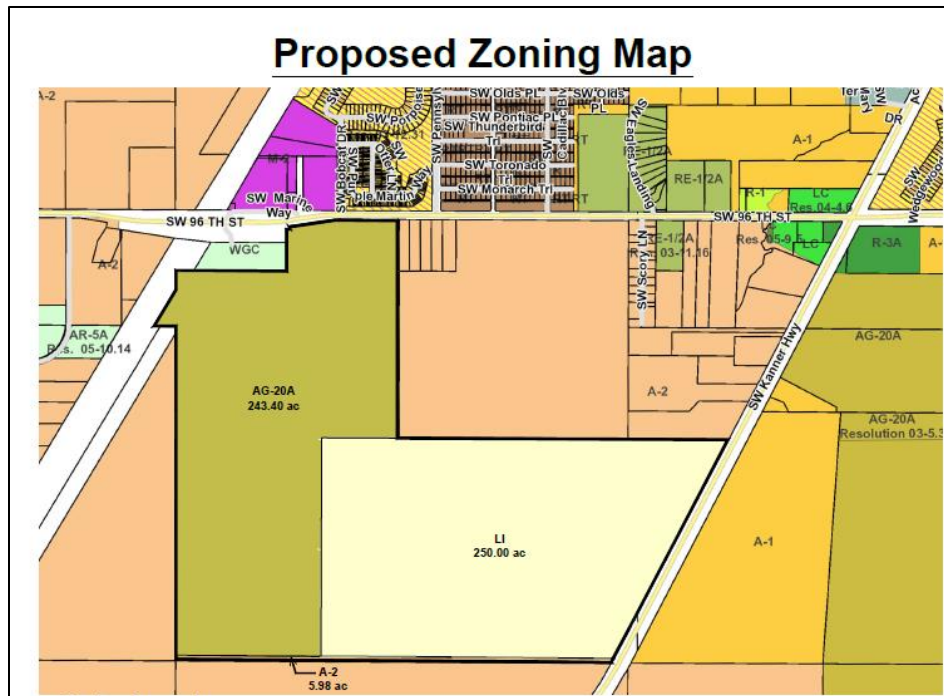
On September 27, 2020 voted 2-2 regarding the rezoning.

Figure 1, Existing Zoning Districts, WGC, GI and A-2



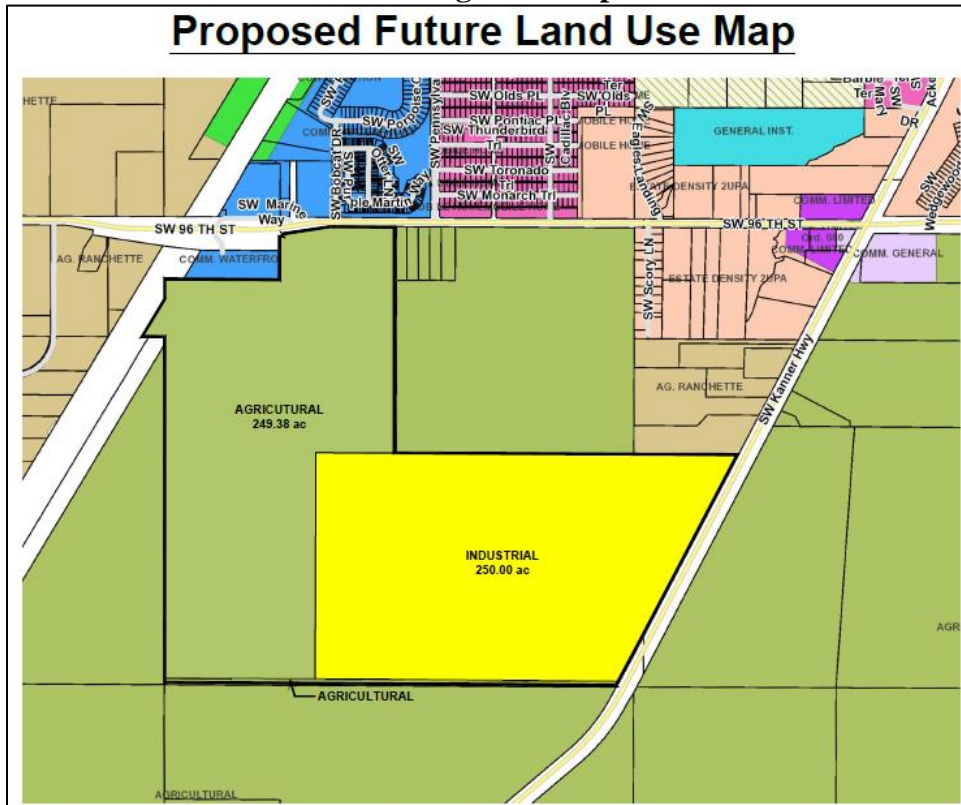
Please refer to Figure 2 below, which shows the proposed zoning districts.

Figure 2 Proposed Zoning Districts, AG20-A and LI



The proposed zoning districts are consistent with and will implement the proposed future land use designations depicted in Figure 3 below.

Figure 3 Proposed FLUM



Standards for Amendments to the Zoning Atlas

1. The Comprehensive Growth Management Plan (CGMP) requires that Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations pursuant to Policy 4.4A.1., CGMP, Martin County, Fla. (2016).
2. The Martin County Land Development Regulations (LDR), Article 3, Section 3.2.E.1. provides the following “Standards for amendments to the Zoning Atlas.”

The Future Land Use Map of the CGMP (Comprehensive Growth Management Plan) establishes the optimum overall distribution of land uses. The CGMP also establishes a series of land use categories, which provide, among other things, overall density and intensity limits. The Future Land Use Map shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible pursuant to the CGMP and these Land Development Regulations. All goals, objectives, and policies of the CGMP shall be considered when a proposed rezoning is considered. The County shall have the discretion to decide that the development allowed on any given parcel of land shall be more limited than the maximum allowable under the assigned Future Land Use Category; provided, however, that the County shall approve some development that is consistent with the CGMP, and the decision is fairly debatable or is supported by substantial, competent evidence depending on the fundamental nature of the proceeding. If upon reviewing a proposed rezoning request the County determines that the Future Land Use designation of the CGMP is inappropriate, the County may deny such rezoning

request and initiate an appropriate amendment to the CGMP.

3. The Martin County Land Development Regulations (LDR), in Section 3.2.E.2., provides the following “Standards for amendments to the Zoning Atlas.” In the review of a proposed amendment to the Zoning Atlas, the Board of County Commissioners shall consider the following:

- a. Whether the proposed amendment is consistent with all applicable provisions of the Comprehensive Plan; and,*

The proposed zoning districts are consistent with and will implement the proposed future land use designations depicted in Figure 3 above. The change from the existing GI and WGC to AG-20A on the western portion of the property at the same time as the LI zoning district is proposed on the eastern portion of the property will mean a no net loss of agricultural zoning districts. It will also mean a no net increase of urban development. The LI zoning district will not allow Extensive Impact Industries allowed by the GI zoning district and the WGC zoning district. Policy 4.13A.10. Industrial development, describes limited impact industries as research and development, light assembly and manufacturing. It describes extensive impact industries to include heavy assembly plants, manufacturing/processing plants, fabricators of metal products, steam/electricity co-generation plants and uses customarily associated with airports.

The Planned Unit Development zoning district may also be considered because Policy 4.13A.10, also contains the following text:

“Based on the extensive impacts that industrial development frequently generates, industrial development shall be encouraged to develop under provisions of a PUD zoning district to give the applicant maximum design flexibility and to avoid major unanticipated adverse impacts.”

- b. Whether the proposed amendment is consistent with all applicable provisions of the LDR; and,*

The requested LI and AG-20A zoning districts implement the proposed future land use designations pursuant to the requirements and standards of the LDR.

- c. Whether the proposed district amendment is compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the property for the proposed zoning use; and,*

The requested LI and AG-20A zoning districts implement the proposed future land use designations. However, as stated in the staff report for CPA 19-6:

“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.”

- d. Whether and to what extent there are documented changed conditions in the area; and,*

The recently adopted expansion of the PUSD by 6 acres (CPA 19-22, Publix Supermarket Text) and the companion future land use change represents the only change outside the Primary Urban

Service District, since 2010. The widening of SW Kanner Hwy. occurred between SW Locks Rd. and the edge of the Primary Urban Service District (PUSD). There have not been other changes outside the PUSD and SUSD or even within the subject property. The lands with commercial and industrial future land use designations within the subject site are still farmed as they have been for decades.

This is a relocation, or exchange, of the Industrial future land use with the Agricultural future land use within the subject property. The same is so for the proposed zoning districts. There will be no net loss of agricultural land and no increase in urban uses or urban services than exists today.

e. Whether and to what extent the proposed amendment would result in demands on public facilities; and,

Staff analysis: The text amendment, CPA19-5, retracts the PUSD and creates a Freestanding Urban Service District within the same property. Approximately the same public services will be provided to the Freestanding Urban Service District as provided to the existing land in the PUSD.

f. Whether and to what extent the proposed amendment would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the county's resources; and,

Policy 4.13A.10 puts a high priority for accessibility to major arterials and interchanges. This is a relocation of an existing future land use and zoning to another part of the property to a more appropriate and logical 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.

g. Consideration of the facts presented at the public hearings.

CPA 19-22 and this concurrent rezoning have not been presented at a public hearing yet.

Permitted Uses and Standards:

Attached to this staff report are excerpts from the Land Development Regulations showing the permitted uses and the development standards for the existing and proposed zoning districts.

Table 3.11.2. shows the permitted uses for the WGC and GI zoning districts assigned to the property today. Table 3.11.2 also lists the permitted uses for the LI zoning district proposed for 250 acres. The "P" indicates that the use is permitted within that zoning district provided that the use can be developed in accordance with, the requirements set forth in Divisions 3 and 4 and all other applicable requirements of Article 3 of the Land Development Regulations.

Table 3.12.1 Development Standards shows the minimum lot sizes, maximum building coverage and minimum open space for the WGC, LI and GI zoning districts.

Table 3.12.2 shows the minimum setbacks for the WGC, LI and GI zoning districts.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Sections F through T of this report. The rezoning process does not include a site plan review; therefore departments related to site plan review were not included in this rezoning staff report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Samantha Lovelady	288-5930	Deny
G	Development Review	NA	288-5930	NA
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Samantha Lovelady	288-5930	Exempt

The choice of the most appropriate district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) is asked to consider based on the “standards for amendments to the zoning atlas” provided in Section 3.2.E.1., Land Development Regulations (LDR), Martin County Code (MCC).

D. Review Board action

A review and recommendation is required on this application from the Local Planning Agency (LPA). Final action on this application is required by the Board of County Commissioners (BCC). Both the LPA and the BCC meetings must be advertised public hearings.

E. Location and site information

The parcels are on 499.4 acres located south of SW 96th Street, between SW Kanner Highway (SR76) and the St. Lucie Canal.

Existing zoning:	A-2, GI and WGC
Future land use:	Agricultural, Industrial and Commercial Waterfront
Commission district:	District 3
Community redevelopment area:	N/A
Municipal service taxing unit:	District 3 Municipal Service Taxing Unit
Planning area:	Mid County

F. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department

Unresolved issues:

Item #1:

Compatibility with the Future Land Use Map. The Growth Management Department staff has reviewed the Future Land Use Map Amendment in a separate report, CPA 19-6. Expansion of the Primary Urban Service District and amendments to the sub-area policy are considered in CPA 19-5.

G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department

Unresolved issues:

No site plan has been proposed. See Section F. above.

Additional Information:

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any specific department issues will be addressed at such time as development of the subject site is proposed.

H. Determination of compliance with the urban design and community redevelopment requirements – Community Development Department

See above statement.

I. Determination of compliance with the property management requirements – Engineering Department

See above statement.

J. Determination of compliance with environmental and landscaping requirements - Growth Management Department

See above statement.

K. Determination of compliance with transportation requirements - Engineering Department

See above statement.

L. Determination of compliance with county surveyor - Engineering Department

See above statement.

M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department

See above statement.

N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments

See above statement.

O. Determination of compliance with utilities requirements - Utilities Department

See above statement.

P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department

See above statement.

Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department

See above statement.

R. Determination of compliance with Martin County Health Department and Martin County School Board

See above statement

S. Determination of compliance with legal requirements - County Attorney's Office

Review is ongoing.

T. Determination of compliance with the adequate public facilities requirements - responsible departments

The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B., LDR, Martin County, Fla. (2016). Exempted development will be treated as committed development for which the County assures concurrency.

Examples of developments that do not create additional impact on public facilities include:

- A. Additions to nonresidential uses that do not create additional impact on public facilities;
- B. Changes in use of property when the new use does not increase the impact on public facilities over the pre-existing use, except that no change in use will be considered exempt when the preexisting use has been discontinued for two years or more;
- C. Zoning district changes to the district of lowest density or intensity necessary to achieve consistency with the Comprehensive Growth Management Plan;
- D. Boundary plats which permit no site development.

U. Post-approval requirements

Not applicable.

V. Local, State, and Federal Permits

No Local, State and Federal Permits are applicable to a rezoning action which does not permit any development activities.

W. Fees

Not applicable.

X. General application information

Applicant and Property Owner: Publix Supermarket, Inc.

Y. Acronyms

ADA.....Americans with Disability Act
AHJ Authority Having Jurisdiction
ARDP..... Active Residential Development Preference
BCC.....Board of County Commissioners
CGMP Comprehensive Growth Management Plan
CIE Capital Improvements Element
CIP Capital Improvements Plan
FACBC Florida Accessibility Code for Building Construction

FDEP..... Florida Department of Environmental Protection
FDOT Florida Department of Transportation
LDR..... Land Development Regulations
LPA Local Planning Agency
MCC..... Martin County Code
MCHD..... Martin County Health Department
NFPA National Fire Protection Association
SFWMD..... South Florida Water Management District
W/WWSA Water/Wastewater Service Agreement

Z. Figures/Attachments