



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

BAKER RD, LLC REZONING

Applicant:	Baker Rd, LLC
Property Owner:	Baker Rd, LLC
Agent for the Applicant:	Deanna Freeman; Counterplan
County Project Coordinator:	Matthew Stahley, Senior Planner
Growth Management Director:	Paul Schilling
Project Number:	B129-001
Application Type and Number:	DEV2020100007
Report Number:	2020_1209_B129-001_DRT_Staff_Final
Application Received:	10/30/2020
Transmitted:	11/03/2020
Date of Report:	12/11/2020

B. Project description and analysis

This is an application for a proposed amendment to the county Zoning Atlas for a residential district designation (Section 3.2.E, LDR). A Zoning District change from R-2, Single Family Residential District to RM-8, Medium Density Residential District is proposed for an approximate 0.55-acre undeveloped parcel located at 322 NW Baker Road at the intersection of NW Charlie Green Drive and NW Baker Road in Stuart.

The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Medium Density which is a residential classification that has a maximum density allowance of 8 units per acre. The current zoning on the property is R-2, Single Family Residential District, which is a category B district. The R-2 zoning district is consistent with the future land use designation. Therefore, the request to rezone this property is considered non-mandatory.

There are four (4) standard "Category A" zoning districts that are available to implement the Medium Density land use policies of the CGMP, which are RS-6 (Medium Density Residential District), RS-8 (Medium Density Residential District), RM-6 (Medium Density Residential District), and RM-8 (Medium Density Residential District). In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County.

The following tables compare the permitted uses and the development standards for the existing R-2

PERMITTED USES IN THE R-2, RS-6, RS-8, RM-6, RM-8 DISTRICTS
(Excerpt from Tables 3.11.1 & 3.11.3)

TABLE 3.11.1
PERMITTED USES - CATEGORY "A" AGRICULTURAL AND RESIDENTIAL DISTRICTS

USE CATEGORY	R S 6	R S 8	R M 6	R M 8
Modular homes	P	P	P	P
Multifamily dwellings			P	P
Single-family detached dwellings	P	P	P	P
Townhouse dwellings			P	P
Duplex dwellings			P	P
Zero lot line single-family dwellings			P	P
Community centers	P	P	P	P
Educational institutions	P	P	P	P
Neighborhood assisted residences with six or fewer residents	P	P	P	P
Neighborhood boat launches	P	P	P	P
Places of worship	P	P	P	P
Protective and emergency services	P	P	P	P
Public libraries	P	P	P	P
Public parks and recreation areas, active	P	P	P	P
Public parks and recreation areas, passive	P	P	P	P
Recycling drop-off centers	P	P	P	P
Residential care facilities			P	P
Utilities	P	P	P	P
<i>Commercial and Business Uses</i>				
Bed and breakfast inns	P	P	P	P
Commercial day care	P	P	P	P
Family day care	P	P	P	P
Golf courses	P	P	P	P

**TABLE 3.11.3
PERMITTED USES - CATEGORY "B" DISTRICTS**

USE CATEGORY	R 2
<i>Residential Uses</i>	
Modular homes	P
Single-family detached dwellings	P
Community centers	P
Educational institutions	P
Neighborhood assisted residences with six or fewer residents	P
Places of worship	P
Post offices	
Protective and emergency services	P
Public libraries	P
Public parks and recreation areas, active	P
Public parks and recreation areas, passive	P
Utilities	P
<i>Commercial and Business Uses</i>	
Bed and breakfast inns	P
Commercial day care	P
Family day care	P
Golf courses	P

**DEVELOPMENT STANDARDS
(Excerpt from Table 3.12.1)**

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	RS-6	7,500	50	6.00	—	—	40	50	—
A	RS-8	5,500	50	8.00	—	—	40	50	—
A	RM-6	7,500(h)	50(h)	6.00	—	—	40	50	—

A	RM-8	5,500(h)	50(h)	8.00	—	—	40	50	—
B	R-2	7,500	60	(a)	—	35	30/3	30	—

NOTES:

(a) Maximum residential density shall be one single-family residential dwelling unit per lawfully established lot.

(h) The minimum lot area and minimum lot width requirements shall not apply to zero lot line, townhouse or multifamily developments on lots created after March 29, 2002.

**TABLE 3.12.2
STRUCTURE SETBACKS**

		Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
		1	2	3	4	1	2	3	4	1	2	3	4
C A T	Zoning District												
A	RS-6	25	25	25	25	10	20	30	40	10	10	20	30
A	RS-8	25	25	25	25	10	20	20	30	5	5	10	20
A	RM-6	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-8	25	25	25	25	10	20	30	40	10	10	20	30
B	R-2	20	20	20	—	6	8	10	—	6	8	10	—

Standards for Amendments to the Zoning Atlas

1. The Comprehensive Growth Management Plan (CGMP) states in Chapter 4, Section 4.4: “Goal 4.4 To eliminate or reduce uses of land that are inconsistent with community character or desired future land uses.” And, in Objective 4.4A. “To eliminate inconsistencies between the FLUM and the zoning maps and regulations.”
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 subject property is designated for Medium Density use on the Future Land Use Map (FLUM) of the Comprehensive Growth Management Plan (CGMP). The zoning implementation policies and requirements are contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code. Pursuant to Article 3 there are four (4) standard Category A zoning district that is available to implement the Medium Density future land use classification, which are RS-6 (Medium Density Residential District), RS-8 (Medium Density Residential District), RM-6 (Medium Density Residential District), and RM-8 (Medium Density Residential District). Therefore, rezoning the subject property to the RM-8 zoning district is consistent with the Comprehensive Plan. 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) are asked to consider based on the “standards for amendments to the zoning atlas” provided in Section 3.2 E.1., Article 3, Land Development Regulations (LDR), Martin County Code (MCC). The granting of a zoning change by the County does not exempt the applicant from any of the County’s Comprehensive Growth Management Plan. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

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

The requested RM-8 zoning district implements the existing medium density future land use pursuant to the requirements and standards of the LDR. A proposed site plan on the 0.55 acre parcel must comply with all applicable land development regulations.

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 subject property is located on NW Baker Road which is classified as a major collector, and is surrounded by an unplatted residential subdivision to the south and east on lots ranging

in size from 0.11 acres to 1.6 acres. Buttonwood Tennis Court is located to the west. North of NW Baker Road is Haney Creek, which is owned by the City of Stuart and maintained for preservation purposes. Felix Williams Elementary is located further north and west. The Avonlea PUD, a mixed use project within the City of Stuart's jurisdiction is located further to the east. The future land use of the surrounding property is Medium Density Residential and Mobile Home to the north of NW Baker Road. The proposed RM-8 zoning is consistent with the surrounding medium density residential future land use. Although most of the surrounding units are single family, the 0.55 acre parcel size of the subject site would limit the potential number of residential units to 4, and the type of development would be limited to a single family or duplex development type rather than townhome or multifamily projects.

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

The infrastructure needed to support development and to provide services at established service levels to existing development in this local area is present. The pattern of development which has focused on residential uses is well established. A review of historical aerials to the current parcel configurations and development of the area indicate that conditions have changed slightly in the area of the subject property. Residential development within the subdivision surrounding the subject site along NW Charlie Green Dr has been established and historical aerials show development starting there in the mid 1960's. The surrounding unplatted neighborhood has led to development of lots with a diverse range of lot sizes and configurations.

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

The subject property is located within the Primary Urban Services District of the County. As such, the full range of urban services at service levels established by the CGMP is available or must be made available for any uses that are planned for the property. Water and sewer services to the site are available in the area and provided by Martin County Utilities, the regional service provider for this area of the County.

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,

The land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for development contains Medium Density development for the entire area surrounding the subject site, and Mobile Home future land use across NW Baker Road. The subject property is located on a major collector surrounded by established residential development. Residential development on lots surrounding the subject site include a wide mix of densities ranging from 8 units per acre (UPA) to 0.6 UPA. The surrounding un-platted subdivision has 33 lots on 10 acres with a gross density of 3.33 units per acre. However, there are multiple 5,000 ft² lots within 500 feet of the subject site with densities similar to the proposed RM-8 density of 8 UPA, particularly several lots fronting NW Baker Rd. The development pattern of the surrounding neighborhood is established and the extension of this pattern to the subject property is contemplated and supported by the CGMP.

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

The subject application requires a public hearing before the Local Planning Agency, who will make a recommendation on the request, and before the Board of County Commissioners, who will take final action on the request. The two hearings will provide the public an opportunity to participate in the review and decision making process. Any public comments received on this application will be provided at each hearing to the Agency Members and Commissioners for consideration.

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 current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Matthew Stahley	320-3047	Comply
F	ARDP	Samantha Lovelady	288-5664	N/A
G	Development Review	Matthew Stahley	320-3047	Comply
H	Urban Design	Santiago Abasalo	288-5485	N/A
H	Community Redevelopment	Santiago Abasalo	288-5485	N/A
I	Property Management	Colleen Holmes	288-5794	N/A
J	Environmental	Shawn McCarthy	288-5508	N/A
J	Landscaping	Karen Sjoholm	288-5909	N/A
K	Transportation	Lukas Lambert	221-2300	N/A
L	County Surveyor	Tom Walker	288-5928	N/A
M	Engineering	Michelle Cullum	288-5512	N/A
N	Addressing	Emily Kohler	288-5692	N/A
N	Electronic File Submission	Emily Kohler	288-5692	N/A
O	Water and Wastewater	James Christ	320-3034	N/A
O	Wellfields	James Christ	320-3034	N/A
P	Fire Prevention	Doug Killane	288-5633	N/A
P	Emergency Management	Sally Waite	219-4941	N/A
Q	ADA	Michelle Cullum	288-5512	N/A
R	Health Department	Todd Reinhold	221-4090	N/A
R	School Board	Kimberly Everman	219-1200	N/A
S	County Attorney	Krista Storey	288-5923	Review Ongoing
T	Adequate Public Facilities	Matthew Stahley	320-3047	Exemption

Staff has reviewed this petition for a rezoning of property to the appropriate zoning district designation, has determined that the petition has been submitted and reviewed consistent with the procedural requirements of Article 10 and is in compliance with the substantive provisions of Article 3. The Board is advised that this application is in order and qualifies for an action of approval.

D. Review Board action

This application is classified as an amendment to the official zoning map. Pursuant to Section 10.3.B., Land Development Regulations (LDR), Martin County, Fla. (2019), a review of this application at a public hearing is required by the Local Planning Agency (LPA), which shall provide a recommendation for the Board's consideration. And, pursuant to Section 10.5.A.1., LDR, Martin County, Fla. (2016), final action on this request for an amendment to the official zoning map is required by the Board of County

E. Location and site information

Parcel number(s) and address:

29-37-41-000-000-00150-3

322 NW Baker Rd

Existing Zoning:

R-2, Single Family Residential

Future land use:

Medium Density

Commission district:

1

Taxing district:

6006

Gross area of site:

0.55

Figure 1: Location Map

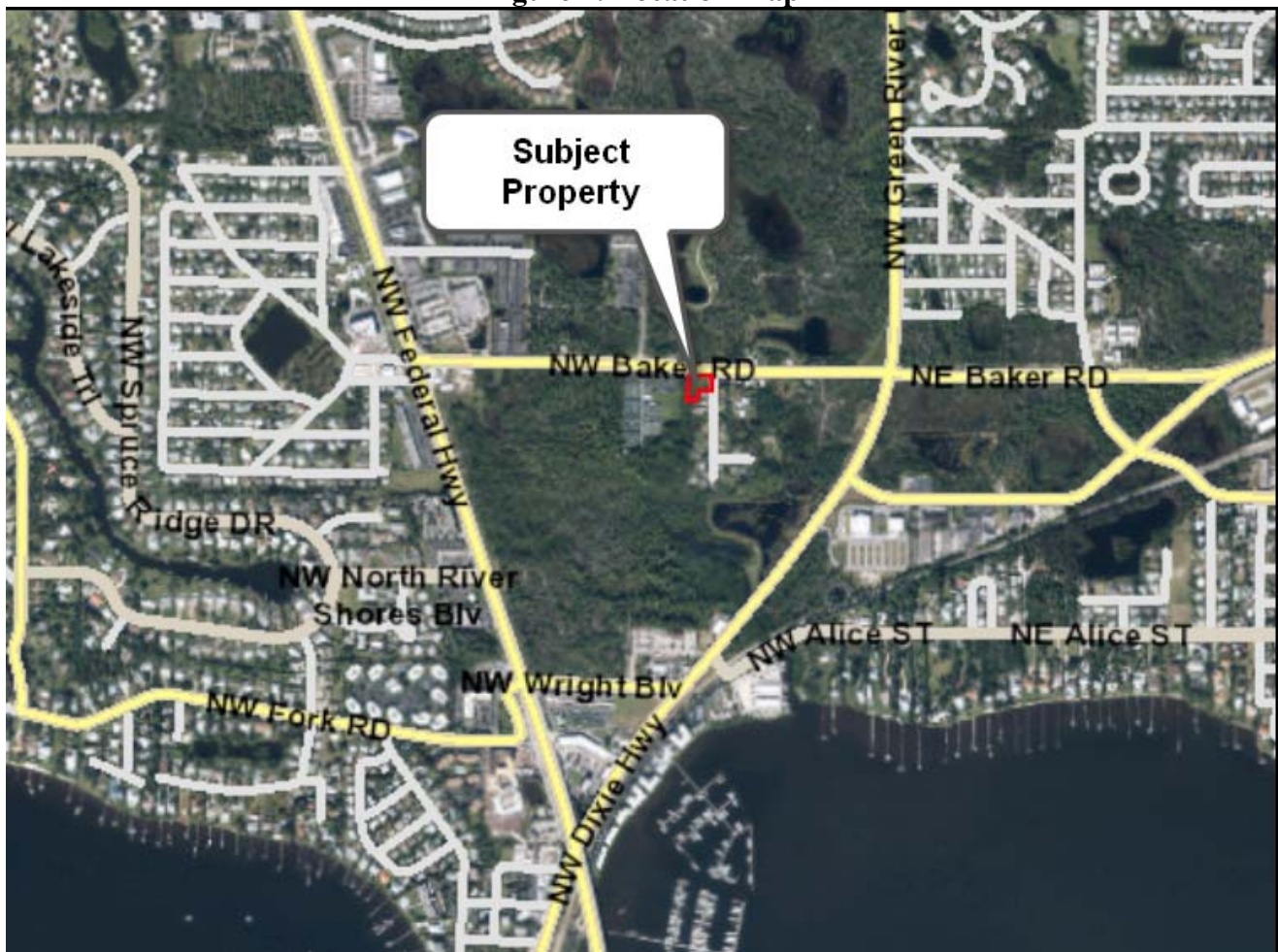


Figure 2: Subject Site 2020 Aerial



Adjacent existing or proposed development:

To the north:	NW Baker Rd ROW
To the south:	Single Family Residential
To the east:	Single Family Residential
To the west:	Buttonwood Tennis Courts

Figure 3: Local Area 2020 Aerial



Zoning district designations of abutting properties:

To the north:	R-2, Single Family residential and RT, Mobile Home
To the south:	R-2, Single Family residential

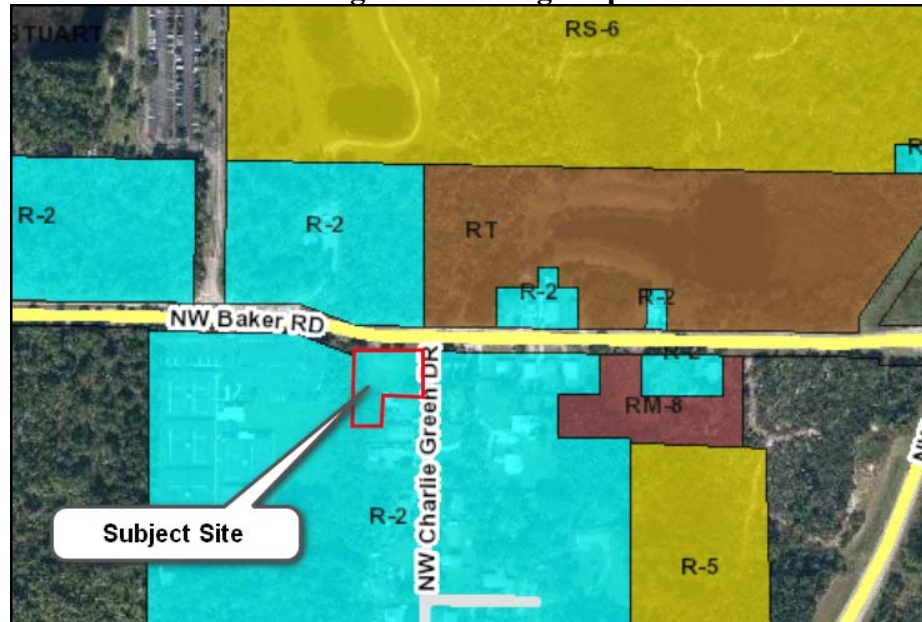
To the east:

R-2, Single Family residential and RM-8, Medium Density

To the west:

R-2, Single Family residential

Figure 4: Zoning Map



Future land use designations of abutting properties:

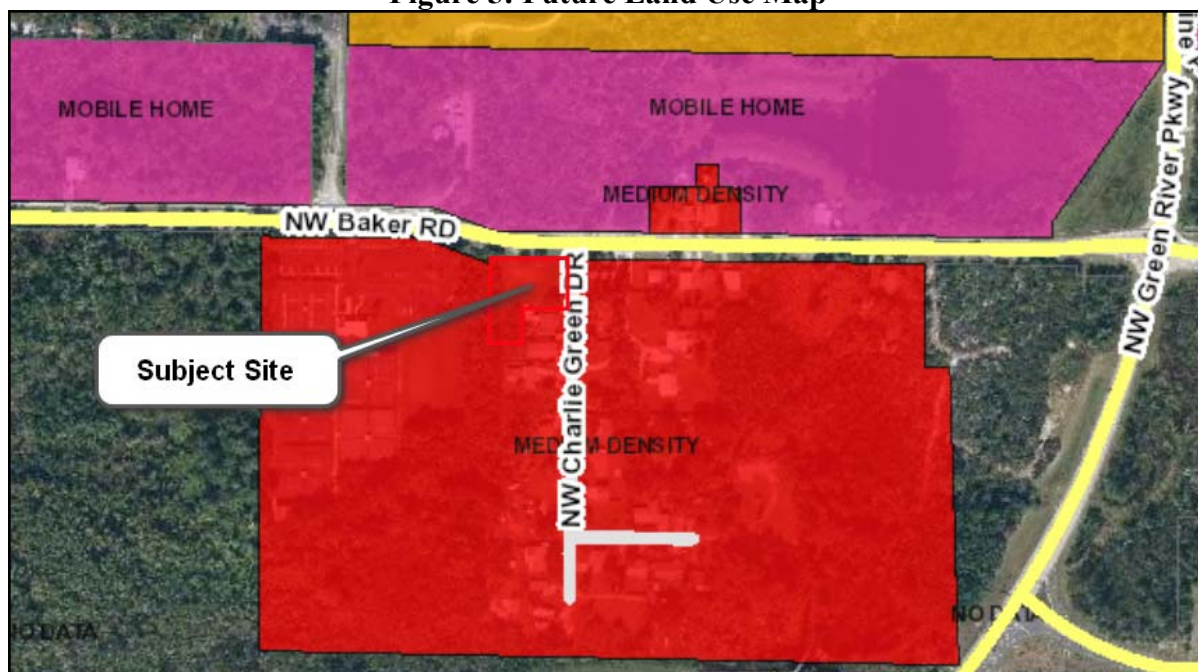
To the north: Medium Density, Mobile Home

To the south: Medium Density

To the east: Medium Density

To the west: Medium Density

Figure 5: Future Land Use Map



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

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved Comprehensive Growth Management Plan requirements issues associated with this application.

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

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

Additional Information:

Information #1:

Notice Of A Public Hearing

The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days (seven calendar days if the application is being expedited pursuant to section 10.12) prior to the public hearing by the applicant to all owners of real property located within a distance of 500 feet of the boundaries of the affected property. In addition, notice shall be mailed to all homeowner associations, condominium associations and the owners of each condominium unit within the notice area. MARTIN COUNTY, FLA., LDR, § 10.6.E.1. (2019)

Information #2:

Notice(s) of public hearings regarding development applications shall be published at least 14 days prior to the date of the public hearing by the County (seven calendar days if the application is being expedited pursuant to section 10.12) in the legal advertisement section of a newspaper of general circulation in Martin County. The applicant shall reimburse the County for the cost(s) of the newspaper ad(s) as a post approval requirement for the application. MARTIN COUNTY, FLA., LDR SECTION 10.6.D. (2019)

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

Commercial Design

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. The proposed project is located within a residential land use designation. Therefore, the Commercial Design reviewer will not be required to review any forthcoming development proposal associated with this application.

Community Redevelopment Area

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. The proposed project is not located within any Community Redevelopment Area. Therefore, the Community Redevelopment Area reviewer

will not be required to review any forthcoming development proposal associated with this application.

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

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 property management or dedication issues will be addressed at such time as development of the subject site is proposed.

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

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 environmental or landscaping issues will be addressed at such time as development of the subject site is proposed.

K. Determination of compliance with transportation requirements - Engineering Department

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 transportation issues will be addressed at such time as development of the subject site is proposed.

L. Determination of compliance with county surveyor - Engineering Department

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 property survey issues will be addressed at such time as development of the subject site is proposed.

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

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 stormwater management or engineering issues will be addressed at such time as development of the subject site is proposed.

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

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 electronic file or addressing issues will be addressed at such time as development of the subject site is proposed.

O. Determination of compliance with utilities requirements - Utilities Department

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 utilities issues will be addressed at such time as development of the subject site is proposed.

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

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 fire prevention or emergency management issues will be addressed at such time as development of the subject site is proposed.

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

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 ADA issues will be addressed at such time as development of the subject site is proposed.

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

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 issues related to requirements of the Department of Health or Martin County School Board review will be addressed at such time as development of the subject site is proposed.

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

Review 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

Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Item #1:

Post Approval Fees: The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.

Item #2:

Recording Costs: The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.

V. Local, State, and Federal Permits

There are no applicable Local, State and Federal Permits associated with amendments to the County Zoning Atlas.

W. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$3,115.00	\$3,115.00	\$0.00
Advertising fees*:	TBD		
Recording fees**:	TBD		

* Advertising fees will be determined once the ads have been placed and billed to the County.

** Recording fees will be identified on the post approval checklist.

X. General application information

Applicant: Baker Rd, LLC
Isabel and Antonio Perez
20734 NW29th Ave
Boca Raton, FL 33434

Agent: Counterplan, LLC
Deanna Freeman
4777 SE Graham Dr
Stuart, FL 34997

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

Development Review Staff Report

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/Waste Water Service Agreement