



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

MCARTHUR WEST GOLF CLUB REZONING

Applicant:	McArthur Golf Club, LLC
Property Owner:	McArthur Golf Club, LLC
Agent for the Applicant:	Lucido and Associates, Morris A. Crady, AICP
County Project Coordinator:	Peter Walden, AICP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	M189-007
Application Type and Number:	DEV2020090003
Report Number:	2021_0125_M189-007_Staff_Report_Final
Application Received:	11/25/2020
Transmitted:	12/04/2020
Staff Report:	01/25/2020
LPA Hearing:	02/18/2021
BCC Hearing:	03/09/2021

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B. Project description and analysis

This is a request for zoning district change from the A-1, Small Farms District to the RS-5, Low Density Residential District or the most appropriate district. The subject property is approximately 49.4 acres and is located west of and adjacent to the existing McArthur Golf Club in Hobe Sound. Included with the application is a request for a Certificate of Public Facilities Exemption.

The site is part of a site plan application for the addition of an 18 hole golf course to the existing McArthur Golf Club. The area of the rezoning will be primarily left undeveloped as it consists of mostly wetlands and wetland buffers. The subject site is incorporated into the revised final site plan for the McArthur Golf Club and is therefore subject to Sec. 3.402 Land Development Regulations (LDR). The existing A-1, Small Farms District is inconsistent with the Low Density future land use on the property and is therefore required to rezone to a zoning district consistent with the future land use designation.

The existing McArthur golf club has a Low Density future land use designation and RM-5, Low Density Residential District zoning. The property that is the subject of the new golf course application and west

of the subject property has a Rural Density future land use and RE-2A, Rural Estate District zoning. The requested RS-5 zoning and low density land use permit the proposed golf course development.

There are six (6) standard zoning districts that are available to implement the Industrial land use policies of the CGMP, which are RS-3, RS-4, RS-5, RM-3, RM-4, and RM-5, low density residential districts. In addition to the standard zoning districts, 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 applicant is proposing to rezone the property to the RS-5, Low Density Residential District. The following tables compare the permitted uses and the development standards for the available standard zoning districts.

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

USE CATEGORY	R S 3	R S 4	R S 5	R M 3	R M 4	R M 5
<i>Residential Uses</i>						
Accessory dwelling units						
Apartment hotels						
Mobile homes						
Modular homes	P	P	P	P	P	P
Multifamily dwellings				P	P	P
Single-family detached dwellings	P	P	P	P	P	P
Single-family detached dwellings, if established prior to the effective date of this ordinance						
Townhouse dwellings				P	P	P
Duplex dwellings				P	P	P
Zero lot line single-family dwellings				P	P	P
<i>Agricultural Uses</i>						
Agricultural processing, indoor						
Agricultural processing, outdoor						
Agricultural veterinary medical services						
Aquaculture						
Crop farms						
Dairies						
Exotic wildlife sanctuaries						
Farmer's markets						
Feed lots						
Fishing and hunting camps						

Orchards and groves						
Plant nurseries and landscape services						
Ranches						
Silviculture						
Stables, commercial						
Storage of agricultural equipment, supplies and produce						
Wildlife rehabilitation facilities						
<i>Public and Institutional Uses</i>						
Administrative services, not-for-profit						
Cemeteries, crematory operations and columbaria						
Community centers	P	P	P	P	P	P
Correctional facilities						
Cultural or civic uses						
Dredge spoil facilities						
Educational institutions	P	P	P	P	P	P
Electrical generating plants						
Fairgrounds						
Halfway houses						
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance						
Hospitals						
Neighborhood assisted residences with six or fewer residents	P	P	P	P	P	P
Neighborhood boat launches	P	P	P	P	P	P
Nonsecure residential drug and alcohol rehabilitation and treatment facilities						
Nonsecure residential drug and alcohol rehabilitation and treatment facilities, on lots where such use was lawfully established prior to the effective date of this ordinance						
Places of worship	P	P	P	P	P	P
Post offices						
Protective and emergency services	P	P	P	P	P	P
Public libraries	P	P	P	P	P	P
Public parks and recreation areas, active	P	P	P	P	P	P
Public parks and recreation areas, passive	P	P	P	P	P	P
Public vehicle storage and maintenance						
Recycling drop-off centers	P	P	P	P	P	P
Residential care facilities				P	P	P
Residential care facilities, where such use was lawfully established prior to the effective date of this ordinance						
Solar energy facilities (solar farms)						
Solid waste disposal areas						
Utilities	P	P	P	P	P	P
<i>Commercial and Business Uses</i>						
Adult business						

Bed and breakfast inns	P	P	P	P	P	P
Business and professional offices						
Campgrounds						
Commercial amusements, indoor						
Commercial amusements, outdoor						
Commercial day care	P	P	P	P	P	P
Construction industry trades						
Construction sales and services						
Family day care	P	P	P	P	P	P
Financial institutions						
Flea markets						
Funeral homes						
General retail sales and services						
Golf courses	P	P	P	P	P	P
Golf driving ranges						
Hotels and motels						
Kennels, commercial						
Limited retail sales and services						
Marinas, commercial						
Marine education and research						
Medical services						
Parking lots and garages						
Recreational vehicle parks						
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance						
Residential storage facilities						
Restaurants, convenience, with drive through facilities						
Restaurants, convenience without drive through facilities						
Restaurants, general						
Shooting ranges, indoor						
Shooting ranges, outdoor						
Sporting clay course						
Trades and skilled services						
Vehicular sales and service						
Vehicular service and maintenance						
Veterinary medical services						
Wholesale trades and services						
<i>Transportation, Communication and Utilities Uses</i>						
Airstrips						

Airports, general aviation									
<i>Industrial Uses</i>									
Composting, where such use was approved or lawfully established prior to March 1, 2003									
Extensive impact industries									
Limited impact industries									
Mining									
Salvage yards									
Yard trash processing									
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002									

**TABLE 3.12.1
DEVELOPMENT STANDARDS**

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-3	15,000	60	3.00	—	—	30	50	—
A	RS-4	10,000	60	4.00	—	—	30	50	—
A	RS-5	7,500	60	5.00	—	—	30	50	—
A	RM-3	15,000(h)	60(h)	3.00	—	—	40	50	—
A	RM-4	10,000(h)	60(h)	4.00	—	—	40	50	—
A	RM-5	8,500(h)	60(h)	5.00	—	—	40	50	—

**TABLE 3.12.2.
STRUCTURE SETBACKS**

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

A	RM-4	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-5	25	25	25	25	10	20	30	40	10	10	20	30

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. provide 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 Low Density residential land 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 identify six (6) standard zoning districts, including RS-3, RS-4, RS-5 and RM-3, RM-4 and RM-5 that are available to implement the Low Density future land use classification.

In addition to the standard zoning districts the PUD (Planned Unit Development) District is

also available as a fourth option. The PUD District offers more design flexibility to applicants for proposed projects in exchange for additional benefits provided to the public and more controls by the County, which is considered concurrently with a proposed site 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., Land Development Regulations (LDR), Martin County Code (MCC).

The applicant requests a rezoning of the property to the RS-5, Low Density Residential District. The requested zoning district is consistent with the Comprehensive plan policies regarding land use.

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

There are six (6) standard zoning districts that are available to implement the Low Density residential future land use policies of the CGMP. The applicant has requested the RS-5 Low Density residential district.

The subject property has an area of approximately 49.4 acres and is adjacent to the existing parcel of land with a zoning district designation of RM-5, low density residential district, consistent with the minimum development standards governing the requested RS-5 Zoning District, as shown above in Table 13.12.1. The proposed use of the property and the land development related to it are consistent with the LDR.

The granting of a zoning change by the County does not exempt the applicant from any of the County’s Land Development Regulations and no development of the property is proposed as part of this application requesting a rezoning. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

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,

As shown in the figures contained in Section E below, the subject property is surrounded by residential land uses and zoning district designations. The development pattern allowed by the requested zoning will be consistent with the pattern of development in the area. The proposed use of a golf course which is permitted in all low density zoning districts is also compatible with development in the area as there are two existing golf courses adjacent to the subject property.

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

The requested zoning district of RS-5 is consistent with the future land use designation and the currently existing development associated with the areas adjacent to, and within proximity of, the subject site. This site is located next to an existing golf course and the proposed development that has occurred historically and recently surrounding the site is in conformance with the Low density land use designated for the area. Any development proposed on the property in conformance with the Low Density future land use designation and RS-5 zoning

district will be required to meet the County development standards. Therefore, the proposed RS-5 zoning is compatible with the existing historical uses and the current contemporaneous development pattern and is appropriate for this property.

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

The subject property is located mostly 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 wastewater services to the site are already provided to the existing site by South Martin Regional 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 residential land uses within proximity to the subject parcel. The rezoning to RS-5, Low Density Residential District, would be consistent with the Low Density Future Land Use provisions and provide the opportunity for the proposed use of the property. This development pattern is well established adjacent to, and within the vicinity of, the subject parcel and the extension of this pattern to the subject property through the assignment of the requested RS-5 zoning district is suitable, 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 public hearings will provide the public an opportunity to participate in the review and decision-making process.

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	Peter Walden	219-4923	Comply
G	Development Review	Peter Walden	219-4923	Comply
H	County Attorney	Krista Storey	288-5443	Review Ongoing
I	Adequate Public Facilities	Peter Walden	219-4923	Exempt

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. Staff recommends approval of this rezoning petition.

D. Review Board action

This application is classified as an amendment to the official zoning atlas. 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.F., LDR, Martin County, Fla. (2019), final action on this request for an amendment to the official zoning map is required by the Board of County Commissioners (BCC) at a public hearing.

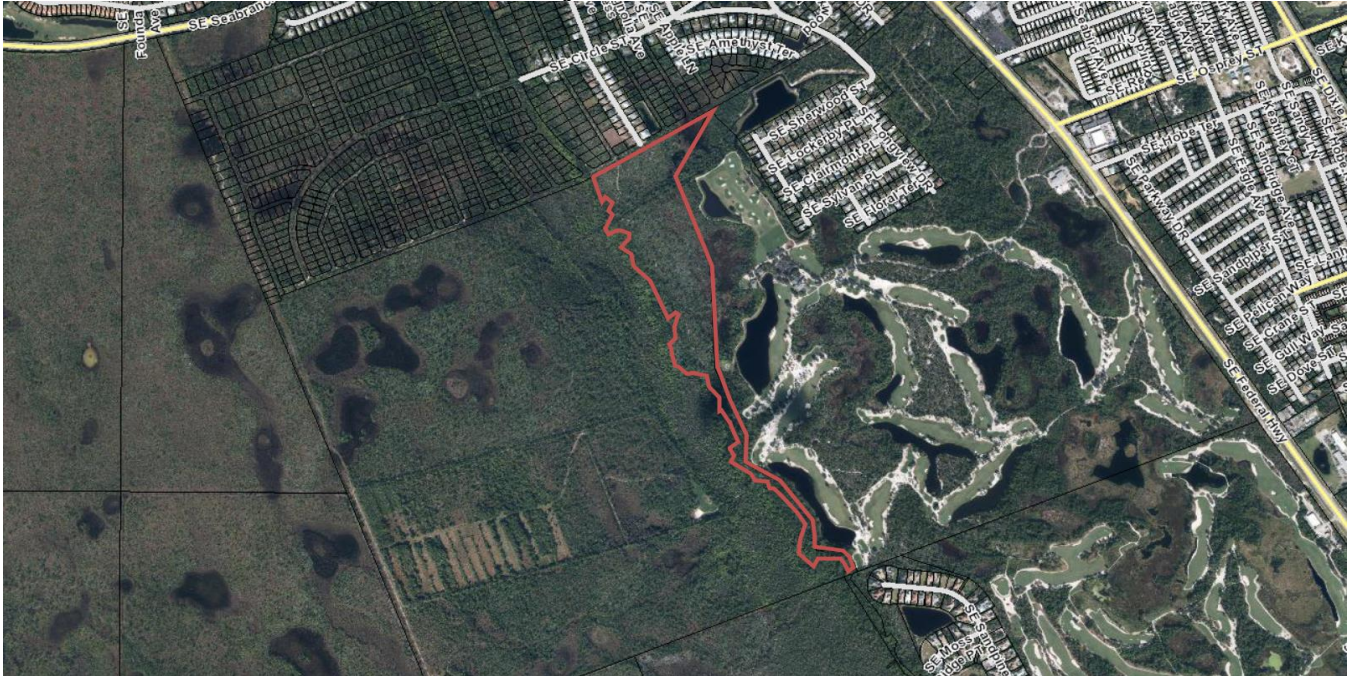
E. Location and site information

Parcel number(s) and address: 34-38-42-000-160-00000-3
Existing Zoning: A-1, Small Farms District
Future land use: Low Density
Gross area of site: 49.4 acres

Location Map



Subject Site 2020 Aerial



Zoning Atlas Excerpt



Zoning district designations of abutting properties:

To the north: R-2, Single Family District

To the south: RM-5, Low Density Residential District

To the east: RM-5, Low Density Residential District

To the west: RE-2A, Rural Estate District

Future Land Use Map Excerpt



Future land use designations of abutting properties:

- To the north: Low Density
- To the south: Low Density
- To the east: Low Density
- To the west: Rural Density

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 10.5.E.) 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. For development parcels which lie outside of or border the primary urban service district, the notification distance shall be increased to 1000 feet. 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.

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 (seven calendar days if the application is being expedited pursuant to section 10.5.E) 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. [Section 10.6.D., LDR, MCC]

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

Review Ongoing

I. 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.

J. 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.

K. Local, State, and Federal Permits

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

Zoning Atlas.

L. 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:	\$1,000.00	\$1,000.00	\$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.

M. General application information

Applicant: McArthur Golf Club, LLC
Kevin Murphy, General Manager
6550 SE Osprey Street
Hobe Sound, FL 33455

Agent: Lucido and Associates
Morris A. Crady, AICP
701 SE Ocean Boulevard
Stuart, FL 34994

N. Acronyms

ADA.....Americans with Disability Act
AHJAuthority Having Jurisdiction
ARDP.....Active Residential Development Preference
BCC.....Board of County Commissioners
CGMPComprehensive Growth Management Plan
CIECapital Improvements Element
CIPCapital Improvements Plan
FACBCFlorida Accessibility Code for Building Construction
FDEP.....Florida Department of Environmental Protection
FDOTFlorida Department of Transportation
LDR.....Land Development Regulations
LPALocal Planning Agency
MCC.....Martin County Code
MCHD.....Martin County Health Department
NFPANational Fire Protection Association
SFWMD.....South Florida Water Management District
W/WWSA....Water/Waste Water Service Agreement

O. Attachments

