

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

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**REQUEST NUMBER:** CPA 21-06 Maggy's Hammock Park

Report Issuance Date: June 18, 2021

**APPLICANT:** Martin County Board of County Commissioners

**REPRESENTED BY:** Paul Schilling  
Director, Growth Management Department

**PLANNER-IN-CHARGE:** Maria Jose, M.S., Senior Planner  
Growth Management Department

<b><u>PUBLIC HEARINGS:</u></b>	Date	Action
Local Planning Agency:	6/3/2021	LPA voted 4-0 for staff's recommendation
BCC Transmittal:	NA	
BCC Adoption:	7/13/21	

**SITE LOCATION:** The 5.4 acre parcel is located on S.E. Kubin Avenue, north of Maggy's Hammock Park, Port Salerno.

**APPLICANT REQUEST:** The small scale amendment was initiated by the Board of County Commissioners (BOCC), for a comprehensive plan amendment to the Future Land Use Map (FLUM) to change the parcel from Residential Estate Density (2 units per acre) to Public Conservation future land use along with a concurrent separate application to rezone from R-1B to PC or the most appropriate zoning district. The Board acquired the property on March 12, 2021.

**STAFF RECOMMENDATION:**  
Staff recommends approval of the proposed FLUM change.

**EXECUTIVE SUMMARY:**  
The subject site is shown below, highlighted in blue (Figure 1).

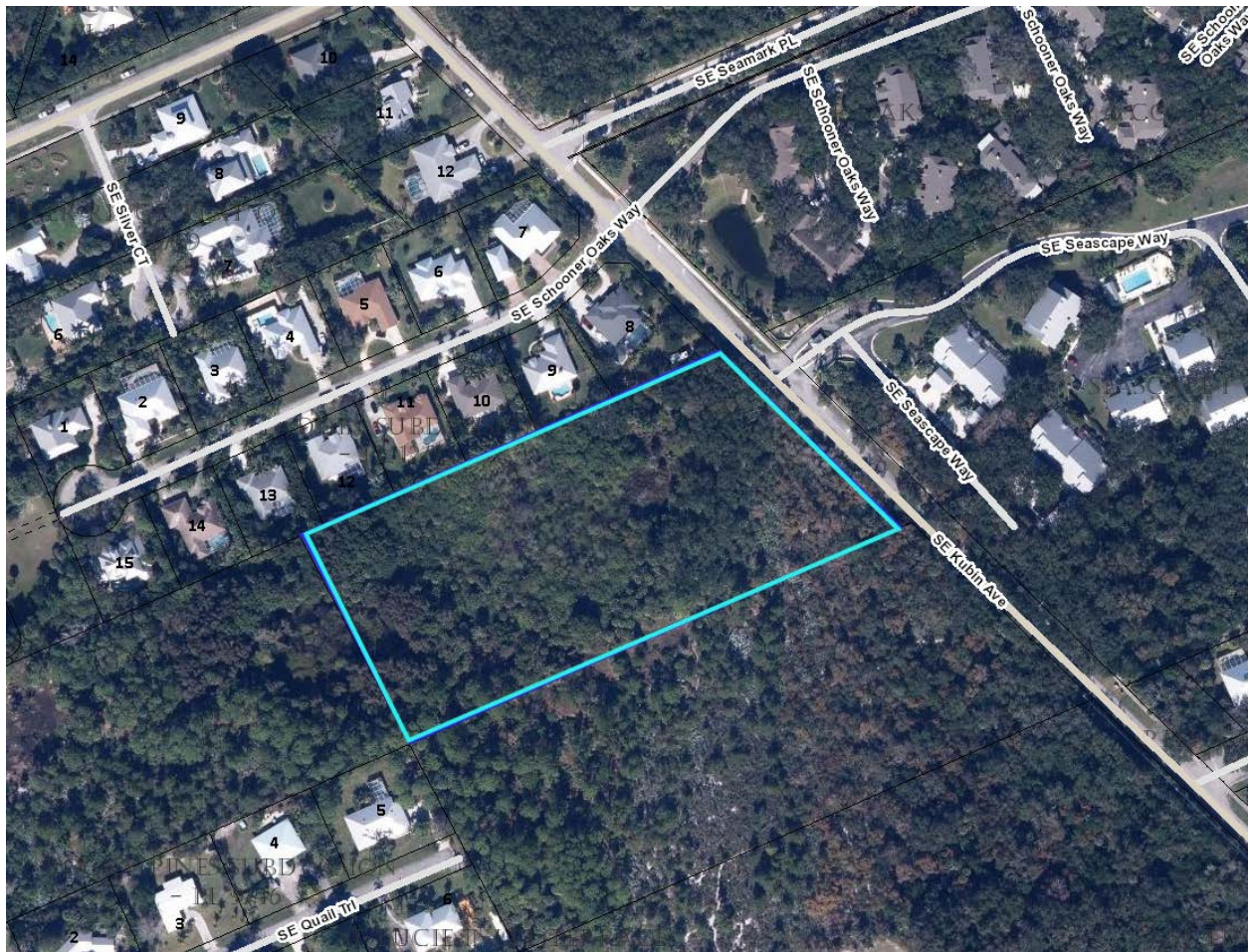


Figure 1, a location map that shows the subject site, highlighted in blue.

On April 13, 2021, the Board of County Commissioners initiated a Future Land Use Map Amendment (along with concurrent rezoning) to amend the future land use designation of the subject property from Residential Estate Density to Public Conservation. The Martin County Utility & Solid Waste Department conveyed their request to Growth Management Department staff that they would like to utilize a 134.87' x 134.87' portion of the subject site for a Vacuum Station that could provide utility services to the nearby developed area (Rocky Point area). Many of the developments in the Rocky Point area rely on septic systems and do not have access to water and sewer services. Staff concurs with the request and recommends designating that portion of land to be General Institutional, while designating the rest of the parcel as Public Conservation.

This staff report will consider the proposed future land use designations and will analyze whether they are consistent with the Comprehensive Growth Management Plan (CGMP) and compatible with the surrounding properties.

## 1. PROJECT/SITE SUMMARY

### 1.1. Physical/Site Summary

The subject property is 5.4 acres. The parcel is within the following:

*Planning District:* Port Salerno





## 1.5. Adjacent Future Land Use

North: Residential Estate Density (2 units per acre)

South: Conservation

East: Low Density Residential

West: Residential Estate Density (2 units per acre)

## 1.6. Environmental Considerations

### 1.6.1. Wetlands, soils and hydrology

The Soil Survey of the Martin County Area, published by the United States Department of Agriculture (1978), lists the soil type on the subject property as Basinger fine sand and Paola/St. Lucie Sand. Basinger is very deep, very poorly drained soil. Slopes range from 0 to 2 percent. The Paola/St. Lucie series consists of very deep, excessively drained soils that formed in sandy marine and/or eolian deposits. St. Lucie soils are on dunes, ridges and knolls on marine terraces. Slopes range from linear to convex and range from 0 to 20 percent. Please see Figure 3.

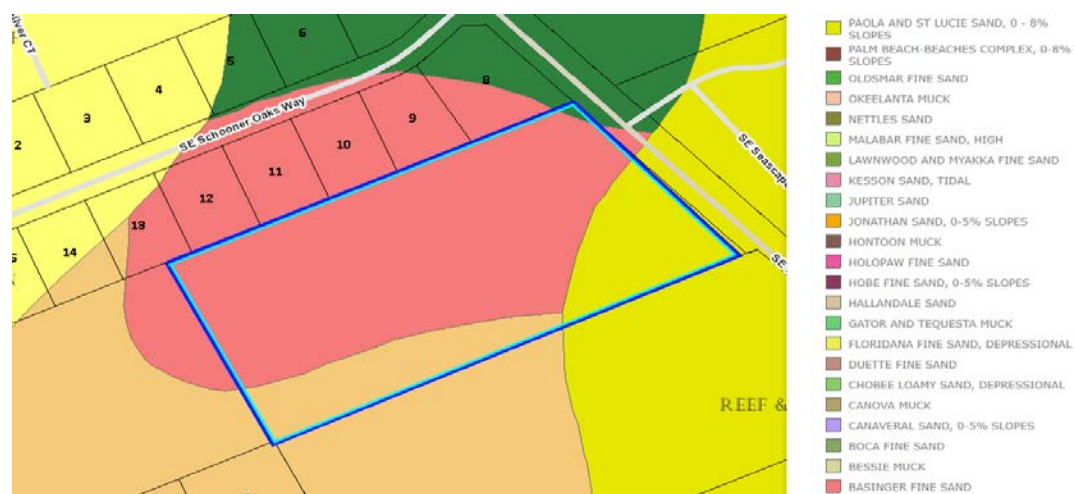


Figure 3, a soils map that shows the subject parcel, highlighted in blue.

### 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 site is not within or near any wellfield protection zones.

## 1.7. Adjacent Existing Uses

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

North- Single family residential units

South – Maggy’s Hammock Park, conservation acreage

East- Condominiums, Seascape condominium residential community

West- Vacant Acreage

## 2. ANALYSIS

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

In evaluating each Future Land Use Map amendment request, 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 that consistency is maintained with all other elements of this Plan and at least one of the following four items is found to apply. If staff cannot make a positive finding regarding any of the items in (a) through (d), staff shall recommend denial. Criterion (a), (c) and (d) have been met and Criterion (b) has not been met.

*(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*

Except for the adopted change listed in Section 1.4 of this report, development has occurred consistent with the FLUM adopted in 1982. Please see Section 1.4 of this report and Figure 3 for a map showing the changes to the FLUM in this area. The map shows another parcel designated Public Conservation and Recreational located directly south of the subject site, that was changed from Residential Estate Density (2 units per acre) future land use to Public Conservation and Public Recreational. Changing the subject site to Public Conservation and General Institutional future land use designations is consistent with the land use designations in the general area. Criterion 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*

Not applicable. There has only been one change in land use designation in the immediate area. Development on the lands in the immediate area has been consistent with the adopted Future Land Use Map.

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

Yes. Environmentally sensitive lands acquired by the County shall be reclassified to the Institutional-Conservation land use designation, pursuant to Policy 4.13A.11(2), Comprehensive Growth Management Plan, Martin County, Fla. (2018). It would also make the site consistent with the surrounding properties, especially the lands to the south of the subject property, which is designated as Public Conservation future land use. Therefore, considering everything, the future land use designation of Public Conservation is more appropriate for the subjected parcel. Criterion met.

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

The General Institutional future land use would permit a vacuum station and provide sewer service to an area dependent on septic systems. This would fulfill a public service need. Conservation land in Martin County is not a public facility deficiency. However, securing existing open space and native habitat provides a public service for County residents. Criterion met.

## **2.2. 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.

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. This proposed amendment complies with 13 out of 13 sprawl criteria that discourages the proliferation of urban sprawl.

Florida Statute provides an additional eight criteria, of which four must be met, in order to judge whether an amendment can be determined to discourage the proliferation of urban sprawl. This proposed amendment meets 8 out of 8 criteria that determine the application discourages 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.*

No. The proposed change to Public Conservation will conserve the land on the subject property and the proposed General Institutional only applies to a small portion of the property for a vacuum station. 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.*

No. The proposed change will conserve the land on the subject property, while designating a 134.87' x 134.87' portion for a utility vacuum station. 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.*

No, it does not. The proposed Conservation designation does not permit development and would only allow the site to be used for conservation purposes. The proposed General Institutional future land use would allow a vacuum station that will serve existing residential development in the area. 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.*

No, it does not. Currently, the site is designated as Residential Estate Density future land use.

However, the proposed change would result in the protection and conservation of natural resources such as wetlands, environmentally sensitive areas and other significant natural systems. The proposed General Institutional portion will only result in a vacuum station, which helps to protect the environment by providing public sewer provisions in the Rocky Point area, ending the reliance on septic systems. 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.*

No, this site is within the primary urban service district. Discourages the proliferation of urban sprawl.

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

No, the proposed change would not require any additional public facilities or services because the amendment would convert the parcel into conservation land. In addition, the proposed change may potentially provide use of utilities (water and sewer lines) to the nearby area (Rocky Point area) which contain existing developments/residential units, where many units rely on septic systems. Discourages the proliferation of urban sprawl.

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

No, the proposed change would encourage the use of future services and facilities. According to the CGMP, institutional development has three categories: Public Conservation, Recreational and General Institutional. The proposed change would designate the subject site with the Public Conservation land use, and a portion of the parcel may be designated as General Institutional so that the Martin County Utilities Department could utilize it for a vacuum site, thus allowing the area to utilize public facilities/services. 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.*

No, it will not. The proposed change will protect native habitat and part of the property may be used to provide water and sewer lines to the existing development surrounding the property. The proposed change is to convert the site to Public Conservation, and General Institutional. Discourages the proliferation of urban sprawl.

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

No, this site does not fail to do that. Discourages the proliferation of urban sprawl.

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

No, the proposed change will not discourage or inhibit infill development or redevelopment of existing neighborhoods/communities. The subject site is already adjacent to existing conservation land known as Maggy's Hammock Park, owned by Martin County. The proposed amendment would allow the subject site to be conservation land as well. The proposed General Institutional future land use designation on a small portion of the subject would only be used for a vacuum station and will not discourage/inhibit infill development. Discourages the proliferation of urban sprawl.

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

No, the proposed change does not fail to encourage a functional mix of uses. The site is located within the PUSD and may be used to provide utility service to urban developments in the surrounding area. The site is located adjacent to an existing conservation area. Discourages the proliferation of urban sprawl.

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

No, this site and the proposed FLUM changes to make the site Public Conservation and General Institutional do not result in poor accessibility. The proposed change will not result in changes to the road network. Rather, it will result in preserved land in proximity to other preserved lands that are all designated as conservation areas. Discourages the proliferation of urban sprawl.

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

No, the proposed change will assign the Public Conservation future land use to the subject site and assign a portion as General Institutional. Use of a small portion of the site for a utility facility is not a significant amount of the 5.4 acre site. Discourages the proliferation of urban sprawl.

The site complies with 13 out of the 13 sprawl criteria that discourages the proliferation of urban sprawl.

### **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 due to the proposed FLUM change. The proposed change to Public Conservation would locate preserved/conserved land in proximity to other preserved lands. The proposed General Institutional designation will only result in a vacuum station, which helps to protect the environment by providing public utility services to the Rocky Point area, ending the reliance on septic systems. Discourages the proliferation of urban sprawl.

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

The proposed change for this site will not require the extension of public infrastructure and services because the amendment would allow for the subject parcel to be preserved, not developed. Also, utilizing a portion of the subject site for a vacuum station would promote the efficient provision of sewer service. Discourages the proliferation of urban 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 proposed change would not allow for any development to occur on the subject parcel (except a vacuum station). Since the proposed amendment would conserve/preserve the subject parcel, it will protect the environmental systems present at the property and will not impact transit, housing or other systems. Discourages the proliferation of urban sprawl.

*(IV) Promotes conservation of water and energy.*

Yes, assigning the Public Conservation and General Institutional future land use designations to the subject parcel will prevent development requiring potable water and energy expenditures.



The impact on water and energy consumption would be minimal. Discourages the proliferation of urban sprawl.

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

The proposed change will have no impact on agricultural areas and activities. The proposed land uses would conserve the site, protect the natural habitat and environmental systems, and prevent any developments from occurring on the site. Discourages the proliferation of urban sprawl.

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

Yes, this site and the proposed FLUM change will do that. The proposed change will designate the property as Public Conservation, thereby protecting the natural lands and preserving open space. The proposed change will also designate a portion as General Institutional, but the portion will only be used for a vacuum station that would allow the Rocky Point area to utilize public utility services. 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 FLUM change will not affect the residential and nonresidential balance of land uses. 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 provide for transit-oriented development or new towns as defined in s. 163.3164, and do not remediate existing low density patterns in the vicinity that constitute sprawl. The proposed Public Conservation future land use designation will allow preservation and conservatory land uses that are consistent with the existing and planned development pattern in the vicinity and does not constitute sprawl. Also, the proposed General Institutional future land use provides for utility services that remediate an existing development pattern dependent on septic tanks.

Eight out of eight of the criteria have been met to determine the application discourages urban sprawl.

### **2.3 Land Use Compatibility**

The proposed Public Conservation future land use designation would be the same as the future land use designation of the parcels to the south, which is currently the Maggy's Hammock Park. The proposed General Institutional future land use designation would also be compatible to the land uses to the south. The lands north and west of the subject site are Residential Estate Density (2 units per acre) and is compatible to the proposed future land use designations. The land west of the subject site is vacant acreage and the lands north of the subject site are developed with single family units. The proposed future land use designations would also be compatible with the parcels to the east, which have the Low Density Residential (5 units per acre) future land use designation and contain residential condominiums. The parcels east of the subject site are all part of the residential condominium community called Seascape.

Converting the subject site to Public Conservation would preserve the land, protecting the environmentally sensitive land that makes up the subject site. Converting a small portion of the subject site to General Institutional would allow Martin County Utilities to utilize it for a vacuum station, which could provide utility services to the area. The proposed Public Conservation and General Institutional future land use designations would be compatible with the neighboring lands and their uses. The neighboring parcels along with their land uses will not be negatively impacted by the proposed land use change. The land use change does not have the potential to allow any units/development to the site (except for a vacuum station). Please see Figure 4 and 5 below, which shows the existing FLUM and proposed FLUM.



Figure 4, existing FLUM, with the subject site highlighted in red.

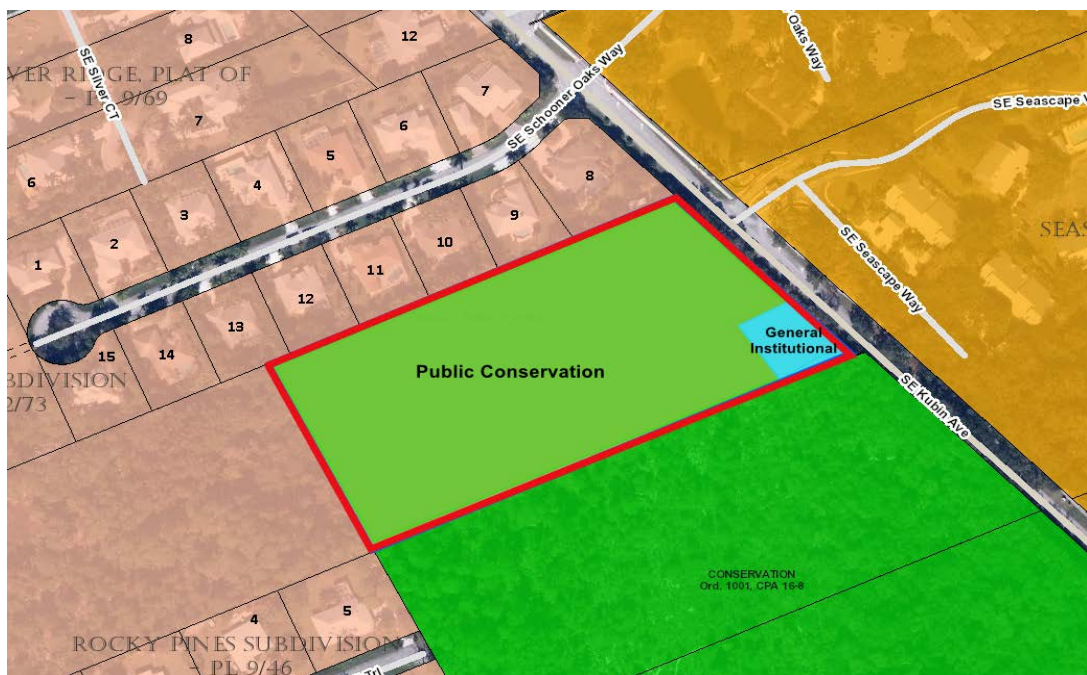


Figure 5, proposed FLUM, with the subject site highlighted in red.

## 2.4 Consistency with the Comprehensive Growth Management Plan

Below is an excerpt from the CGMP describing Public Conservation extracted from Policy 4.13A.11, CGMP, Martin County, Fla. (2021). The subject site fits the description of Public Conservation land use designation. According to this policy, environmentally sensitive lands acquired by Martin County shall be designated as Public Conservation. According to the CGMP, Institutional development types include Public Conservation, Recreational and General Institutional. Staff recommends designating most of the subject site as Public Conservation. If the Board wishes to dedicate a portion of the subject site for Martin County Utilities, staff recommends designating a small portion (134.87' by 134.87') of the site as General Institutional land use, while designating most of the site as Public Conservation land use. General Institutional future land use designation (Please see below) would allow public utility uses such as vacuum stations.

*Policy 4.13A.11. Institutional development.* The FLUM contains three separate land use categories for institutional development. Recreational, Public Conservation and General Institutional categories allow for varying degrees of use and development. Institutional land shall be owned by public agencies or nonprofit service providers, except for investor-owner public water and sewer systems, private cemeteries and private hospitals existing as of October 26, 1993. In addition, privately owned land subject to perpetual easements as provided under Objective 4.5F may be designated Institutional Public Conservation.

- (2) *Public Conservation.* The Public Conservation category recognizes publicly owned areas designed for conservation uses. In addition, privately owned land subject to perpetual easements as provided under Objective 4.5F may be designated Institutional Public Conservation. Only development compatible with conservation and passive recreation uses shall be permitted in the Public Conservation category. This may include access, parking and other facilities that enable the management of the resource and the public's enjoyment of it. Conservation areas include the DuPuis Preserve in south Martin County and the Savannas in north Martin County. Environmentally sensitive lands acquired by the County shall be reclassified to the Institutional-Conservation land use designation during the next plan amendment cycle.
- (3) *General Institutional.* The General Institutional category accommodates public and not-for-profit facilities such as schools, government buildings, civic centers, prisons, major stormwater facilities, fire and emergency operation centers, public cemeteries, hospitals, publicly owned water and sewer systems, dredge spoil management sites and airports. Investor-owned regional public water and sewer systems and private cemeteries may be allowed in General Institutional. Lands acquired by the County for General Institutional uses shall be reclassified to the Institutional-General land use designation during the next plan amendment cycle, as will lands or property rights acquired by the Florida Inland Navigation District as future dredge spoil management sites.

Although Institutional use is reserved for the uses cited above, this shall not prohibit for-profit medical offices and other ancillary facilities owned by a nonprofit hospital as long as they are part of a PUD. The impervious area covered by buildings and required parking for such medical offices shall not include more than 12 percent of the site.

Public and/or private development of airport property owned or managed by the County shall be subject to an Airport Zoning District or Planned Unit Development (Airport) zoning district developed to implement this policy. It shall apply only to airports owned or managed by the County.

Privatized government operations shall be allowed in Institutional land use when the land is publicly owned and the private entity is acting under contract with the government that would normally provide the service.

All Institutional development must meet all suitability and compatibility standards in the CGMP. Minimum open space requirement shall be 40 percent, maximum building height shall be 40 feet and maximum building coverage shall be 45 percent.

## **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.”

### ***2.5.1.2. Drainage Facilities***

The Public Conservation future land use designation and the proposed General Institutional does not permit development of the site requiring drainage facilities.

### ***2.5.1.3 Transportation***

Policy 5.2A.1, states: “*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.”

The proposed future land use change will decrease the number of potential trips on the road network.

### ***2.5.1.4 Solid Waste Facilities***

A change from Residential Estate Density (2 upa) to Public Conservation and General Institutional on a small portion of the site will not reduce the level of service below capacity.

### ***2.5.1.5. Parks/Recreation Facilities***

The proposed amendment will not reduce active parks and recreation level of service below capacity. This amendment will increase the amount of conservation land in Martin County.

### ***2.5.1.6. Fire/Public Safety/EMS***

The proposed future land use change will not diminish the level of service below capacity.



#### ***2.5.1.7. Public Educational Facilities***

A change from Residential Estate Density (2 upa) to Public Conservation and General Institutional future land use designation will not require the provision of school facilities.

#### ***2.5.2. Non-Mandatory Facilities***

##### ***2.5.1.1. Libraries***

A change from Residential Estate Density (2 upa) to Public Conservation and General Institutional future land use designation will not require the provision of libraries.

### **3. FIGURES/ATTACHMENTS**

Figure 1, Location Map

Figure 2, Past Changes Map

Figure 3, Soil Map

Figure 4, Existing FLUM

Figure 5, Proposed FLUM