



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

GET SET & LLC REZONING

Applicant:	Get Set & LLC,
Property Owner:	Get Set & LLC,
Agent for the Applicant:	Gentile Glass Holloway O'Mahoney & Associates, Inc.
County Project Coordinator:	Matt Stahley, Senior Planner
Growth Management Director:	Paul Schilling
Project Number:	H156-001
Application Type and Number:	DEV2021040011
Report Number:	2021_0609_H156-001_Staff_Report_Final.docx
Application Received:	05/11/2021
Transmitted:	05/13/2021
Staff Report:	06/09/2021
LPA Meeting date:	07/15/2021
BCC Meeting date:	08/10/2021

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B. Project description and analysis

This is a request for a zoning district change from the B-1, Business District to the GC, General Commercial District, or the most appropriate zoning district. The approximate 9.0 acre undeveloped site is located on the east side of SE Federal Highway approximate 400 feet north of SE Constitution Boulevard in Hobe Sound. Included in this application is a request for a Certificate of Public Facilities Exemption.

The B-1, Business District was created in 1967 as part of the County's original zoning regulations and was carried over to the current Article 3, zoning districts, Land Development Regulations (LDR), Martin County Code, as a Category C District. Category C Zoning Districts are intended to be used until a rezoning to Category A is needed or required to accommodate changes to the existing structures and uses on the property. The Category A Districts were created to implement the land use policies included in the Comprehensive Growth Management Plan, Goal 4.4 and Objectives 4.4A. and 4.4A.1.

The current B-1, Business District is compatible with the underlying Commercial General future land use, therefore this request for a zoning district change is considered non-mandatory.

The future land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Commercial General, which are designated on the Future Land Use Map to accommodate general retail sales and services; highway-oriented sales and services; commercial amusement; and trade and warehousing facilities. These areas are principally located in highly accessible parts of the urban service district that are compatible with the unique location and market requirements of these uses. The sites are located on major or minor arterials and require a minimum net lot size of 10,000 square feet.

There are two (2) standard zoning districts that are available to implement the Commercial General land use policies of the CGMP, which are CC, Community Commercial, and GC General Commercial 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 GC, General Commercial District. The following tables compare the permitted uses and the development standards for the available standard zoning districts.

TABLE 3.11.2 (EXCERPT)
PERMITTED USES – CATEGORY “A” NONRESIDENTIAL DISTRICTS

USE CATEGORY	C	G
	C	C
<i>Residential Uses</i>		
Apartment hotels	P	P
Plant nurseries and landscape services	P	P
Administrative services, not-for-profit	P	P
Community centers	P	P
Cultural or civic uses	P	P
Educational institutions	P	P
Hospitals		P
Places of worship	P	P
Post offices	P	P
Protective and emergency services	P	P
Public libraries	P	P
Public parks and recreation areas, active	P	P
Public parks and recreation areas, passive	P	P
Recycling drop-off centers	P	P
Residential care facilities	P	
Utilities	P	P
<i>Commercial and Business Uses</i>		
Bed and breakfast inns	P	
Business and professional offices	P	P
Commercial amusements, indoor	P	P
Commercial amusements, outdoor		P
Commercial day care	P	P

Construction industry trades	P	P
Construction sales and services	P	P
Financial institutions	P	P
Flea markets		P
Funeral homes	P	P
General retail sales and services	P	P
Golf driving ranges		P
Hotels, motels, resorts and spas	P	P
Kennels, commercial		P
Limited retail sales and services	P	P
Marinas, commercial	P	P
Medical services	P	P
Pain management clinics		P
Parking lots and garages	P	P
Recreational vehicle parks	P	P
Residential storage facilities	P	P
Restaurants, convenience, with drive-through facilities		P
Restaurants, convenience, without drive-through facilities	P	P
Restaurants, general	P	P
Shooting ranges		
Shooting ranges, indoor	P	P
Trades and skilled services		P
Vehicular sales and service		P
Vehicular service and maintenance		P
Veterinary medical services	P	P
Wholesale trades and services		P
Biomedical research	P	P
Bioscience research	P	P
Computer and electronic components research and assembly	P	P
Computer and electronic products research and assembly	P	P
Computer programming/software research	P	P
Computer system design	P	P
Electromedical apparatus research and assembly	P	P
Electronic equipment research and assembly	P	P
Laser research and assembly	P	P
Lens research	P	P
Management, scientific and technical services	P	P
Marine Research	P	P
Medical and dental labs	P	P
Medical equipment assembly	P	P
Optical equipment assembly	P	P
Optical instruments assembly	P	P

Optoelectronics assembly	P	P
Pharmaceutical products research	P	P
Precision instrument assembly	P	P
Professional, scientific and technical services	P	P
Reproducing magnetic and optical media	P	P
Research and development laboratories and facilities, including alternative energy	P	P
Scientific and technical consulting services	P	P
Simulation training	P	P
Technology centers	P	P
Telecommunications research	P	P
Testing laboratories	P	P
<i>Targeted Industries Business (TIB) Uses</i>		
Business-to-business sales and marketing	P	P
Convention centers	P	P
Credit bureaus	P	P
Credit intermediation and related activities	P	P
Customer care centers	P	P
Customer support	P	P
Data processing services	P	P
Film, video, audio and electronic media production and postproduction	P	P
Funds, trusts and other financial vehicles	P	P
Information services and data processing	P	P
Insurance carriers	P	P
Internet service providers, web search portals	P	P
Management services	P	P
National, international and regional headquarters	P	P
Nondepository credit institutions	P	P
Offices of bank holding companies	P	P
On-line information services	P	P
Performing arts centers	P	P
Securities, commodity contracts	P	P
Simulation training	P	P
Spectator sports	P	P
Technical support	P	P
Telephonic and on-line business services	P	P
Transportation services		P
Transaction processing	P	P

TABLE 3.12.1 (excerpted)
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	CC	10,000	80	—	20.00	50	30	30	—
A	GC	10,000	80	—	20.00	60	40	20	—

TABLE 3.12.2 (excerpted)
STRUCTURE SETBACKS

		Front/by (ft.) story				Rear/by (ft.) story				Side/by (ft.) story			
C A T	Zoning District	1	2	3	4	1	2	3	4	1	2	3	4
A	CC	25	25	25	25	20	20	30	40	10	10	20	30
A	GC	25	25	25	25	20	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 Commercial General 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 two (2) standard zoning districts, including CC, and GC, that are available to implement the Commercial General 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).

Policy 4.13A.8.(3) of Chapter 4, Future Land Use Element, of the CGMP addresses the General Commercial land use designation:

General Commercial development. The General Commercial areas are designated on the Future Land Use Map to accommodate general retail sales and services; highway-oriented sales and services; commercial amusement; and trade and warehousing facilities. These areas are principally located in highly accessible parts of the urban service district that are compatible with the unique location and market requirements of these uses. The sites are located on major or minor arterials and require a minimum net lot size of 10,000 square feet. The FAR shall be governed by the parking standards of the Land Development Regulations. Maximum densities for hotel/motel units located in a General Commercial future land use designation shall be 20 units per gross acre. Maximum building coverage shall be 60 percent. Minimum open space shall be 20 percent. Maximum building height shall be 40 feet.

The Land Development Regulations implementing the General Commercial future land use designation shall be consistent with the development standards described above. This area is not intended to accommodate businesses, trades or services that generate significant nuisance impacts, including glare, smoke or other air pollutants; noise; vibration; major fire hazards; need for extensive outside storage and display; or other impacts associated with more intensive industrial uses. Automotive sales and services shall be located in the General Commercial land use classification on sites appropriately designated for highway-oriented commercial

uses in the Land Development Regulations.

The areas designated for General Commercial development are specifically not adapted to permanent residential housing, and such uses shall be located in other areas designated for residential development. On the other hand, transient residential facilities including hotels and motels, timesharing or fractional fee residential complexes, or other transient quarters should be located in areas designated for commercial use. Areas planned for mixed-use developments as allowed under Goal 18.3 are considered compatible for mixed-use.

The General Commercial site should generally be removed from single-family residential development and able to be buffered and screened consistent with the Land Development Regulations requiring appropriate landscaping and screening. Screening shall include vegetative berms (where feasible), plant material and/or aesthetic decorative fences or walls to assure compatibility with less intensive uses existing or anticipated on adjacent sites.

Residential use shall be allowed in the General Commercial future land use designation as part of a mixed-use development as allowed under Goal 18.3 in any of the six CRAs identified in Policy 18.1A.4. Residential densities shall be provided for under Goal 18.3.

Prior to approval of a development plan, all applicants for development in the area designated General Commercial shall provide assurances that regional water distribution and wastewater collection utilities shall be provided by a regional public utility system.

This application requests a rezoning of the property to the GC Zoning District, which is the one of the two Category A zoning districts created specifically to implement the CGMP policies for lands designated Commercial General on the Future Land Use Map of the CGMP. The site is located on the east side of SE Federal Highway approximately 380 feet north of SE Constitution Blvd, a major arterial roadway, therefore meets the locational criteria of being an accessible site adjacent to a major thoroughfare. Furthermore, the approximate 393,000 square foot site easily meets the 10,000 square foot min lot size established in the CGMP. The site is located within the primary urban services district and will be required to demonstrate compliance with all applicable standards for the Industrial land use designation in the CGMP.

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

There are two (2) standard zoning districts that are available to implement the Commercial General land use policies of the CGMP. The two (2) standard zoning districts include the CC, Community Commercial, GC General Commercial.

The subject property has an area of approximately 9.0 acres or 393,148 square feet, a lot width of approximately 517 linear feet fronting the right-of-way for SE Federal Highway, consistent with the minimum development standards governing the requested GC Zoning District, as shown above in Table 3.12.1. With respect to the other Land Development Regulation requirements related to roads, drainage, environmental protection, utilities, emergency services, landscaping, etc., full compliance cannot be assessed until a specific plan has been selected for the property and an application is submitted to the County.

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 located on the east side of SE Federal Highway which is a major arterial roadway. The project is bordered to the east by an approximate 80 foot right of way that contains a large drainage conveyance for the area. Property to the north is owned by Martin County and is in conservation. The primary land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for the local area include a mix of commercial uses. A Dollar General retail store was recently constructed approximately 500 feet south of the site, and a historic vehicular sales and service use is located approximately 800 feet south of the subject site. A recently approved Publix grocery store is under construction approximately 1700 feet south of the site. The proposed zoning district of GC implements the Commercial General future land use designation. Existing development within the area consists primarily commercial uses, consistent with the location and future land use designation. Therefore, the requested GC Zoning District is suitable to the site and is compatible with the character of the existing land uses in the adjacent and surrounding area.

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

The requested zoning district of GC 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 within the primary urban service district and the infrastructure needed to support and provide services to the existing and proposed development in this local area are available. Development that has occurred historically and recently surrounding the site is in conformance with the Commercial General land use designated for the area. Any development proposed on the property in conformance with the Commercial General future land use designation and GC Zoning District will be required to meet the County development standards. Therefore, the proposed GC 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 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 will be provided 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 commercial land uses within proximity to the subject parcel. The rezoning to GC, General Commercial District, would be consistent with the Commercial General Future Land Use provisions and provide the opportunity for the commercial use of the property. This development pattern is well established within the vicinity of the subject parcel and the extension of this pattern to the subject property through the assignment of the requested GC 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	Matt Stahley	320-3047	Comply
G	Development Review	Matt Stahley	320-3047	Comply
H	County Attorney	Krista Storey	288-5443	Review Ongoing
I	Adequate Public Facilities	Matt Stahley	320-3047	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 the rezoning request to the GC, General Commercial District.

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.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:	343842000140000906
Existing Zoning:	B-1, Business District
Future land use:	Commercial General
Gross area of site:	9.0 acres

Location Map



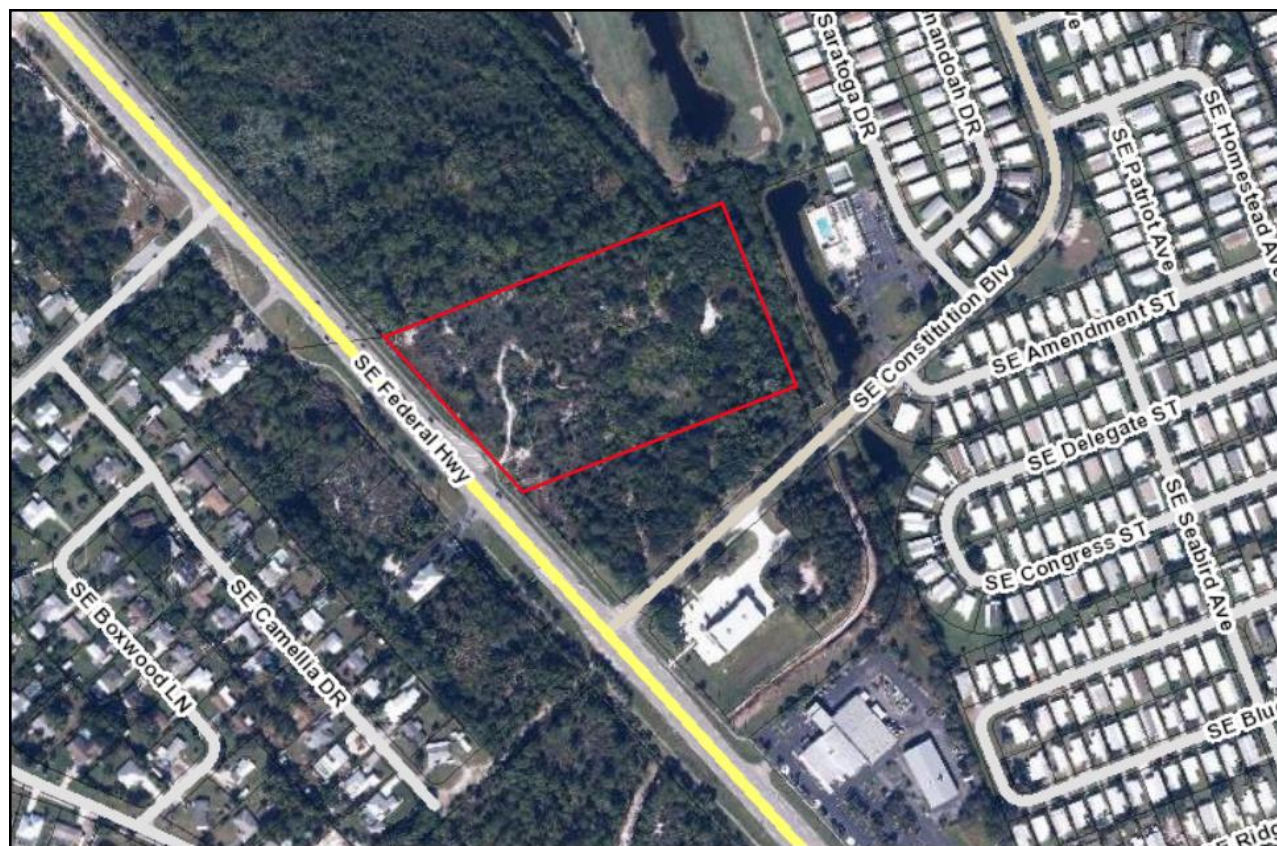
Subject Site 2021 Aerial



Adjacent existing or proposed development:

- To the north: Vacant Conservation (Martin County Ownership)
- To the south: Vacant Commercial
- To the east: Heritage Ridge South POA (Across 80' Drainage ROW)
- To the west: Vacant Commercial (Across SE Federal Highway ROW)

Local Area 2021 Aerial



Zoning district designations of abutting properties:

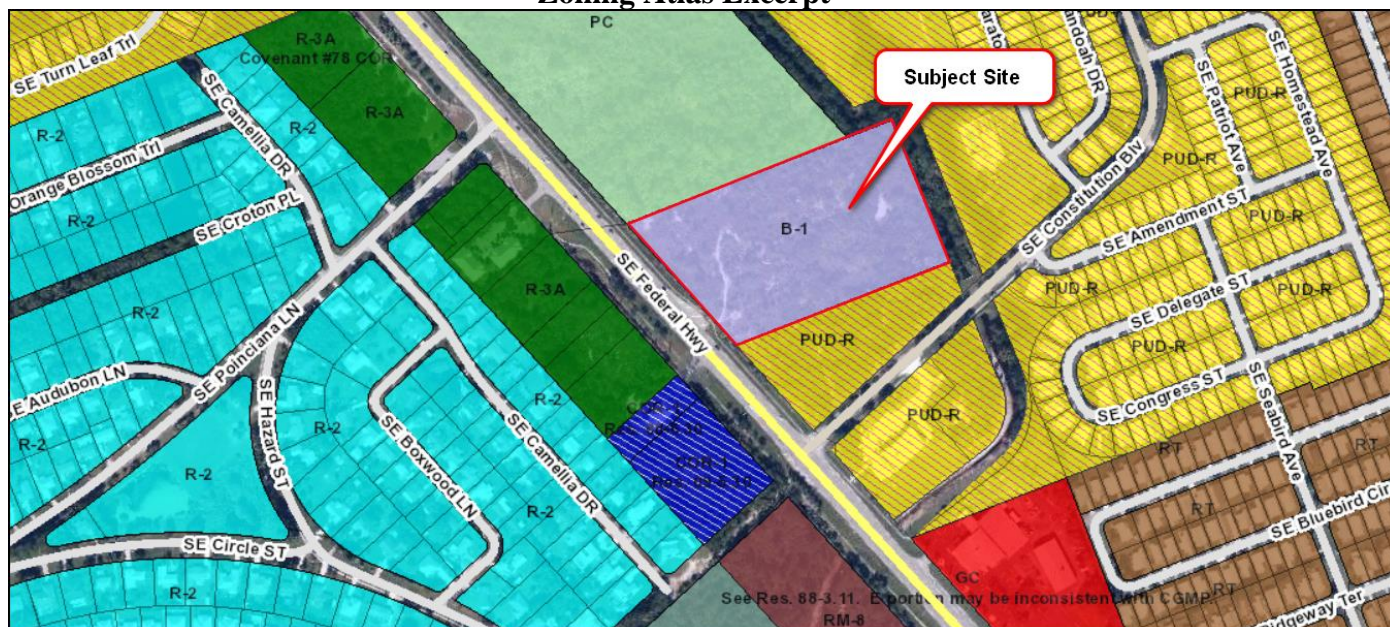
To the north: PC, Public Conservation

To the south: PUD-R

To the east: PUD-R (Across 80' Drainage ROW)

To the west: R-3A and COR-1 across SE Federal Highway

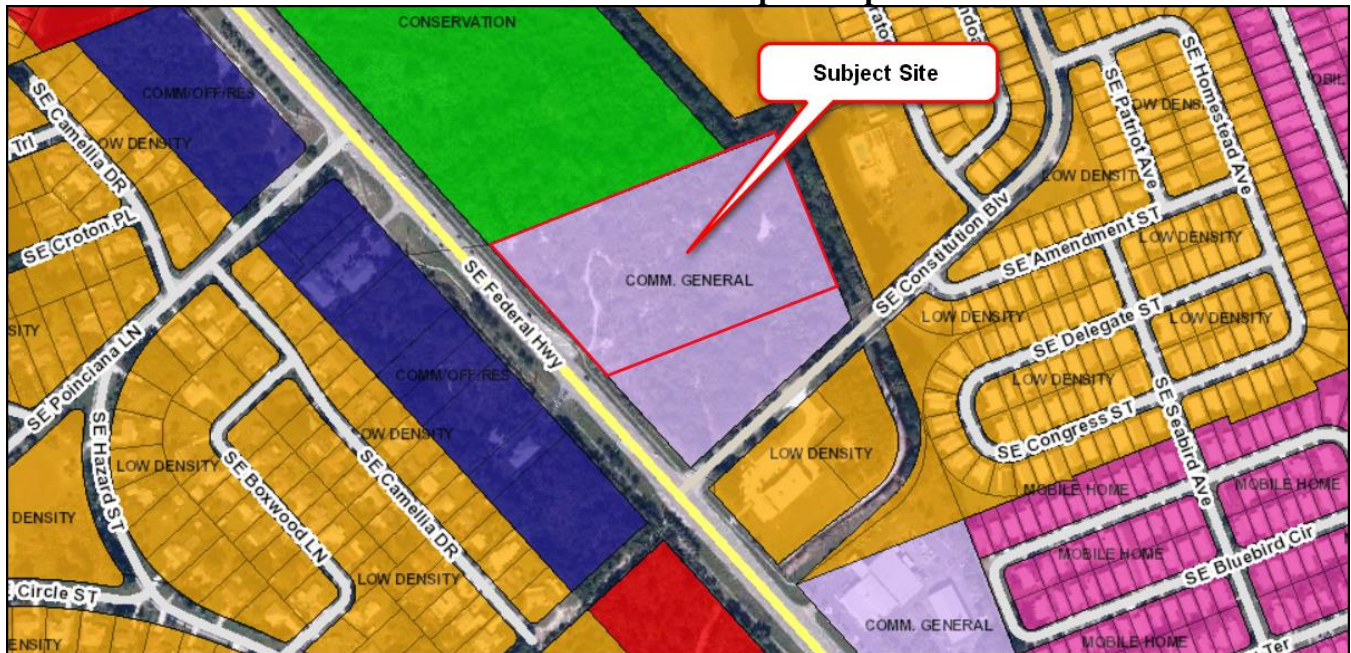
Zoning Atlas Excerpt



Future land use designations of abutting properties:

To the north:	Conservation
To the south:	Commercial General
To the east:	Low Density (Across 80' Drainage ROW)
To the west:	Commercial/Office/Residential

Future Land Use Map Excerpt



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:	\$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.

M. General application information

Applicant: GET SET & LLC
29 North Beach Rd
Hobe Sound, FL 33455

Agent: Gentile Glass Holloway O'Mahoney & Associates, Inc.
George G. Gentile
1907 Commercial Lane Suite 101
Jupiter, FL 33458

N. 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/Waste Water Service Agreement