Proposed Amendment to the Martin County Comprehensive Growth Management Plan

REQUEST NUMBER:

CPA 2015-06, Berry Retail, Galley

APPLICANTS:

Alex Galley, Trustee Beatrice H. Blakeslee Irrevocable Trust 1408 Nighthawk Drive Edmond, OK 73034

PLANNER-IN-CHARGE:

Irene A. Szedlmayer, AICP

DATE:

Craig Rich Craig Rich & Associates 50 SE Ocean Blvd. Suite 205C Stuart, FL 34994

REPRESENTED BY:

	MEETING DATE:	REVISION DATE :
LPA Meeting:	February 19, 2015	
BCC Transmittal Hearing:	April 14, 2015	March 20, 2015
Transmittal to Florida DEO:		
BCC Adoption Hearing:		
Final Transmittal to DEO:		

<u>Hearing</u>	<u>Date</u>	Action
LPA	Feb. 19, 2015	LPA decided 4-0 to recommend that the Board of County Commissioners approve the applicants' request for Limited Commercial Future Land Use and Limited Commercial zoning.
BCC Transmittal	April 6, 2015	
BCC Adoption		

- <u>Property</u>: CPA 2015-06, Berry Retail covers 1.14 acres at the southwest corner of SW Martin Highway and SW Berry. The site location map, Figure 1, also shows the 4.8 acres covered by CPA 2015-02, Berry Retail.
- <u>Request</u>: The property owner has requested that the Future Land Use Map (FLUM) be amended to change the designation on the property from Rural Density to Limited Commercial and that the zoning district be changed from A-1 Small Farms to Limited Commercial. See Attachment: Application Materials.
- <u>Staff Recommendation</u>: Staff recommends denial of the requested Limited Commercial Future Land Use designation.
- Figure 1. Location Map for CPA 15-06, Berry Retail-Galley (smaller lot on right) and CPA 15-02, Berry Retail (2 lots on left)



1. EXECUTIVE SUMMARY

The owner of 1.14 acres on east-bound SW Martin Highway, at the SW corner of the intersection with SW Berry Avenue, in Palm City, has requested that the future land use designation of his property be changed from Rural Density (0.5 dwelling units per acre) to Limited Commercial and that the zoning district be changed from A-1 (Small Farms) to Limited Commercial. The undeveloped property is located within the Primary Urban Services District. Martin County water and wastewater services are available.

The applicant describes the purpose of the request as to "recognize the development that has occurred in the area, such as the nursing home across SE Martin Highway and the existing general retail at the northeast corner of SW Berry Avenue and SW Martin Highway, while at the same time providing compatibility with the existing homes in the single family lot development known as Danforth, located to the east of SW Berry Avenue." See, Attachment: Application Materials

The adjacent land on the south and west has a future land use designation of Rural Density and zoning of A-1 Small Farms. The actual current land use of the land to the south is rural residential and small farm. Adjacent on the west is an undeveloped 1.9 acre lot separating the land that is the subject of this application from the land that is the subject of CPA 2015-02. On the north side of SW Martin Highway, the future land use is Low Density, PUD residential, and General Institutional. On the north side of SW Martin Highway, west of Berry Avenue, is a residential care facility. Islesworth, a detached. single-family residential neighborhood residential, and the Hidden Oaks Middle School. At the northeast corner of Berry Avenue and Martin Highway is a neighborhood shopping center located on 9-acres. On the southeast corner is a five acre portion of the preserve area associated with the Danforth residential PUD.

There are potential and known environmental constraints on the property. The southern boundary of the property is Danforth Creek. Any wetlands associated with Danforth Creek are classified as wetlands of special concern, entitled to a minimum buffer of seventy-five feet (75'). Furthermore, the Federal Emergency Management Agency (FEMA) places the entire tract within Special Flood Hazard Area AE, meaning that each year it has a 1% chance of flooding.

The Goal for the FLUM is to allocate land uses "to provide for compatibility with existing development, consistency with the Capital Improvements Element, protection of natural resources and implementation of the adopted LOS standards." Comprehensive Growth Management Plan (CGMP) Goal 4.13. The Rural Density future land use is intended for land within the Secondary Urban Services District. CGMP, Policy 4.13A.5. The Rural Density designation "is intended to protect the value of rural suburban lands located outside of the normal economic service radius of intensive (primary) urban services." *Id.* Rural Density "recognizes the need to concentrate urban development on lands closer to the urban core where intensive facilities and services can be provided cost-effectively." Therefore, location within the Primary Urban Services Boundary, the investment in public water and wastewater services in the area, location on a busy highway and the mostly built-out development pattern in the area indicates that the Rural Density future land use is no longer appropriate for the subject parcel.

While a conclusion that the Rural Density Future Land Use and A-1 Small Farms may no longer be appropriate for this 1.14 acres, the determination of which other future land use and zoning district might be appropriate is more challenging. Three possible commercial future land uses are available--Commercial Office/Residential (COR), Limited Commercial, and General Commercial--and six commercial zoning districts are available-- COR I, COR II, Commercial Office, Limited Commercial, and General Commercial--that could be applied to this property.

After thorough consideration of CGMP policies, including the intent of each commercial future land use, development standards and permitted uses; existing land uses in the vicinity of the applicants' property; and nearby acreage that has a commercial future land use and zoning but has not yet developed, the conclusion of this report is that the applicants' request for the Limited Commercial is premature. Properties in the vicinity of this property which are zoned for commercial development have not been developed. Development of this 1.14 acre parcel pursuant to any of the commercial Future Land Uses and zoning districts would constitute strip development, which is prohibited by CGMP Policy 4.10B.3.

At its public hearing on February 19, 2015, the Local Planning Agency, by a 4-0 vote, determined to recommend to the Board of County Commissioners that the applicants' request be approved; that is, the LPA voted to recommend that the future land use designation on the applicants' property be changed from Rural Density to Limited Commercial.

2. PROJECT/SITE SUMMARY

2.1 Physical/Site Summary

The 1.14 acre lot, owned by the Beatrice H. Blakeslee Irrevocable Trust, Alex Galley, trustee, has only a dilapidated, vacant former single family structure on it.

2.2 Major Roadways

SW Martin Highway is a major arterial. It crosses the St. Lucie River on Veterans Memorial Bridge (1.8 miles to the east) and intersects the Florida Turnpike (4000 feet to the west). The average daily traffic count in 2013 was 9,712 vehicles and the expansion of the highway from two-lanes to four-lanes commenced in August 2014. SW Berry Avenue is minor collector with a sixty (60) foot right-of-way.

2.3 Current Amendment Requests

The first set of 2015 proposed amendments to the FLUM includes 14 applications. Seven are privately-initiated and seven are County-initiated. The seven privately-initiated amendments cover less than 17 acres in total.

The property covered by **CPA 15-06**, **Berry Retail-Galley** is within 200 feet of the property covered by CPA 15-02. Both seek to change the Rural Density Future Land Use and the A-1 Small Farms zoning. CPA 15-06 seeks the Limited Commercial Future Land Use and zoning on 1.14 acres at the southwest corner or SW Berry Ave. and SW Martin Hwy., whereas this application seeks the General Commercial Future Land Use and zoning district. Additionally, the property which is the subject of CPA 15-06 and part of the 4.8 acres which are the subject of this application are owned by the same entity.

There are five additional privately-initiated amendments:

- 1. **CPA 2015-1, Kingsley:** A request to change the FLUM from Rural Density to Low Density and to change the zoning district from A-1 to RM-5 for 5-acres located on Berry Avenue, between CR 714 (Martin Hwy) and Sunset Trail. This property is located about 1000 feet directly north of the subject application (1600' by way of the roads).
- 2. **CPA 15-3, Sunshine Mobile Manor**: A request to change the FLUM from Mobile Home to Commercial General on 2.2-acres on the west side of US-1, a quarter-mile north of Salerno Road.
- 3. **CPA 15-4, Davis Hobe Sound**: A request to change the FLUM from Medium Density to Commercial General on 1.27-acres on the east side of US-1, just south of SE Woodland Road, in Hobe Sound.
- 4. **CPA 15-5, DeMartini**: A request to change the FLUM from Commercial Limited to Commercial General on 2.1-acres on the east side of US-1, just north of the intersection with Cove Road.

5. **CPA 15-7, Seacoast**: A request to change the FLUM from Commercial Limited to Commercial General on one third of an acre east of US-1, on the north side of S.E. Cove Road.

The following County-initiated amendments seek to place publicly-owned land into the recreation or conservation future land uses and one tract (Florida Oceanographic Institute) into the Institutional General Future Land Use:

- 1. **CPA 15-8, Jensen Beach Impoundment**: A request for a FLUM change from Estate Density 2UPA to Conservation on 91.8-acres on north Hutchinson Island.
- 2. **CPA 15-9, Joe's River Park**: A request for a FLUM change from Medium Density to Conservation on 2.25-acres on north Hutchinson Island at Joe's River Park.
- 3. **CPA 15-10, Bob Graham Beach**: A request for a FLUM change from Estate Density 2UPA and Medium Density to Conservation on 5.3-acres on north Hutchinson Island.
- 4. **CPA 15-11, FL Oceanographic Society**: A request for a FLUM change from Estate Density 2UPA and Commercial General to Conservation on 17.3-acres on north Hutchinson Island.
- 5. CPA 15-12, IRP Water Treatment Plant: A request for a FLUM change from Commercial General to Institutional General on 7.5-acres on north Hutchinson Island.
- 6. **CPA 15-13, River Cove**: A request for a FLUM change from Commercial Waterfront to Recreational on 5.2-acres on north Hutchinson Island.
- 7. **CPA 15-14, Crystal Beach**: A request for a FLUM change from Low Density to Conservation on 16.2-acres on north Hutchinson Island.

2.4 Past Changes in Future Land Use Designation

Thirty-five years ago, in 1980, the Martin Downs PUD/DRI was approved. As originally approved, the PUD included 1,614 acres of land, 5,154 dwelling units, and 1.2 million square feet of office, commercial and industrial uses. ("Planned Unit Development Zoning Agreement" between Southern Land Group, Inc., South Florida Land, Inc. and Martin County, August 8, 1980.¹) The Martin Downs PUD encompassed land from the Florida Turnpike on the west, the St. Lucie River to the east, and County Road 714 (SW Martin Hwy) on the south. Additionally, development occurred south of SW Martin Highway. In 1989, Hammock Creek was approved for 580 single family residences and two golf courses on 600 acres, and Danforth PUD was approved for 568 dwelling units on 326 acres. Hammock Creek is 1800 feet south (the way the crow flies) of the subject property. In 1990, Whispering Sound was approved for 568 dwelling units on 326 acres. Whispering Sound is approximately 1200 feet east of applicants' subject property. Aerial photographs from 1970, 1995 and 2014, illustrate the change that has occurred in western Palm City over the last forty-five years. See Figures 7A, 7B and 7C.

The County's 1982 Comprehensive Plan established the predominate future land use south of CR 714, in the vicinity of and including the subject property, as Rural Density. See Figure 2. Other future land use designations in the area include Estate Density (east of Berry Avenue), Low Density (north of CR 714), General Commercial (near Turnpike interchange), agricultural (four small parcels), and Institutional (the sites of present-day Hidden Oaks Middle School and Palm City Elementary School).

The 1990 Comprehensive Plan did not adopt a new FLUM, but the FLUM that accompanied the 1990 Comprehensive Plan indicates that some amendments had occurred in the previous eight years. South of the subject parcel, a large area was re-designated from Rural Density to Estate Density up to one unit per acre (Hammock Creek PUD). Near the Turnpike Interchange was earmarked for Industrial use. See Figure 3.

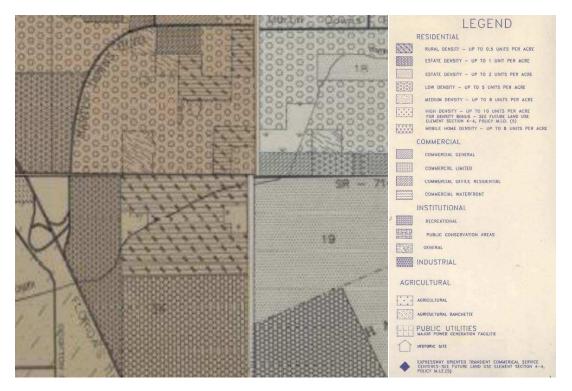
¹ The recitation of the number of residential units and square footage of non-residential buildings is intended simply to convey the magnitude of the development. The Martin Downs Development Agreement was amended at least seventy-six (76) times. For this report, no effort was made to determine the actual number of residential units or amount of non-residential square footage that has been developed.

CPA 2015-06 Berry Retail, Galley



Figure 2. 1982 Future Land Use Map in vicinity of subject property

Figure 3. 1990 Future Land Use Map in vicinity of subject property



In 2011, an application was submitted regarding the land which is the subject of the present application, as well as CPA 15-02 and the 1.9 acres that separates CPAs 15-02 and 15-06. The application requested that the future land use be changed from Rural Density to General Commercial. This application was withdrawn prior to preparation of a staff report or presentation to the LPA.

Since adoption in 2002, the FLUM has been amended ten times in the area between Mapp Road and High Meadows Avenue, to change the future land use of specific parcels in the general vicinity of the applicants' property. See Figure 4. With one exception-- CPA 06-15, Manetta Niessen--all involved land north of SW Martin Highway. The ten amendments cover seventy-eight (78) acres of land and are summarized below.

- 1. **CPA 2006-22, Berry Avenue** amended the FLUM for the 5 acres located adjacent to and immediately south of the subject property. CPA 2006-22 changed the Rural Density Future Land Use to Low Density Residential and the zoning from A-1 (small farms) to RM-5, the same changes requested by the present applicants. The property remains vacant. The owner, Berry Avenue Properties, LLC, is the contract purchaser of the Kingsley's 5 acres.
- 2. **CPA 2006-15, Manetta Niessen** changed the Rural Density Future Land Use designation of 2.4 acres southeast of the corner of SW Martin Hwy and SW High Meadow Avenue. The property was occupied by a single-family residence, but was adjacent to two general commercial uses, and the future land use of the land on three sides was General Commercial. The property continues to be utilized as a single-family residence by its owners.
- 3. **CPA 2003-7, Kirby** changed the future land use of 9.5 acres at the northeast corner of S.W. Berry Avenue and S.W. Martin Highway from Commercial Office Residential to General Commercial. The property is developed with mixed commercial uses.
- 4. **CPA 2006-25, Wolf** changed the Future land Use of 12.5-acres located at the southern end of Hollis Ave., adjacent to Danforth Creek, between Martin Hwy and Sunset Trail, from Agricultural to Low Density. This irregularly-shaped parcel is accessed only via two narrow local streets (18' pavement) (and potentially from SW Newberry Ct, across Danforth Creek). It contains a single-family residence and is still assessed as pasture.
- 5. **CPA 2006-18, Sentell** changed the future land use of a 0.97 acre parcel located on Thelma Street, just off Mapp Road, from Commercial Office Residential to General Commercial. The property has been partially developed as a veterinary and animal boarding facility.

- 6. **CPA 2006-13, Palm Royal** changed the future land use from Low Density to Limited Commercial of a 0.4 acre, land-locked parcel, which is part of a larger 2.3 acre property. A site plan for a shopping center was approved for this parcel but not yet developed.
- 7. **CPA 2006-30, Awareness Tech** changed the future land use of 2.8 acres within the Old Palm City CRA, from Commercial Office Residential to Industrial. The future land use of the parcels to the east and west of the property had an Industrial FLU. It has not yet been developed.
- 8. **CPA 2003-8, Sunset Trail North** changed 20 acres to Low Density, 10 from Estate Density and 10 from Rural Density. Like, CPA 03-09, these 20 acres were developed as the Murano PUD with 91 single-family residential lots.
- 9. **CPA 2003-9, Sunset Trail South** changed 10-acres from Estate Density to Low Density and 5 acres from Rural Density to Estate Density. This property was developed as the Murano PUD with 28 single-family lots.
- 10. CPA 2007-07, Turnpike Plaza changed the future land use on 11-acres located southwest of the Turnpike and SW Martin Hwy from Limited Commercial to General Commercial.

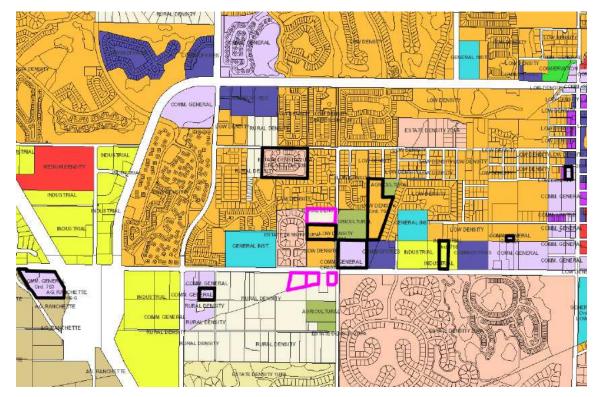


Figure 4. Amendments to Future Land Use since 2003

Currently requested amendments to the FLUM--CPA 2015-01, Kingsley; CPA 2015-02, Berry Retail, and CPA 2015-06, Berry Retail, Galley--are marked in pink. Previously granted amendments are outlined in black

2.5 Adjacent Future Land Use (see Figures 5 and 6)

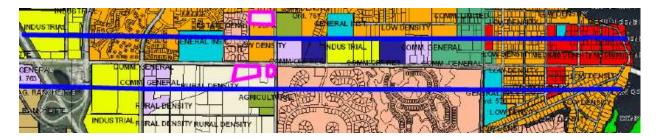
North: Low Density Residential	South: Low Density Residential
East: Agricultural	West: Estate Density Residential

SW Martin Highway, between the Veterans' Memorial Bridge to the entrance to the Florida Turnpike, is approximately 2.5 miles long. See Figure 5.

Below, the current FLUM is presented from three different perspectives: (1) Figure 6A seeks to emphasize the SW Martin Highway corridor; (2) Figure 6B highlights the land closest to applicants' property, that is, from about Berry Avenue almost to High Meadows Avenue; and (3) Figure 6C shows the FLUM for most of western Palm City. The land uses within the SW Martin Highway corridor are varied. Four residential and four non-residential future land uses are present. Residential future land uses predominate, with a total of 58% of the approximately 379 acres within the corridor being residential. Figure 5. SW Martin Highway Corridor (approx. 1300' wide and 2.5 miles long)



Figure 6A. Future Land Use Map within the SW Martin Highway Corridor



The future land uses on the north side of the road, the south side, and within different segments created by the intersecting roads were examined. The result of the analysis is presented in Table 1. The only commercial future land use along both the north and south sides of the 0.64 mile segment between SW High Meadow Ave. and SW Berry Ave. is the Commercial General Future Land Use at the SE corner of High Meadow and SW Martin Highway. In this segment, the other future land uses are Rural Density, Low Density, Estate Density two units per acre (2 upa), and General Institutional.

On the south side of SW Martin Highway, between Mapp Road and Berry Avenue, the future land use is Estate Density Residential 2 upa. This one mile segment is fully built-out with the Danforth and Whispering Sound residential PUDs. The north side of this segment is the Old Palm City CRA. A Mixed-Use Future Land Use Overlay does not cover the Boulevard Zoning Overlay, but both residential and commercial uses are permitted uses in this CRA zoning district. The Future Land Use designations are a mix of Commercial General, Commercial Office/Residential, and Industrial.

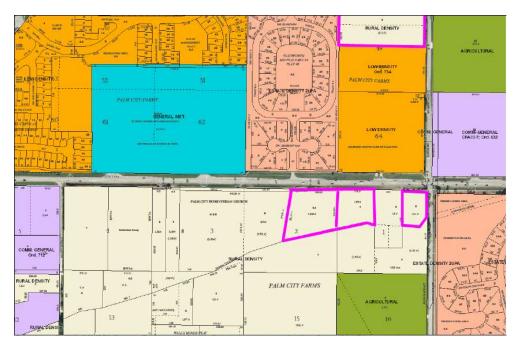
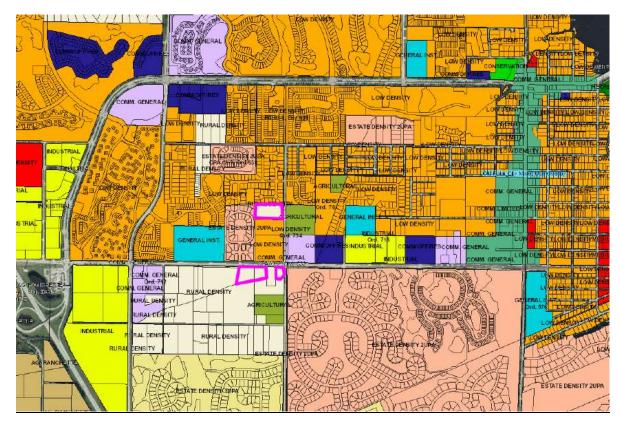


Figure 6B. Existing Future Land Use Map of Surrounding Area

Figure 6C. Existing Future Land Use Map of wider vicinity



		SW Martin Highway Corridor											
		Vet. Mem. Bridge to Mapp Rd		Mapp Road to Berry Ave		Berry Ave to High Meadows		High Meadows to Turnpike		Total Acreage in each FLU & % of total		FLU as % of total by north	
		acres	%	acres	%	acres %		acres %		acres %		& south	
Total Area in	S	57	30%	69	37%	46	24%	17	9%	189	49%		
acres	N	53	28%	76	39%	45	24%	18	10%	193	51%		
Commercial	S					9	20%			9	7%	5%	
General	N			19	25%					19		10%	
Comm/Office	S										5%		
/Res	N			18	24%					18	370	9%	
Limited	S												
Commercial	N												
Old Palm City	S												
MU Overlay	N	1	2%	19	27%								
General	S	6	11%							6	6%	3%	
Institutional	N					16	35%			16		8%	
Industrial	S							17	100%	17	9%	9%	
	N			19	25%					19		10%	
Rural Density	S					38	82%			38	10%	20%	
,	N												
Estate Density	S			69	100%					69	20%	36%	
2upa	Ν					9	20%			9		5%	
Low Density	S	44	77%							44	27%	23%	
Low Density	Ν	20	38%			21	46%	18	100%	59		31%	
Medium	S	7	12%							7	10%	4%	
Density	N	32	60%							32		17%	

<u>Table 1.</u> Future Land Uses within the SW Martin Highway corridor by north of the roadway, south of the roadway, and by segment

Source: Future Land Use designations represented by MC Navigator maps.

Figure 7A: 1970 aerial photo of vicinity of subject property.



Figure 7B: 1995 aerial photo of vicinity of subject property.



Figure 7C: 2014 aerial photo of vicinity of subject property



2.6 Environmental Considerations

2.6.1 Wetlands, Soils and Hydrology

A. <u>Wetlands</u>

The MC navigator wetlands composite map is a predictive tool based on satellite wetland mapping, presence of hydric soils, and inclusion on the National Wetlands Inventory. The more indications present, the more likely a wetland is present. The map shows one of the three indicators that wetlands may be present, the indicator based on thematic satellite imaging from pre-1992. See Figure 8. Staff considers this indicator based on satellite imaging from prior to 1992 to be less reliable than the wetlands soil or National Wetlands Inventory. The presence of wetlands must be field verified. To the extent there are wetlands on the site, it is important to note that CGMP, Section 4.2.C.4 classifies wetlands near Danforth Creek as wetlands of special concern.

The lot is occupied by a dilapidated, vacant, former single family residence and fairly heavy vegetative cover. At the time a development proposal is submitted, an environmental assessment will be required, including the delineation of wetlands, mapping of native vegetation, and a tree survey. All applicable CGMP policies and land development regulations (LDRs) designed to protect wetlands and upland native vegetation will apply. Wetlands connected to Danforth Creek are classified as wetlands of special concern to be protected by a buffer of at least seventy-five feet (75').

Figure 8. Wetlands Composite Map



B. <u>Soils</u>

The WSS (Web Soil Survey) published by the U.S.D.A. Natural Resources Conservation Service identifies just one type of soil on the property-- Nettles Sand.² See Figure 9. Nettles Sand (63) is described in USDA's 1981 <u>Soil</u> <u>Survey of Martin County, FL</u>, as follows:

This nearly level soil is poorly drained. It is in broad areas of flatwoods, mainly in the northeastern part of the County. Areas are generally quite large, ranging up to 2,000 acres. Slopes are smooth and range from 0 to 2 percent.

² The information available on the WSS is based on 2014 surveys and for this area is the same as that published in the 1981 <u>Soil Survey of Martin County</u>.

Typically, the surface layer is about 12 inches thick. . . . The water $% \mathcal{T}_{\mathcal{T}}$

water table is at a depth of 10 to 40 inches for 4 to 6 months or more during most years. It is at a depth of less than 10 inches for 2 to 4 months during the wet seasons. The water table is perched above

the subsoil early in the wet season and after the heavy rains in other seasons. During the extended dry periods, the water table

can recede to a depth of more than 40 inches. . . . Permeability is rapid in the surface and subsurface layers and very slow to moderately slow in the subsoil.

Some areas of this soil are used for cultivated crops or for pasture. A few areas are used for urban development. Most areas remain in natural vegetation consisting of Florida slash pine and an understory of gallberry, wax myrtle, saw palmetto, fetterbush, dwarf huckleberry, red root, running oak, pineland threeawn, bluestems, indiangrass and panicums.

This soil has very serious limitations for crops because of wetness. However, if properly controlled and management is good, this soil is suited to many adapted vegetable crops. ...

Under natural conditions this soil is poorly suited for citrus trees. It is suitable for citrus only after a well-designed water control system has been installed to maintain the water table below four feet. . . The soil is well suited to pasture grasses. . . The potential is medium on this soil for pine trees. Equipment limitations and seedling mortality are the major management concerns. South Florida slash pine is better suited than other species. The soil is in capability subclass IVw.

2.6.2 Wellfield Protection

There are no public wells or wellfields or future water supply well sites adopted by the County on or near this property. The property is not located within a Wellfield Protection Zone 1 or Zone 2. If groundwater or surface water withdrawals are proposed for irrigation, then the applicant will be required to submit additional information and obtain a South Florida Water Management District Water Use Permit.

Figure 9. Soil Survey of Subject Property



Source: USDA – NRCS Web Soil Survey. SW Berry Ave. is incorrectly identified as SW Horseshoe Trail.

2.7 Adjacent Existing Land Use (see Figure 1 on page 2)

North: residential care facility (north of Martin Highway) South: 4.3 acre SFR property East: Danforth (east of Berry Ave.) West: vacant 1.9 acre lot

3. ANALYSIS

3.1 Criteria for change in the Future Land Use (§1-11 of CGMP)

The Rural Density Future Land Use is intended for land within the County's Secondary Urban Services District. The Secondary Urban Service District "is intended to protect the value of rural suburban lands located outside the normal economical service radius of intensive (primary) urban services." CGMP Policy 4.13A.5. The Rural Density Future Land Use "recognizes the need to concentrate urban development on lands closer to the urban core where intensive facilities and services can be provided cost-effectively. This policy also provides reasonable development options to landowners whose property is on the fringe of secondary urban development in sparsely developed rural or rural suburban areas." CGMP Policy 4.13A.5(1). This CGMP policy further provides that the zoning regulations for the Rural Density Future Land Use shall be "designed to ensure that development is compatible with the need to preserve [its] rural character." Id.

Therefore, given the stated purposes of the Rural Density Future Land Use designation, location of the subject property within the Primary Urban Services District, the previous investment to bring regional water and wastewater services to the area, frontage on busy S.W. Martin Highway, and the mostly built-out development pattern in the surrounding area indicates that the Rural Density Future Land Use is no longer the most appropriate for the subject parcels.

The more challenging question is which commercial future land use best advances the goals, objectives and policies of the CGMP while also suiting the needs of the property owner and the surrounding area. The applicants have requested Limited Commercial, but Commercial Office and Residential (COR) may be more appropriate for the property.

	2009 Acreage								
Future Land Use	Total	Developed	$\operatorname{Wetlands}^*$	Undeveloped	% available				
Commercial General	1,692	1,291	99	302	18%				
Commercial Limited	355	273	7	75	21%				
Commercial Office Residential	643	427	23	193	30%				
TOTAL	2,690	1,991	129	570	21%				

Table 2. Land in Martin County with a Commercial Future Land Use Designation

* Wetland acreage is derived from three data sets: (1) Hydric + National Wetlands Inventory (NWI); (2) Satellite + hydric; (3) Satellite + NWI; (4) Satellite + hydric + NWI. Acreage that is indicated as a possible wetland by only the pre-1992 satellite imagery is not included as a wetland in this table.

Source: CGMP, Future Land Use Element, Table 4.2.

The determination of the proper future land use is guided by review and comparison of the intent of the commercial FLUs. As provided in CGMP Policy 4.13A.8(1), the intent of the Commercial Office/Residential (COR) Future Land Use is as follows:

Martin County shall establish policies and criteria to guide mixed-use development. Commercial Office/Residential development shall be allocated to accessible sites adjacent to major thoroughfares. It shall also serve as a transitional use separating more intensive commercial uses from residential development. Office and residential development may be allocated along the outer fringe of core commercial areas where such development may encourage reinvestment in declining residential areas adjacent to commercial core areas. The COR Future Land Use designation shall also be allocated to areas appropriately suited for Traditional Neighborhood Development, described under Goal <u>4.3</u>. The development provisions for the standard COR zoning districts and the PUD zoning district are expressed below:

(a) Development in the Commercial Office/Residential future land use designation shall be restricted to professional and business offices, limited service establishments, financial institutions, livework units, residential development or any combination of these uses. Freestanding retail sales and service establishments shall be excluded from these areas. However, restaurants, certain service commercial uses, and limited commercial uses, as identified in the Land Development Regulations (LDR), may occupy 25 percent of the commercial square footage in a building.

Residential storage facilities may be approved in areas designated COR, and the LDR shall include criteria for review of such uses. However, the building shall be restricted to structures with small modules adaptive exclusively to storage of personal items of residential clients. Commercial tenants shall be expressly prohibited. The facility shall be designed to blend harmoniously with residential structures.

The intensity of lot use, defined as floor area ratio (FAR), shall be governed by the parking standards of the LDR. The maximum building coverage shall be 40 percent, and the minimum net lot size permitted in COR districts shall be 10,000 square feet. The minimum open space shall be 40 percent and the maximum building height shall be 30 feet. Multiple-family residential uses are encouraged to develop in areas designated for office development at densities compatible with criteria cited in Policy 4.13A.7.(5) for High Density Residential development [up to 10 units per acre³]. The Land Development Regulations shall require appropriate landscaping and screening, including a vegetative berm system where feasible. Plant material and a decorative fence or wall shall be used to assure compatibility between established residential uses and proposed office developments.

³ High density residential development may contain up to 15 units per acre if several criteria are met, including a shared boundary with a Commercial, Industrial, Medium Density or High Density Future Land Use or zoning district. The subject property does not adjoin one of these future land uses.

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A bed and breakfast or other facilities for transient lodging, catering to seasonal residents, shall be permitted. Kitchen facilities shall be permitted to accommodate occupants visiting for periods exceeding the general motel trip duration of one to four nights. Approved transient lodging facilities existing as of the effective date of the CGMP shall be considered permitted in such an area.

Landscaping, screening, buffering and similar design techniques shall be used to assure a smooth transition between residential structure types and densities.

Residential use shall be allowed in the COR future land use designation as part of a mixed-use project as allowed under Goal 4.3 in any of the seven CRAs designated in Policy 4.2B.4. Residential densities shall be as provided in Policy 4.3A.2.

CGMP Policy 4.13A.8(2) sets forth the intent of the Limited Commercial Future Land Use as follows:

Limited Commercial development is allocated to commercial sites accessible to major thoroughfares near residential neighborhoods. The scale and intensity of commercial uses in Limited Commercial areas shall be compatible with adjacent residential neighborhoods. Sites in this designation are intended for shops with limited inventory of goods as well as transient lodging facilities consistent with the CGMP and the LDR. This designation is not generally intended to accommodate residential development. Duly approved residential uses existing at the effective date of the CGMP shall be considered permitted uses.

Areas designated for Limited Commercial development are not intended to accommodate large-scale retail sales, service or trade activities that generally serve a larger market area. Such stores would usually require a larger floor area, carry a relatively larger inventory and require a substantially greater parking area.

LDRs implementing the Limited Commercial future land use designation shall be consistent with these development standards. Minimum net lot sizes shall be 10,000 square feet. FAR shall be governed by the parking standards of the LDR. Maximum densities for hotel/motel units shall be 20 units per gross acre. Maximum building coverage shall be 50 percent. Minimum open space shall be 30 percent. Maximum building height shall be 30 feet. Residential use shall be allowed in the Limited Commercial future land use designation as part of a mixed-use project in any of the seven CRAs designated in Policy 4.2B.4. Residential densities shall be as provided for in Policy 4.3A.2.

In addition to the policies established by the Comprehensive Plan, the determination of the most appropriate future land use is also guided by review and comparison of the development standards and permitted uses that apply within the zoning districts intended to implement the different Future Land Uses. The basic development standards established by the CGMP and the Land Development Regulations for the General Commercial, Limited Commercial and Commercial Office/Residential Future Land Uses are summarized in Table 3. General Commercial standards are included herein merely for comparison. The applicant has not requested General Commercial for this 1.14 acre lot.

Future Land Uses	Zoning Districts	Min. Lot Area	Min. Lot Width	Max. Hotel Density	Max. Res. Density	Max. Height	Max Bldg Cover	Min. Open Space	Setbacks		
									Front	Side	Rear
General Commercial	General Commercial	10,000 sf	80 ft	20 upa	0	40 ft	60%	20%	25 ft	10 ft	20 ft
	Community Commercial	10,000 sf	80 ft	20 upa	0	30 ft	50%	30%	25 ft	10 ft	20 ft
Limited Commercial	Limited Commercial	10,000 sf	80 ft	20 upa	0	30 ft	40%	30%	25 ft	10 ft	20 ft
Commercial Office Residential (COR)	COR I	10,000 sf	80 ft	10 upa	5 upa	30 ft	40%	40%	25 ft	10 ft	20 ft
	COR II	10,000 sf	80 ft	20 upa	10 upa	30 ft	40%	40%	25 ft	10 ft	20 ft
	Commercial Office	10,000 sf	80 ft	0	0	30 ft	40%	40%	25 ft	10 ft	20 ft

<u>Table 3</u>. Development Standards applicable to Commercial Future Land Uses and Commercial Zoning Districts

In addition the guidance provided by CGMP Policy 4.13A.8, CGMP Objective 4.10B and its implementing policies also provide criteria by which to evaluate the applicants' request and to determine the most appropriate future land use

designation for the subject property. This objective and the implementing policies provide as follows:

Objective 4.10B. To consider the space requirements and location of commercial development and its impact on a community when assigning commercial future land use designations.

Policy 4.10B.1. Criteria for commercial land use designation. The following criteria, at a minimum, shall be used for assigning a commercial land use designation at a given location on the Future Land Use Map:

- (1) Trip generation characteristics; impact on existing and planned transportation facilities; and ability to achieve functional internal circulation and a landscaped parking area.
- (2) Specific needs of commercial activities, such as market area, anticipated employment generation and floor area requirements.
- (3) Compatibility with and impact on other surrounding commercial activities.
- (4) Relationship to surrounding land uses and natural systems.
- (5) Impact on existing and planned community services and utilities.

Policy 4.10B.2. Criteria for siting commercial development. Commercial development shall be strategically directed to areas best able to accommodate its specific requirements of land area, site, public facilities and market location. The aim is to promote efficient traffic flow along thoroughfares, achieve orderly development and minimize adverse impacts on residential quality.

Policy 4.10B.3. Avoidance of strip commercial development. Changes in land use designation shall not be granted if the Board of County Commissioners finds (upon review by the Local Planning Agency) that the change will lead or contribute to a proliferation of strip commercial development. The existence of commercial areas on one corner shall not dictate development with the same or similar use on all corners. Nor shall the existence of commercial development on a major thoroughfare dictate similar use for all frontage. Mixed-use development shall not be considered strip commercial development.

Commercial Office/Residential Future Land Use

The Commercial Office/Residential (COR) Future Land Use may be appropriate for the applicants' property. The property is an accessible site located adjacent to a major thoroughfare, and is on "the outer fringe of core commercial areas." The location of the property can serve to buffer the Rural Density Future Land Use to the south from the traffic on SW Martin Highway. The land uses anticipated by the COR Future Land Use--professional and business offices, limited service establishments, financial institutions, live-work units, residential development or any combination of these uses—could be compatible with the nearby institutional, commercial and residential land uses.

The COR Future Land Use designation permits a mix of residential, office and limited retail and restaurant use. Pursuant to CGMP Policy 4.10B.3, "mixeduse development shall not be considered strip commercial development." The COR standards that require a minimum of forty percent (40%) open space and limit building coverage to forty percent (40%) appear to be realistic given the property's proximity to Danforth Creek and its status as a Special Flood Hazard Area. They also appear more consistent with the surrounding development.

Finally, the COR Future Land Use designation would increase the diversity of Future Land Uses along the SW Martin Highway Corridor. As set-forth in Table 1 and illustrated in Figure 6A, the Commercial Office/Residential Future Land Use applies to only five percent (5%) of the land within the SW Martin Highway corridor.

COR is the most restrictive commercial future land use with regard to the types of commercial activities that are permitted. The primary permitted uses are professional offices, financial institutions, and medical services. (Additionally, all Life Science, Technology and Research uses as well as most of "Targeted Industries Businesses" are also permitted.) See Exhibit A.

Finally, COR permits high density residential development (potentially up to ten units per acre on this site). If feasible, a high density residential development pursuant to the Commercial Office/Residential Future Land Use would diversify the housing options in the area, and thereby advance achievement of CGMP 4.9 ("To provide for appropriate and adequate lands for residential land uses to meet the housing needs of the anticipated population and provide residents with a variety of choices in housing types and living arrangements throughout the County.") There is no land with a high density residential future land use designation or zoning in the surrounding area.

One caveat regarding high density residential development on this site is that applicants' property is located within an area defined as extending five miles from the end of a runway of the County Airport for a width equal to one-half the runway length in which construction of new schools is prohibited due to concern about potential noise and safety risks. See Exhibit C. This restriction on school construction is required by state statute and codified in LDR 3.34.A (Article 3, Division 2 (standard zoning districts). The actual current and projected noise levels resulting from location within this five-mile zone, would have to be evaluated to confirm the desirability of the location for high density residential development.

Factors weighing against the assignment of the COR Future Land Use include that the property is not located such that it can encourage investment in a declining residential area and the property is too small to accommodate a mixeduse project. Being located on a corner with a signalized intersection, accessibility to the lot is good, even though the creation of a south-bound right turn lane as part of the expansion of S.W. Martin Highway may eliminate direct access to the lot from S.W. Martin Highway.

Limited Commercial Future Land Use

Limited Commercial Future Land Use may also be a proper designation for this property. Limited Commercial Future Land Use provides more flexibility that does the Commercial Office/Residential Future Land Use for the property owner to respond to market forces by allowing most commercial uses. The Limited Commercial Future Land Use is most similar to the General Commercial Future Land Use with regard to permitted uses. There are sixteen (16) commercial uses permitted within both the Limited Commercial Future Land Use and the General Commercial Future Land Use, which are not permitted within COR.⁴ See Exhibit A.

The Limited Commercial Future Land Use permits several land uses that may provide service and convenience to residents, employees, students and

⁴ These are apartment hotels, plant nurseries, indoor commercial amusements, commercial day care, construction industry sales, construction industry trades, funeral homes, hotels and motels, limited retail sales and services, pain management clinics, parking lots and garages, recreational vehicle parks, fast food restaurants (no drive-through), general restaurants, veterinary services uses, and performing arts centers. See Exhibit B and Section 4 for further discussion of the permitted uses in the different future land use categories.

parents, and motorists that would not be available, or might not be available, within the COR Future Land Use. These include convenience restaurants without drive-through facilities, general restaurants, commercial day care, hotels/motels, funeral homes, veterinary services. Finally, there is no land with the Limited Commercial Future Land Use within the SW Martin Highway corridor. The nearest Limited Commercial Future Land Use is located on Mapp Road.

The maximum building coverage of fifty percent (50%), minimum open space of thirty percent (30%) and maximum building height of thirty feet (30') appears to be fairly consistent with the actual existing development in the vicinity of the applicant's property and appropriate given proximity to Danforth Creek and status as a Special Flood Hazard Area.

3.2 Urban Sprawl

The Florida Community Planning Act, §163.3177(9), requires that any amendment to the Future Land Use element of the County's Comprehensive Plan discourage urban sprawl. The statute defines 'urban sprawl' 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. The statute provides a list of thirteen "primary indicators" that a plan amendment "does not discourage the proliferation of urban sprawl." The indicators of urban sprawl are:

(1) Promotes, allows, or designates for development substantial areas of the jurisdiction as low-intensity, low-density, or single-use development or uses.

No. The subject parcel is 1.14 acres in size and does not constitute a "substantial area." It represents an in-fill lot in a mostly built-out area within the Primary Urban Services Boundary.

(2) 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. These 1.14 acres do not represent a "significant amount of urban development," it is not a "rural area" and it is not a "substantial distance from existing urban areas." It is an in-fill lot. The property is within the Primary Urban Services District and public water and wastewater services are available.

(3) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

If Danforth Creek is to be considered a logical boundary between urban development along the highway and the Rural Density Future Land Use fronting SW Horseshoe Trail, the lots fronting SW Martin Highway are too shallow to completely avoid a strip pattern of development along the highway.

(4) 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.

The land covered by this proposed Comprehensive Plan Amendment contains potentially environmentally sensitive land. The southern boundary of the property is Danforth Creek. See Figure 10. Danforth Creek flows into the South Fork of the St Lucie River. The MC Navigator composite wetlands map indicates wetlands may be present on the site and wetlands associated with Danforth Creek are classified as wetlands of special concern. Additionally, the FEMA FIRM (Flood Insurance Rate Map) designates the entire area Special Flood Hazard Area Zone AE, meaning it is subject to inundation by the 1percent-annual- chance flood event. See Figure 11. The Base Flood Elevation is 18 feet and mandatory flood insurance purchase requirements and floodplain management standards apply.



<u>Figure 10</u>. Danforth Creek

CPA 2015-06 Berry Retail, Galley

Recharge of the aquifer may occur in the area. The surficial aquifer is recharged to some extent in virtually all areas of sandy soil with high permeability. The <u>Soil Survey of Martin County</u> explains "Permeability is rapid in the surface and subsurface layers and very slow to moderately slow in the subsoil" and indicates that the water table is as shallow as 10 to 40 inches for 4 to 6 months or more during most years and less than 10 inches for 2 to 4 months during wet seasons. The water table is perched above the subsoil early in the wet season and after the heavy rains in other seasons. The availability of public wastewater collection and treatment services is one way the aquifer can be protected from non-point source pollution. The property is not within a Wellfield Protection Zone.

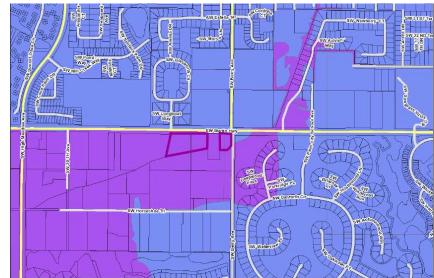


Figure 11. Flood hazard area map for CPA 2015-02 and CPA 2015-06

Legend: Pink = Flood Zone AE. Blue = Flood Zone X

The County's CGMP policies and LDRs are designed to protect environmentally sensitive areas. CGMP Policy 9.1E.8 states that "floodplains. . . shall continue to be recognized as unique resources requiring protection and conservation." Pursuant to LDR 4.383, all development applications must be in compliance with the requirements of the "Martin County Stormwater Management and Flood Protection Standards for Design and Review." Development within a flood plain is not prohibited but subject to special requirements intended to prevent worsened flooding elsewhere, threats to life, safety and property, and degraded water quality.

All development applications require submission of an environmental assessment, including a wetlands delineation by an environmental professional,

and identification of all upland habitat, as well as a plan to preserve and buffer wetlands and to preserve no less than 25% of the upland habitat. Any wetlands associated with Danforth Creek will require a minimum 75-foot buffer zone.

(5) 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.

There is no active agriculture on the subject property and the U.S.D.A.'s <u>Soil</u> <u>Survey</u> indicates the soil is ill-suited for crops or citrus.

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

Not true. Martin Highway is a major arterial. In 2013, the four-lane Veterans Memorial Bridge opened. The General Commercial Future Land Use will utilize the water and wastewater infrastructure existing in the vicinity. See Figures 14 and 15. The Martin County water and wastewater plants have the capacity to serve any development that may occur here. The property already has a wastewater connection. See Figure 14.

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

This property is poised to maximize use of future public facilities and services. It is located on SW Martin Highway, the capacity of which is currently being expanded. It provides relatively quick and convenient access to the Florida Turnpike, Interstate 95, as well as Palm City and the City of Stuart. Additionally, SW Martin Hwy. has been identified by the Martin County MPO as a road to be served by a public transit route before 2023, if necessary funds can be obtained. See, <u>The 2014-2023 Martin County Transit Development Plan</u>.

Figure 14. Martin County wastewater collection lines (brown), pressure mains (green) and lift stations (green squares) in vicinity of CPA 2015-02 and CPA 2015-06



Figure 15. Martin County water lines in vicinity of CPA 2015-02 and CPA 2015-06



(8) 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.

This 1.14-acre parcel represents an in-fill parcel located within the County's Primary Urban Services Boundary where the full complement of urban services are intended to be provided. Commercial development on this parcel will cause no disproportionate costs in time, money or energy. Martin County's Bureau Chief for Fire Prevention has stated that commercial development on this parcel will have no impact on Fire Rescue's LOS or response time and the County Utility Department has indicated that it has ample capacity to serve the development.

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

This is a small infill parcel within the County's Primary Urban Services District and within an area that was developed as a Development of Regional Impact (DRI). The distinct separation between rural and urban uses in Martin County occurs along the Urban Services District boundary.

However, because this lot, fronting SW Martin Highway, may be suitable for Limited Commercial FLU and Limited Commercial zoning, does not mean the all nearby lands that retain the Rural Density FLU and A-1 Small Farms zoning are appropriate for this same commercial zoning and urbanization. The approximately 100-acre enclave south of Danforth Creek, separated from the properties fronting SW Martin Highway by Danforth Creek, is distinguishable from the land located directly on the highway and may be sustainable into the future in its present Rural Density or Rural Heritage use.

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

The change in the future land use from Rural Density to a commercial future land use encourages in-fill development on this parcel

(11) Fails to encourage a functional mix of uses.

This indicator is not true with regard to this requested future land use amendment. Several large institutional uses are nearby—the Presbyterian Church to the west and two schools and a residential care facility to the north, in addition to hundreds of nearby residences. Additional commercial goods and services may provide convenience and reduce vehicle miles travelled by those nearby residents and employees. The eight-foot wide sidewalks being installed with the highway widening potentially make it possible to walk between a functional mix of uses. A Limited Commercial Future Land Use designation on this parcel will diversity the mix of future land uses within the martin Highway corridor. Currently, there is no land between Mapp Road and the Florida Turnpike designated for Limited Commercial Future Land Use. (12) Results in poor accessibility among linked or related land uses.

This property is located at a signalized intersection. Access to the lot may be limited due to the construction of a right turn-lane on east-bound SW Martin Highway as part of the widening currently underway. Private driveways are generally prohibited from a turn lane, unless there is no other access to the property. At this point in time, there no cross-access to adjacent commercial properties is possible, however, cross-access easements will be required for the time in the future when and if the adjacent properties seek to develop commercially.

The subject property is well-linked to the region and state via convenient access to the Florida Turnpike and Interstate 95.

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

The requested change in the FLUM will not cause the loss of significant amounts of functional open space.

Florida Statute also sets forth certain factors that evidence that a proposed amendment to the FLUM discourages the proliferation of urban sprawl. These eight factors are the converse of the thirteen set-forth above. The required threshold is that the proposed amendment incorporates a development pattern or urban form that achieves four or more of the following eight factors:

(1) 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.

When developed in full compliance with the Martin County CGMP and LDRs, this proposed land use amendment achieves this objective.

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

The property is within Martin County's Primary Urban Service Boundary and water and wastewater lines are available to efficiently serve it.

(3) 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. Commercial development on this property will not promote compact development or a mix of uses that support a range of housing choices, or multimodal transportation system.

(4) Promotes conservation of water and energy.

The proposed land use might achieve this objective. A commercial future land use has the potential to reduce vehicle miles traveled because residents and employees in the area can patronize the commercial enterprises on their way to and from home or work rather than be required to make an extra trip or travel out of their way. The applicants' traffic impact analysis asserts that 50% of the trips to the commercial development will be by vehicles already driving past the property. The LDRs require "water-efficient" landscaping.

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

The proposed amendment has no impact on agricultural areas. Neither does the existing Future Land Use.

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

This project does not advance this goal, except to the extent mandated by CGMP policies and the LDRs.

(7) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

The proposed land use amendment has the potential to advance this goal.

(8) 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 it provides for an innovative development pattern such as transit-oriented developments or new towns.

The parcel represents in-fill and thereby may reduce development pressure on land in rural areas. It is located on a highway that has been identified for future service by Martin County transit, but the requested amendment of the Future Land Use Map will not foster transit-oriented development.

3.3 General Land Use Issues

South of SW Martin Highway, between SW Berry and SW High Meadow Ave., on both sides of SW Horseshoe Trail, there is a 100-acre area with a Rural Density Future Land Use and A-1 (small farms) zoning. While surrounded by development, this area may be large enough to be sustained as a rural enclave.

3.4 Capital Facilities Impact (i.e. Concurrency Management)

3.4.1 Mandatory Facilities

<u>3.4.1.1 Water and Sewer</u>

Permitting limited commercial development on this acreage will have no impact on Water and Wastewater Level of Service. The property is located within the Martin County Primary Urban Services Boundary and the Martin County Utilities' Service area. Martin County's level of service (LOS) for both treatment and distribution of potable water and for wastewater collection and treatment services for commercial uses is 0.1 gallons per square foot CGMP Policy 14.1A.2(3) and (4).

However, the "Water Availability Sheet" completed by Ted Robbins, P.E. concludes that the County has ample capacity to serve any development that may result from the FLU change. (Attachment: Application Materials). The County has a FDEP permit to treat 18.8 million gallons per day (MGD) at its water treatment plants and a Consumptive Use Permit from the SFWMD for 19.52 MGD from the Floridan aquifer and 4.635 from the Surficial aquifer. The average consumption in the previous calendar year was 9.261 MGD. After accounting for reserved capacity of 540,000 gpd and 500,000 gpd for potential uses resulting from all requested 2015 FLUM amendments, Mr. Robbins estimated that the County has nearly 14 MGD allocated from the aquifers to meet all other future needs.⁵

Wastewater collection lines already serve this property. Regional wastewater service is consistent with CGMP Policy 10.1A.6(1). The property is within the Primary Urban Services District.

⁵ Considering the 0.095 gallons/square foot per day level of service for water service to nonresidential development, the 500,000 gallons theoretically allocated to serve all amendments to the future land use map in 2015, would meet the level of service for more than five million square feet.

2.4.1.2. Drainage

Drainage concerns include downstream flooding and non-point source pollution of surface water. Stormwater detention and retention are required to attenuate those impacts. According to Figures 13-2 and 13-3 of the CGMP, this property is located within the watershed of Danforth Creek, which is within the watershed of the South Fork of the St. Lucie River. The CGMP has established the following levels of service for drainage facilities:

- Major Drainage Ways (more than one square mile) 8.5" in a 24-hour period for 25 year/24-hour design storm.
- Underground Storm Sewers 6" in a 24-hour period for 5 year / 24- hour design storm.
- All Other Facilities 7" in a 24-hour period for 10-year/24-hour design storm.
- Finished Floor Elevation 100-year/3-day storm.

All applicants for development orders must demonstrate compliance with these post-development standards.

2.4.1.3. Transportation

The applicant's traffic analysis is based on what they characterize as a worst-case scenario, that is, a bank with drive-through service.⁶ Each departure from, and arrival at, the property constitutes a separate trip. The applicant's traffic analysis concludes that the traffic generated from this property will have no significant impact on the level of service on nearby roadways and that no roadway improvements would be necessitated by the change in the future land use.

For arterial and collector roads, the County's LOS for the peak hour in the peak season is "D." CGMP Policy 14.1A.2. LOS D is described as, "approaching unstable flow, slow but tolerable operating speeds, noticeable

⁶ The Institute of Traffic Engineer's <u>Trip Generation</u>, 9th edition (2012) estimates that a bank with drive-through facilities generates 148 trips per day per 1000 square feet of gross floor area, and 12 trips per am peak hour and 24 trips during the pm peak hour, for each 1000 square feet of gross floor area. Alternatively, the predicted traffic impact can be calculated based on the number of drive-through lanes. According to <u>Trip Generation</u>, a bank can be expected to generate 139 daily trips per drive-through lane, 9 trips during the am peak hour and 33 during the pm peak hour.

but tolerable delays at signalized intersections. Stopped cars are not delayed more than two cycles of the signal."

Lisa A. Wichser, P.E., Martin County's Traffic Engineering/Development Review Administrator reviewed the applicants' traffic report and concluded as follows: "Staff finds that the proposed Future Land Use Map designations will not have a negative impact on Martin County's road facilities in either the short or long term. Staff will reevaluate the traffic impacts prior to the issuance of any development order associated with the property." Exhibit D.

Consistent with CGMP Policy 14.1B.2, future non-residential development on this parcel will be subject to transportation impact fees ranging from \$6,841 per 1000 sf for a bank with a drive-through window to \$\$10,570.79 per 1000 sf for a restaurant.

2.4.1.4. Solid Waste

The County LOS standards for solid waste facilities are that the County can provide capacity for 1.06 tons per weighted person per year. CGMP Policy 14.1A.2. A commercial future land use on this property will have no impact on the County's ability to meet that LOS.

2.4.1.5. Parks and Recreation

Permitting commercial development on this acreage will have no impact on Parks and Recreation Level of Service. Commercial development, other than hotels, motels and RV parks are not understood to create any demand on the County's park and recreation facilities.

2.4.1.6. Fire, Public Safety and Emergency Medical Services

Permitting commercial development on this land will have no significant impact on Fire, Public Safety and Emergency Medical Services Level of Service. The County's LOS standards for Fire/Rescue as they apply to this property, that is, in Urban Areas, are as follows:

- 1. Advanced Life Support 8 minutes 90% of the time;
- 2. Basic Life Support 6 minutes 90% of the time;
- 3. Fire Response 6 minutes 90% of the time. (CGMP Policy 14.1A.2.)

Doug Killane, Martin County Bureau Chief of Fire Prevention, has indicated in writing that the requested amendment of the CGMP will not negatively impact Fire Rescue's level of service or response times. See Exhibit E. Any incremental effect on the County's ability to achieve and maintain those levels of service caused by the additional commercial development permitted by the future land use change shall be mitigated by the payment of impact fees that vary depending on the use (i.e., \$80 per 1000 sf for most commercial uses but \$351 per 1000 sf for a medical office, upon the approval of a Development Order or application for a building permit.

2.4.1.7. Schools

Permitting limited commercial development on this property will have no impact on the Level of Service for Schools.

2.4.2. Non-mandatory Facilities

2.4.2.1. Libraries

Permitting commercial development on this 1.14 acre lot will have no impact on Libraries Level of Service.

4. CRITERIA TO CHANGE A ZONING DISTRICT

In addition to requesting that the future land use designation of their 1.14 acre parcel be changed, the applicants have also requested that the zoning district be changed from A-1 (Small Farms) to Limited Commercial. In considering this request, the County is guided by the Land Development Regulations (LDR), in addition to the CGMP, especially the fundamental caveat that the FLUM "shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible. . . All goals, objectives and policies of the CGMP shall be considered when a proposed rezoning is considered." [LDR Section 3.2.E.1].

4.1 <u>Permitted Uses</u>

One zoning district implements the Limited Commercial Future Land Use: Limited Commercial. Three zoning districts implement the Commercial Office/Residential Future Land Use: Commercial Office, COR-1 and COR-II. The Limited Commercial zoning district allows more commercial uses than do the Commercial Office/Residential zoning districts. Limited Commercial allows restaurants (no drive-through windows), limited retail goods and services, commercial child care centers, whereas the Commercial Office/Residential zoning districts do not. Both Limited Commercial and Commercial Office/Residential zoning districts allow business and professional offices, financial institutions, and medical services. The complete list of permitted uses in each of the four zoning districts, as well as the current A-1 Small Farms zoning district, is provided in Exhibit A.

4.2 Development Standards

The development standards for the commercial zoning districts share commonalities. All require a minimum lot area of 10,000 sf, lot width of 80 feet, and front, side and rear set-backs of 25 feet, 10 feet, and 20 feet, respectively. The standards differentiate between the different commercial zoning districts regarding maximum hotel density, maximum building coverage, maximum height, and minimum open space. The development standards applicable within each of the six commercial zoning districts that implement the three commercial Future Land Uses are summarized in Table 3.

The key difference between the standards applicable within the Limited Commercial and those applicable to Commercial Office, COR-I and COR-II zoning districts is the minimum amount of open space. Limited Commercial must maintain no less than 30% open space whereas Commercial Office, COR-I and COR-II must maintain no less than 40% open space. The difference in maximum hotel density is not relevant to this 1.14 acre site at this time, but could be relevant if this lot is joined to an adjacent lot.

It must be emphasized that the maximum lot coverage, minimum open space and minimum setbacks are subject to CGMP policies and development standards relevant to wetlands, uplands, and stormwater management. Due to environmental policies and constraints, a development project may have to exceed the standards governing minimum open space and minimum setbacks and may not be able to achieve maximum building coverage.

Table 3. Development Standards applicable to Commercial Zoning Districts

Future Land Uses	Zoning Districts	Min. Lot Area	Min. Lot Width	Max. Hotel Density	Max. Res. Density	Max. Height	Max Bldg Cover	Min. Open	Setbacks		
								Space	Front	Side	Rear
General Commercial	General Commercial	10,000 sf	80 ft	20 upa	0	40 ft	60%	20%	25 ft	10 ft	20 ft
	Community Commercial	10,000 sf	80 ft	20 upa	0	30 ft	50%	30%	25 ft	10 ft	20 ft
Limited Commercial	Limited Commercial	10,000 sf	80 ft	20 upa	0	30 ft	40%	30%	25 ft	10 ft	20 ft
Commercial	COR I	10,000 sf	80 ft	10 upa	5 upa	30 ft	40%	40%	25 ft	10 ft	20 ft
Commercial Office Residential (COR)	COR II	10,000 sf	80 ft	20 upa	10 upa	30 ft	40%	40%	25 ft	10 ft	20 ft
	Commercial Office	10,000 sf	80 ft	0	0	30 ft	40%	40%	25 ft	10 ft	20 ft

1.3. <u>Adjacent Zoning Districts</u> (See Figures 16 and 17)

- North: PUD-C, PUD-R and RS-3 (across SW Martin Hwy.)
- South: A-1 Small Farms
- West: A-1 Small Farms
- East: Residential Estate 2upa

The permitted uses and development standards of the requested Limited Commercial zoning district must be evaluated pursuant to criteria governing a request to change the zoning district of a property, pursuant to LDR Section 3.2.E. These are:

a. Whether the proposed zoning amendment is consistent with all applicable provisions of the Comprehensive Plan;

As indicated in Section 3.1 of this report, staff's conclusion is that the Limited Commercial Future Land Use is consistent with the CGMP. Therefore, the Limited Commercial zoning district is similarly consistent with the CGMP.



Figure 16. Zoning Districts in vicinity of CPA 2015-02 and CPA 2015-06

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

The request for Limited Commercial zoning is consistent with the LDR. Any development proposal, pursuant to the zoning district, will be required to comply with all applicable LDRs including uses, density, set-backs, height, open-space, wetlands, uplands, landscaping, etc.

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;

The proposed Limited Commercial zoning district is compatible with the predominate character of the surrounding area.

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

The aerial photos presented earlier in this report document the substantial change in land uses that has occurred in the vicinity and the widespread suburbanization that now exists. See, Figure 7A, 7B and 7C.

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

To the extent development pursuant to a commercial zoning district places demands on public facilities, the County's impact fee policies are intended to mitigate such impact. Additionally, at the time a development proposal is submitted, design changes can be required to reduce or eliminate unnecessary impacts, including the ability of the County Engineer to require construction of a turn lane if deemed necessary to maintain mobility and capacity on SW Martin Highway or SW Berry Avenue. Most commercial uses are generally expected to consume less potable water and produce less wastewater than residential facilities. Obviously, there are exceptions to this general rule, for example laundromats, hotels, some restaurants should be expected to consume significant amounts of water. The applicant's traffic impact analysis predicts that more than one-half of the trips to the commercial use (assumed commercial use of bank with drive-through) will be by motorists already travelling on the roadway.

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

While water and wastewater services are available and the property is located on a major arterial, commercial development on this 1.14 acre lot is premature at this time.

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

Whatever facts are presented at the public hearings on this application should be taken into account in the decision-making.

Exhibits

- A. Table of Permitted Uses in Commercial Zoning Districts
- B. Annual Average Daily Traffic Counts for Martin County Roadways
- C. County Airport runways, extended 5 miles out.
- D. Memorandum from Lisa A. Wichser, P.E., Traffic Engineering/ Development Review Administrator
- E. Communication from Doug Killane, Fire Prevention Bureau Chief, Martin County Fire Rescue

Exhibit A Table of Permitted Uses in Various Commercial Zoning Categories

FUTURE LAND USE CATEGORY	General C	General Commercial		Commercial Office Residential			
Zoning Districts	Community Commercial			Commercial Office COR-1		Limited Commercial	A-1 Small Farms
Residential Uses							
Accessory dwelling units			Р	Р	Р		Р
Apartment hotels	Р	Р			Р	Р	
Modular homes				Р	Р		Р
Multi-family dwellings				Р	Р		
Single-family detached dwellings				Р	Р		Р
Townhouse dwellings				Р	Р		
Zero lot line SF dwellings				Р	Р		Р
Agricultural Uses							
Crop farms							P
Dairies							P
Farmer's markets							P
Orchards and groves							P
Plant nurseries & landscape serv.	Р	Р				Р	P
Poultry raising							Р
Stables, private							Р
Public and Institutional	Uses						r
Admin.services, not-for-profit	Р	Р	Р	Р	Р	Р	
Community centers	Р	Р	Р	Р	Р	Р	Р
Cultural or civic uses	Р	Р	Р	Р	Р	Р	
Educational institutions	Р	Р	Р	Р	Р	Р	Р
Hospitals		Р					
ass't residences w/ < = 6 residents				Р	Р		Р
Neighborhood boat launches							
Places of worship	Р	Р	Р	Р	Р	Р	P
Post offices	P	P	Р	P	P	P	
Protective & emergency services	P	P	P	P	P	P	Р
Public libraries	P	P	P	P	P	P	P
Public parks & rec. areas, active	P	P	P	P	P	P	
Public parks & rec. areas, active	P	P	P	P	P	P	
Recycling drop-off centers	P	P	P	P P	P	P	Р
Residential care facilities	P	F	F	P P	P P	P P	Г
Utilities	P	Р	Р	P P	P	P P	Р
Commercial and Business		F	F	F	F	F	Г
Ancillary Retail Use	0303		Р	P	P		
Bed and breakfast inns	Р		P	P P	P P	P	
Business and professional offices	P	Р	P	P	P P	P P	Р
			۲	r	r		
Commercial amusements, indoor	Р	P				Р	
Commercial amusements, outdoor		Р					
Commercial day care	Р	Р				Р	Р
Construction industry trades	Р	Р				Р	

Exhibit A Table of Permitted Uses in Various Commercial Zoning Categories

FUTURE LAND USE CATEGORY	General C	General Commercial		Commercial Office Residential			
Zoning Districts	Community Commercial	General Commercial	Commercial Office	COR-1	COR -2	Limited Commercial	A-1 Small Farms
Construction sales and services	Р	Р				Р	
Family day care				Р	Р		Р
Financial institutions	Р	Р	Р	Р	Р	Р	
Flea markets		Р					
Funeral homes	Р	Р				Р	
General retail sales and services	Р	Р					
Golf courses							Р
Golf driving ranges		Р					
Hotels, motels, resorts and spas	Р	Р				Р	
Kennels, commercial		Р					
Limited retail sales and services	Р	Р				Р	
Marinas, commercial	Р	Р					
Medical services	Р	Р	Р	Р	Р	Р	
Pain management clinics		Р				Р	
Parking lots and garages	Р	Р				Р	
Recreational vehicle parks	Р	Р				Р	
Rec. Veh. Parks (as of 3/2002)				Р	Р		
Residential storage facilities	Р	Р	Р	Р	Р	Р	
Restaur., conven. w/ drive-thru		Р					
Restaur., conven., no drive-thru	Р	Р				Р	
Restaurants, general	Р	Р				Р	
Shooting ranges, indoor	Р	Р					
Theaters, Drive-in							Р
Trades and skilled services		Р					
Vehicular sales and service		Р					
Vehicular service and maintenance		Р					
Veterinary medical services	Р	Р				Р	
Wholesale trades and services		Р					
Life Science, Technology and Reseau	rch (LSTAR) Uses						
Biomedical research	Р	Р	Р	Р	Р	Р	
Bioscience research	Р	Р	Р	Р	Р	Р	
Computer & electronics res. & ass.	Р	Р	Р	Р	Р	Р	
Computer programming/software research	Р	Р	Р	Р	Р	Р	
Computer system design	Р	Р	Р	Р	Р	Р	
Electromed. apparatus res. & ass.	Р	Р	Р	Р	Р	Р	
Electronic equip. res. & ass.	Р	Р	Р	Р	Р	Р	
Laser research and assembly	Р	Р	Р	Р	Р	Р	
Lens research	Р	Р	Р	Р	Р	Р	
Mgmt, scientific & tech. services	Р	Р	Р	Р	Р	Р	
Marine Research	Р	Р	Р	Р	Р	Р	
Medical and dental labs	Р	Р	Р	Р	Р	Р	
Medical equipment assembly	Р	Р	Р	Р	Р	Р	

Exhibit A
Table of Permitted Uses in Various Commercial Zoning Categories

FUTURE LAND USE CATEGORY	General C	ommercial	Commercial Office Residential			Limited Commercial	
Zoning Districts	Community Commercial	General Commercial	Commercial Office	COR-1	COR -2	Limited Commercial	A-1 Small Farms
Optical equipment assembly	Р	Р	Р	Р	Р	Р	
Optical instruments assembly	Р	Р	Р	Р	Р	Р	
Optoelectronics assembly	Р	Р	Р	Р	Р	Р	
Pharmaceutical prods res.	Р	Р	Р	Р	Р	Р	
Precision instrument assembly	Р	Р	Р	Р	Р	Р	
Prof., scientific & tech. services	Р	Р	Р	Р	Р	Р	
Reproducing magnetic & optical media	Р	Р	Р	Р	Р	Р	
R & D Labs, including alt. energy	Р	Р	Р	Р	Р	Р	
Scientific & tech. consulting serv.	Р	Р	Р	Р	Р	Р	
Simulation training	Р	Р	Р	Р	Р	Р	
Technology centers	Р	Р	Р	Р	Р	Р	
Telecommunications research	Р	Р	Р	Р	Р	Р	
Testing laboratories	Р	Р	Р	Р	Р	Р	
Targeted Industries Business (TIB) Uses						
Business-to-business sales and marketing	Р	Р	Р	Р	Р	Р	
Convention centers	Р	Р					
Credit bureaus	Р	Р	Р	Р	Р	Р	
Credit intermediation	Р	Р	Р	Р	Р	Р	
Customer care centers	Р	Р	Р	Р	Р	Р	
Customer support	Р	Р	Р	Р	Р	Р	
Data processing services	Р	Р	Р	Р	Р	Р	
Film, video & electronic media production	Р	Р	Р	Р	Р	Р	
Funds, trusts and other financial vehicles	Р	Р	Р	Р	Р	Р	
Information services and data processing	Р	Р	Р	Р	Р	Р	
Insurance carriers	Р	Р	Р	Р	Р	Р	
Internet service providers & portals	Р	Р	Р	Р	Р	Р	
Management services	Р	Р	Р	Р	Р	Р	
National, intern'l & regional hdqrs	Р	Р	Р	Р	Р	Р	
Nondepository credit institutions	Р	Р	Р	Р	Р	Р	
Offices of bank holding companies	Р	Р	Р	Р	Р	Р	
On-line information services	Р	Р	Р	Р	Р	Р	
Performing arts centers	Р	Р				Р	
Securities, commodity contracts	Р	Р	Р	Р	Р	Р	
Simulation training	Р	Р	Р	Р	Р	Р	
Spectator sports	Р	Р					
Technical support	Р	Р	Р	Р	Р	Р	
Telephonic and on-line business services	Р	Р	Р	Р	Р	Р	
Transportation services	1	Р					
Transaction processing	Р	Р	Р	Р	Р	Р	

EXHIBIT B

page 1

Road	Segment	2013 AADT
Cove Road	SR-76 to Willoughby Blvd	13,051
	Willoughby Blvd to SR-5	14,198
	CR-A1A - End	12,095
		,
CR-713 (High Meadow Ave)	I-95 to CR-714	13,900
	SR-714 to Murphy Rd	11,057
CR-A1A (Dixie Hwy)	Cove Rd to Salerno Rd	11,026
	Salerno Rd to St. Lucie Blvd	14,921
	St Lucie Blvd Jefferson St	12,094
	Jefferson St to Indian St	16,040
	Indian St to SR-714	14,335
Indian Street	SR-76 to Willoughby Blvd	15,569
	Willoughby Blvd to SR-5	18,886
	SR-5 to Commerce Ave	19,410
	Commerce Ave to CR-A1A	21,523
Jensen Beach Blvd.	SR-5 to Green River Pkwy	25,124
	Green River Pkwy to CR-723	24,677
Kanner Hwy (SR 76)	Locks Rd to Jack James	18,781
	Jack James to Cove Rd	40,838
	Cove Rd to Salerno Rd	30,411
	Salerno Rd to Indian St	25,887
	Indian St to SR-714	22,929
	SR-714 to SR-5	25,298
Martin Downs Blvd	Turnpike to High Meadows	18,990
	High Meadows to Matheson	28,954
	Matheson to Mapp Road	28,563
Monterey (SR 714)	SR-76 to Willoughby Blvd	27,999
, , , , , ,	Willoughby Blvd to Monterey Extension	25,689
	Monterey Extension to SR-5	17,614
	SR-5 to CR-A1A	23,391
	CR-A1A to SR-A1A	16,863

Road	Segment	2013 AADT
Ocean Blvd.	Palm Beach Rd to SR-714	12,166
	SR-714 to St Lucie Blvd	17,810
	St Lucie Blvd to Sewalls Point Rd	21,025
	Sewalls Point Rd to Macarthur Blvd	13,067
US 1	Palm Beach County to CR-A1A	18,220
	CR-A1A to CR-708	14,528
	CR-708 to Osprey St	22,183
	Osprey St to Seabranch Blvd	21,687
	Seabranch Blvd to Cove Rd	28,708
	Cove Rd to Salerno Rd	32,269
	Salerno Rd to Monroe St	38,472
	Monroe St to Indian St	40,597
	Indian St to SR-714	43,646
	SR-714 to SR-5A	36,847
	SR-5A(Cut-off Rd)to SR-76	35,657
	SR-76 to Palm City Rd	46,372
	Palm City Rd to Joan Jefferson Wy	53,336
	Joan Jefferson Wy to Wright Blvd	57,104
	Wright Blvd to Baker Rd	52,835
	Baker Rd to Britt Rd	53,361
	Britt Rd to SR-732	57,070
	SR-732 to Westmoreland Blvd	62,086
	Westmoreland Blvd to St Lucie County	58,875

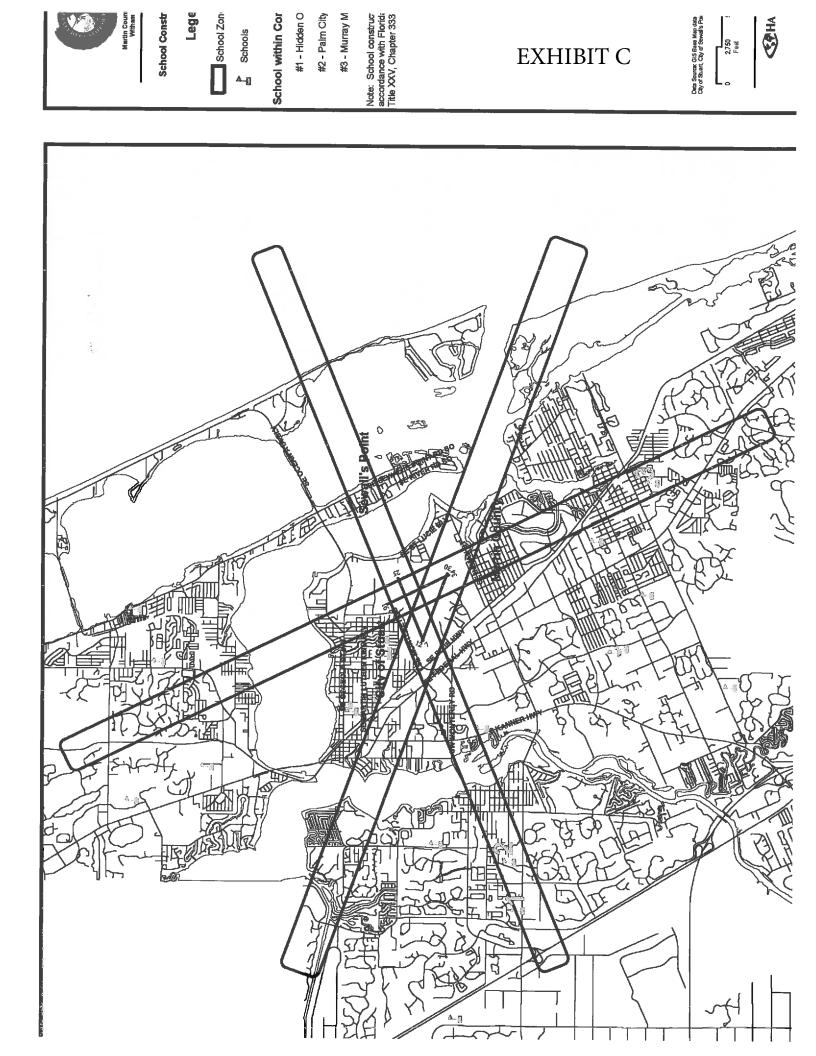


Exhibit D

MARTIN COUNTY, FLORIDA INTER-OFFICE MEMORANDUM

TO:	Irene Szedlmayer	DATE:	February 19, 2015
	Senior Planner		
FROM:	Lisa A. Wichser, P.E. Traffic Engineering / Development Review Administrator		
SUBJECT:	Comprehensive Growth Management Plan Proposed Amendment 15-6: Berry Retail (G	alley)	

Traffic Engineering staff has received the Traffic Analysis prepared by Susan E. O'Rourke, P.E., in November 2014 in support of a proposed amendment to the Future Land Use designation. The amendment proposes to change the Future Land Use Map designation on a 1.14-acre parcel south of CR-714 (SW Martin Highway), between CR-713 (SW High Meadow Avenue and SW Berry Avenue, from Rural Density Residential to Limited Commercial.

Staff finds that the proposed Future Land Use Map designations will not have a negative impact on Martin County's road facilities in either the short or long term. Staff will reevaluate the traffic impacts prior to the issuance of any development order associated with the property.

Exhibit E

From: Doug Killane
Sent: Wednesday, February 04, 2015 11:05 AM
To: Irene SzedImayer
Subject: RE: your comment needed on proposed Comp Plan Amendments

Irene,

In response to comments on the three proposed Comp plan amendments, it is determined that these changes will not negatively impact Fire Rescue's level of service or response times. Respectfully,



Doug Killane, CFPS Bureau Chief of Fire Prevention Fire Rescue Department Martin County Board of County Commissioners 772-288-5633 (f) 772-221-1457 dkillane@martin.fl.us

From: Irene Szedlmayer
Sent: Monday, February 02, 2015 2:49 PM
To: Doug Killane
Subject: your comment needed on proposed Comp Plan Amendments

Dear Doug:

I am coordinating 3 privately-initiated comp plan amendments. As you know, the staff report must address the potential impact of the amendment on the County's ability to meet and maintain our Level of Service for various public facilities and services, including fire protection and emergency medical response.

The three amendments are:

- (1) CPA 2015-01, Kingsley A request to change the FLUM from Rural Density to Low Density and to change the zoning district from A-1 to RM-5 for 5-acres located on Berry Avenue, between CR 714 (Martin Hwy) and Sunset Trail.
- (2) CPA 2015-02, Berry Retail The owners of 4.8-acres on east-bound SW Martin Hwy, between SW Berry Ave and SW High Meadows Ave, have requested that the Future Land Use designation of the property be changed from Rural Density (0.5 dwelling units per acre) to General Commercial and that the zoning district be changed from A-1 (Small Farms) to General Commercial. Regional water and wastewater will be extended to serve the property.
- (3) CPA 2015-06, Berry Retail-Gallley The owner seeks to change the FLU from Rural Density to Limited Commercial and the zoning from A-1 Small Farms to Limited Commercial on 1.14 acres at the southwest corner or SW Berry Ave. and SW Martin Hwy.

A location map showing the three sites is attached. With regard to the Kingsley request I said this:

2.4.1.6. Fire, Public Safety and Emergency Medical Services

The County's LOS standards for Fire/Rescue as they apply to this property, that is, in Urban Areas, are as follows:

- 1. Advanced Life Support 8 minutes 90% of the time;
- 2. Basic Life Support 6 minutes 90% of the time;
- 3. Fire Response 6 minutes 90% of the time. (CGMP Policy 14.1A.2.)

The construction of 25 dwelling units inhabited by 60 residents at this location will have no significant impact on the County's ability to meet and maintain the LOS for fire, public safety and emergency medical services. Any incremental effect on the County's ability to achieve and maintain these LOSs shall be mitigated by the payment of impact fees (from \$208/dwelling unit to \$780/dwelling unit, depending on size of dwelling) upon the approval of a Development Order or submission of a request for a building permit.

With regard to the two Berry Retail requests, I said this:

2.4.1.6. Fire, Public Safety and Emergency Medical Services

Permitting commercial development on this land will have no impact on Fire, Public Safety and Emergency Medical Services Level of Service. Under the current FLU and zoning, two single family residences are allowed. With General Commercial FLU, these two single family residences would not be allowed. The County's LOS standards for Fire/Rescue as they apply to this property, that is, in Urban Areas, are as follows:

- 4. Advanced Life Support 8 minutes 90% of the time;
- 5. Basic Life Support 6 minutes 90% of the time;
- 6. Fire Response 6 minutes 90% of the time. (CGMP Policy 14.1A.2.)

Any incremental effect of additional commercial development permitted by the FLU change on the County's ability to achieve and maintain those LOSs shall be mitigated by the payment of impact fees that vary depending on the use (e.g., \$80 per 1000 sf for most commercial uses but \$351 per 1000 sf for a medical office) upon the approval of a Development Order or application for a building permit.

Irene A. Szedlmayer, AICP Senior Planner Growth Management Department Martin County Board of County Commissioners Telephone: 772-288-5931 (direct line)