

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 8B

From: Staff

Date: June 20, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the Town of Ocean Breeze Park Comprehensive Plan
DCA Reference No. 08-1

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, *Florida Statutes*, requires that Council review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then Council must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

The Town of Ocean Breeze Park is proposing text amendments to the Future Land Use, Infrastructure, Coastal Management, Conservation, Capital Improvements, and Intergovernmental Coordination Elements of the Town Comprehensive Plan. The Town is also proposing one amendment to the Future Land Use Map (FLUM). The Town has requested a formal review of the amendments by the DCA.

Evaluation

The incorporated Town of Ocean Breeze Park covers approximately 103 acres in northern Martin County along the Indian River Lagoon approximately ¼ mile south of Jensen Beach Boulevard (CR 707A). The Town is bisected by the Florida East Coast Railway (FEC) in a north-south direction. Approximately 45 acres exists on the east side of the FEC and 58 acres exists to the west. The area east of the FEC is developed as a mobile home park for senior residents. About 12 acres of land west of the FEC is

developed as a commercial shopping center. The balance of the land, approximately 45.2 acres, is vacant and currently designated within the Comprehensive Plan as Mobile Home/Multifamily Residential with a maximum density of six units per acre. The land within the incorporated Town limits, except for the existing 12-acre commercial center, is all privately owned by single land owner-descendants of the Hoke family who first developed the mobile home park in the 1930s.

The Town's transmittal letter indicates that the comprehensive plan amendments seek to accomplish three primary purposes:

1. Modify land use categories to allow more flexibility for future development, with an emphasis placed on promoting affordable/workforce and senior housing;
2. Update and modify policies to reflect the change to land use categories, development standards, and level of service requirements; and
3. Update policies to address changes in agencies, mandates, and other governmental requirements for consistency purposes.

A. Future Land Use Map Amendment

The amendment is for 45.2 acres of vacant land located west of the FEC Railroad tracks and south of Jensen Beach Boulevard (see attached Exhibits). The proposal is to redesignate the property from Mobile Home/Multifamily to the FLUM designations as shown below:

9.4 acres of Low Density Residential
32.1 acres of Medium Density Residential
3.7 acres of Commercial

According to the transmittal materials, the request is in support of the land owner desire to divest from the mobile home park business. The divestiture will occur through the sale of the land to various parties. The land east of the FEC, the developed mobile home park, is slated to be sold to a not-for-profit corporation whose mission will be to maintain the park for the benefit of the residents. The residents of the mobile home park would reimburse the not-for-profit corporation for the cost of the land through increased monthly lot payments. After a period of up to 40 years, the Town would then have first rights of ownership. The balance of the land west of the FEC would be sold to various entities. The change in FLUM designation to increase the development rights on the land west of the FEC reduces the purchase price of the mobile home park and thus reduces the increase in monthly payments to the mobile home park residents. This arrangement ensures the sale of the land east of the FEC to the residents through the not-for-profit corporation and further ensures that the senior residents of the mobile home park in the Town of Ocean Breeze Park, many of who are low and very low income residents, will be able to remain within the Town at an affordable rate.

The existing land use on surrounding properties includes single family homes and a shopping plaza to the north, vacant land to the south, single family homes to the west and the FEC Rail line, then the Ocean Breeze Mobile Home Park to the east. The FLUM designations on surrounding lands includes Estate Density Residential, Low Density Residential, and Commercial Center to the north, Low Density Residential to the south and west, and Residential Mobile Home Park to the east. All are Martin County FLUM designations except Commercial Center and Residential Mobile Home Park; which are Town designations.

According to the Town, the amendment will be compatible with surrounding designations and uses and will allow for a better balance and mix of uses in the Town. A new environmental site assessment was conducted on all vacant land to determine the types and amount of native habitat that exist. Part of the property was formerly used as a landfill site for the Town.

B. Text Amendments

According to the amendment materials, the text amendments cover four main areas:

1. The establishment of the two new FLUM categories.
2. Updates to selected data and analysis relative to the proposed FLUM amendment.
3. Revisions to select policies to reflect more up-to-date information.
4. New Policy amendments.

Some of the most significant text amendments are summarized in the following:

1. Future Land Use Element

Two new FLUM designations, Low Density Residential (LDR) and Medium Density Residential (MDR), are being established to offer a greater variety of housing options and to allow different levels of density. These designations are established in Policy 1.4. The LDR category allows up to 6 dwelling units per acre and the MDR category allows up to 10 dwelling units per acre. However, if either area is to be used for a mobile home or recreational vehicle park, up to 15 dwelling units per acre can be allowed.

Revised Policy 1.6 limits commercial development in the area designated as Commercial to 125,000 square feet. Redevelopment in the area designated Commercial can be granted an intensity bonus of 25 percent depending on architectural site design considerations. New Policy 1.11 allows for a density bonus of up to 25 percent for senior housing and up to 50 percent for a development that commits a minimum of 15 percent of all units to affordable households defined as very low or low income. New Policy 3.1 addresses

buffering between development within the Town and adjacent developments in Martin County.

2. Coastal Management Element

Revised Policy 1.2 requires hurricane shelters to be provided as part of any future mobile home subdivision in the Low Density Residential and Medium Density Residential designated areas.

3. Conservation Element

Policy 4.3 is revised to indicate that development proposed for land encompassing any of the closed Town landfill must address current Florida Department of Environmental Protection requirements concerning the landfill. Revised Policy 5.1 indicates the Town will protect Sand Pine Scrub and associated native upland vegetation communities by requiring preservation of 25 percent of existing native habitat. New Policy 5.3 encourages lands to be preserved in a contiguous manner, when possible.

4. Recreation and Open Space Element

Policy 1.3 is revised to set a recreation level of service for residential development west of the FEC Railroad.

5. Capital Improvements Element

Policy 3.1 is revised to update the level of service requirements consistent with proposed changes to the other elements of the plan.

6. Intergovernmental Coordination Element

New Policy 2.3 addresses payment of applicable Martin County impact fees, and new Policy 2.4 addresses school concurrency review and approval, when applicable.

Extrajurisdictional Impacts

The Town provided a copy of the proposed amendments to Martin County. Council staff provided a copy to the Martin Metropolitan Planning Organization (MPO). Council sent a memorandum on May 13, 2008 to Martin County Growth Management and the Martin MPO requesting comments on the proposed amendments. On June 4, Council received a copy of a letter from the Martin County Growth Management Director (see attached). The letter expressed concerns regarding the inconsistency of proposed residential development with the surrounding character of lands in the unincorporated County. The letter also indicates concern about the effects of connections to the road network.

Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they could have adverse effects on natural resources of regional significance, including natural communities (scrub) and listed species (gopher tortoise).

Analysis of Consistency with Strategic Regional Policy Plan

Comments/Recommendations

Future Land Use Element

1. Approximately 34.95 acres (77.4 percent) of the 45.14-acre subject property is covered with barren, disturbed land, or exotic species; and 10.19 acres (22.6 percent) of the site is covered with native upland communities, including sand pine (4.52 acres), mixed pine (4.81 acres), and xeric oak (0.86 acres) (see Exhibit 4). All three of these native upland communities are forms of scrub, which occurs primarily along the well-drained elevated portions of the Atlantic Coastal Ridge. Scrub is considered to be a regionally endangered natural community, because most of it has been eliminated by development in the region.

The subject parcel also contains approximately 70 Gopher tortoise burrows (53 active and 17 inactive), which represents an estimated population of 43 tortoises (see Exhibit 5). The Gopher tortoise is listed as Threatened by the Florida Fish and Wildlife Conservation Commission (FWC). Permits from the FWC are required to relocate tortoises into on site or off site preserve areas.

The Town's Conservation Element Policy 5.1 has been revised to recognize existing native upland communities on the property as environmentally sensitive and offer protection by requiring preservation where available along the Town's border as part of native buffers and by micro-siting to limit clearing in order to preserve 25 percent (approximately 2.55 acres) of the existing native scrub habitat. New Policy 5.3 states that native upland preserve areas shall first be arranged to ensure the protection of endangered or listed species in a continuous clustered fashion, where possible, and then adjacent to wetlands and other preserved habitat located on or off-site, and finally by lakes, natural waterbodies, or as perimeter buffer. Policy 5.3 also indicates that disturbed areas may be credited toward preserve requirements subject to a native planting program approved concurrent with the development plan and accompanied by monitoring and maintenance.

The Town's policies provide inadequate protection for the regionally endangered scrub communities on the subject parcel. Furthermore, the policies do not guarantee protection of the gopher tortoise population on site. Implementation of these policies could result in the loss of regionally significant environmental resources. Because most of the gopher tortoises are located in the open disturbed areas, Policy 5.3 would allow a developer to obtain permits from the Florida Fish

and Wildlife Conservation Commission to relocate the tortoise population off site. Policy 5.2 would allow only 2.55 acres of native scrub to be preserved within a 25 foot buffer along the edge of the property. This scenario would result in a narrow preserve area with limited ecological value as a remnant natural community and limited potential for providing wildlife habitat.

The Town's policies are inconsistent with the following goals, strategies and policies contained in the Strategic Regional Policy Plan: **Goal 6.7:** Protection of upland natural communities and ecosystems; **Strategy 6.7.1:** Preserve and manage upland natural communities in order to maintain viable populations of all native plant and animal species, and representative stands of each habitat type; **Policy 6.7.1.2:** Development plans should be designed to maximize the amount of protected habitat; **Regional Goal 6.8:** Protection of endangered and potentially endangered species; **Strategy 6.8.1:** Preserve areas should be designed and established to protect endangered and potentially endangered species; and **Policy 6.8.1.2:** All Endangered and Potentially Endangered plant and animal populations should be protected and all habitat of significant value to existing populations of endangered and threatened species should be preserved and protected.

Recommendation: All opportunities to protect native scrub communities in the region should be taken advantage of, because these communities are considered to be regionally endangered. The first step in protecting these communities in the Town of Ocean Breeze Park would be to transfer the residential density to the disturbed portions of the site. Once the permitted density is transferred, the Town could establish and assign a Conservation FLUM designation to the native scrub areas. The majority of the scrub communities are consolidated on the west side of the property, which will simplify efforts to manage the preservation area and design it to be more suitable for gopher tortoises. Conservation Element Policies 5.1 and 5.3 should be revised to: 1) provide full protection of all 10.19 acres of the native scrub communities on the subject property; 2) provide a management plan for the scrub designed to optimize the habitat value for gopher tortoises; 3) provide for relocating gopher tortoises into the scrub preservation area on site until the carrying capacity of the preserve has been reached; and 4) provide for off site relocation of tortoises only for the portion of the population that can not be accommodated in the scrub preserve on site. In addition, the Town should expand the ecological value of the preservation area by coordinating with Martin County to encourage adjacent property owners to design contiguous preservation areas on the adjoining property to the south of the subject parcel.

2. Two new Residential FLUM designations (Low Density, Medium Density) are being established in revised Policy 1.4. The maximum density established for Low Density is 6 dwelling units per acre; the maximum for Medium Density is 10 units per acre. However, in both the Low Density and Medium Density categories, density can be increased to 15 units per acre for mobile home or recreational vehicle units. This is not appropriate and makes it difficult to determine potential development impacts. The Town has adopted a Mobile Home FLUM designation

which allows up to 16.46 units per acre (based on the existing density of the mobile home park).

Recommendation: It would be more appropriate for the Town to reassign the Mobile Home Density designation by plan amendment to areas currently proposed to be designated Low or Medium Density, should that be necessary in the future. This will allow a better opportunity to assess concurrency impacts and other pertinent planning issues.

3. Proposed Policy 1.6(b) indicates an intensity bonus for land designated Commercial may be granted if development is proposed with “prominent quality architectural and site design attributes”. This language is subjective.

Recommendation: Conditions under which such a large intensity bonus (25 percent) could be granted should be better defined.

4. New Policy 1.11 allows a density bonus for the development of senior housing and housing for the low and moderate income. The affordable housing units must remain affordable to low and moderate income households for a minimum of 10 years.

Recommendation: In order to better address housing needs, the Town should extend the amount of time that the units must remain affordable.

5. Currently, there are no connections between the Commercial plaza and the remainder of the Town. Current residents must access the shopping facilities via Indian River Drive and Jensen Beach Boulevard.

Recommendation: The Town should add a policy in the Future Land Use Element requiring connectivity between the area west of the FEC and the commercial shopping plaza, as part of any development plans for the area. This connection should be well designed, and provide access for pedestrian, bicycle and vehicular traffic.

6. There are a number of potential street connections for the area west of the FEC (see Exhibit 3).

Recommendation: The Town should work closely with the County to determine which of those connections should be made and the best possible street system for the residential lands when development is proposed.

Conservation Element

7. New Policy 5.1 addresses the preservation of native upland habitat by requiring preservation along the Town’s border and by micro-siting to limit clearing. The

policy indicates the Town will seek to preserve 25 percent of the existing native habitat.

Recommendation: The Town should preserve all the remaining scrub habitat (10.2 acres), since it is a regionally endangered natural community and is necessary for the threatened gopher tortoise population found on site.

Intergovernmental Coordination

8. In a letter dated June 3, 2008, Martin County has identified some concerns with the proposed amendments.

Recommendation: Prior to adoption of the proposed amendments, the Town should meet with Martin County to discuss the issue of compatibility of residential densities and building heights. Preliminary discussions might also include the issue of street extension/connectivity.

Consistency with Strategic Regional Policy Plan

The contract agreement between the DCA and the Treasure Coast Regional Planning Council requires Council to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. Council finds the proposed amendments to be CONSISTENT with the SRPP; with the exception of proposed Policies 5.1 and 5.3 of the Conservation Element which are considered to be INCONSISTENT with the SRPP. Council also recommends that the Town consider establishing a new FLUM designation of Conservation to be assigned to the 10.2 acres of native scrub habitat and to take the additional steps recommended under Comment/Recommendation #1 in the section of this report entitled “Analysis of Consistency with the Strategic Regional Policy Plan”.

Recommendation

Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments

List of Attachments

- A June 3, 2008 letter from Nicki van Vonno, Growth Management Director of Martin County with respect to the Text and Future Land Use Map amendments proposed by the Town of Ocean Breeze Park



DOUG SMITH
Commissioner, District 1

SUSAN L. VALLIERE
Commissioner, District 2

LEE WEBERMAN
Commissioner, District 3

SARAH HEARD
Commissioner, District 4

MICHAEL DITERLIZZI
Commissioner, District 5

DUNCAN BALLANTYNE
County Administrator

STEPHEN FRY
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772-288-5400

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<http://www.martin.fl.us>

MARTIN COUNTY
BOARD OF COUNTY COMMISSIONERS
2401 S.E. MONTEREY ROAD • STUART, FL 34996

June 3, 2008

Telephone: 772-288-5495 TREASURE COAST
Fax: 772-288-5966 REGIONAL PLANNING COUNCIL

Attachment A

RECEIVED

JUN 04 2008

Mr. Mike McDaniel
Department of Community Affairs
Office of Comprehensive Planning
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

RE: Text and Future Land Use Map amendments proposed by the Town of Ocean Breeze Park.

Dear Mr. McDaniel:

Martin County Board of County Commissioners has received the text amendments and Future Land Use Map Amendments proposed by the Town of Ocean Breeze Park. Currently the vacant land within the Town allows 270 mobile home or multiple family units. The proposed amendments to the Future Land Use Element and the Future Land Use Map will allow 521 units and a 111 bed nursing care facility. This effectively doubles the density and the number of potential residents allowed on what is currently vacant land.

The proposed amendment would allow four story structures to be located close to existing single-family residential units in unincorporated Martin County. The Martin County Comprehensive Growth Management Plan requires "comparable density" and "dwelling types" in the unincorporated area, as specified in the Sections 4.5.A.2.a.(2) and 4.5.A.2.b.(1), of the Comprehensive Growth Management Plan. This development pattern would be inconsistent with the surrounding character of the unincorporated lands and inconsistent with the character of the eastern portion of the Town of Ocean Breeze Park.

The proposed Plan amendment does help Martin County with the provision of public services because it requires new development within the Town of Ocean Breeze Park to pay the applicable Martin County Impact Fees.

The proposed Plan amendment appropriately requires the creation of hurricane shelter space if additional mobile homes are developed. And, it does require review and approval by the Martin County School Board if a

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proposed development would change the Town's current designation as exempt from school concurrency. These efforts to meet concurrency and require new development to pay for the provision of public services are welcome.

If facilities within Martin County are shown to operate below their required levels of service the Town is requiring development to make a fair share contribution to improve the impacted roadway system in addition to impact fees. This is a welcome requirement. However, except for the Commercial plaza, the lands west of the railroad tracts have never accessed the road network in unincorporated Martin County. When additional connections are made to the road network some existing roads will need to be reclassified. Residents of both unincorporated Jensen Beach and the Town of Ocean Breeze may be forced to live with more congestion on the road network. For this reason and the compatibility issue mentioned above, a lower density may be more appropriate.

Sincerely,



Nicki van Vonno, AICP
Growth Management Director

cc.

Bob Dennis, Regional Administrator, DCA
Duncan Ballantyne, County Administrator
Stephen Fry, County Attorney
Board of County Commissioners
Dorothy Geeben, Mayor, Town of Ocean Breeze
Terry O'Neil, Town Planner, Town of Ocean Breeze
Rick Crary, Town Attorney, Town of Ocean Breeze
Mark Mathes, Lucido and Associates.
Terry L. Hess, AICP, Treasure Coast Regional Planning Council

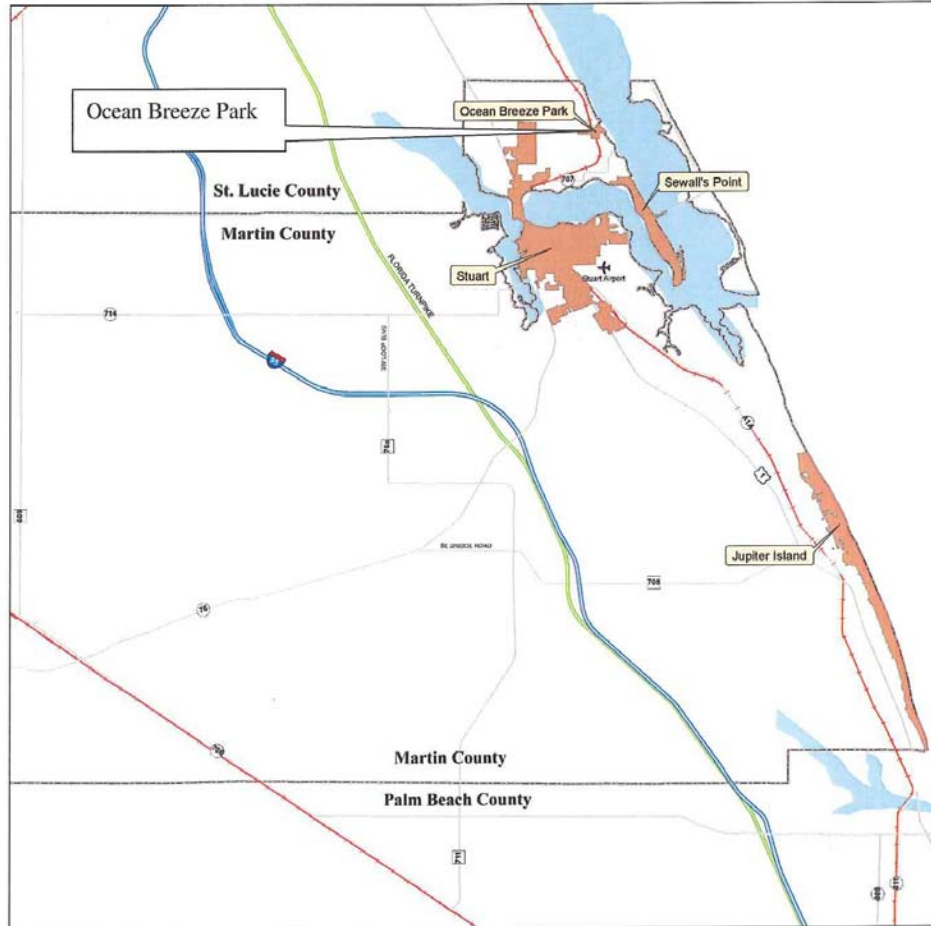
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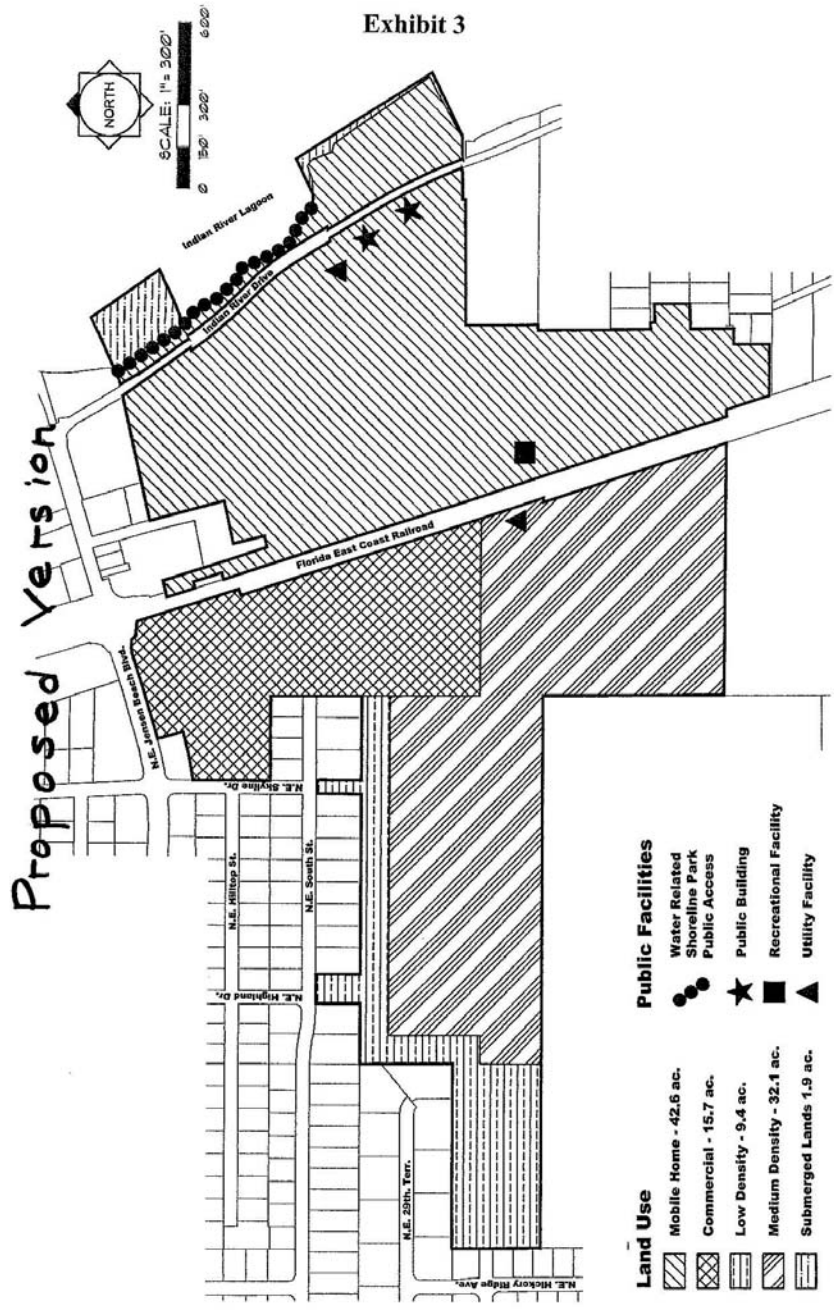
List of Exhibits

Exhibit

- 1 General Location Map
- 2 Current Future Land Use Map
- 3 Proposed Future Land Use Map
- 4 Project Traffic Distribution
- 5 Florida Land Use Cover and Classification System Map
- 6 Aerial – Gopher Tortoise Survey Map

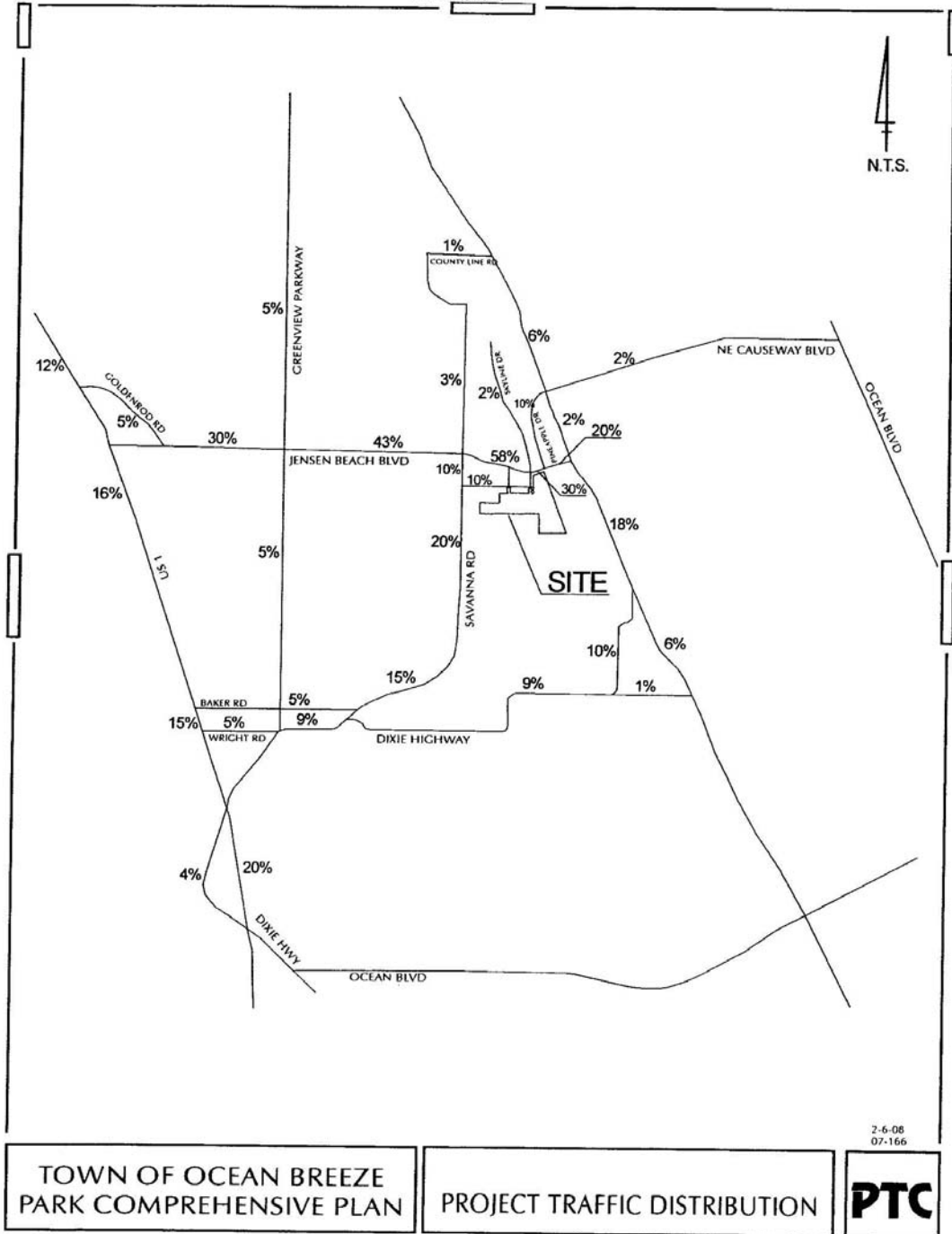
**Exhibit 1
General Location Map
Town of Ocean Breeze Park**





Town of Ocean Breeze Park **FUTURE LAND USE MAP**

Exhibit 4



TOWN OF OCEAN BREEZE
PARK COMPREHENSIVE PLAN

PROJECT TRAFFIC DISTRIBUTION

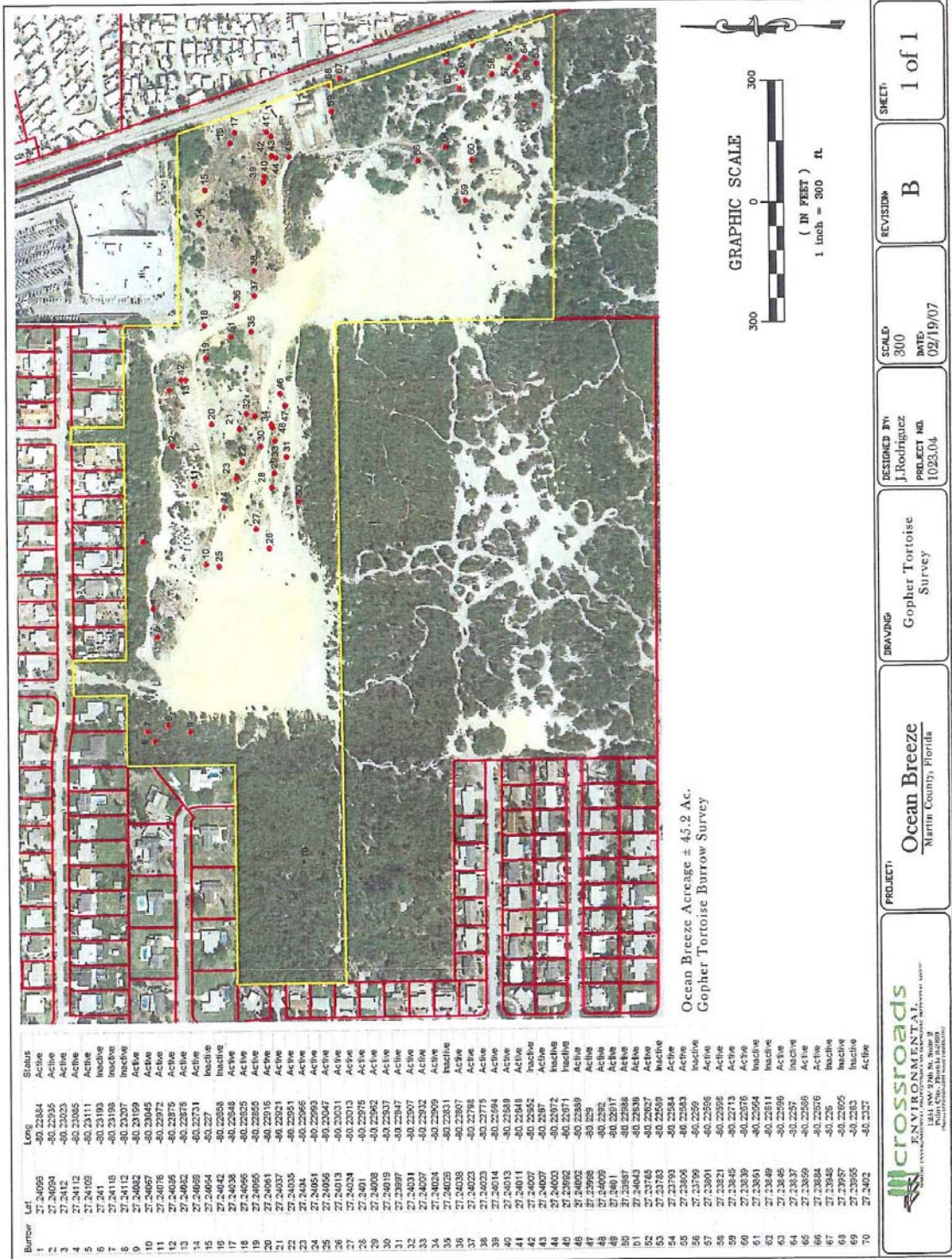
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Exhibit 5



Exhibit 6



Ocean Breeze Acreage = 45.2 Ac.
Gopher Tortoise Burrow Survey

Burrow	Lat	Long	Status
1	27.240593	-80.23264	Active
2	27.240593	-80.23265	Active
3	27.2412	-80.23263	Active
4	27.24112	-80.23265	Active
5	27.24105	-80.23111	Active
6	27.241	-80.23193	Inactive
7	27.24118	-80.23198	Inactive
8	27.24112	-80.23207	Inactive
9	27.24057	-80.23045	Active
10	27.24076	-80.23072	Active
11	27.24056	-80.23275	Active
12	27.24062	-80.23275	Active
13	27.24062	-80.23271	Active
14	27.24059	-80.23271	Inactive
15	27.24054	-80.23271	Inactive
16	27.24052	-80.23268	Inactive
17	27.24052	-80.23268	Inactive
18	27.24055	-80.23255	Active
19	27.24055	-80.23255	Active
20	27.24051	-80.23216	Active
21	27.24037	-80.23221	Active
22	27.24035	-80.23251	Active
23	27.24041	-80.23255	Active
24	27.24041	-80.23260	Active
25	27.24055	-80.23047	Active
26	27.24013	-80.23031	Active
27	27.24024	-80.23013	Active
28	27.2401	-80.23275	Active
29	27.24008	-80.23292	Active
30	27.24019	-80.23237	Active
31	27.24037	-80.23237	Active
32	27.24037	-80.23207	Active
33	27.24027	-80.23232	Active
34	27.24024	-80.23209	Active
35	27.24025	-80.23231	Inactive
36	27.24038	-80.23207	Active
37	27.24023	-80.23278	Active
38	27.24023	-80.23275	Active
39	27.24014	-80.23274	Active
40	27.24014	-80.23284	Active
41	27.24011	-80.23284	Active
42	27.24007	-80.23252	Inactive
43	27.24007	-80.23287	Active
44	27.24003	-80.23272	Inactive
45	27.23992	-80.23271	Inactive
46	27.24002	-80.23289	Active
47	27.24002	-80.23289	Active
48	27.24005	-80.23282	Active
49	27.2401	-80.23217	Active
50	27.23987	-80.23284	Active
51	27.24043	-80.23284	Active
52	27.23765	-80.23207	Active
53	27.23765	-80.23207	Active
54	27.23765	-80.23207	Active
55	27.23765	-80.23207	Active
56	27.23765	-80.23207	Inactive
57	27.23801	-80.23206	Active
58	27.23821	-80.23206	Active
59	27.23845	-80.23213	Active
60	27.23839	-80.23207	Active
61	27.23891	-80.23214	Inactive
62	27.23891	-80.23214	Inactive
63	27.23846	-80.23259	Active
64	27.23837	-80.23257	Inactive
65	27.23859	-80.23256	Active
66	27.23824	-80.23256	Active
67	27.23848	-80.2325	Inactive
68	27.23857	-80.23265	Inactive
69	27.23855	-80.23263	Inactive
70	27.2402	-80.2321	Active

PROJECT: Ocean Breeze
Martin County, Florida

DRAWING: Gopher Tortoise Survey

DESIGNED BY: J. Rodriguez
PROJECT NO.: 10293.04

SCALE: 300
DATE: 02/19/07

REVISION: B

SHEET: 1 of 1

1641 NW 57th St., Suite 2
Palm City, Florida 32909