

LOCAL PLANNING AGENCY MEETING

**Martin County Commissioner Chambers
2401 S.E. Monterey Road
Stuart, Florida 34996**

MEETING MINUTES- April 19, 2018

Present:

Chairman.....	Jim Moir
Agency Members.....	Don Foley, III
.....	Joseph Banfi
.....	Cindy Hall
School Board Liaison	Kimberly Everman

Absent:

Vice Chair	Scott Watson
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Staff Present:

Senior Assistant County Attorney	Krista Storey
Growth Management Department:	
Principal Planner	Peter Walden
Agency Recorder.....	Mary Holleran

1. CALL TO ORDER

The meeting was called to order at 7:02 pm by Mr. Moir, Chairman. A quorum was noted.

2. CONSENT AGENDA

A. Approval of Consent Agenda

* **MOTION – MOVED** by Ms. Hall to approve the Consent Agenda and Minutes of the LPA meetings of March 1, 2018 and March 14, 2018.

** **SECONDED** by Mr. Foley Carried **UNANIMOUSLY**

3. UNFINISHED BUSINESS

A. Public Hearings

1. None

B. Requests and Presentations

1. None

4. NEW BUSINESS

A. Public Hearings

- The LPA agreed to hear agenda item #2 before agenda #1 waiting for the arrival of Mr. Raynes client. Presentation would be made by Krista Storey, Senior Assistant County Attorney in Ms. van Vonno’s absence.

2. **Request to consider amending Article 3, Zoning Districts, Land Development Regulations, Martin County Code regarding Medical Marijuana Dispensaries. Agenda Item**

Requested by: Nicki van Vonno, AICP, Growth Management Department Director

Presented by: Krista Storey, Senior Assistant County Attorney

Ms. Storey reviewed the request to permit Medical Marijuana Treatment Dispensing Facilities in all zoning districts that currently allow pharmacies and to create a distance requirement to schools in accordance with State Statute.

Ms. Storey reviewed Section 381.986 regarding how local jurisdictions may regulate the cultivation, processing and dispensing of medical Marijuana.

The proposed draft Ordinance removes the reference to any dispensing organization approved to dispense low –THC cannabis, or any medical marijuana treatment as those terms are defined by Florida Statutes or the Florida Constitution from the definition of pain management clinics. The pain management provisions in Section 3.86.1 are retained.

A new definition for medical marijuana treatment center dispensing facility has been added to Section 3.3 and Section 3.403 as those terms are defined by Florida Statutes for the Florida Constitution.

A new section on medical marijuana treatment center dispensing facility has been added to Article 3, Division 3, Standards for Specific Uses, Section 3.77.1. It specifies that medical marijuana treatment center dispensing facility has been added as limited retail sales and service used and requires the 500 feet distance from schools.

A reference in Article 3, Division 7 has been added to Section 3.3.416 to ensure that medical marijuana treatment center dispensing facilities may also be permitted in the Category “C” Zoning Districts and must adhere to the distance standard for schools.

Sec. 3.416.A. #20 – Pharmacies and Medical Marijuana Dispensing Facilities were discussed.

Mr. Moir commented on pharmacies and if they were to be within 500 ft. if located in a school zone, or if they were treated differently and should there be language to impose the 500 ft., distance for schools. Ms. Storey read the provision regulating pharmacies and further discussion ensued.

Out dated language applying to categories A, B, and C of Article 3 needed to be addressed. Ms. Storey noted that Maps had been provided to indicate Public and Private Schools at different locations in Martin County with a 500 ft. Buffer.

Mr. Moir commented on possible future complications and or problems that may occur with future school siting locations and pharmacy/dispensing locations and the 500 ft. requirement.

Public Comment: - None

* **MOTION – MOVED** by Ms. Hall to accept staff’s recommendation with the addition of Mr. Moir’s comments concerning clarifying the 500 ft. distance from schools for dispensing facilities and possible complications for locating future school sites.

** **SECONDED** by Mr. Foley Carried **UNANIMOUSLY**

1. **Request to consider amending Article 3, Zoning Districts, Land Development regulations, Martin County Code regarding Sporting Clay Courses.** Agenda Item
Requested by: Robert S. Raynes, Jr., Yoakley & Stewart, P.A.
Presented by: Peter Walden, Principal Planner, Growth Management Department

Mr. Walden reviewed the request for three changes proposed to the definition for Sporting Clay courses and amend the LDRs of Article 3, Division 1, Section 3.3 Definitions, and Article 3, Division 1, Section 3.99.1. The request also adds a Section 3.99.2.A and 3.99.2.F, addressing Sporting Clay courses and amends Table 3.11, Specific and Permitted Uses.

The request is related to a revised site plan application of an existing outdoor shoot range. The amended text is proposed to clarify the parameters of a shooting clay course and provide regulations for the safe and environmentally sound operation of a shooting clay course in Martin County.

Staff review has found the application in compliance with the applicable regulations and there are no unresolved CGMP requirements or issues associated with the application.

LPA Questions & Comments:

Mr. Banfi: Is the distinction between a clay course and an outside shooting range that clay is less dangerous and would require less safety standards; I don't know what the distinction is and why we would need a separate law.

Mr. Walden: A clay course operates in a more natural setting much like field shooting, and requires berms.

Mr. Foley: The difference between clay and outdoor shooting is the projectile from a shotgun shell versus a long rifle shot that travels 1,000 ft. per second. Discussion ensued on standards, regulations and setting parameters for clay courses.

Mr. Moir: Addressed the reduced setback requirement of 2,500 ft. to 600 ft. from neighbors which he said was both a safety issue and a noise/nuisance problem, because the reduction did not reduce the sound of the discharge.

Mr. Walden: Said a shooting range is already in existence, and this one is way out there and not very well populated, however the possibility exists as a shooting range distance is 900 ft.

Mr. Moir said reducing the setbacks for the clay range still leaves a nuisance-noise problem and may attract cause for complaints. The issue is not only for this request but for future requests for new facilities in the future.

Mr. Moir: Stations for permanent bunkers need to be installed and fixed locations need to be put in the site plan.

The Applicant:

Mr. Raynes, representing the applicant agreed with Mr. Walden's summary review of the application.

Mr. Raynes provided information on the South Florida Shooting Club and its place as a good partner in the community. The old site needed improvements and they decided to revise the site plan and recognized the need to address some issues and safety concerns. Mr. Raynes introduced the following individuals:

Mr. Toby Overdorf, Environmental Planner with EDC and Mr. Joe Pezzullo, GM of the Shooting Club and a firearms expert, who were available for questions and comments.

Mr. Overdorf reviewed the proposed Resolution drafted for Sporting Clay Course, Section 3.99.2 – A. through G. He displayed a location map of the project and defined the difference between a clay course and shooting range. He addressed the 600 ft. setback and noted the restrictions between the two courses and their projectiles. He noted their Management Plan is in compliance with the SFWMD and with all State and Federal regulations on the site. A moveable structure allowing for challenging and different shots was displayed.

The Amendment addresses a new, undefined use, it defines minimum size and management requirements for the use and restricts the use of the defined property. All areas are defined on the site plan.

Mr. Raynes asked the LPA for their consideration to recommend approval and forward this on to the BoCC.

LPA Comments and Questions:

Mr. Moir asked that someone answer his question about the requirement of the setback reduction from 900 ft. to 600 ft. for a clay shooting range.

Mr. Joseph Pezzullo, GM of the South Fl. Shooting Club, provided information on the size of the shot from a shot gun, indicating that it would not reach the distance to the structure at 600 ft.

Mr. Moir reiterated the need for ballistic safety and acoustic noise still needed to be addressed from this club as well as for future sites.

Ms. Storey noted these types of facilities restricted the size and type of ammunition used relative to distance, and it did not address the noise issue.

Mr. Banfi said it would have been helpful if the applicant provided a matrix showing both differences for the 900 ft. vs. 600 ft. setbacks, but the noise is still an issue.

Mr. Raynes indicated they would agree to put shot size in the Code as a distance requirement.

Discussion ensued that an answer might be to use an adjacent land use designation rather than an existing residence for the setback distance.

If there is a need for an LPA meeting on May 5, 2018, the LPA will be notified, otherwise it is cancelled.

* **MOTION – MOVED** by Mr. Foley to continue the two Prairie Pinelands agenda items – The Form Based Code and the preliminary rezoning of the Code until Thursday, June 21, 2018 at 7:00 pm.

** **SECONDED** by Ms. Hall Carried **UNANIMOUSLY**

6. ADJOURN

There was no further business. The meeting was adjourned at 8:30 pm.

Recorded and Prepared by:

Approved by:

APPROVED
Mary F. Holleran, Agency Recorder

Jim Moir, Chairman

Date: June 7, 2018