



Martin County

Administrative Center
2401 SE Monterey Road
Stuart, FL 34996

Meeting Minutes

Local Planning Agency

Niki Norton, Vice Chair, District 1, 11/2024
Thomas Campenni, District 2, 11/2026
Blake Capps, District 3, 11/2024
James Moir, District 4, 11/2026
Ransom Reed Hartman, Chair, District 5, 11/2024
Mark Sechrist, School Board Liaison, 12/2023

Thursday, June 1, 2023

7:00 PM

Commission Chambers

CALL TO ORDER

Mr. Hartman, Chair, called the meeting to order at 7:00 pm. A quorum was present.

ROLL CALL

Present: Niki Norton, Vice Chair
Blake Capps
James Moir
Ransom Reed Hartman, Chair

Absent: Thomas Campenni
Mark Sechrist – School Board Liaison

Staff Present:

Senior Assistant County AttorneyElysse Elder
Growth Management DirectorPaul Schilling
Growth Management Deputy Director.....Peter Walden
Growth Management Comprehensive Plan Administrator.....Clyde Dulin
Growth Management Senior Planner.....Daphne Schaub
Growth Management Principal Planner.....Elizabeth Nagal
Growth Management Principal Planner.....Allison Rozek
Agency Recorder/Notary..... Luis M. DeJesus

MINU APPROVAL OF MINUTES

MINU-1 February 16, 2023

The Board asked to approve the minutes from February 16, 2023.

Agenda Item: 23-0855

MOTION: A Motion was made by Mr. Moir to approve the minutes of the February 16, 2023, Local Planning Agency meeting. The motion was SECONDED by Ms. Norton. The Motion CARRIED 4-0.

MINU-2 April 6, 2023

The Board asked to approve the minutes from April 6, 2023.

Agenda Item: 23-0861

MOTION: A Motion was made by Mr. Moir to approve the minutes of the April 6, 2023, Local Planning Agency meeting. The motion was SECONDED by Ms. Norton. The Motion CARRIED 4-0.

MINU-3 May 4, 2023

The Board asked to approve the minutes from May 4, 2023.

Agenda Item: 23-0862

MOTION: A Motion was made by Mr. Moir to approve the minutes of the May 4, 2023, Local Planning Agency meeting. The motion was SECONDED by Ms. Norton. The Motion CARRIED 4-0.

QJP-1 QUASI-JUDICIAL PROCEDURES

Quasi-Judicial procedures apply when a request involves the application of a policy to a specific application and site. It is a quasi-judicial decision. Quasi-Judicial proceedings must be conducted with more formality than a legislative proceeding. In Quasi-Judicial proceedings, parties are entitled – as a matter of due process to cross-examine witnesses, present evidence, demand that the witnesses testify under oath, and demand a decision that is based on a correct application of the law and competent substantial evidence in the record.

Agenda Item: 23-0856

All persons wishing to speak on a Quasi-Judicial agenda item(s) were sworn in.

NEW BUSINESS

NPH-1 – COMPREHENSIVE PLAN AMENDMENT (CPA) 23-02, HOBE SOUND STORAGE

Public hearing to consider a Future Land Use Map Amendment on a 4.01-acre parcel to change from Medium Density Residential to General Commercial (GC). An application to rezone the parcel is being reviewed separately from this application.

Requested By: Brandon Ulmer, Thomas Engineering Group, LLC

Presented By: Daphne Schaub, Senior Planner, Growth Management Department

Agenda Item: 23-0809

STAFF: Ms. Schaub provided NPH-1, Exhibit 1 a copy of the agenda item, staff report and copy of her work history. Public Comment(s) (email(s) and written) were turned into the LPA Members for review.

LPA: Mr. Moir asked if Limited Commercial is not an option.

STAFF: Ms. Schaub advised that Limited Commercial is certainly an option, but staff believes that GC as requested fits into the policies, goals, and objectives.

LPA: Ms. Norton asked if Limited Commercial allows storage facilities.

STAFF: Ms. Schaub advised that it does not but corrected herself to say that it does.

LPA: Mr. Moir asked if Limited Commercial does not allow gas stations.

STAFF: Ms. Schaub advised that it does not.

LPA: Mr. Hartman asked what the parcel to the north is.

STAFF: Ms. Schaub advised that it is a church.

LPA: Ms. Norton asked if church is zoned Medium Density.

STAFF: Ms. Schaub advised that it is.

APPLICANT: Mr. Robert Raynes, Gunster Law Firm, representing the applicant, provided Proof of Notices to the Surrounding Property Owners.

Mr. Raynes agreed with staff recommendations, and highlighted the applicant met two of the four criteria for Future Land Use Amendment in the Comprehensive Plan.

APPLICANT: Mr. Ulmer provided presentation to LPA.

Mr. Ulmer emphasized the parcel in relation to surrounding parcels, wetlands, limited space, and meeting requirements to prevent urban sprawl.

APPLICANT: Mr. Raynes advised that it is believed that the request is an appropriate land use designation.

LPA: Ms. Norton asked why GC versus Limited Commercial.

APPLICANT: Mr. Raynes advised the GC is more appropriate for US1 versus Limited Commercial which would be more appropriate in a two or four lane road.

LPA: Ms. Norton asked if it [storage facility] could be done in a Limited Commercial area.

APPLICANT: Mr. Raynes advised that the request is not pertaining to site plan or uses.

LPA: Ms. Norton asked how much useable land is left after considering wetlands.

APPLICANT: Mr. Ulmer advised that there is just about over an acre that is developable.

PUBLIC: The following people spoke regarding this item: Ms. Sharon Norris and Mr. Matt Sullivan.

Ms. Norris shared that she had previously been in front of the Commissioners representing the Lexington community where it was unanimously voted that parcel would be RS-6 and allow for 12 single-family homes.

Ms. Norris said that due to church preschool and conservation area, a storage facility would be very undesirable.

Ms. Norris expressed her concerns in placing storage facility in an area where the canal currently floods when there is heavy rain and the water comes up to properties.

Ms. Norris added that there is only one pipe out of the Lexington community which is where all the water drains out of and has a weir connected to it.

Mr. Sullivan shared that several different developments around the Lexington community area off US1 have negatively affected the community; for example, the increase noise and light pollution from US1.

Mr. Sullivan asked if there was no other available land for this project already zoned accordingly and mentioned that the eastern border of the tract of land is listed as a right-of-way but is actually a canal.

Mr. Sullivan noted that in reviewing Staff's Report, he did not notice any mentioning of impact on homes or homeowners and the land use designation is used to separate zoning districts.

STAFF: Ms. Elder reminded the LPA that this request is a legislative hearing on a future land use map amendment without a use or site plan to be considered now.

APPLICANT: Mr. Raynes advised that in meetings with the church and Mr. Sullivan, all information was shared regarding proposal.

Mr. Raynes understood comments shared, but those were all site plans issues; the current hearing pertains to land use designation.

LPA: Mr. Moir said that the County must take conservation land as seriously as road development and with the millions of dollars spent on improving the stormwater treatment areas, it should be given the respect and space it deserves to do its job.

Mr. Moir, therefore, recommends a lower intensity land use designation to parcel.

LPA: Ms. Norton asked for Mr. Ulmer to share information regarding stormwater requirements.

APPLICANT: Mr. Ulmer advised that they must create a retention plan accordingly without affecting wetlands.

LPA: Mr. Hartman asked if retention plan was required regardless of land use.

APPLICANT: Mr. Ulmer replied yes and added that the existing land use allows for 40 feet height and that is the reason why GC was requested, whereas Community Commercial (CC) drops it to 30 feet.

LPA: Mr. Capps asked Ms. Elder to explain the difference between a Comprehensive Plan Amendment and a zoning change request.

STAFF: Ms. Elder explained that a Comprehensive Plan Amendment is a legislative public hearing to make a change in the Comprehensive Plan (a policy decision) without evidence whereas in a zoning or quasi-judicial change, is based on the competence of substantial evidence that is presented; the Board can recommend to the County Commissioners approval, denial, or recommend with condition(s).

LPA: Mr. Capps noted the incompatibility with surrounding uses and that there were two public speakers and several letters that highlighted great concerns regarding drainage issues and flooding.

STAFF: Ms. Elder explained that the Staff's Report includes the criteria to use to evaluate in amending the future land use which does not include drainage.

APPLICANT: Mr. Raynes advised that he was aware of two letters that came in concerning this matter but no others.

STAFF: Ms. Schaub advised that more responses came in after the agenda packet was sent out.

APPLICANT: Mr. Raynes requested the additional Public Comments for his review.

LPA: Mr. Capps acknowledged that previous determination by the County in 2006, the parcel was to be RS-6, Medium Density.

LPA: Mr. Hartman stated that he struggles with holding up property rights because of drainage.

LPA: Ms. Norton noted that even if parcel remained residential, there would be no way that it had enough space for 12 homes and agreed with Mr. Hartman's statement when it results in low density use.

LPA: Mr. Moir stated that this is not "down zoning" or taking away any property rights, but merely denying the request for increase density.

LPA: Mr. Capps noted that there are residential developments off US1.

MOTION: A Motion was made by Mr. Capps to deny Staff's recommendation of approval; **SECONDED** by Mr. Moir. No recommendation is made with a 2-2 vote.

STAFF: Ms. Elder explained that the motion does not pass with either approval or denial and therefore, recommendation does not move forward either way unless someone else makes a different motion.

MOTION: A Motion was made by Ms. Norton to approve Staff's recommendation of approval; **SECONDED** by Mr. Hartman. No recommendation is made with a 2-2 vote.

STAFF: Ms. Elder explained that the Local Planning Agency Board provides no recommendation.

NPH-2 – CPA 23-02 HOBE SOUND STORAGE REZONING (QUASI-JUDICIAL)

Hobe Sound Storage, LLC., is requesting a proposed amendment to the County Zoning Atlas from RS-6, Medium Density Residential to GC, General Commercial District, on approximately 4.01 acres on Federal Highway, north of SE Constitution Boulevard in Hobe Sound. Included with this application is a request for a Certificate of Public Facilities Exemption.

Requested By: Brandon Ulmer, Thomas Engineering Group, LLC

Presented By: Daphne Schaub, Senior Planner, Growth Management Department

Agenda Item: 23-0839

***For the Record:**

LPA: Ex parte communications disclosures: None. Intervener present: None. All staff and individuals speaking on this matter were sworn in by the LPA Notary/Recorder.

STAFF: Ms. Schaub provided NPH-2, Exhibit 1 a copy of the agenda item, staff report and copy of her work history.

Ms. Schaub noted that this is a request to be considered if the Board of County Commissioner approves and passes NPH-1, (CPA) 23-02.

APPLICANT: Mr. Robert Raynes, Gunster Law Firm, representing the applicant, provided Proof of Notices to the Surrounding Property Owners.

Mr. Raynes shared that request is consistent with the proposed GC future land use and established development patterns in the area.

PUBLIC: The following people spoke regarding this item: Mr. David Frodsham.

Mr. Frodsham, a civil engineer and resident of Heritage Ridge, and Drainage Committee Chair of the homeowners' association, shared that he had no concerns with request being made since he is certain requirements mandated will be met.

Mr. Frodsham shared that his only concern is the view of the building [the storage facility] from the south (where 6 homes are located which currently face US1).

APPLICANT: Mr. Raynes advised that comments made were related to site plan, and will be addressed at that time.

LPA: Mr. Moir stated that the 10-foot height difference from GC to CC would make a difference.

APPLICANT: Mr. Raynes noted CC is appropriate for a zoning designation as busy as US1; additionally, the current zoning of parcel allows for 4 stories, and therefore provides no issue with height.

LPA: Ms. Norton asked how much of the property is wetlands.

APPLICANT: Mr. Ulmer replied that it is approximately two-thirds of property.

LPA: Ms. Norton asked about the density of vegetation on property.

APPLICANT: Mr. Ulmer replied that the scrub vegetation is not as much as the taller vegetation in the back of the property.

LPA: Mr. Hartman asked if US1 would be where a denser development is preferred.

STAFF: Mr. Schilling advised that the GC land use identified in the Staff's Report would be appropriate for US1, and the benefit of that would be no impact to the side roads from a traffic perspective.

LPA: Mr. Capps stated that he had issues with the compatibility based on arguments made.

LPA: Mr. Moir stated that there is conservation land already on US1, as with Jonathan Dickinson State Park.

MOTION: A Motion was made by Mr. Moir to propose amendment to the County Zoning Atlas from RS-6, Medium Density Residential to CC (Community Commercial); **SECONDED** by Mr. Capps. No recommendation is made with a 2-2 vote.

NPH-3 – BARON LANDINGS, REZONING (G076-007) (QUASI-JUDICIAL)

This is a request by Baron Landings, LLC (G076-007) f/k/a Golf World 76 for a proposed amendment to the County Zoning Atlas for a Commercial District. The proposed amendment is to change the existing Planned Unit Development (PUD) District to GC, General Commercial District, or the most appropriate district. The subject parcel is approximately 21.40 acres and is part of the 26.06-acre former Golf World entertainment facility located on the east side of SR76/S Kanner Highway between SE Salerno Road and SE Cove Road, in Stuart. Included with this application is a request for a Certificate of Public Facilities Exemption.

Requested By: Michael Houston, HJA Design Studio, LLC

Presented By: Elizabeth Nagal, Principal Planner, Growth Management Department

Agenda Item: 23-0857

***For the Record:**

LPA: Ex parte communications disclosures: None. Intervener present: None. All staff and individuals speaking on this matter were sworn in by the LPA Notary/Recorder.

STAFF: Ms. Nagal provided NPH-3, Exhibit 1 a copy of the agenda item, staff report and copy of her work history.

LPA: Mr. Moir asked why not recommend a revised PUD for this property.

STAFF: Ms. Nagal advised that a PUD is an option, but it was not what the applicant requested.

LPA: Mr. Hartman asked for Staff's opinion on that [revised PUD versus GC].

STAFF: Mr. Walden explained that the underlying land uses is GC compatible zoning as explained by staff and there would have to be a request for PUD for that to be in place.

APPLICANT: Mr. Robert Raynes, Gunster Law Firm, representing the applicant, provided Proof of Notices to the Surrounding Property Owners.

Mr. Raynes shared that this parcel was an old PUD which was exclusive to the Golf World 76 project, and now is inapplicable; a previous proposal for High Density Residential land use change was submitted but reconsidered after opposition from neighbors.

Mr. Raynes mentioned that there was no agreement to amend the existing (Preserve Area Management Plan) PAMP, but rather address it at final site plan as a new PAMP.

LPA: Mr. Hartman asked if there was a PAMP.

STAFF: Ms. Elder explained that the language in the PAMP was unclear.

STAFF: Mr. Walden explained that the PAMP was very ambiguous and was not delineated properly as it would be now; additionally, it was inconsistent with aerials and vegetation on the ground.

Mr. Walden added that there is an agreement for the applicant to reestablish a PAMP accordingly, and environmental assessments are being done now.

APPLICANT: Mr. Raynes advised that there will be a PAMP done as part of the first final site plan.

APPLICANT: Mr. Houston pointed out the zoning change standards to be followed in the Comprehensive Plan to request approval, consistency with Land Development Regulations, there is currently no preserve on parcel and that it will be created; however, there are two wetlands which will have buffers.

Mr. Houston noted proposal is compatible with the character of the existing land uses, the documented change conditions in the area are clear, public facilities are already included, and the land being used is Commercial and the use has been Commercial.

STAFF: Ms. Elder shared the language in the termination agreement of the Golf World PUD.

LPA: Mr. Moir asked why not bring forward a PUD.

APPLICANT: Mr. Raynes advised that previously it was requested as part of the high-density land use designation request, but that was, as previously mentioned, reconsidered due to feedback.

Mr. Raynes added that currently, there is no project for the parcel, and therefore a PUD is not considered.

LPA: Mr. Moir mentioned that he believes there was no PUD included in previous request.

APPLICANT: Mr. Raynes said he could have projects mixed up but still, there is currently no project and therefore, there is no request for a PUD.

LPA: Mr. Moir asked why make a request for zoning change if there is no project.

APPLICANT: Mr. Raynes responded that there must be a zoning designation on the property.

STAFF: Mr. Walden explained that to keep the whole property consistent as the front portion had previously been rezoned to GC, the request is GC and applicant will come in with a site plan so it will help with the consistency in the review process.

LPA: Mr. Capps asked since the Florida Legislature passed the Live Local Act which everyone is still trying to figure out what it means but that the basic idea is to take properties that were/are zoned commercial to be allowed to become High Density Residential without County involvement through an Administrative Approval, would you then be doing the Administrative Approval without County involvement.

APPLICANT: Mr. Raynes responded that the property is already in that position because it currently has a GC land use; the request is for a zoning change and not a land use change.

LPA: Mr. Moir clarified that this is currently GC with a PUD requesting a zoning change so that it is GC land use with a GC zoning.

LPA: Mr. Capps asked if the Comprehensive Plan has already been done.

STAFF: Ms. Elder explained that it was not needed.

APPLICANT: Mr. Raynes responded that the parcel has been GC in the Comprehensive Plan since the early 90s.

LPA: Mr. Capps asked if the Live Local Act would apply without acting on this request.

STAFF: Ms. Elder explained that it applies to commercial zoning.

APPLICANT: Mr. Houston explained that the Senate Bill still requires meeting all standards, and the only thing that will change is having no public hearing.

STAFF: Ms. Elder explained that it would be the same process but that the Growth Management Director would approve it versus the County Commission.

LPA: Mr. Capps asked about the effect on density.

STAFF: Mr. Walden explained that it would be the maximum density allowed in the County, and the height within one mile of surrounding area would also apply.

PUBLIC: The following people spoke regarding this item: Mr. Ralph Simon.

Mr. Simon, who lives in Crestwood, knows of no one who complained about having residential next to US1, however, there are concerns regarding the wetlands and having nothing surrounding the community.

LPA: Mr. Moir said that considering pressure from the State and drainage issues, we should make every effort possible to find the best possible outcome for this property; the preferred recommendation is a PUD for the property.

APPLICANT: Mr. Raynes reiterated that there is currently no site plan, the request is appropriate given the land use designation, its [property] history, and Staff's recommendation.

LPA: Mr. Capps explained that the parcel will be something and it is his belief that either a PUD or GC would have similar outcome impact.

MOTION: A Motion was made by Ms. Norton to approve Staff's recommendation of approval. The motion was SECONDED by Mr. Capps. The Motion CARRIED 3-1.

LPA: The Board asked for a brief recess at 8:40pm and resumed at 8:43pm.

NPH-4 – INDIAN RIVER PLANTATION – MARTIN COUNTY FIRE STATION REZONING (I007-006) (QUASI-JUDICIAL)

Martin County Fire Rescue Station #14 Rezoning (I007-006) f/k/a Indian River Plantation PUD. Requested by the Martin County Board of County Commissioner for a proposed amendment to the County Zoning Atlas to change the zoning district classification of the Martin County Fire Rescue Station #14 from PUD to PS-1 (Public Service District). The 7.5-acre parcel of land is currently within the boundaries of the Indian River Plantation PUD. The subject site is located at 600 NE Ocean Boulevard, on the north side of NE Ocean Boulevard approximately .04 miles west of NE MacArthur Boulevard, on Hutchinson Island. Included is a request for a Certificate of Public Facilities Exemption.

Requested By: Chief Cianciulli, Martin County Fire Rescue Department

Presented By: Allison Rozek, Principal Planner, Growth Management Department

Agenda Item: 23-0858

***For the Record:**

LPA: Ex parte communications disclosures: None. Intervener present: None. All staff and individuals speaking on this matter were sworn in by the LPA Notary/Recorder.

STAFF: Ms. Rozek provided NPH-4, Exhibit 1 a copy of the agenda item, staff report and copy of her work history and noted that the Affidavit of Mailing had been submitted for the file.

LPA: Mr. Moir asked if the recommendation is for PS-1.

STAFF: Ms. Rozek replied yes.

LPA: Mr. Capps asked if PS-1 is the common designation for County property.

STAFF: Ms. Elder explained that the County cannot enter into a PUD Agreement with itself.

LPA: Mr. Capps asked why property in a PUD now [being a County fire station].

STAFF: Mr. Walden explained that it was part of Indian River Plantation PUD.

STAFF: Ms. Rozek clarified that the property was part of a PUD prior to purchasing it and then building the fire station.

LPA: Mr. Capps asked if this was part of the Elliott Museum expansion.

STAFF: Mr. Walden explained that the County did not build on the existing site of the fire station on Hutchinson Island and instead constructed a new fire station on this new site.

LPA: Mr. Capps asked if this was the one right beside the Elliott Museum.

STAFF: Ms. Elder explained that the fire station next to the museum is moving to the subject property as its new location.

LPA: Mr. Moir asked whether the sewage treatment facility will be part of the fire station property or remain part of utility.

STAFF: Ms. Elder explained that all of the property being rezoned is owned by Martin County.

Ms. Elder asked if Proof of Notices to the Surrounding Property Owners was turned in.

STAFF: Mr. Walden said that it was.

PUBLIC: The following people spoke regarding this item: None.

MOTION: A Motion was made by Mr. Moir to approve Staff's recommendation to approve the rezoning of the Martin County Fire Rescue Station from PUD to PS-1. The motion was **SECONDED** by Ms. Norton. The Motion **CARRIED** 4-0.

COMMENTS:

1. **PUBLIC** – None.
2. **STAFF** – Mr. Schilling polled members for June 15, 2023, meeting.
3. **LPA** – Mr. Hartman advised he would not be present. All other members advised they would be present.

ADJOURN:

The Local Planning Agency meeting of June 1, 2023, adjourned at 8:53 pm.

Respectfully Submitted:

Approved by:

Luis M. DeJesus, Martin County
Growth Management Department
Agency Recorder/Notary

Ransom Reed Hartman, Chairman

Date Signed

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback.