

MINU-2 October 17, 2024

The Board is asked to approve the minutes from October 17, 2024
Agenda Item: 25-0267

MOTION: A Motion was made by Mr. Campenni to approve staff's recommendation of approval;
SECONDED by Mr. Moir. The Motion **CARRIED** 5 - 0.

QJP QUASI-JUDICIAL PROCEDURES

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: 25-0237

NEW NEW BUSINESS

NPH-1 THE PRESERVE AT LOBLOLLY NORTH PUD ZONING AGREEMENT AND MASTER/FINAL SITE PLAN (L089-003) (QUASI-JUDICIAL)

A request by Loblolly North LLC for a zoning district change from the current RE-1/2A, Residential Estate District to the PUD, Planned Unit Development District, including approval of the PUD Zoning Agreement with a master and final site plan. The project consists of a 13-lot single family residential development on an approximately 51.20-acre undeveloped parcel resulting in a gross site density of 0.25 units per acre. Included with this application is a request for Certificate of Public Facilities Reservation. The subject property is located east of SE Gomez Avenue, west of the Indian River Lagoon, north of the existing Loblolly Bay PUD, in Hobe Sound.

Requested By: Brian Nolan, AICP, ASLA, Lucido & Associates

Presented By: Barbara Counsellor, Senior Planner

Agenda Item: 25-0235

***For the Record:**

LPA: Ex-parte communication disclosures: None. Intervener(s) present: None.

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

STAFF: Ms. Counsellor presented and turned in her work history.

LPA: Mr. Moir asked if the PAMP (Preserve Area Management Plan) is approved yet.

STAFF: Ms. Counsellor and Mr. Schilling explained that there is a PAMP with this Application and as part of this process it has been reviewed by Staff and found to be in compliance. It will be presented as an exhibit to the PUD Agreement which goes before the Board of County Commissioners on Tuesday. Once approved there it will then be recorded as part of the Post Approval process.

LPA: Mr. Moir asked for clarification regarding the location of the proposed pedestrian crosswalk on Gomez.

STAFF: Ms. Counsellor explained that it is to be located just North of the exist.

LPA: Mr. Moir expressed his concerns with this location as he believes that pedestrians and or bicyclist would not be protected if a vehicle were to exist and be turning South.

STAFF: Ms. Counsellor explained why the crosswalk is being proposed to be on the North side to lead into the park/preserve area across from Loblolly; Mr. Walden further stated that the Applicant has their Engineer of Record here and they may present further clarification themselves.

APPLICANT: Brian Nolan with Lucido & Associates presented and turned in their notifications to neighboring property owners.

LPA: Mr. Moir reiterated his concerns regarding the placement of the crosswalk.

APPLICANT: Mr. Nolan explained that by having it on the North side the pedestrians using the crosswalk would be out of the traffic flow. He stated that they can look into this further. Mr. Nolan also stated that regarding the preserve areas, they will be maintained by the Loblolly Community Services Corp. and common areas will be maintained by the Loblolly North POA.

LPA: Mr. Moir asked if there is any area that will be co-managed by F.I.N.D.

APPLICANT: Mr. Nolan said no, it will not be as that is outside the project boundary.

LPA: Mr. Campenni asked to confirm that this was basically a part of Loblolly, and further stated that he thought this was a nice project which could have utilized a lot more density than it is.

APPLICANT: Mr. Nolan said, yes, for all intents and purposes it is a part of Loblolly.

STAFF: Mr. Schilling stated that he wanted to be sure the earlier concern from Mr. Moir was satisfied regarding the crosswalk; he stated that putting the crosswalk to the South could enhance the likelihood of conflicts between pedestrians and vehicle traffic. He noted that the Traffic Engineer appeared to be in agreement with this.

LPA: Mr. Moir said he is still concerned that it is the traffic leaving the development that is going to be impacting traffic on Gomez so with the crosswalk on the North side there is likely no traffic going that way.

LPA: Mr. Hartman stated that is the best place to have the crosswalk then as there is no vehicle traffic going over the crosswalk.

LPA: Mr. Moir said the pedestrians and bicyclists using Gomez will be in conflict with the traffic coming out of this new development as there is no traffic otherwise.

LPA: Mr. Thornton said he runs and bikes up there and there really is not a lot of traffic in that area.

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

MOTION: A Motion was made by Mr. Campenni to approve staff's recommendation of approval; **SECONDED** by Mr. Hartman. The Motion **CARRIED** 5 - 0.

NPH-2

PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING ARTICLE 12, DIVISIONS 1-7, ARCHITECTURAL DESIGN STANDARDS, COMMUNITY REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE.

Treasure Coast Regional Planning Council will present the updated CRA Architectural Design Standards proposed for all six Martin County CRA areas. This effort will increase flexibility and choice for property owners, architects, developers and builders and continue to implement the vision of well-designed communities that celebrate their distinctive identities and contribute to the overall sustainability of Martin County.

Requested by: Susan Kores, Community Development Director

Presented by: Dana Little, Urban Design Director, Jessica Seymour, Principal Program Coordinator, TCRPC

Agenda Item: 25-0236

TCRPC: Jessica Seymour & Dana Little presented.

LPA: Mr. Moir asked if the window requirements included faux windows.

TCRPC: Ms. Seymour stated that no, faux windows would not count.

LPA: Mr. Moir asked at what stage a builder would have to declare what vernacular they plan to use; he noted material issues for certain vernaculars.

TCRPC: Ms. Seymour stated that when an applicant submits, they should be including what style they plan to use.

LPA: Ms. Norton asked if there was a percentage requirement regarding windows overall.

TCRPC: Ms. Seymour stated it is 15%. Mr. Little noted that for some smaller lots it can be difficult to

fit everything in and they found that a 15% minimum worked well overall.

LPA: Ms. Norton asked for clarification regarding the NACs themselves choosing what options they want to include in their areas, specifically in regard to the “modern” style and how that would affect someone who wants a style not chosen by the NACs. She referenced workshops that took place with the TCRPC and the AIA (American Institute of Architects) about the CRAs and asked if the 21” height requirement in regard to drainage is required in the CRA, and commented regarding older homes having new homes built next door and what she sees as potential issues.

TCRPC: Ms. Seymour explained that they provided the full list/chart of style options to the NACs for their review. Mr. Little stated that the 21” requirement is in the CRA and has been part of the approved LDR for three years. He then asked for clarification regarding Ms. Norton’s question regarding this; he asked if she was commenting about what is being proposed or what is happening in the field already.

LPA: Ms. Norton stated that she can handle the 21” for the structure itself, her comment is to the field aspect. She then asked about another discussion that took place at the workshops with the AIA regarding exemptions of religious facilities and churches and asked if there are details regarding this in the code now.

TCRPC: Ms. Seymour agreed that there were in fact robust discussions that took place at said workshops and noted that every one of the CRAs added more styles so there are a lot more options now for civic and religious structures to meet one of those styles.

LPA: Mr. Campenni asked if he, hypothetically, were in Golden Gate and wanted to build an Art-Deco home; would he be allowed to?

STAFF: Susan Kores, stated that right now the CRAs that have particular styles would have to utilize Alternative Compliance if they wanted to do something outside the code.

LPA: Mr. Campenni asked what Alternative Compliance is and how would it go about being applied for.

STAFF: Ms. Kores said it’s another way of saying a zoning waiver.

STAFF: Ms. Elder clarified that it is not a waiver, it is similar to a variance; there is a process that has to be followed and if there is a code provision that for some reason you cannot meet you can go through the process to apply for the Alternative Compliance – it is not a variance, but it is a similar theory.

LPA: Mr. Hartman asked how long that process takes.

STAFF: Ms. Elder stated it is processed through the Growth Management Department (GMD).

LPA: Mr. Campenni asked Mr. Schilling how many applications they received for this on average.

STAFF: Mr. Schilling stated that it varies anywhere from 2-5 a month. They generally come up as part

of a review of a building permit and/or a project; if it is a minor development project it can take, on average, 3-5 months.

LPA: Mr. Campenni asked Mr. Schilling: if I am not building in a CRA do I have to follow any particular styles?

STAFF: Mr. Schilling said there are no styles within the zoning codes, there are development standards such as setbacks, etc.

LPA: Mr. Campenni reiterated that if he wants to build a colonial home on a lot he owns and there are no other colonial homes in the area, he can do so, provided he meets all the standard requirements.

STAFF: Mr. Schilling said yes.

LPA: Mr. Campenni then asked why it is different in a CRA.

TCRPC: Mr. Little explained that the CRA's LDR regulations went through 2 and a half years of review and updates; this focused mainly on the zoning requirements. This attempt is to now clarify the architectural standards that already exist in the code and to update them so that they are more usable. The CRA areas are the closest the County has to Historic Districts, so they tried to build off the styles that already exist in the areas. When they met with the AIA it was asked why they had any restrictions and what is being presented tonight is a reflection of meetings held with the NACs. He noted that he thinks the LPA could suggest that the CRAs need to be more flexible if the Board wanted to do that. To his knowledge the CRAs are the only areas in the County where they do have these architectural styles because they exist already, and this is a desire from these communities to allow consistency going forward.

LPA: Mr. Campenni stated that they are talking about private lots owned by private owners, he understands why they have building standards; he doesn't understand why we need style standards. He further stated he's not going to overthrow this he just feels this is sort of over-regulation.

LPA: Mr. Moir stated that there have been pattern books for a long time and that they were the original attempt by the CRAs to identify themselves as unique; it is RE-development not development.

LPA: Mr. Campenni stated there was over-regulation then and this is also over-regulation; if you own a home or a lot and you comply with the setbacks, etc. it doesn't make sense if you tell me I can't build an Art-Deco home in Golden Gate.

TCRPC: Mr. Little stated that they were not sure what to expect when they met with the NACs, however, they did not get any push back against this approach; it was more nuanced discussions regarding what styles they would like. This is meant to be a framework to raise the bar a little bit architecturally in the CRA areas.

LPA: Mr. Hartman stated he agrees with Mr. Campenni in that if you own a lot you should be able to build whatever you'd like, that's what makes a neighborhood, all the different style homes.

TCRPC: Ms. Seymour stated that most of the NACs have expanded their style options with this proposed change, for example if this wasn't being proposed today someone in the CRA area of Jensen Beach who wanted to build a mission style home would have to go through the variance process.

LPA: Mr. Hartman stated that he understands that, however, if someone has owned a piece of property since 1940 and now decides they want to build something that is not one of the approved styles they would have to go through the variance process, which, as of yet, no one has clarified how long that may take.

STAFF: Mr. Schilling stated that an Alternative Compliance application process takes, on average, a month at the most.

LPA: A discussion ensued between the LPA Board members regarding what is or is not a part of the codes vs. a style option.

STAFF: Ms. Kores explained that within the statute it is stated that what a CRA is to do is to mitigate slum and blight and increase sustainability of our neighborhoods and raise the design standard; it is stated in Chapter 18 of the Comp Plan that we are to look at building design. We have standards in the CRA now, however, they are both weak and restrictive at the same time, it is an odd coupling and causes difficulty for homeowners, architects and builders trying to meet the current requirements. She and her staff have had many discussions with all those involved and have found that the CRAs do want this; they want to look different and be unique and they want to know what their neighborhood is going to look like. The options are all routed in what is historically already there in these neighborhoods, for example, there are no Colonials in South Florida.

LPA: Mr. Campenni said philosophically if he wanted to build a Colonial why should he not be able to on his own lot.

STAFF: Ms. Kores reiterated that the lists are expanded, and it would be difficult to not be able to fit into that list somewhere, also the requirements have been expanded (roof types, slopes, materials, etc) as well. She further explained how the meetings with the NACs went and how these options were chosen.

PUBLIC: The following people spoke regarding this item: Julie Preast.

LPA: Ms. Norton commented that this is a lot more open than it has been in the past and that she is familiar with the Alternative Compliance process as well.

MOTION: A Motion was made by Mr. Campenni to approve staff's recommendation of approval; **SECONDED** by Mr. Hartman. The Motion **CARRIED** 5 – 0.

COMMENTS:

1. **PUBLIC** – None.
2. **STAFF** – Mr. Schilling let the LPA Board know that there is at least one application for the Dec.

5th meeting.

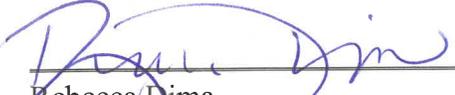
3. LPA - None.

ADJOURN:

The Local Planning Agency meeting of November 07, 2024, adjourned at 8:15 pm.

Respectfully Submitted:

Approved by:



Rebecca Dima
Growth Management Department
Agency Recorder/Notary



for Niki Norton, Chair

11/16/2025
Date Signed

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