

**PROPOSED DESIGNATION OF A GREEN REUSE AREA
MARTIN COUNTY, FLORIDA**

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

REQUEST NAME: 9670 SW Marine Way Green Reuse Area Designation

Report Issuance Date: January 2, 2025

PROPERTY OWNER: 9670 SW Marine Way, LLC

APPLICANT: 9670 SW Marine Way, LLC
12800 US Highway 1 #300
Juno Beach, FL 33408

REPRESENTED BY: Brett C. Brumund, Esq.
The Goldstein Environmental Law Firm, P.A.

PLANNER-IN-CHARGE: Jenna Knobbe, Senior Planner
Growth Management Department

<u>PUBLIC HEARINGS:</u>	<u>Date</u>	<u>Action</u>
Board of County Commission:	January 28, 2025	TBD
Board of County Commission Adoption:	February 11, 2025	TBD

SITE LOCATION:

The parcel is located on SW Marine Way, just south of SW 96th Street in Martin County, Florida. The parcel is identified by Parcel Number 13-39-40-000-004-00020-5.

APPLICANT REQUEST:

This is a request by The Goldstein Environmental Law Firm, P.A. on behalf of 9670 SW Marine Way, LLC for Martin County to formally designate the subject site as a Green Reuse Area pursuant to Section 376.80(2)(c), Florida Statutes (F.S.), of Florida’s Brownfields Redevelopment Act. Section 376.80(2)(c), F.S., states that the local government with jurisdiction over the proposed brownfield area is the proper agency to designate a property as a brownfield, given the applicant demonstrates the request meets the requirements outlined in Section 376.80(2)(c), F.S.

STAFF RECOMMENDATION:

Staff recommends the Board consider the request for designation and allow the applicant to establish that the requested designation meets the criteria outlined in Florida Statutes.

BACKGROUND INFORMATION:

On October 31, 2024, Martin County received a request from Brett Brumund, Esq. of The Goldstein Environmental Law Firm, P.A., to designate the property located at 9670 SW Marine Way as a Green

Reuse Area. This parcel is identified as PCN 13-39-40-000-004-00020-5. The subject site has a future land use designation of Commercial Waterfront and a zoning designation of WGC (Waterfront General Commercial). There is an existing revised minor site plan for the subject that was approved by the Growth Management Department on June 1, 2023. The applicant states that when fully developed, the subject site shall contain a “12,000-square foot warehouse for marine construction equipment, a 7,800-square foot office building, a 10,200-square foot boat ramp, a 49,500-square foot stormwater dry detention basin, a 17,000-square foot gravel parking area, and 58,400-square feet of green space.”

Section 376.79(4), F.S. defines “brownfield sites” as “real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination.” Within the application materials submitted to Martin County, the applicant attests that “there is onsite contamination with dieldrin and lead from historical agricultural and boat operations at the Subject Property that has significantly complicated redevelopment efforts...” Additionally, the application materials state that a site assessment has outlined the presence of toxaphene and arsenic-contaminated soil over a majority of the subject site, and these levels of soil contamination are above the Florida Department of Environmental Protection (FDEP) soil cleanup target levels. A Soil Management Plan for the Subject Property is included as part of the application materials. This Soil Management Plan is on file with the Florida Department of Environmental Protection and outlines historical environmental assessments for the site and the subsequent management plan for rehabilitating the property.

The Florida Department of Environmental Protection has record of one brownfield site within Martin County. This site is located on SE Monterey Road Extension in the City of Stuart boundaries. This property was designated as a Green Reuse Area by the City of Stuart via Resolution 09-2023 on February 13, 2023. Resolution 09-2023 is included as an attachment to this agenda item.

FLORIDA STATUTES – BROWNFIELD PROGRAM:

Section 376.80, F.S. details the brownfield program administration process for the State of Florida. Brownfield designations may be proposed by the jurisdictional local government or by any person other than a governmental entity. This request by The Goldstein Environmental Law Firm, P.A. on behalf of 9670 SW Marine Way, LLC falls under the category of designation request by any person other than a governmental entity. As such, this request must comply with the five criteria laid out in Section 376.80(2)(c), F.S. Additionally, Section 376.80(12), F.S. states “A local government that designates a brownfield area pursuant to this section is not required to use the term ‘brownfield area’ within the name of the brownfield area designated by the local government.” Therefore, the term “Green Reuse Area” and “brownfield” in this request can be used interchangeably.

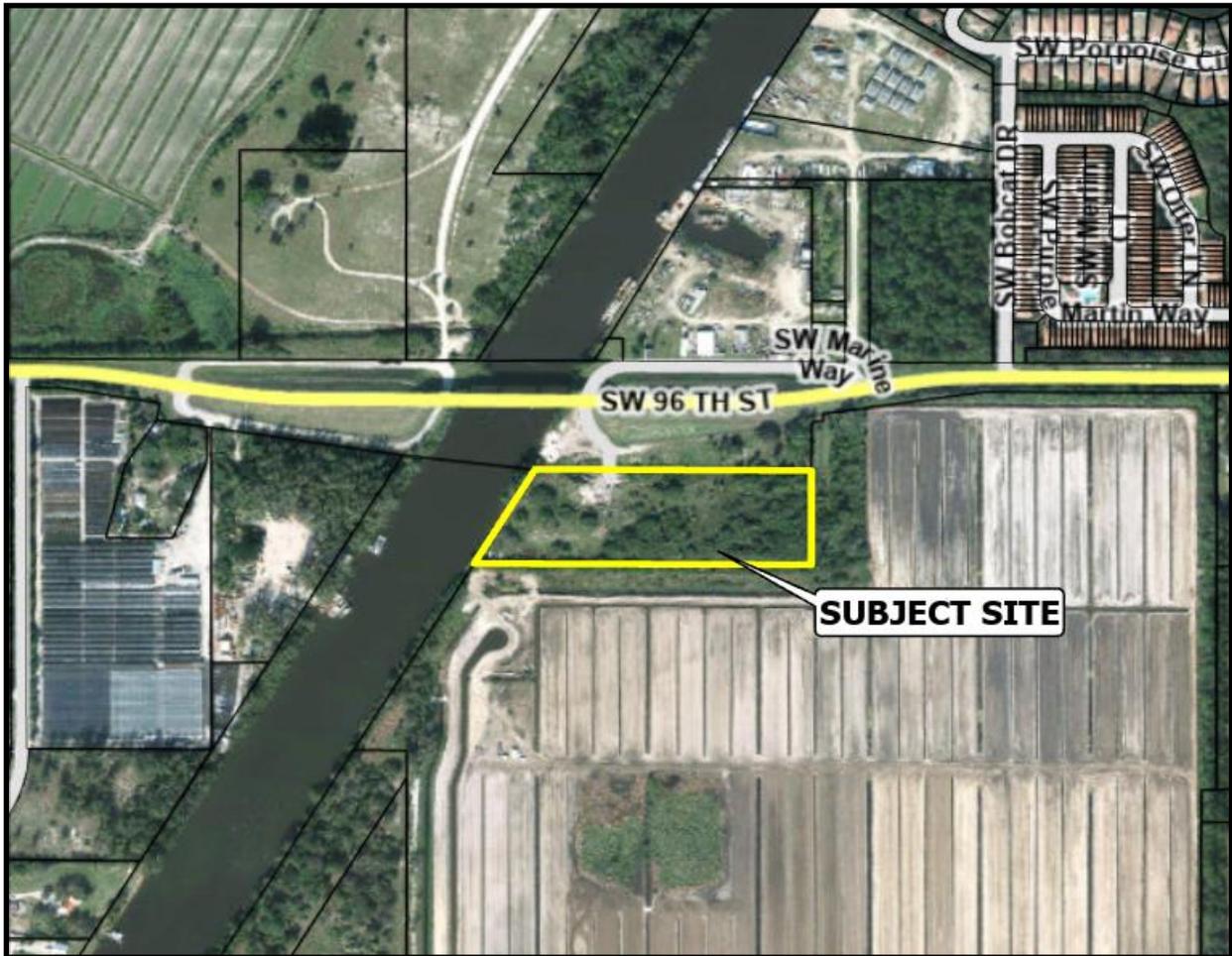
This staff report will evaluate the ways in which the requested designation meets the five criteria outlined in Section 376.80(2)(c), F.S. for the local government to adopt the resolution designating the subject site as a brownfield. Section 376.80(2)(c) is quoted below:

“(c) Brownfield area designation proposed by persons other than a governmental entity. – For designation of a brownfield area that is proposed by a person other than the local government, the local government with jurisdiction over the proposed brownfield area shall provide notice and adopt a resolution to designate the brownfield area pursuant to paragraph (1)(c) if, at the public hearing to adopt the resolution, the person establishes all of the following:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks.
3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.
4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to paragraph (1)(c), and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.
5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.”

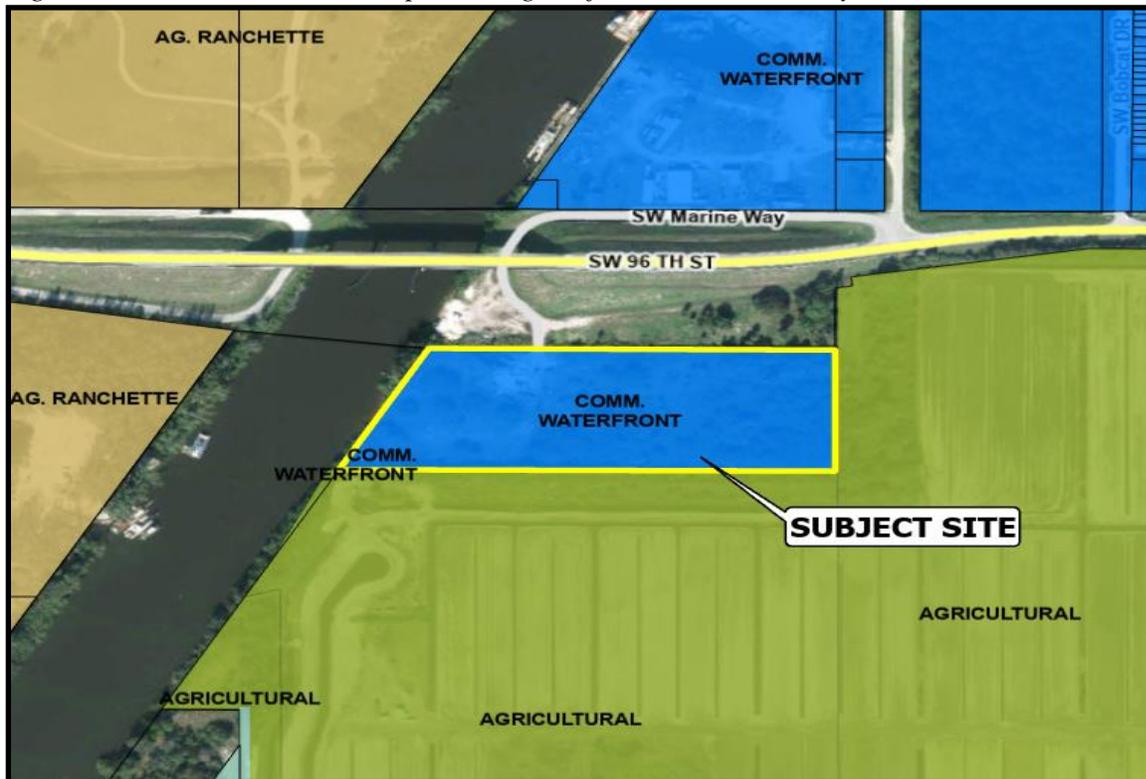
[Remainder of page is blank.]

Figure 1 – Location of the subject site outlined in yellow.



[Remainder of page is blank.]

Figure 2 - Future Land Use Map showing subject site outlined in yellow.



STAFF ANALYSIS:

As stated previously, Section 376.80(2)(c), F.S. outlines five criteria that the applicant must establish during the public hearing in order for the jurisdictional local government to adopt the resolution designating the subject site as a green reuse area, also known as a brownfield. This staff report shall review each of the five criteria below and analyze the submitted application materials to determine how the applicant demonstrates they meet these criteria.

- 1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.*

Staff analysis: The applicant, 9670 SW Marine Way LLC, is the property owner of record for the subject property and has submitted this request for brownfield designation. The application materials indicate this designation is being sought with the understanding that the property owner will rehabilitate and redevelop the brownfield site. For this reason, it appears the applicant meets this criterion.

- 2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that*

will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks.

Staff analysis: The applicant has stated that the proposed brownfield site, once developed, will result in “significant economic productivity of the area.” The application materials attest that approximately 30 new permanent, full-time equivalent jobs will be created at the subject property once the site is developed consistent with the approved site plan. For these reasons, it appears the applicant meets this criterion.

3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.

Staff analysis: The applicant previously obtained site plan approval for the subject property. The uses permitted on the site plan include “12,000-square foot warehouse for marine construction equipment, a 7,800-square foot office building, a 10,200-square foot boat ramp, a 49,500-square foot stormwater dry detention basin, a 17,000-square foot gravel parking area, and 58,400-square feet of green space.” The uses within the approved site plan for the subject property are consistent with the Comprehensive Growth Management Plan and are permissible under the applicable local land development regulations.

Additionally, Objective 4.2B of the Comprehensive Growth Management Plan discusses the redevelopment of brownfield sites in Martin County. This objective, found in Chapter 4 of the Comprehensive Growth Management Plan, states “*Objective 4.2B.* To encourage redevelopment by designating brownfields and pursuing public/private partnerships to redevelop designated sites.” For these reasons, it appears the applicant meets this criterion.

4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to paragraph (1)(c), and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.

Staff analysis: The applicant has stated in their application materials that this designation request complies with “notice and opportunity to comment requirements established by Florida Statutes 376.80(2)(c)(4) and 376.80(1)(c)(4)(b) as follows:

- (i) Notice has been posted at the subject property;
- (ii) Notice has been published in The Stuart News;
- (iii) Notice has been published on the Stuart community bulletin section of Craigslist; and
- (iv) A community meeting was held on November 5, 2024, at the Courtyard Stuart, 7615 SW Lost River Road, Stuart, FL 34997, from 5:30 p.m. to 7:00 p.m.”

The applicant has provided documentation of the sign posting at the subject property and publishing the notice of community meeting and public hearings in the October 29, 2024 edition of The Stuart News. However, the applicant still must provide notice at the January 14, 2025 Board of County

Commissioners (BCC) meeting for a rescheduled community meeting on January 23, 2025 to comply with the proper notice and opportunity to comment requirements in Florida Statutes. Once this advertisement at the January 14, 2025, BCC meeting for the rescheduled community meeting takes place, then this notice requirement will be fulfilled.

5. *The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.*

Staff analysis: The applicant included in their brownfield designation request a letter from Dictinio Garcia, Senior Vice President of Ferreira Construction. This letter, included as Exhibit D in the application materials, certifies that that 9670 SW Marine Way, LLC has “sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan at the Subject Property as referenced above.” For this reason, it appears the applicant meets this criterion.

CONCLUSION:

Based on the staff analysis provided above, it appears that the applicant has met four of the five criteria for designation of a brownfield site pursuant to Section 376.80, F.S. Once the proper notice has been issued for the rescheduled community meeting, all five criteria would appear to have been met by the applicant. Exhibit B of the request materials attests that there is actual soil and groundwater contamination found on the subject site that would allow the subject site to meet the definition for “brownfield site.” The submitted Soil Management Plan that is on file with FDEP outlines the methods by which rehabilitation and redevelopment of the subject site will address the contaminants found on the property.

ATTACHMENTS

- Attachment A, Supplemental Information Report
- Designation Request Materials
- City of Stuart Resolution 09-2023
- Draft Resolution