



Martin County

Administrative Center
2401 SE Monterey Road
Stuart, FL 34996

Meeting Minutes

Local Planning Agency

Vacant, District 1, 11/2024

Thomas Campenni, District 2, 11/2026

Howard L. Brown, District 3, 11/2028

James Moir, District 4, 11/2026

Rick Hartman, Vice Chairman, District 5, 11/2028

Juan Lameda, School Board Liaison, 12/2024

Thursday, December 05, 2024

7:00 PM

Commission Chambers

CALL TO ORDER

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

ROLL CALL

Present: Rick Hartman, Vice Chair
Thomas Campenni
Howard L. Brown
James Moir
Juan Lameda – School Board Liaison

Absent: None

Staff Present:

Deputy County Attorney	Elysse Elder
Growth Management Director.....	Paul Schilling
Public Works Director.....	James Gorton
Senior Planner, Growth Management.....	John Sinnott
Agency Recorder/Notary.....	Rebecca Dima

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: 25-0341

NEW NEW BUSINESS

NPH-1 WAWA-KANNER & LOCKS MAJOR FINAL SITE PLAN (F113-005) (QUASI-JUDICIAL)

This is a request by Engineering Design & Construction, Inc., on behalf of Kanner Investment Partners, LLC, for approval of a major final site plan to construct an approximately 5,537-square-foot convenience store including 12 fueling stations and associated infrastructure. The subject site consists of an approximately 2.29-acre undeveloped parcel located at the southwest corner of SW Locks Road and SW Kanner Highway, in Stuart. Included is a request for a Certificate of Public Facilities Reservation.

Requested by: Engineering Design & Construction, Inc., Bradley Currie and David Baggett, P.E.

Presented by: John Sinnott, Senior Planner

Agenda Item: 25-0342

***For the Record:**

LPA: Ex parte communication disclosures: Jim Moir, has read many posts about this and knows there is substantial Public Comments about this. Mr. Brown and Mr. Hartman: none. Mr. Campenni spoke with Staff.

Intervener(s) present: None.

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

STAFF: Mr. Sinnott presented and turned in his work history.

LPA: Mr. Moir asked for the history of the Limited Commercial (LC) zoning across the way for the CSA Properties.

STAFF: Mr. Sinnott showed the area on the zoning map and stated that the parcels were likely rezoned to LC in 2004 and 2015. It looks to have been assigned the LC Future Land Use in 1982.

LPA: Mr. Moir asked when the General Commercial (GC) was assigned to the property in question tonight.

STAFF: Mr. Sinnott stated that it was rezoned in 2017, prior to that it was R3A, a category C zoning district which would have been assigned to the property in 1967; this has a variety of permitted uses which includes Gas Stations.

LPA: Mr Moir asked who the Applicant for the rezoning to GC was.

STAFF: Mr. Sinnott stated it was the owners of the property.

LPA: Mr. Moir stated that there has been some commentary from the Public regarding the drainage swale and tree removal, he asked Mr. Sinnott to show the trees.

STAFF: Mr. Sinnott showed the area along the western property boundary and showed the landscape plan.

LPA: Mr. Moir asked to have the canopy trees that will have to be removed to provide the bio-swale identified.

STAFF: Mr. Sinnott stated he did not have that plan; however, he showed the two large oaks that are being preserved.

LPA: Mr. Moir stated he hopes to be able to get that information from the Applicant.

LPA: Dr. Brown ask Mr. Sinnott to clarify if there had previously been a gas station on the property.

STAFF: Mr. Sinnott stated no, however, it was zoned for one before the rezoning in 2017.

LPA: Mr. Campenni asked for an explanation regarding the Alternative Compliance aspect of the application in regard to the facade.

STAFF: Mr. Sinnott explained the reasoning for the request from the Applicant regarding faux windows as well as building massing requirements and stated the Applicant was able to provide adequate justification to warrant those requests. Justification included the location of the bathrooms and walk-in coolers.

LPA: Mr. Campenni asked what additional accommodations were being asked for by the Applicant and asked for an explanation regarding the bio-swale.

STAFF: Mr. Sinnott reiterated the Alternative Compliance aspects. He further explained that the Applicant proposes a Type 4 landscape buffer in compliance with code; the amount of vegetation and material themselves are consistent with code and is in the same location as the bio retention area so essentially the stormwater retention area will be planted with vegetation material that is consistent with Type 4 landscape buffer; most trees being planted exceed the minimum requirements.

LPA: Mr. Campenni asked if that in and of itself was not in compliance with the LDR.

STAFF: Mr. Sinnott stated that the LDR reads that landscape buffers may be located in such areas with good cause shown and subject to the discretion of the Growth Management Director.

LPA: Mr. Campenni asked Mr. Schilling if he had shown discretion regarding this.

STAFF: Mr. Schilling stated, that as Mr. Sinnott indicated, the 40' landscape buffer that is going to be revegetated and exceeds in scale the requirements of the vegetation, he pointed out that there will be a 6' vinyl fence going along the east side of the drainage easement that will be dedicated to the county to

facilitate historical flows of that drainage pattern from Locks to Kanner and the depression area will be approximately 3' which will facilitate the stormwater function of the site and benefit the open space which has been exceeded on this site.

LPA: Mr. Moir asked if there is engineered infiltration in that trench or is it simply a lined swale.

STAFF: Mr. Schilling said he believes it is not lined, he further stated that the Applicant can weigh in on that as well. He noted that there is a bulkhead at that area and asked Mr. Sinnott to point out this area on the plan. Mr. Sinnott showed and noted that there are flumes and a control structure, and this will be planted with pickerel weed and arrowhead to mimic what a wetland area might look like.

LPA: Mr. Moir asked if it was intended to stay wet.

STAFF: Mr. Sinnott stated the Applicant's EOR could clarify that and reiterated that it would be a bio retention/stormwater detention area.

LPA: Mr. Campenni asked if the current zoning in place now allows for this plan.

STAFF: Mr. Sinnott said yes.

APPLICANT: Mr. Waters presented and turned in their affidavit of notifications to the neighboring property owners. Mr. Waters went over the history of the zoning for this site. Mr. Waters then introduced David Baggett, Civil Engineer for the project. Mr. Baggett detailed the landscape buffer being proposed and reiterated the zoning and permitted uses for the site and further detailed the proposed landscape buffers and drainage plan.

LPA: Mr. Campenni asked if the traffic study addresses the vehicle stacking that is likely to occur on Locks.

APPLICANT: Mr. Baggett stated that the signal has been studied and introduced Luke Lambert with O'Rourke Engineering and Planning. Mr. Lambert stated that the studies were conducted and comply with requirements. The analysis shows that the worst-case scenario shows the que length backing up to approximately 400' from the traffic signal.

LPA: Mr. Moir asked if boat and trailer traffic and is considered in the traffic count.

APPLICANT: Mr. Lambert stated that the traffic study software considers the standard occupancy car at 25' in length.

LPA: Mr. Moir stated that it would then be considerably more considering Locks Landing, Phipps Park and boat traffic and trailers using this as their primary gas station.

APPLICANT: Mr. Lambert stated that that was subjective to any given day.

LPA: Mr. Campenni asked if there was anyone from the County who could verify those numbers.

STAFF: Mr. Schilling stated, yes, they have someone who could speak on traffic.

LPA: Mr. Moir asked the Applicant to clarify a potential storm drain on Kanner.

APPLICANT: Mr. Baggett said they are providing continued conveyance of what drains off of Locks Road, which doesn't have a formal drainage system now, it drains through the property along the western boundary to a ditch that continues to the west off the Applicants property. Everything within their property boundary is being treated in compliance with the LDR & SFWMD onsite. Kanner Highway already has a permitted drainage system that serves that roadway, they are maintaining the connectivity of that system.

LPA: Mr. Moir asked for clarification of an image regarding the bump out on the south side of Kanner Highway on CSA property that is being called the expansion of the left-hand turn lane.

APPLICANT: Mr. Baggett explained that they are cutting through the existing median to create the additional left turn lane.

LPA: Mr. Campenni asked what would happen if the Applicant did not get the architectural accommodation and you have to build according to current code. He further asked if that would stop the project.

APPLICANT: Mr. Baggett stated that they would have to discuss that with the team, but it would not stop the project.

LPA: Dr. Brown asked if this new location would have any bearing on the existing location on Monterrey and Kanner, does this mean a closure there.

APPLICANT: Mr. Baggett said no.

LPA: Mr. Campenni asked to hear from the County regarding the traffic stacking. He stated that if the back up is estimated to be 400' that will be 12 cars, at 25' each.

STAFF: Mr. Gorton said the analysis was done using the Highway Capacity Manual, and based on that it was determined that the 95th percentile, which is nearly the worst-case scenario, is a 400' que during the peak hour. He further stated that they worked with the Applicant regarding this to limit the left turn access to the site. It is preferred and designed so that vehicles that want to enter from Kanner Highway will continue past Locks and use the entrance there.

PUBLIC: The following people spoke regarding this item:

Christine Truitt

Robin Osborn

Gene Reiff

Rick Osborn

Michelle Kahn

Fazlul Ahmed
Paul Fulks
Brandi Fulks
Eileen Weisgerber
Roberta Moss
John Turner
Denise Clerkin
David Haluck
Tammy Amerson
Sharon Rieck

APPLICANT: Mr. Waters addressed some of the comments stated by the Public, he also reiterated that the project is in compliance with the zoning for the property.

LPA: Mr. Moir asked for clarification regarding the Limited Commercial property across the road from the project. He asked when that property was zoned as Limited Commercial. He stated that, historically, that type of zoning change is done to prevent gas stations.

STAFF: Mr. Schilling asked Mr. Moir to further explain his question.

LPA: Mr. Moir explained that he is asking about the Limited Commercial zoning at that intersection and referenced CSA's property across the street from this project, he feels that sets precedent for the intersection.

STAFF: Ms. Elder reminded the Board that they are on the WAWA site and the other site is not relevant to this hearing.

LPA: Mr. Campenni asked if the Fire Department, which is down Locks Road, raised any concerns whatsoever about their ability to come in or get out.

STAFF: Mr. Schilling stated there is always a preferred secondary means of ingress and egress, which is the case here; from a traffic and or Fire Department standard this site meets those requirements. There are provisions in the Comp Plan for Connectivity. For example, if the intersection were shut down there are means to get around that intersection through this site. This was reviewed and there were no concerns from the Fire Marshalls perspective for traffic movement at this location.

LPA: Mr. Campenni stated he'd like to confirm his understanding that there is no problem with the site built as proposed with the fire department and they are not concerned with getting in and out of their fire house.

STAFF: Mr. Schilling said they have complied the project so therefore have no concerns.

LPA: Mr. Moir stated he has concerns regarding Roebuck Creek and that it does not drain into a pristine waterbody, and it is not going to be enhanced by the pervious surfaces of another gas station, however, that is probably not enough to black ball this project. He is very concerned that the Future

Land Use map does not recommend another gas station here.

LPA: Mr. Campenni stated this is not an ideal project, obviously, but the LPA looks at what the codes are, it doesn't look at whether a project is good for a neighborhood per se. He stated he has two concerns; the queuing is a big concern for the neighborhood, but Staff has recommended approval of the project and the traffic engineer complies. He stated his second concern is that this is an as-right project; however, the Applicant has asked for Alternate Compliance regarding the building, he therefore would make a motion that the Commission approves the project but without the Alternate Compliance. He stated that gas stations are allowed, and they can only say whether the code is being upheld or not.

MOTION: A Motion was made by Mr. Campenni to approve staff's recommendation of approval with the condition that the Alternate Compliance on the architecture is removed, and a recommendation is made that the applicant look into the queuing problem on Locks Road to see if a better solution can be found.

LPA: Mr. Moir asked Mr. Campenni if he would include the buffering Alternative Compliance aspect as well. Mr. Campenni then asked Mr. Schilling and Ms. Elder if he was allowed to include that in the Motion as it was taken off the table administratively.

STAFF: Mr. Schilling stated that there is no Alternative Compliance with respect to the buffer; that is Section 4.663.b.8.a, the use of bufferyards, he quoted the section: *Utilities, easements, septic drainfields or other physical improvements shall not be placed in bufferyards, unless approved by the Growth Management Director based on good cause shown.* He stated that he had previously outlined those with respect to the area being heavily vegetated, meeting all the requirements of a 40' landscape buffer, plus 10' additional bio-swale with a 6' opaque fence. He said therefore, in his professional opinion it meets the criteria; therefore, it is not an alternative compliance, it is imbedded in the application.

LPA: Mr. Campenni stated that he cannot then, in good conscious, include that in the motion.

LPA: Mr. Hartman stated that he doesn't like where this is, but the Comp Plan allows it and it meets code, it is by-right. He noted that the last time the County said no to a by-right project they were sued.

MOTION SECONDED by Dr. Brown. The Motion did NOT carry: 2 opposed (Mr. Moir and Dr. Brown) to 2 for (Mr. Hartman and Mr. Campenni).

STAFF: Mr. Schilling asked to have the motion clarified to understand that the motion can be Seconded and then Opposed by the same Board member.

STAFF: Ms. Elder stated that yes, it is allowed.

COMMENTS:

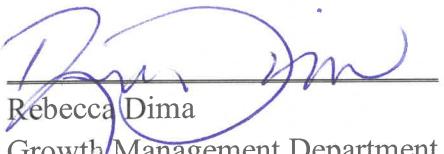
1. **PUBLIC** – None.
2. **STAFF** – Mr. Schilling let the Board members know that there was an advertised application for the Dec. 19th meeting and polled them regarding attendance.

3. **LPA** – Dr. Brown and Mr. Campenni are unable to attend, Mr. Hartman and Mr. Moir are available to attend.

ADJOURN:

The Local Planning Agency meeting of December 05, 2024, adjourned at 8:47 pm.

Respectfully Submitted:


Rebecca Dima
Growth Management Department
Agency Recorder/Notary

1/16/2025
Date Signed

Approved by:


for Rick Hartman, Vice Chair

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