



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

7 BREW STUART REZONING

A. Application Information

Applicant:	Brew Horizons, LLC
Property Owner:	Outback Reel Estate, LLC
Agent for Applicant:	HFA-AE LTD
County Project Coordinator:	Luis Aguilar, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	D069-002
Record Number:	DEV2026040004
Report Number:	2026_0616_D069-002_Staff-Report_Final
Application Received:	05/12/2026
Transmitted:	05/13/2026
Date of Report:	06/16/2026
LPA Meeting:	07/16/2026
BOCC Meeting:	07/28/2026

B. Project description and analysis

This is a request by HFA-AE LTD, on behalf of Brew Horizons LLC, for a proposed amendment to the county zoning atlas for a LI, Limited Industrial district designation consistent with the existing Industrial future land use. The proposed amendment is to change the existing zoning district classification from M-1 (Industrial) District to LI (Limited Industrial) District, or the most appropriate zoning district. The approximately 1.93-acre property consists of one parcel located approximately 560 feet north of SE Indian St with current access on the east side of SE Federal Highway and South of SE Carnivale Court. The subject site is located at 3101 SE Federal Highway in Stuart. Included with this application is a request for a Certificate of Public Facilities Exemption.

The requested LI zoning district is consistent with the site's current Industrial Future Land Use designation. The existing zoning district (M-1) is a Category C zoning district, which is consistent with the Industrial future land use designation pursuant to Section 3.402. LDR, Martin County, Fla. However, the property is also subject to covenant agreements (Covenant #210 to LI and Covenant #182 to LI); therefore, this request to rezone is considered mandatory (Section 3.401.B). See Section O (Attachments) for a copy of Covenant 210 and Covenant 182.

There are three (3) standard Category “A” zoning districts available for implementing the Industrial land use policies of the Comprehensive Growth Management Plan (CGMP): LI (Limited Industrial District), GI (General Industrial District), and HI (Heavy Industrial District). In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as an option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange, the district requires additional benefits for the County and greater control over the County.

The applicant proposes to rezone the property to the LI (Limited Industrial District), the most appropriate zoning district consistent with the permitted uses and development standards of the current M-1 zoning. The following tables compare the permitted uses and development standards for the LI, GI, and HI Category “A” districts. This information is found in Table 3.11.2 within the Martin County Land Development Regulations, Article 3, Division 2, Section 3.11.

Table 1: Permitted Uses

USE CATEGORY	LI	GI	HI
Accessory dwelling units	P	P	P
Agricultural processing, indoor		P	P
Agricultural processing, outdoor			P
Agricultural veterinary medical services	P	P	
Aquaculture	P	P	P
Plant nurseries and landscape services	P	P	
<i>Public and Institutional Uses</i>			
Administrative services, not-for-profit	P	P	P
Cemeteries, crematory operations and columbaria	P	P	P
Correctional facilities		P	P
Educational institutions	P	P	P
Electrical generating plants			P
Places of worship	P	P	
Post offices	P		
Protective and emergency services	P	P	P
Public libraries	P		
Public parks and recreation areas, active	P	P	P
Public parks and recreation areas, passive	P	P	P
Recycling drop-off centers	P	P	P

Solid waste disposal areas			P
Utilities	P	P	P
Adult business	P	P	P
Business and professional offices	P	P	
Commercial amusements, indoor	P		
Commercial amusements, outdoor	P		
Commercial day care	P	P	
Construction industry trades	P	P	P
Construction sales and services	P	P	P
Financial institutions	P	P	
Flea markets	P	P	
General retail sales and services	P		
Golf driving ranges	P		
Hotels, motels, resorts and spas	P	P	
Kennels, commercial	P	P	P
Limited retail sales and services	P		
Medical services	P		
Pain management clinics	P		
Residential storage facilities	P	P	
<u>Restaurants, convenience, with drive-through facilities</u>	<u>P</u>		
Restaurants, general	P	P	
Shooting ranges, indoor	P	P	P
Trades and skilled services	P	P	P
Vehicular sales and service	P	P	
Vehicular service and maintenance	P	P	P
Veterinary medical services	P	P	P
Wholesale trades and services	P	P	P
Airstrips			
Airports, general aviation		P	P
Truck stop/travel center			P
<i>Industrial Uses</i>			
Biofuel facility		P	P
Extensive impact industries		P	P
Limited impact industries	P	P	P
Mining			P

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Salvage yards		P	P
Yard trash processing			P
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002	P	P	
Biomedical research	P	P	P
Bioscience research	P	P	P
Computer and electronic components research and assembly	P	P	P
Computer and electronic products research and assembly	P	P	P
Computer programming/software research	P	P	P
Computer system design	P	P	P
Electromedical apparatus research and assembly	P	P	P
Electronic equipment research and assembly	P	P	P
Laser research and assembly	P	P	P
Lens research	P	P	P
Management, scientific and technical services	P	P	P
Marine Research	P	P	P
Medical and dental labs	P	P	P
Medical equipment assembly	P	P	P
Optical equipment assembly	P	P	P
Optical instruments assembly	P	P	P
Optoelectronics assembly	P	P	P
Pharmaceutical products research	P	P	P
Precision instrument assembly	P	P	P
Professional, scientific and technical services	P	P	P
Reproducing magnetic and optical media	P	P	P
Research and development laboratories and facilities, including alternative energy	P	P	P
Scientific and technical consulting services	P	P	P
Simulation training	P	P	P
Technology centers	P	P	P
Telecommunications research	P	P	P
Testing laboratories	P	P	P
<i>Targeted Industries Business (TIB) Uses</i>			
Aviation and aerospace manufacturing	P	P	P
Business-to-business sales and marketing	P	P	P
Chemical manufacturing	P	P	P

Convention centers	P	P	P
Credit bureaus	P	P	P
Credit intermediation and related activities	P	P	P
Customer care centers	P	P	P
Customer support	P	P	P
Data processing services	P	P	P
Electrical equipment and appliance component manufacturing	P	P	P
Electronic flight simulator manufacturing	P	P	P
Fiber optic cable manufacturing	P	P	P
Film, video, audio and electronic media production and postproduction	P	P	P
Food and beverage products manufacturing	P	P	P
Funds, trusts and other financial vehicles	P	P	P
Furniture and related products manufacturing	P	P	P
Health and beauty products manufacturing	P	P	P
Information services and data processing	P	P	P
Insurance carriers	P	P	P
Internet service providers, web search portals	P	P	P
Irradiation apparatus manufacturing	P	P	P
Lens manufacturing	P	P	P
Machinery manufacturing	P	P	P
Management services	P	P	P
Marine and marine related manufacturing	P	P	P
Metal manufacturing	P	P	P
National, international and regional headquarters	P	P	P
Nondepository credit institutions	P	P	P
Offices of bank holding companies	P	P	P
On-line information services	P	P	P
Performing arts centers	P	P	P
Plastics and rubber products manufacturing	P	P	P
Printing and related support activities	P	P	P
Railroad transportation	P	P	P
Reproducing magnetic and optical media manufacturing	P	P	P
Securities, commodity contracts	P	P	P
Semiconductor manufacturing	P	P	P

Simulation training	P	P	P
Spectator sports	P	P	P
Surgical and medical instrument manufacturing	P	P	P
Technical support	P	P	P
Telephonic and on-line business services	P	P	P
Textile mills and apparel manufacturing	P	P	P
Transportation air	P	P	P
Transportation equipment manufacturing	P	P	P
Transportation services	P	P	P
Transaction processing	P	P	P
Trucking and warehousing	P	P	P
Wood and paper product manufacturing	P	P	P

The following are the minimum development standards in the current and available zoning districts. This information is found in Table 3.12.1. of the Martin County Land Development Regulations, Article 3, Division 2.

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	LI	15,000	100	—	20	40	30(l)	20	—
A	GI	30,000	125	—	20	50	40	20	—
A	HI	1 ac.	125	—	—	60	40	20	—

The following are the minimum structure setbacks, by story, for each zoning district. This

information is found in Table 3.12.2. of the Martin County Land Development Regulations, Article 3, Division 2.

C A T	Zoning District	Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
		1	2	3	4	1	2	3	4	1	2	3	4
A	LI	15(c)	15(c)	15(c)	15(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)
A	GI	15(c)	15(c)	15(c)	15(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)
A	HI	40	40	40	40	40	40	40	40	40	40	40	40

Standards for Amendments to the Zoning Atlas

1. The CGMP states in Chapter 4, Section 4.4: “Goal 4.4 To eliminate or reduce uses of land that are inconsistent with community character or desired future land uses.” And, in Objective 4.4A. “To eliminate inconsistencies between the FLUM and the zoning maps and regulations.” Mandatory rezonings aim to apply a Category A zoning district that is consistent with the existing Future Land Use.
2. The Martin County Land Development Regulations, Article 3, Section 3.2 E.1. provide the following “Standards for amendments to the Zoning Atlas.”

The Future Land Use Map of the CGMP establishes the optimum overall distribution of land uses. The CGMP also establishes a series of land use categories, which provide, among other things, overall density and intensity limits. The Future Land Use Map shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible pursuant to the CGMP and these Land Development Regulations. All goals, objectives, and policies of the CGMP shall be considered when a proposed rezoning is considered. The County shall have the discretion to decide that the development allowed on any given parcel of land shall be more limited than the maximum allowable under the assigned Future Land Use Category; provided, however, that the County shall approve some development that is consistent with the CGMP, and the decision is fairly debatable or is supported by substantial, competent evidence depending on the fundamental nature of the proceeding. If upon reviewing a proposed rezoning request the County determines that the Future Land Use designation of the CGMP is inappropriate, the County may deny such rezoning request and initiate an appropriate amendment to the CGMP.

3. The Martin County Land Development Regulations, in Section 3.2.E.2., provides the following “Standards for amendments to the Zoning Atlas.” In the review of a proposed

amendment to the Zoning Atlas, the Board of County Commissioners shall consider the following:

- a. Whether the proposed amendment is consistent with all applicable provisions of the Comprehensive Plan; and,

The subject property is designated as Industrial on the Future Land Use Map (FLUM), adopted in 1982. The requested LI (Limited Industrial) zoning district implements the Industrial Future Land Use policies of the CGMP. The granting of a zoning change to the LI zoning district by the County will be consistent with the policies set forth in the CGMP.

The subject property is designated for Industrial land use on the Future Land Use Map (FLUM) of the Comprehensive Growth Management Plan (CGMP). The zoning implementation policies and requirements are contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code identify three (3) standard zoning districts, including LI, GI, and HI, that are available to implement the Industrial future land use classification.

In addition to the standard zoning districts the PUD (Planned Unit Development) District is also available as a fourth option. The PUD District offers more design flexibility to applicants for proposed projects in exchange for additional benefits provided to the public and more controls by the County, which is considered concurrently with a proposed site plan. The choice of the most appropriate district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) are asked to consider based on the “standards for amendments to the zoning atlas” provided in Section 3.2 E.1., Land Development Regulations (LDR), Martin County Code (MCC).

- b. Whether the proposed amendment is consistent with all applicable provisions of the Land Development Regulations (LDR); and,

There are three (3) standard zoning districts that are available to implement the Industrial future land use policies of the CGMP. The three (3) standard zoning districts include the LI Limited Industrial, GI General Industrial, and HI Heavy Industrial Districts.

The subject property has an area of approximately 1.93 acres, a lot width of approximately 200 linear feet fronting the right-of-way for SE Federal Hwy, and a lot width of approximately 630 feet fronting the right-of-way for SE Carnivale Ct, a consistent with the minimum development standards governing the requested LI Zoning District, as shown above in Table 3.12.1. With respect to the other Land Development Regulation requirements related to roads, drainage, environmental protection, utilities, emergency services, landscaping, etc., full compliance cannot be assessed until a specific plan has been selected for the property and an application is submitted to the

County.

The granting of a zoning change by the County does not exempt the applicant from any of the County's Land Development Regulations and no development of the property is proposed as part of this application requesting a rezoning. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County. In addition to the straight zoning district, the PUD (Planned Unit Development) District is also available as another option. The granting of a zoning change by the County does not exempt the applicant from any of the County's Land Development Regulations. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

- c. Whether the proposed district amendment is compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the property for the proposed zoning use; and,

As shown in the figures contained in Section E below, the approximately 1.9-acre property is located at 3101 SE Federal Highway, east of the road, approximately 600 feet north of the SE Federal Highway and SE Indian Street intersection, in Stuart. The adjacent parcels to the north, south, and east, have the same Industrial land use (LI), or the M-1, Industrial Category C district. The property west of the subject site has a Commercial PUD zoning district from the city of Stuart. The primary land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for the local area include a concentration of industrial uses. The proposed zoning district of LI is the least intensive zoning district for the implementation of the Industrial future land use designation. Existing development within the area consists primarily of industrial and commercial uses, consistent with the location and future land use designation. Therefore, the requested LI zoning district is suitable to the site and is compatible with the character of the existing land uses in the adjacent and surrounding area.

- d. Whether and to what extent there are documented changed conditions in the area; and,

The requested zoning district of LI is the least intensive Category A zoning district that is consistent with the future land use designation and the currently existing development associated with the areas adjacent to, and within proximity of, the subject site. This site is located within the primary urban service district and the infrastructure needed to support and provide services to the existing and proposed development in this local area are available. Development that has occurred within recent years located both north and south of the site is in conformance with the industrial land use designated for the area. Any development proposed on the property in conformance with the Industrial future land use designation and LI zoning district will be required to meet the County development standards. Therefore, the proposed LI zoning is compatible with the

existing historical uses and the current contemporaneous development pattern and is appropriate for this property.

- e. Whether and to what extent the proposed amendment would result in demands on public facilities; and,

The subject property is located within the Primary Urban Services District of the County. As such, the full range of urban services at service levels established by the CGMP is available or must be made available for any uses that are planned for the property. Water and wastewater services to the site are already provided to the existing site by Martin County Utilities, the regional service provider for this area of the County.

- f. Whether and to what extent the proposed amendment would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the county's resources; and,

The proposed amendment to the zoning atlas is consistent with the Commercial General assigned to the Future Land Use Map in 1982. The permitted uses and Land Development regulations pertaining to the LI Zoning District are well suited for the area and will conserve the value and development pattern that is well established.

- g. Consideration of the facts presented at the public hearings.

The subject application requires a public hearing before the Local Planning Agency, who will make a recommendation on the request; and, before the Board of County Commissioners, who will take final action on the request. The two hearings will provide the public an opportunity to participate in the review and decision-making process.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Section F through T of this report. The current review status for each agency is as follows:

F	Comprehensive Plan Review	Luis Aguilar	772-288-5931	Comply
G	Site Design Review	Luis Aguilar	772-288-5931	Comply
H	County Attorney Review	Sebastian Fox	772-419-6973	Ongoing
I	Adequate Public Facilities Review	Luis Aguilar	772-288-5931	Comply

D. Review Board action

This application is classified as an amendment to the official zoning map. Pursuant to Section 10.3.B., Land Development Regulations, Martin County, Florida., a review of this application at a public hearing is required by the Local Planning Agency (LPA), which shall provide a recommendation for the Board's consideration. And, pursuant to Section 10.5.F., Land Development Regulations, Martin County, Florida., final action on this request for an

amendment to the official zoning map is required by the Board of County Commissioners (BOCC) at a public hearing.

E. Location and site information

Parcel number:	383841014000000605
Address:	3101 SE Federal Highway
Existing zoning:	M-1, Industrial District
Future land use:	Industrial
Gross area of site:	1.93 acres

Figure 1: Location Map



Figure 2 Subject Site Aerial



Table 2: Adjacent Existing or Proposed Development

Properties	Development
To the East:	Commercial
To the North:	Commercial
To the West:	Commercial, City of Stuart
To the South:	Commercial

Figure 3: Zoning Atlas

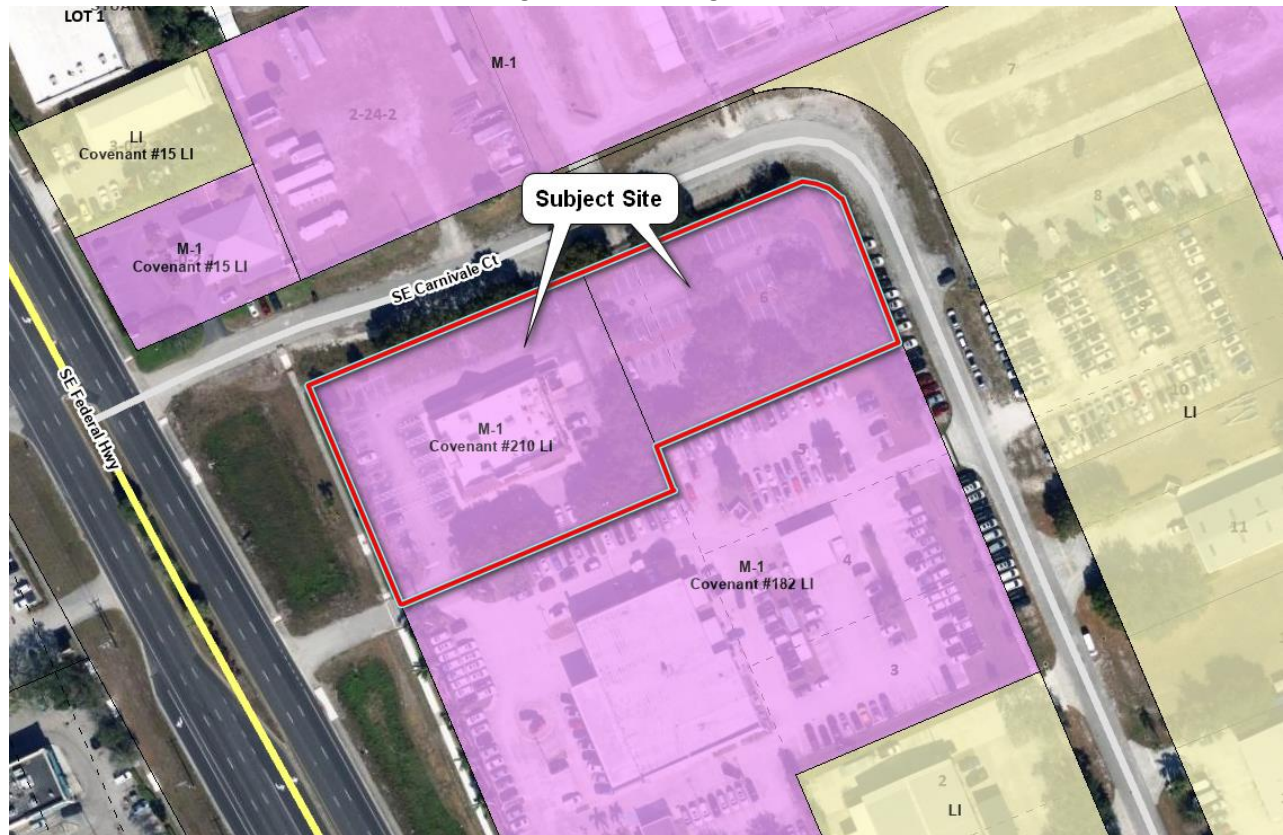


Figure 4.1: Zoning Atlas (City of Stuart)

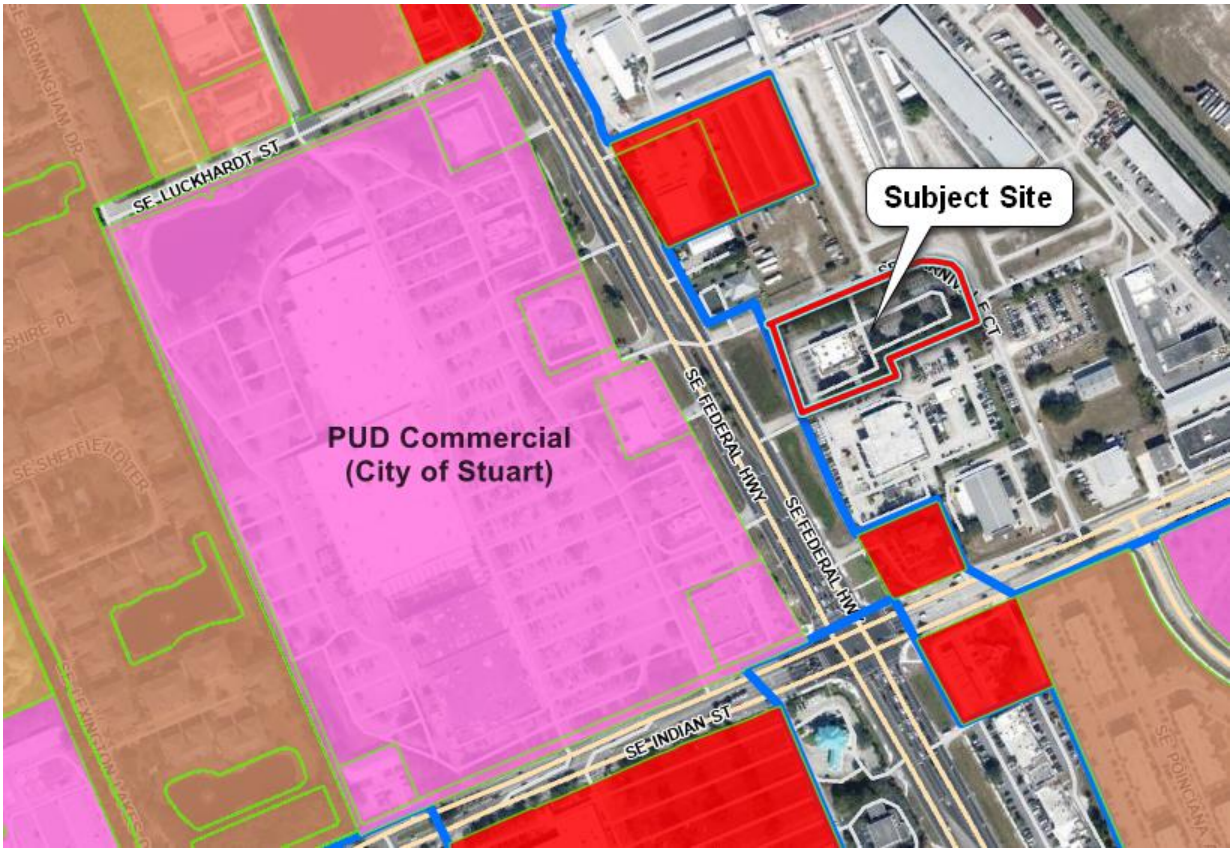


Table 3: Adjacent Properties Zoning

Properties	Zoning
To the East:	M-1 Covenant #182 to LI Industrial, and LI
To the North:	M-1 Covenant #15 to LI Industrial, and M-1
To the West:	Commercial PUD (City of Stuart)
To the South:	M-1 Covenant #182 to LI Industrial, and LI

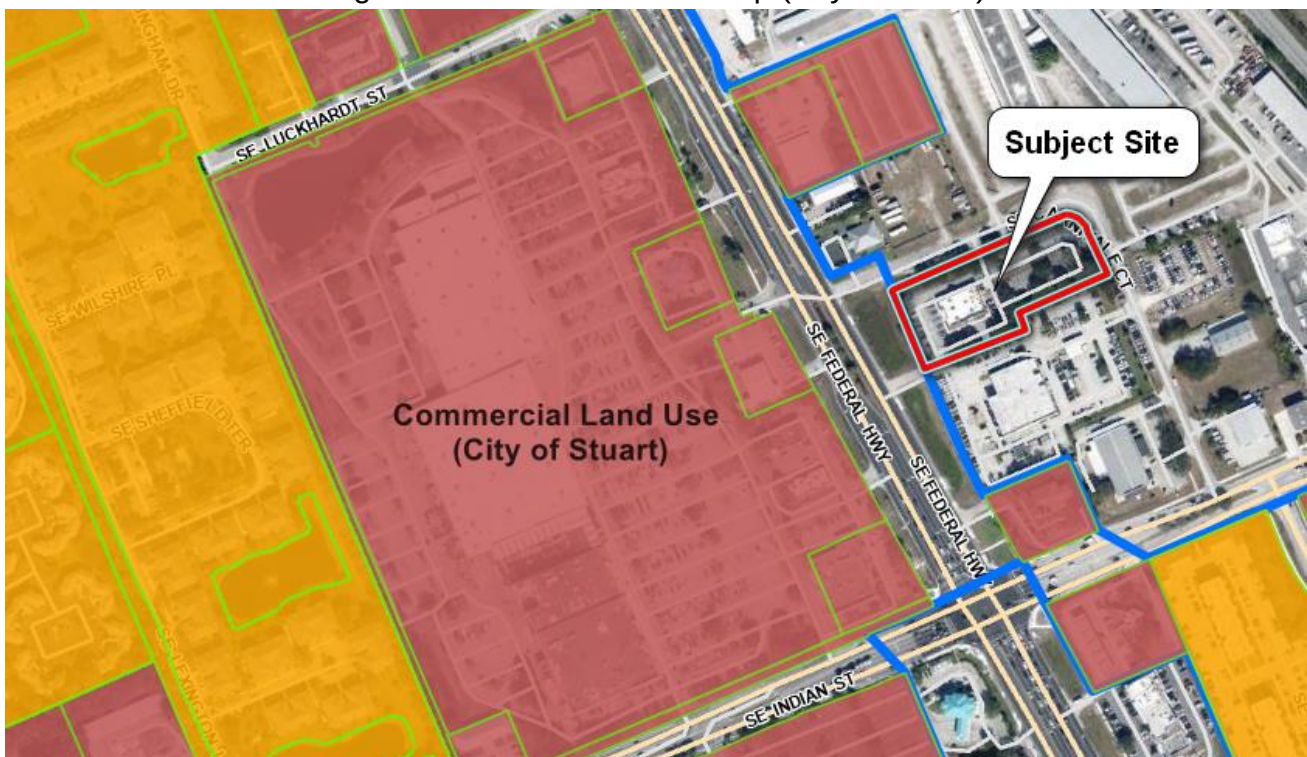
Table 4: Adjacent Properties Future Land Use

Properties	Future Land Use
To the East:	Industrial
To the North:	Industrial
To the West:	Commercial Land Use (City of Stuart)
To the South:	Industrial

Figure 5: Future Land Use Map



Figure 6: Future Land Use Map (City of Stuart)



F. Determination of compliance with Comprehensive Growth Management Plan requirements – Growth Management Department

Findings of Compliance:

The application proposes rezoning to a standard zoning district defined in the Land Development Regulations for the purpose of implementing the CGMP for lands designated Industrial on the Future Land Use Map of the CGMP pursuant Martin County, Florida, Land Development Regulations, Article 3, Section 3.10.

Staff has reviewed this application and finds that that it complies with the LDR, as detailed within this report. Staff recommends approval of this development application as consistent with the guidelines and standards of the applicable Comprehensive Plan goals, objectives and policies, as implemented in the LDR.

G. Determination of compliance with land use, site design standards, zoning and procedural requirements – Growth Management Department

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and, pursuant to the analysis provided in Section B of this report, finds this application in compliance with the applicable regulations. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

Informational: Public Hearing Notice Requirements

Public noticing requirements are defined in the Martin County Land Development Regulations, Article 10, Section 10.6. The following are the applicant's responsibility.

Subsection 10.6.B. Posting of signs. Size, content, location(s), color, font sizes, and maintenance.

1. Notarized certification of posting with pictures required to be provided to the Growth Management project coordinator within 20 days of receiving the completeness review.
2. Posted signs to be removed within 10 days after the final action has been taken on the development application.

Upon the staff report indicating the application is substantially compliant the following shall be required.

1. A letter complying with subsection 10.6.G., to all surrounding property owners defined in subsection 10.6.E.2., shall be mailed at least 14 days prior to the public hearing. The project coordinator will provide a sample letter to the applicant who will review the content, add the location map and return a copy of the sample letter intended to be mailed for approval by the project coordinator prior to mailing. The sample letter should not contain any property owners' names or addresses and should only state "Dear property owner:".

2. A list of all property owners within a distance of 500 feet of the boundaries of the affected property. The list must be certified as to its authenticity and completeness by an attorney at law or title company. The applicant must provide this list to Growth Management no later than two weeks prior to the scheduled time of the public hearing. Do not send a hardcopy or email this list. Growth Management will provide a ShareBase link for this submittal.
3. Subsection 10.10.B.2. Proof of required mailed notices. At the public hearing, after staffs' presentation, the applicant is required to turn in the proof of mailing. Proof of mailing typically consists of a notarized affidavit that mailing occurred per the requirements of Article 10 and include exhibits for the legal description, sample letter to surrounding property owners and the certified list of property owners less the property owners' names. When both public hearings are noticed with one advertisement this affidavit need only be turned in at the first public hearing.
4. Subsection 10.6.D. newspaper advertisement. Notice(s) of public hearings regarding development applications shall be published by the County at least 14 days prior to the date of the public hearing in the legal advertisement section of a newspaper of general circulation in Martin County. The applicant shall reimburse the County for the cost(s) of the newspaper ad(s) as a post approval requirement for the application.

H. Determination of compliance with legal requirements – County Attorney's Office

Review ongoing.

I. Determination of compliance with adequate public facilities requirements – responsible departments

The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B., LDR, Martin County, Florida. Exempted development will be treated as committed development for which the County assures concurrency.

Examples of developments that do not create additional impact on public facilities include:

- A. Additions to nonresidential uses that do not create additional impact on public facilities;
- B. Changes in use of property when the new use does not increase the impact on public facilities over the pre-existing use, except that no change in use will be considered exempt when the preexisting use has been discontinued for two years or more;
- C. Zoning district changes to the district of lowest density or intensity necessary to achieve consistency with the Comprehensive Growth Management Plan;
- D. Boundary plats which permit no site development

J. Post-approval requirements

After approval of the development order, the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Please submit all of the following items in a single hard copy packet. Once submitted, a unique ShareBase link will be provided to the agent via email. CDs and Flash Drives are no longer accepted for post approval submittals. The 24" x 36" plans should be submitted rolled and in separate sets as itemized below. Please note, the Public Works Department still requires a blank flash drive for the plans that will be stamped as part of post approval process. This flash drive will be distributed to the applicant/engineer of record at the pre-construction meeting. This blank flash drive now needs to be brand new, unopened in the original package.

1. Response to Post Approval Requirements List

The applicant will submit a response memo addressing the items on the Post Approval Requirements List.

2. Post Approval Fees

The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.

3. Recording Costs

The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.

K. Local, State, and Federal Permits

There are no applicable Local, State and Federal Permits associated with amendments to the County Zoning Atlas.

L. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

Fee type:	Fee amount:	Fee payment:	Balance:
Application review:	\$1,000	\$1,000	\$0.00
Advertising*:	\$0.00	\$0.00	\$0.00
Recording**:	\$0.00	\$0.00	\$0.00

* Advertising fees will be determined once the ads have been placed and billed to the County.

** Recording fees will be identified after the post approval package has been submitted.

X. General application information

1. Applicant

Name: Brew Horizons, LLC
Contact: Manny Paiva
Address: 200 West Park Drive, Suite 130
City/State: Westborough, MA
Phone Number: 508-254-6157
Email: mpaiva@transcendentbrandsco.com

2. Owner

Name: Outback Reel Estate, LLC
Address: 240 SW 33rd Court
City/State: Fort Lauderdale, FL

3. Agent

Name: HFA-AE, LTD.
Contact: Megan Broderick
Address: 1705 S. Walton Blvd, Ste 3
City/State: Bentonville, AR
Phone Number: 479-326-8218
Email: megan.broderick@hfa-ae.com

Y. Acronyms

ADA	Americans with Disability Act
AHJ	Authority Having Jurisdiction
ARDP	Active Residential Development Preference
BCC	Board of County Commissioners
CGMP	Comprehensive Growth Management Plan
CID	Capital Improvements Element
CIP	Capital Improvements Plan
FACBC	Florida Accessibility Code for Building Construction
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
LDR	Land Development Regulations
LOS	Level of Service
LPA	Local Planning Agency
MCC	Martin County Code
MCHD	Martin County Health Department
NFPA	National Fire Protection Association
SFWMD	South Florida Water Management District

UPA Units per Acre

Z. Attachments

- Covenant 210

[5313] MARSHA STILLER
CLERK OF CIRCUIT COURT
MARTIN CO., FL

RECORDED & VERIFIED
BY *[Signature]* D.C.

01072198 94 JUL 11 PM 3:17
COVENANT RUNNING WITH THE LAND

210
C. Outback

THIS AGREEMENT, made this 3rd day of May,
1994, between Morse Operations, Inc.,
hereinafter referred to as OWNER AND MARTIN COUNTY, hereinafter referred to as
COUNTY;

W I T N E S S E T H:

WHEREAS, OWNER desires to develop the following described real
property, which is located in Martin County, Florida:

See Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, under the present Zoning Code, OWNER'S property is
classified under the M-1 zoning district; and

WHEREAS, under the new Comprehensive Growth Management Plan, OWNER'S
property is classified as Industrial; and

WHEREAS, the uses permitted in the M-1 district under the
present code are consistent with the uses permitted in the Limited Industrial
district under the new Land Development Code; and

WHEREAS, OWNER wishes to develop the above-mentioned property without
rezoning the property to conform to the new Land Development Code at the
present time; and

WHEREAS, COUNTY wishes to insure that it will be able to rezone the
property at some future time to conform to the new Land Development Code and
the Comprehensive Growth Management Plan;

NOW, THEREFORE, in consideration of the terms and conditions set
forth herein, and other good and valuable consideration, the receipt of which
is hereby acknowledged, the parties hereto do hereby agree as follows:

1. OWNER may develop the property without obtaining a rezoning, and
agrees to develop the property in accordance with the performance requirements
of the Limited Industrial district in the new Land Development Code.
2. COUNTY may rezone the property in the future, and OWNER, and his
heirs, successors, or assigns, agree not to object to or otherwise interfere
with that rezoning. Said rezoning shall be to a district of the Land
Development Code consistent with the Comprehensive Plan land use designation,
and shall not alter the uses legally in existence or under permit on the
parcel at the time of the rezoning.

- continued -

OR BK 1080 PG 1215 000X223 PG0996

DEVELOPMENT REVIEW STAFF REPORT

3. This agreement shall be filed in the Public Records of Martin County, Florida and shall be a covenant running with the land.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates indicated below.

ATTEST:

Name Printed:
Title:

Morse Operations, Inc.

By: Edward J. Morse, Jr.
Name Printed: Edward J. Morse, Jr.,
Title: President
Address: 6363 N.W. 6th Way, Suite 400
Ft. Lauderdale, FL 33309

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 3rd day of May, 19 94, by Edward J. Morse, Jr., President (name of officer or agent and title) of Morse Operations, Inc. (name of corporation), a Florida (state or place of incorporation) corporation, on behalf of the corporation. He or she is personally known to me or has produced Florida Drivers License (type of identification) and did take an oath.

NOTARY PUBLIC



KURT S. HARMON
My Commission Expires
June 25, 1994

Kurt S. Harmon
Name Printed: Kurt S. Harmon
State of Florida at Large
My Commission Expires:

"COUNTY"

BUILDING AND ZONING DEPARTMENT

By: Michael F. Sinkey, Director

APPROVED AS TO FORM AND CORRECTNESS:

Noreen S. Dreyer, County Attorney

STATE OF FLORIDA)
COUNTY OF MARTIN)

The foregoing instrument was acknowledged before me this 7th day of July, 19 94, by NANCY J. IHLE and Valerie Messier personally known to me or who has produced N/A and who did take an oath.

NOTARY PUBLIC

Nancy J. Ihle
Name Printed: Nancy J. Ihle
State of Florida at Large 00132744
My Commission Expires:



NANCY J. IHLE
My Comm. Exp. 8-1-95
Bonded By Service Ins. Co

Reference: Outback Steakhouse
Dec 6/20/94

OR BK1080 PG1216

000223 PG0997

~~LEGAL DESCRIPTION~~
(Official Record Book 1030, Pages 2305-2308)

PARCEL 1:

A parcel of land being a portion of Lots 1 through 10 and all of Lots 11 through 20, Block 1, and a portion of Lots 1 through 10, Block 3, and a portion of Pink Street (a 40.00 foot Right-of-Way), as shown on the plat of Washington Park, recorded at Plat Book 1, Page 2, public records of Martin County, Florida, said parcel being more particularly described as follows:

Commence at the Northwest corner of Tract 62 as shown on the plat of Port Sewall, as recorded at Plat Book 3, Page 7, public records of Palm Beach (now Martin) County, Florida; thence South 23°12'02" East along the West line of said Tract 62 a distance of 20.00 feet to a point on the South Right-of-Way line of Lincoln Street, as shown on the aforementioned plat of Washington Park; thence continue South 23°12'02" East along the East line of said Washington Park Subdivision, a distance of 65.00 feet to the Point of Beginning of the herein-described parcel; thence continue South 23°12'02" East along the said East line a distance of 300.00 feet; thence South 66°44'22" West along a line parallel with the North line of said Washington Park Subdivision a distance of 250.14 feet to a point on the easterly Right-of-Way line of U.S. Highway No. 1; thence North 23°12'38" West along said Easterly Right-of-Way line a distance of 200.00 feet; thence North 66°44'22" East along a line parallel with said North line of Washington Park Subdivision, a distance of 249.88 feet to the Point of Beginning.

Said parcel containing 1.147 acres, more or less.

PARCEL 2:

Known as a parcel of land situated in Tract 62, PORT SEWALL, as recorded in Plat Book 3, Page 7, public record of Palm Beach (now Martin) County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of Tract 63 of the hereinbefore described Port Sewall; thence run South 66°44'23" West along the North line of said Tracts 62 and 63 a distance of 549.73 feet to a point; thence departing said North line run South 23°12'02" East a distance of 85.00 feet to the point and place of beginning of the hereinafter described parcel of land; said point of beginning also being a point on the east line of Washington Park Subdivision, as recorded in Plat Book 1, Page 2, public records of Martin County, Florida; thence run South 23°12'02" East along said east line a distance of 157.14 feet to a point; thence departing said east line run North 66°45'01" East a distance of 50.00 feet to a point; thence North 23°12'02" West a distance of 157.15 feet to a point; thence South 66°44'22" West a distance of 50.00 feet to the point and place of beginning of the hereinbefore described parcel of land.

Said parcel containing 7857.24 square feet, more or less.

Together with:

Lot 6 of DEGGELLER SQUARE, according to the plat thereof, as recorded in Plat Book 12, Page 93, of the Public Records of Martin County, Florida.

PCN 38-38-41-014-000-0006.0-50000 Lot 6

- Covenant 182:

[5313] 990367
INSTRUMENT

COVENANT RUNNING WITH THE LAND

THIS AGREEMENT, made this 12th day of FEBRUARY,
1993, between Morse Operations, Inc.,
hereinafter referred to as OWNER AND MARTIN COUNTY, hereinafter referred to as
COUNTY;

W I T N E S S E T H:

WHEREAS, OWNER desires to develop the following described real
property, which is located in Martin County, Florida:

See Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, under the present Zoning Code, OWNER'S property is
classified under the M-1 zoning district; and

WHEREAS, under the new Comprehensive Growth Management Plan, OWNER'S
property is classified as Industrial; and

WHEREAS, the uses permitted in the M-1 district under the
present code are consistent with the uses permitted in the Limited Industrial
district under the new Land Development Code; and

WHEREAS, OWNER wishes to develop the above-mentioned property without
rezoning the property to conform to the new Land Development Code at the
present time; and

WHEREAS, COUNTY wishes to insure that it will be able to rezone the
property at some future time to conform to the new Land Development Code and
the Comprehensive Growth Management Plan;

NOW, THEREFORE, in consideration of the terms and conditions set
forth herein, and other good and valuable consideration, the receipt of which
is hereby acknowledged, the parties hereto do hereby agree as follows:

1. OWNER may develop the property without obtaining a rezoning, and
agrees to develop the property in accordance with the performance requirements
of the Limited Industrial district in the new Land Development Code.
2. COUNTY may rezone the property in the future, and OWNER, and his
heirs, successors, or assigns, agree not to object to or otherwise interfere
with that rezoning. Said rezoning shall be to a district of the Land
Development Code consistent with the Comprehensive Plan land use designation,
and shall not alter the uses legally in existence or under permit on the
parcel at the time of the rezoning.

- continued -

ENCLOSURE FOR 375

DEVELOPMENT REVIEW STAFF REPORT

3. This agreement shall be filed in the Public Records of Martin County, Florida and shall be a covenant running with the land.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates indicated below.

"OWNER"

ATTEST:

COURTNEY HUMPHREY
Name Printed: Courtney Humphrey
Title: Vice President

Morse Operations, Inc.
Print Name of Corporation Above
Edward J. Morse
Name Printed: Edward J. Morse
Title: President
Address: 1240 North Federal Hwy.
Ft. Lauderdale, FL 33304

STATE OF)
COUNTY OF)

The foregoing instrument was acknowledged before me this 12th day of February, 19 93, by Edward J. Morse (name of officer or agent and title) of Morse Operations, Inc. (name of corporation), a Florida (state or place of incorporation) corporation, on behalf of the corporation. He or she is personally known to me or has produced N/A (type of identification) and did take an oath.

NOTARY PUBLIC

Michelle S. Teachout
Name Printed: Michelle S. Teachout
State of Florida at Large
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
COMMISSION EXPIRES DEC. 29, 1995
TEACHOUT STATE BAR ASSOCIATION 1993-1995

"COUNTY"

BUILDING AND ZONING DEPARTMENT

Michael F. Sinkey
By: Michael F. Sinkey, Director

APPROVED AS TO FORM AND CORRECTNESS:

Noreen S. Dreyer
By: Noreen S. Dreyer, County Attorney

STATE OF FLORIDA)
COUNTY OF MARTIN)

The foregoing instrument was acknowledged before me this 23rd day of February, 19 93, by MICHAEL F. SINKEY, who is personally known to me or who has produced N/A and who did take an oath.

NOTARY PUBLIC

Mary J. Thibault
Name Printed: Mary J. Thibault
State of Florida at Large
My Commission Expires:

EXHIBIT "A"
LEGAL DESCRIPTION

KNOWN AS ALL OF LOTS 3, 4 AND 5, "DEGGELLER SQUARE" AS RECORDED IN PLAT BOOK 12, PAGE 93, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA AND A PORTION OF LOTS 1 THRU 20, BLOCK 3, AND A PORTION OF LOTS 1 THRU 10, BLOCK 5, AND THE UNNAMED ALLEY IN BLOCK 3, AND A PORTION OF BOOKER STREET BETWEEN BLOCKS 3 AND 5, "WASHINGTON PARK", AS RECORDED IN PLAT BOOK 1, PAGE 2, MARTIN COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5 OF "DEGGELLER SQUARE" THENCE SOUTH 23°14'59" EAST ALONG THE EAST LINE OF SAID LOTS 5, 4 AND 3, A DISTANCE OF 300.00 FEET TO A POINT AND THE SOUTHEAST CORNER OF SAID LOT 3, THENCE SOUTH 66°45'01" WEST ALONG THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 219.79 FEET TO A POINT; THENCE SOUTH 23°12'02" EAST ALONG THE WEST LINE OF LOT 2 AND THE EAST LINE OF LOT 1, BLOCK 5 OF WASHINGTON PARK, A DISTANCE OF 64.17 FEET TO A POINT; THENCE SOUTH 66°47'58" WEST A DISTANCE OF 241.68 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO.1; THENCE NORTH 29°01'32" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 82.69 FEET TO A POINT; THENCE NORTH 23°12'58" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 238.79 FEET TO A POINT; THENCE NORTH 6°44'22" EAST A DISTANCE OF 250.14 FEET TO A POINT ON THE WEST LINE OF LOT 5, "DEGGELLER SQUARE"; THENCE NORTH 23°12'02" WEST ALONG SAID WEST LINE A DISTANCE OF 42.85 FEET; THENCE NORTH 66°45'01" EAST ALONG SAID NORTH LINE OF LOT 5 A DISTANCE OF 219.53 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 145,880 SQUARE FEET +/-