



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

COUNTY  
EXHIBIT # 1

File ID: 19-0151

PHQJ-2

Meeting Date: 2/12/2019

**PLACEMENT:** Public Hearings - Quasi-Judicial

**TITLE:**

**WOLFF, BONNY & CHARLES REQUEST FOR REZONING (W093-001)**

**EXECUTIVE SUMMARY:**

Wolff, Bonny and Charles (W093-001) Rezoning Request for a zoning district change from the current WE-1, Waterfront Estate District to RE-1/2A, Residential Estate District, or the most appropriate zoning district. Included in this application is a request for a Certificate of Public Facilities Exemption.

**DEPARTMENT:** Growth Management

**PREPARED BY:** Name: Matthew Stahley  
Title: Senior Planner

**REQUESTED BY:** Cuzzo Planning Solutions LLC, Deanna Freeman

**PRESET:**

**PROCEDURES:** Quasi-Judicial

FILED FOR RECORD  
COMMISSION RECORDS  
MARTIN COUNTY, FL  
Date 2/12/19  
By CAROLYN TIMMANN  
CLERK OF CIRCUIT COURT  
D.C.

**BACKGROUND/RELATED STRATEGIC GOAL:**

This is an application for a proposed amendment to the county Zoning Atlas for a residential district designation (Section 3.2.E, LDR). A Zoning District change from WE-1, Waterfront Estate District to RE-1/2A, Residential Estate District is proposed for an approximate 1.29-acre parcel located at 2785 SE St. Lucie Boulevard approximately 400 feet southeast of SE Indian Street in Stuart.

The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Estate Density 2UPA which is a residential classification that has a maximum density allowance of 2 units per acre. The current zoning on the property is WE-1, Waterfront Estate district, which is a category B district. The WE-1 zoning district is consistent with the future land use designation. Therefore, the request to rezone this property is considered non-mandatory.

There is one (1) standard "Category A" zoning district that is available to implement the Estate Density 2UPA land use policies of the CGMP, which is RE-1/2A, Residential Estate District. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County.

1338

The following supporting materials are provided attached to this agenda item:

Staff Report  
Draft Resolution to Approve Rezoning  
Legal Description  
Application Materials  
LPA Minutes  
Property Noticing Example  
Sign Posting Affidavit  
Advertisement Tear Sheet  
Public Comment  
Draft Resolution to deny Rezoning

The following information regarding presentations by staff and the applicant is provided:

**Staff Presentation-**

Peter Walden, Principal Planner  
Other staff members, as deemed necessary

**Estimated Time:** Approximately 5 minutes

**Applicant Presentation-**

Don Cuzzo, Cuzzo Planning Solutions LLC

**Estimated Time:** Approximately 5 minutes

**ISSUES:**

There are no issues related to this application.

**LEGAL SUFFICIENCY REVIEW:**

Because this 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 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.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board receive and file the agenda item and a staff report as Exhibit 1.  
Move that the Board approve the rezoning request from WE-1, Waterfront Estate District to RE-1/2 A, Residential Estate District.

**ALTERNATIVE RECOMMENDATIONS**

Move that the Board continue the request for approval of the rezoning to a date certain.

**FISCAL IMPACT:**

**RECOMMENDATION**

The applicant has paid the review fee of \$3,140.00 and a sufficiency review fee of \$290.00

1339

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

#### ALTERNATIVE RECOMMENDATIONS

Same as above

#### DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment
 ☐ Chair Letter
 ☐ Contract / Agreement  
☐ Grant / Application
 ☐ Notice
 ☐ Ordinance
 ☒ Resolution  
☐ Other:



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## STAFF REPORT

### ***A. Application Information***

## **WOLFF, BONNY & CHARLES Rezoning**

Applicant:	Wolff, Bonny & Charles
Property Owner:	Wolff, Bonny & Charles
Agent for the Applicant:	Deanna Freeman; Cuozzo Planning Solutions.
County Project Coordinator:	Matthew Stahley, Senior Planner
Growth Management Director:	Nicki van Vonno, AICP
Project Number:	W093-001
Application Type and Number:	DEV2018100007
Report Number:	2019_0109_W093-001_DRT_Staff_BCC
Application Received:	10/24/2018
Transmitted:	10/15/2018
Date of Report:	11/09/2018
Date of LPA Meeting:	01/03/2019
Date of BCC Meeting:	02/12/2019

### ***B. Project description and analysis***

This is an application for a proposed amendment to the county Zoning Atlas for a residential district designation (Section 3.2.E, LDR). A Zoning District change from WE-1, Waterfront Estate District to RE-1/2A, Residential Estate District is proposed for an approximate 1.29-acre parcel located at 2785 SE St. Lucie Boulevard approximately 400 feet southeast of SE Indian Street in Stuart.

The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Estate Density 2UPA which is a residential classification that has a maximum density allowance of 2 units per acre. The current zoning on the property is WE-1, Waterfront Estate district, which is a category B district. The WE-1 zoning district is consistent with the future land use designation. Therefore, the request to rezone this property is considered non-mandatory.

There is one (1) standard "Category A" zoning district that is available to implement the Estate Density 2UPA land use policies of the CGMP, which is RE-1/2A, Residential Estate District. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County.

The following tables compare the permitted uses and the development standards for the existing WE-1 and proposed RE-1/2A zoning districts.

**PERMITTED USES IN THE WE-1 and RE-1/2A DISTRICTS**  
(Excerpt from Tables 3.11.1 & 3.11.3)

USE CATEGORY	WE-1	RE-1/2A
<b><i>Residential Uses</i></b>		
Multifamily dwellings		
Townhouse dwellings		
Single-family detached dwellings	P	P
Duplex dwellings		
Modular Homes	P	P
Zero lot line single-family dwellings		
<b><i>Public and Institutional Uses</i></b>		
Community centers	P	P
Educational institutions	P	P
Neighborhood assisted residences with six (6) or fewer residents	P	P
Neighborhood boat launches		P
Places of worship	P	P
Protective and emergency services	P	P
Public libraries	P	P
Public parks and recreation areas, active	P	P
Public parks and recreation areas, passive	P	P
Recycling drop-off centers		P
Residential care facilities		
Utilities	P	P
<b><i>Commercial and Business Uses</i></b>		
Bed and breakfast inns	P	P
Commercial day care	P	P
Family day care	P	P
Golf courses	P	P

**DEVELOPMENT STANDARDS**  
(Excerpt from Table 3.12.1)

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)
B	WE-1	30,000	100	(a)	—	25	25/2	50	—
A	RE-1/2A	21,780	100	2.00	—	—	30	50	—

(a) *Maximum residential density shall be one single family residential dwelling unit per lawfully established lot.*

**TABLE 3.12.2**  
**STRUCTURE SETBACKS**

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
B	WE-1	50(g)	50(g)	-	-	25(g)	25(g)	-	-	15	15	-	-
A	RE-1/2A	25	25	25	25	15	15	15	15	15	15	15	15

(g) *In the WE-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 50-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C. Where existing principal residences on adjacent lots are set back more than 50 feet from the mean high water line, the minimum setback from the mean high water line shall be the mean setback of the nearest principal residences on adjacent lots, or, where there is no principal residence within 1,000 feet, the minimum setback from the mean high water line shall be 50 feet. Accessory structures which are not roofed or enclosed by walls or screening shall only be subject to the minimum 50-foot setback from the mean high water line.*

**Shoreline protection zone** applies to all waterfront lots.

For residential lots of record created prior to April 1, 1982 with an area of more than one acre but not more than two acres, with wetlands that abut or connect to the estuaries or their navigable tributaries, the wetland buffer zone may be reduced to less than 75 feet but shall not be reduced to less than 25 feet for either primary or accessory structures. New principal structures on lots shall maintain a wetland buffer zone equal to or greater than the average wetland buffer and Shoreline Protection Zone of the nearest principal residences on adjacent lots. The average Shoreline Protection Zone or wetland buffer of the nearest principal residences on adjacent lots shall be determined by measuring from the point of each of the existing principal residences nearest to mean high water.

**Standards for Amendments to the Zoning Atlas**

1. The Comprehensive Growth Management Plan (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.”

2. The Martin County Land Development Regulations (LDR), Article 3, Section 3.2 E.1. provides the following “Standards for amendments to the Zoning Atlas.”

*The Future Land Use Map of the CGMP (Comprehensive Growth Management Plan) 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 (LDR), 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 for Estate Density 2UPA 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. Pursuant to Article 3 there is one (1) standard Category A zoning district that is available to implement the Estate Density 2UPA future land use classification, which is the RE-1/2A Residential Estate District. Therefore, rezoning the subject property to the RE-1/2A zoning district is consistent with the Comprehensive 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., Article 3, Land Development Regulations (LDR), Martin County Code (MCC). The granting of a zoning change by the County does not exempt the applicant from any of the County’s Comprehensive Growth Management Plan. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

- b. ***Whether the proposed amendment is consistent with all applicable provisions of the LDR; and,***

There is one (1) standard Category A zoning district that is available to implement the Estate Density 2UPA future land use classification, which is the RE-1/2A Residential Estate

1344

District. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another option. Pursuant to Section 3.10.B., LDR, the RE-1/2A district is intended to implement the policies of the CGMP for lands designated Estate Density - up to two units per acre on the Future Land Use Map of the CGMP. Therefore, rezoning the subject property to the RE-1/2A zoning district is consistent with the Land Development Regulations. 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., Article 3, Land Development Regulations (LDR), Martin County Code (MCC). 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,***

The subject property is located on SE St Lucie Blvd, between Old St Lucie Blvd and the St Lucie River, and is surrounded by single family development to the north, east, and south, as shown in Figure 3, Section E of this report. The existing waterfront parcels adjacent and in close vicinity to the subject property vary in size from approximately 0.5 to 2.4 acres, which are consistent with the existing Future Land Use designation of Estate Density 2UPA and the proposed RE-1/2A zoning district of the subject parcel. The surrounding properties to the north and east have the same Estate Density 2UPA future land use designation as the subject property, as shown in Figure 5, Section E of this report. Properties located west of SE St Lucie Blvd have been designated as medium Density Residential land use, which allows up to 8 units per acre or a minimum lot size of 0.125 of an acre, and the existing multiple family parcels generally range in size from approximately 0.1 of an acre to 0.5 of an acre

The primary land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for this area identifies the waterfront properties as Estate Density 2 UPA, transitioning landward to Low Density residential land use. The parcels developed to date along the waterfront range from 0.5 of an acre up to several acres. The residential developments separated from the waterfront lots by residential roadways contain single family residential uses on smaller lots, starting from approximately 0.5 of an acre per lot. Several waterfront parcels in the area are also zoned RE-1/2A, consistent with the future land use and this application, as shown in Figure 4, Section E of this report.

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

The infrastructure needed to support development and to provide services at established service levels to existing development in this local area is present. The pattern of development which has focused on residential uses is well established. A review of historical aerials and a comparison of the original plat to the current parcel configurations and development of the area indicate that conditions have changed slightly in the area of the subject property, with redevelopment occurring in conformance with the future land use designation and the related development standards. However, redevelopment of the most similar waterfront properties has primarily occurred at approximately one half to two thirds



of the maximum density allowable. A granting of the request to rezone would be consistent with changes in the area as several nearby and similar parcels have been assigned the RE-1/2A zoning district in conformance with the future land use designation of Estate Density 2UPA.

***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 services to the site are provided by Martin County Utilities, the regional service provider for this area of the County. Sewer service is currently not available to this property.

***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 land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for development contains Estate Density development at the waterfront transitioning to Low Density Residential and then to higher residential densities and commercial uses proceeding landward and towards major transportation corridors. The subject property is located at the waterfront within an area that has consistently been residential. Single family development on lots resulting in a mix of densities from 2 units per acre to less than 1 unit per acre is well established and the extension of this pattern to the subject property is contemplated and supported by the CGMP.

***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. Any public comments received on this application will be provided at each hearing to the Agency Members and Commissioners for consideration.

### ***C. Staff recommendation***

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

<b>Section</b>	<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
F	Comprehensive Plan	Matthew Stahley	320-3047	Comply
F	ARDP	Samantha Lovelady	288-5664	N/A
G	Development Review	Matthew Stahley	320-3047	Comply
H	Urban Design	Santiago Abasalo	288-5485	N/A
H	Community Redevelopment	Santiago Abasalo	288-5485	N/A
I	Property Management	Colleen Holmes	288-5794	N/A
J	Environmental	Shawn McCarthy	288-5508	N/A

1346

*Development Review Staff Report*

J	Landscaping	KarenSjoholm	288-5909	N/A
K	Transportation	Lukas Lambert	221-2300	N/A
L	County Surveyor	Tom Walker	288-5928	N/A
M	Engineering	Michelle Cullum	288-5512	N/A
N	Addressing	Emily Kohler	288-5692	N/A
N	Electronic File Submission	Emily Kohler	288-5692	N/A
O	Water and Wastewater	James Christ	320-3034	N/A
O	Wellfields	James Christ	320-3034	N/A
P	Fire Prevention	Doug Killane	288-5633	N/A
P	Emergency Management	Dan Wouters	219-4941	N/A
Q	ADA	Kevin Landry	320-3026	N/A
R	Health Department	Todd Reinhold	221-4090	N/A
R	School Board	Kimberly Everman	219-1200	<u>N/A</u>
S	County Attorney	Krista Storey	288-5923	Review Ongoing
T	Adequate Public Facilities	Matthew Stahley	320-3047	Exemption

Staff has reviewed this petition for a rezoning of property to the appropriate zoning district designation, has determined that the petition has been submitted and reviewed consistent with the procedural requirements of Article 10 and is in compliance with the substantive provisions of Article 3. The Board is advised that this application is in order and qualifies for an action of approval.

***D. Review Board action***

This application is classified as an amendment to the official zoning map. Pursuant to Section 10.4.A.1., Land Development Regulations (LDR), Martin County, Fla. (2016), 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.A.1., LDR, Martin County, Fla. (2016), final action on this request for an amendment to the official zoning map is required by the Board of County Commissioners (BCC) at a public hearing.

This matter was heard before the Local Planning Agency (LPA) on January 3, 2019. The LPA voted unanimously to recommend approval of the rezoning request.

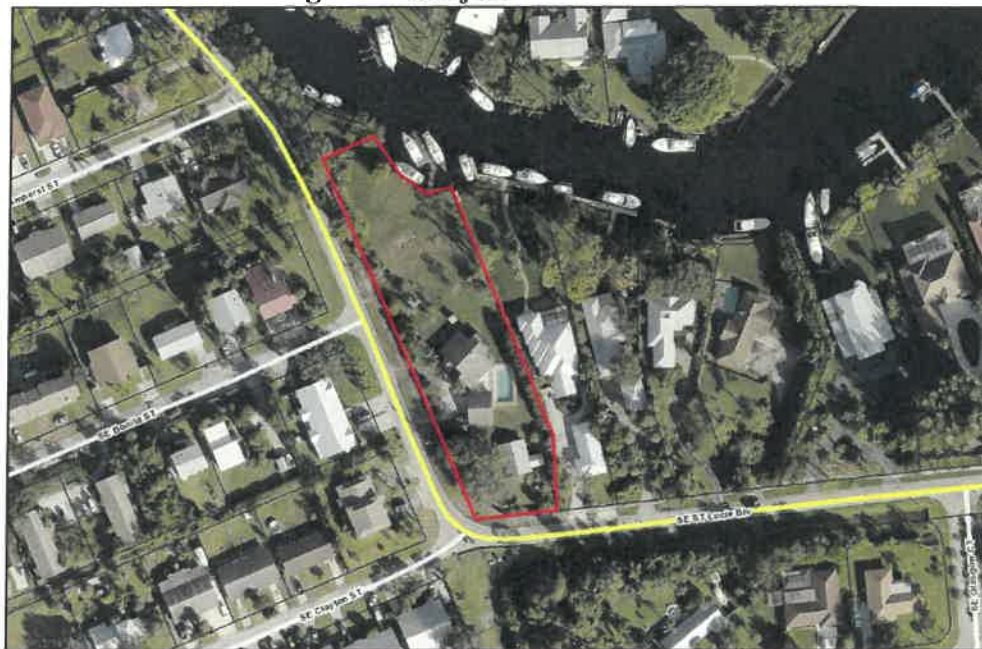
***E. Location and site information***

Parcel number(s) and address:	2785 SE St Lucie Blvd
37-38-41-003-000-00221-6	
Existing Zoning:	WE-1, Waterfront Estates
Future land use:	FLU-ES-2, Future Land Use Estate Res 2 Unit/Acre
Census tract:	Not Applicable
Commission district:	2
Community redevelopment area:	Not Applicable
Municipal service taxing unit:	District 2
Planning area:	Stuart Urban
Storm surge zone:	AE
Taxing district:	Not Available
Traffic analysis zone:	16
Gross area of site:	1.29 acres

### Figure 1: Location Map



**Figure 2: Subject Site 2018 Aerial**



Adjacent existing or proposed development:

To the north: Single Family Residential

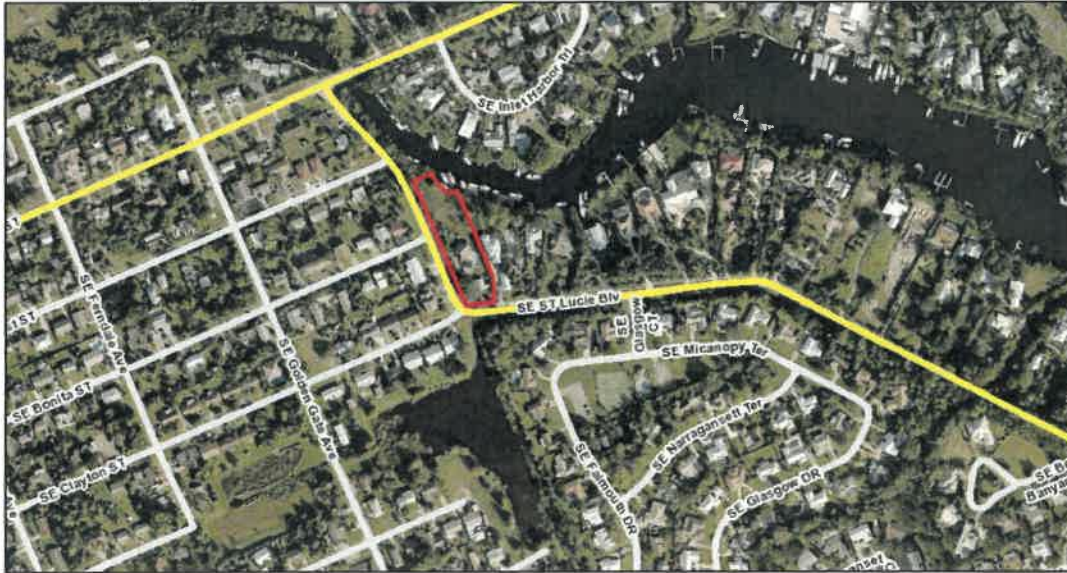
To the south: Single Family Residential

To the east:

To the west: Multiple Family Residential (across SE St Lucie Blvd)

**Figure 3: Local Area 2018 Aerial**





Zoning district designations of abutting properties:

To the north:	WE-1, Waterfront Estates District
To the south:	R-1C, Single-Family Residential District
To the east:	WE-1, Waterfront Estates District
To the west:	Neighborhood General Zoning Overlay (Golden Gate CRA)

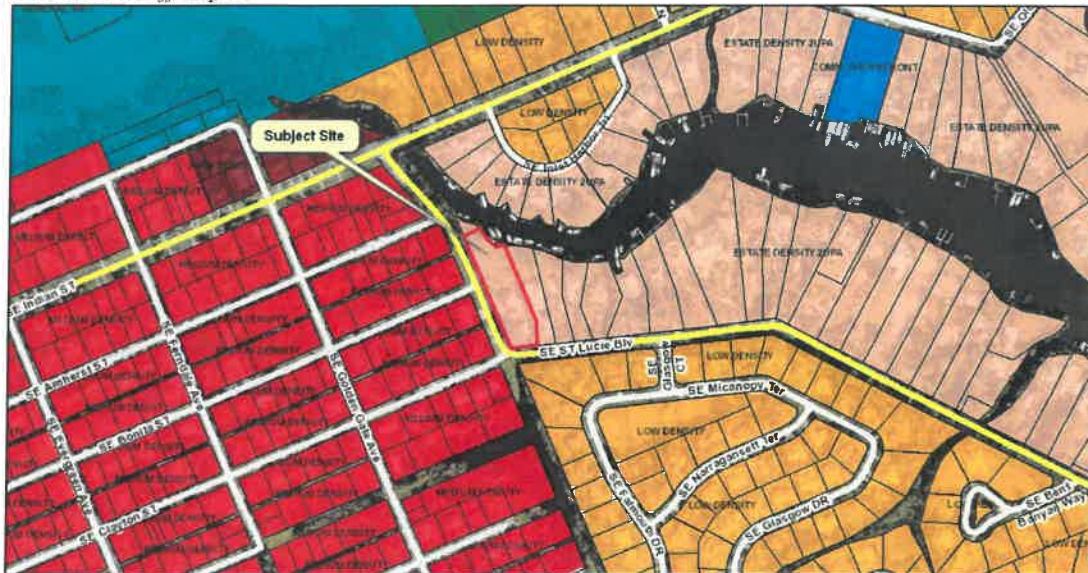
Figure 4: Zoning Map



Future land use designations of abutting properties:

To the north:	Estate Density 2UPA
To the south:	Low Density
To the east:	Estate Density 2UPA
To the west:	Medium Density

Figure 5: Future Land Use Map



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

**Findings of Compliance:**

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved Comprehensive Growth Management Plan requirements issues associated with this application.

***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 finds it in compliance with the applicable regulations. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

**Additional Information:**

**Information #1:**

The request for the non-mandatory rezoning of the parcel described above in Section B of this report has been found to be consistent with code and the zoning district designations for the area. A reason for the rezoning request has not been supplied by the applicant and staff makes no assumptions as to the request. No site changes or development applications are associated with this rezoning request.

**Information #2:**

**Notice Of A Public Hearing**

The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days (seven calendar days if the application is being expedited pursuant to section 10.12) prior to the public hearing by the applicant to all owners of real property located within a distance of 500 feet of the boundaries of the affected property. In addition, notice shall be mailed to all homeowner associations, condominium associations and the owners of each condominium unit within the notice area. MARTIN COUNTY, FLA., LDR, § 10.6.E.1. (2016)

1350



**Information #3:**

Notice(s) of public hearings regarding development applications shall be published at least 14 days prior to the date of the public hearing by the County (seven calendar days if the application is being expedited pursuant to section 10.12) 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. MARTIN COUNTY, FLA., LDR SECTION 10.6.D. (2016)

***H. Determination of compliance with the urban design and community redevelopment requirements – Community Development Department***

**Commercial Design**

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. The proposed project is located within a residential land use designation. Therefore, the Commercial Design reviewer will not be required to review any forthcoming development proposal associated with this application. MARTIN COUNTY, FLA., LDR SECTION 4.871.B. (2016)

**Community Redevelopment Area**

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. The proposed project is not located within any Community Redevelopment Area. Therefore, the Community Redevelopment Area reviewer will not be required to review any forthcoming development proposal associated with this application. MARTIN COUNTY, FLA. LDR ARTICLE 3, DIVISION 6 (2016)

***I. Determination of compliance with the property management requirements – Engineering Department***

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any property management or dedication issues will be addressed at such time as development of the subject site is proposed.

***J. Determination of compliance with environmental and landscaping requirements - Growth Management Department***

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any environmental or landscaping issues will be addressed at such time as development of the subject site is proposed.

***K. Determination of compliance with transportation requirements - Engineering Department***

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any transportation issues will be addressed at such time as development of the subject site is proposed.

***L. Determination of compliance with county surveyor - Engineering Department***

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any property survey issues will be addressed at such time as development of the subject site is proposed.

***M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department***

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any stormwater management or engineering issues will be addressed at such time as development of the subject site is proposed.

***N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments***

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any electronic file or addressing issues will be addressed at such time as development of the subject site is proposed.

***O. Determination of compliance with utilities requirements - Utilities Department***

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any utilities issues will be addressed at such time as development of the subject site is proposed.

***P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department***

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any fire prevention or emergency management issues will be addressed at such time as development of the subject site is proposed.

***Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department***

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any ADA issues will be addressed at such time as development of the subject site is proposed.

***R. Determination of compliance with Martin County Health Department and Martin County School Board***

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any issues related to requirements of the Department of Health or Martin County School Board review will be addressed at such time as development of the subject site is proposed.

***S. Determination of compliance with legal requirements - County Attorney's Office***

***T. Determination of compliance with the 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, Fla. (2016). 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.

***U. Post-approval requirements***

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.

**Item #1:**

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.

**Item #2:**

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.

***V. Local, State, and Federal Permits***

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

***W. 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:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$3,115.00	\$3,115.00	\$0.00
Advertising fees*:	TBD		

1353



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

\*\* Recording fees will be identified on the post approval checklist.

## ***X. General application information***

Applicant: Wolff, Bonny & Charles  
2785 SE St. Lucie BLVD  
Stuart, FL 34997-5124

Agent: Cuozzo Planning Solutions, LLC  
Deanna Freeman  
PO Box 564  
Jensen Beach, FL 34958  
772-233-5095

## ***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  
CIE ..... 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  
LPA ..... Local Planning Agency  
MCC..... Martin County Code  
MCHD..... Martin County Health Department  
NFPA ..... National Fire Protection Association  
SFWMD ..... South Florida Water Management District  
W/WWSA.... Water/Waste Water Service Agreement

---

[space above line provided for recording data]

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**RESOLUTION NUMBER 19-**

**[REGARDING A CHANGE IN ZONING CLASSIFICATION FROM WE-1, WATERFRONT  
ESTATE DISTRICT, TO RE-1/2A, RESIDENTIAL ESTATE DISTRICT FOR CHARLES  
WOLFF AND BONNY WOLFF WITH A CERTIFICATE OF PUBLIC FACILITIES  
EXEMPTION]**

**WHEREAS**, this Board has made the following determinations of fact:

1. Charles Wolff and Bonny Wolff submitted an application for a change in zoning district classification from the current WE-1, Waterfront Estates District, to the RE-1/2A, Residential Estate District, for the property described in Exhibit A, attached hereto.
2. The Local Planning Agency considered the application at a public hearing on January 3, 2019, and recommended approval of the applicant's request.
3. This Board has considered such recommendations.
4. Upon proper notice of hearing this Board held a public hearing on the application on February 12, 2019.
5. At the public hearing, all interested parties were given an opportunity to be heard.
6. All conditions precedent to granting the change in zoning district classification have been met.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF  
MARTIN COUNTY, FLORIDA, THAT:**

A. The zoning district classification of the property described in Exhibit A is hereby changed from the WE-1, Waterfront Estates District, to the RE-1/2A, Residential Estate District.

B. Pursuant to Section 5.32.B.3.f., Land Development Regulations, Martin County Code, this rezoning action is hereby determined to meet the requirements for a Certificate of Public Facilities Exemption.

C. Pursuant to Section 14.1C.5.(2), Comprehensive Growth Management Plan, Martin County Code, regarding preliminary development approvals, the property described in Exhibit A is subject to a determination of level of service capacity at final site plan approval and no rights to obtain final development orders, nor any other rights to develop the subject property have been granted or implied by this Board.

D. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

**DULY PASSED AND ADOPTED THIS 12TH DAY OF FEBRUARY, 2019.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

BY: \_\_\_\_\_  
CAROLYN TIMMANN, CLERK OF  
THE CIRCUIT COURT AND  
COMPTROLLER

BY: \_\_\_\_\_  
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

BY: \_\_\_\_\_  
KRISTA A. STOREY  
ACTING COUNTY ATTORNEY

ATTACHMENTS:

Exhibit A, Legal Description

# EXHIBIT A

OVERALL PROPERTY DESCRIPTION: LOT 22 (LESS THE NORTHERLY 75 FEET), LOT 23, 24 AND 25, PORT SEWALL REALTY CO'S. SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 60, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA,

# EXHIBIT A

OVERALL PROPERTY DESCRIPTION: LOT 22 (LESS THE NORTHERLY 75 FEET), LOT 23, 24 AND 25, PORT SEWALL REALTY CO'S. SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 60, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.



**Martin County, Florida**  
**Growth Management Department**  
**DEVELOPMENT REVIEW DIVISION**  
2401 SE Monterey Road, Stuart, FL 34996  
772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)

## **Zoning Change Checklist**

Please include the following items in the order shown below. In addition, if any item is not included, please identify the item and the reason for its exclusion in the narrative.

- ☒ 1. APPLICATION: Please use the new application form.  
[Application](#)
- ☒ 2. AFFIDAVIT: Complete the affidavit for digital submission.  
[Affidavit for digital submission](#)
- ☐ 3. If submitting the 8 1/2 by 11 or 14 inch documents digitally, include one disc or copy to the Digital Website with all the documents bookmarked as indicated in the Application Instructions. One paper packet must also be submitted, in addition to the digital submission.  
[Digital website](#)
- ☐ 4. If submitting large format plans digitally, include one set of paper plans. Each of the plans listed below should be submitted on either a disc or copied to the Digital Website. Do NOT scan the plans, but save the original .dwg or other file type as a .pdf at a minimum of 24x 36 inches and 300 dpi.  
[Digital website](#)
- ☒ 5. NARRATIVE: A complete project narrative including what is being requested, the location and size of the subject property.
- ☒ 6. A check made payable to the Martin County Board of County Commissioners per the Development Review Fees.  
[Development review fee schedule](#)
- ☒ 7. POWER OF ATTORNEY: A notarized power of attorney authorizing an agent to act on the owner's behalf.
- ☒ 8. RECORDED DEED: A copy of the recorded deed(s) for the subject property and any contract for purchase of the property.
- ☒ 9. LEGAL DESCRIPTION: Full legal description including parcel control number(s) and total acreage.
- ☒ 10. LOCATION MAP: A location map (8 1/2 x 11) showing the property and all major and minor roadways in and adjacent to the property with the property clearly outlined.
- ☒ 11. AERIAL PHOTO: Recent aerial photograph of the site with the property clearly outlined.
- ☒ 12. ASSESSMENT MAP: Martin County Property Appraiser's assessment map with the subject property outlined.
- ☒ 13. FUTURE LAND USE MAP: Martin County Growth Management Plan, Future Land Use Map with the subject property outlined.
- ☐ 14. PROPERTY OWNERS: Certified list of property owners to be notified by letter of the public hearings.  
To be submitted prior to public hearing
- ☒ 15. SCHOOL IMPACT WORKSHEET: A school impact worksheet, if a residential development.  
[School impact worksheet](#)
- ☒ 16. DISCLOSURE of INTEREST AFFIDAVIT: Please submit a completed financial disclosure affidavit form. [Section 10.2.B.3., LDR, MCC]  
[Disclosure of Interest Affidavit](#)



## Martin County Development Review Digital Submittal Affidavit

I, Deanna Freeman, attest that the electronic version included for the project Wolff Rezoning is an exact copy of the documents that were submitted for sufficiency, excluding any requested modifications made by the sufficiency review team. All requested modifications, if any, have been completed and are included with the packet.

A handwritten signature in black ink, appearing to read "Deanna Freeman", is written over a horizontal line.

Applicant Signature

October 9, 2018

Date



Martin County, Florida  
Growth Management Department  
DEVELOPMENT REVIEW DIVISION  
2401 SE Monterey Road, Stuart, FL 34996  
772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)

## DEVELOPMENT REVIEW APPLICATION

### A. General Information:

1. **Type of Application:** Select from the List

2. **Proposed Development's Name:**

Wolff Rezoning

3. **Former Development's Name:**

N/A

4. **Previous Project Number:**

N/A

5. **Pre-Application Meeting Date:**

N/A

6. **Property Owner:**

Name or Company Name

Charles L. and Bonny L. Wolff

Company Representative

Address 2785 SE St Lucie Blvd

City Stuart

State FL

Zip 34997

Phone

Fax

Email

7. **Agent:**

Select from the List

Name or Company Name

Cuozzo Planning Solutions, LLC

Company Representative

Deanna Freeman

Address P.O. Box 564

City Stuart

State FL

Zip 34958

Phone

772 - 233 - 5095

Fax

Email

deanna@cdgplan.com

8. **Contract Purchaser:**

Not Applicable

Name or Company Name

Company Representative

Address

City

State

Zip

Phone

Fax

Email

9. **Land Planner:**

Same as the Agent

Name or Company Name

Company Representative

Address

City

State

Zip

Phone

Fax

Email



Not Applicable

**10. Landscape Architect:**  
Name or Company Name \_\_\_\_\_  
Company Representative \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Email \_\_\_\_\_

Select from the list

**11. Surveyor:**  
Name or Company Name Arthur Speedy  
Company Representative \_\_\_\_\_  
Address P.O. Box 959 S Federal Hwy  
City Stuart State \_\_\_\_\_ Zip 34995  
Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Email \_\_\_\_\_

Not Applicable

**12. Civil Engineer:**  
Name or Company Name \_\_\_\_\_  
Company Representative \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Email \_\_\_\_\_

Not Applicable

**13. Traffic Engineer:**  
Name or Company Name \_\_\_\_\_  
Company Representative \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Email \_\_\_\_\_

Not Applicable

**14. Architect:**  
Name or Company Name \_\_\_\_\_  
Company Representative \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Email \_\_\_\_\_

Not Applicable

**15. Attorney:**  
Name or Company Name \_\_\_\_\_  
Company Representative \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Email \_\_\_\_\_

**16. Environmental Planner:** Not Applicable  
Name or Company Name \_\_\_\_\_  
Company Representative \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Email \_\_\_\_\_

**17. Other Professional:** \_\_\_\_\_  
Name or Company Name \_\_\_\_\_  
Company Representative \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Email \_\_\_\_\_

**18. Parcel Control Number(s):**  
37-38-41-003-000-00221-6 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**19. Certifications by Professionals:**


Section 10.2.D.7., Article 10, Development Review Procedures, Land Development Regulations (LDR), Martin County Code (MCC) provides the following:

*When reviewing an application for a development permit that is certified by a professional listed in s. 403.0877, F.S., the County shall not request additional information from the application more than three times, unless the applicant waives the limitation in writing. If the applicant believes the request for additional information is not authorized by ordinance, rules, statute, or other legal authority, the County, at the applicant's request, shall proceed to process the application for approval or denial.*

☒ This box must be checked if the applicant waives the limitations.

**B. Applicant or Agent Certification:**

I have read this application, and to the extent that I participated in the application, I have answered each item fully and accurately.

  
\_\_\_\_\_  
Applicant's signature  
Deanna Freeman  
\_\_\_\_\_  
Printed name

10-09-2018  
\_\_\_\_\_  
Date

## NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA

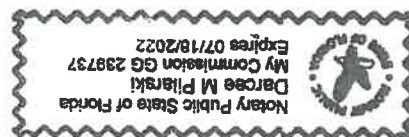
COUNTY OF MARTIN

I hereby certify that the foregoing instrument was acknowledged before me this 9<sup>th</sup> day of October, 2018, by Deanna L. Freeman

He or she

☒ is personally known to me or ☐ has produced N/A as identification.

Darcee M. Pilarzski  
Notary public signature  
Darcee M. Pilarzski  
Printed name



State of FLORIDA at-large





Donald J. Cuzzo

**Cuzzo Planning Solutions, LLC**

p.o. box 564 - jensen beach, fl 34958

cell: 772.485.1600 - office: 772.221.2128

October 9, 2018

Nicki van Vonno  
Growth Management Director  
Growth Management  
2401 SE Monterey Rd,  
Stuart, FL 34996

**RE: Wolff Rezoning - 2785 SE St. Lucie Blvd.**

Dear Nicki,

Please accept the digital submittal of a request to amend the County Zoning Atlas Zoning for the above-mentioned property. The application materials submitted are as per the requirements indicated in the Martin County Zoning Change Checklist.

**Project Narrative:**

The applicant is requesting a zoning change from WE-1, Waterfront Estate District, (category B) zoning district designation to RE-½A Residential Estates District (2 units per acre) (category A). The RE-½A district is intended to implement the policies of the CGMP for lands designated Estate Density - up to two units per acre on the Future Land Use Map of the CGMP. This request is consistent with the Estate Density 2UPA Future Land Use and would be consistent with the adjacent uses.

The subject property is located at 2785 SE St. Luce Blvd. and identified as parcel number 37-38-41-003-000-00221-6. It consists of four legal lots of record created with the platting of the Port Sewall Subdivision and is located on approximately 1.27 acres (55,433 sq. ft.). The property is approximately 125 ft. wide (east to west) and approximately 475 ft. long (north to south) with two road frontages and approximately 138ft frontage on West Lake, a tributary to the St. Lucie River, located along the northern property line. The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Estate Density – up to two units per acre. The current zoning on the property is WE-1, Waterfront Estate District.

The RE-½A Residential Estates District is a Category A district, intended to implement the policies of the CGMP for lands dedicated Estate Density – up to two units per acre on the Future Land Use Map of the CGMP. RE-½A is the only district that has been created for this purpose and is therefore the most appropriate district for the properties that are designated Estate Density 2UPA use.

The request to rezone the property to RE-½A Residential Estates District is consistent with the requirements of the Comprehensive Growth Management Plan (CGMP) where by the requirement is to rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations pursuant to Policy 4.4A.1., CGMP, Martin County, Fla. (2016). The requested RE-½A Residential Estates District is the one standard zoning district, other than a Planned Unit Development, available to implement the Estate Density 2UPA future land use. 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.

A check has been delivered to the Growth Management Department, made payable to the Martin County Board of County Commissioners for \$290 to cover the cost of the completeness review. Once the application has been determined to be complete a check for \$3,115 will be submitted to cover the cost of the non-mandatory zoning change application fee. A detailed

If you have any questions or require any additional information, please do not hesitate to contact me at 772-485-1600.

Sincerely,

A handwritten signature in black ink, appearing to read 'Deanna Freeman', with a stylized, cursive script.

Deanna Freeman

cc. Mr. & Mrs. Wolff



Donald J. Cuzzo

**Cuzzo Planning Solutions, LLC**

p.o. box 564 - jensen beach, fl 34958  
cell: 772.485.1600 - office: 772.221.2128

**Wolff – Rezoning Supporting Analysis**

**October 9, 2018**

**The Request**

The applicant is requesting a zoning change from WE-1, Waterfront Estate District, (category B) zoning district designation to RE-½A Residential Estates District (2 units per acre) (category A). The RE-½A district is intended to implement the policies of the CGMP for lands designated Estate Density - up to two units per acre on the Future Land Use Map of the CGMP. This request is consistent with the Estate Density 2UPA Future Land Use and would be consistent with the adjacent uses.

**Property Details**

The subject property is located at 2785 SE St. Luce Blvd. and identified as parcel number 37-38-41-003-000-00221-6. It consists of four legal lots of record created with the platting of the Port Sewall Subdivision and is located on approximately 1.27 acres (55,433 sq. ft.). The property is approximately 125 ft. wide (east to west) and approximately 475 ft. long (north to south) with two road frontages and approximately 138ft frontage on West Lake, a tributary to the St. Lucie River, located along the northern property line. The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Estate Density – up to two units per acre. The current zoning on the property is WE-1, Waterfront Estate District.

**Adjacent Zoning Districts:**

The properties surrounding the subject property are primarily residential with a mixture of single family and triplex units to the west of the subject property and SE St. Lucie Blvd, and single family to the north east and south of the property in addition to right of way and West Lake, a tributary to the St. Lucie River.

- **North:** Existing Use: West Lake, a tributary to the St. Lucie River  
Inlet Harbor Single Family Residential Units  
Future Land Use: West Lake, a tributary to the St. Lucie River & Estate Density 2UPA  
Zoning District Designation: West Lake, a tributary to the St. Lucie River & WE-1, Waterfront Estates District, Category B zoning district

- **South:** Existing Use: SE St. Lucie Blvd, right of way  
Port Sewall Harbor Single Family Residential Units  
Future Land Use: St Lucie Blvd, Low & Medium Density Residential  
Zoning District Designation: SE St. Lucie Blvd, right of way & R-1C, Single Family Residential District, Category B.
- **East:** Existing Use: Port Sewall Realty Single Family Residential Units  
Future Land Use: Estate Density 2UPA  
Zoning District Designation: WE-1, Waterfront Estates District, Category B zoning district
- **West:** Existing Use: Single Family Residential Units  
Future Land Use: SE St. Lucie Blvd, right of way & Medium Density Residential  
Zoning District Designation: SE St. Lucie Blvd, right of way &  
Golden Gate Community Redevelopment Area, Neighborhood Residential Zoning Overlay District & R-3B, Liberal Multiple-Family Residential District, Category C zoning district (consistent with Commercial Waterfront & Commercial Office/Residential Future Land Use)

### **Zoning History**

The WE-1 zoning was created in 1967 as a part of the County's original zoning regulations. The district was carried over to the current Article 3, Zoning Districts, Land Development Regulations (LDR), Martin County Code (MCC) as a Category B district.

The Category B districts were originally adopted by Resolution 05-09-67 and codified in Chapter 33 of the Martin County Code of Laws and Ordinances and have been incorporated in Article 3 to the extent possible in considering the supremacy of the CGMP. Regardless of the origin, the zoning districts used in Article 3 and the CGMP, the CGMP shall prevail. The Category B districts were applied to areas where a pattern of development had already been established prior to April 1, 1982 (date of adoption of the first Comprehensive Growth Management Plan).

The RE-½A Residential Estates District is a Category A district, intended to implement the policies of the CGMP for lands dedicated Estate Density – up to two units per acre on the Future Land Use Map of the CGMP. RE-½A is the only district that has been created

for this purpose and is therefore the most appropriate district for the properties that are designated Estate Density 2UPA use.

The following tables indicate the uses that are permitted, followed by the size and dimension requirements for the current WE-1 and RE--½A districts.

**TABLE 3.11.3  
PERMITTED USES - RE-1/2A AND WE-1 DISTRICTS**

USE CATEGORY	RE ½ A	WE 1
<i>Residential Uses</i>		
Modular homes	P	P
Single-family detached dwellings	P	P
<i>Public and Institutional Uses</i>		
Community centers	P	P
Educational institutions	P	P
Neighborhood assisted residences with six or fewer residents	P	P
Neighborhood boat launches	P	
Places of worship	P	P
Protective and emergency services	P	P
Public libraries	P	P
Public parks and recreation areas, active	P	P
Public parks and recreation areas, passive	P	P
Recycling drop-off centers	P	
Utilities	P	P
<i>Commercial and Business Uses</i>		
Bed and breakfast inns	P	P
Commercial day care	P	P
Family day care	P	P
Golf courses	P	P



**TABLE 3.12.1  
DEVELOPMENT STANDARDS - RE-1/2A AND WE-1 DISTRICTS**

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	RE-½A	21,780	100	2.00	—	—	30	50	—
B	WE-1	30,000	100	(a)	—	25	25/2	50	—

**TABLE 3.12.2.  
STRUCTURE SETBACKS - RE-1/2A AND WE-1 DISTRICTS**

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	RE-½A	25	25	25	25	15	15	15	15	15	15	15	15
B	WE-1	50(g)	50(g)	—	—	25(g)	25(g)	—	—	15	15	—	—

**NOTES:**

- (a) Maximum residential density shall be one single family residential dwelling unit per lawfully established lot.
- (g) In the WE-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 50-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C. Where existing principal residences on adjacent lots are set back more than 50 feet from the mean high water line, the minimum setback from the mean high water line shall be the mean setback of the nearest principal residences on adjacent lots, or, where there is no principal residence within 1,000 feet, the minimum setback from the mean high water line shall be 50 feet. Accessory structures which are not roofed or enclosed by walls or screening shall only be subject to the minimum 50-foot setback from the mean high water line.

**Comprehensive Growth Management Plan – Consistency**

The request to rezone the property to from WE-1, Waterfront Estate District to RE-½A Residential Estates District is consistent with the requirements of the Comprehensive Growth Management Plan (CGMP) where by the requirement is to rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations pursuant to Policy 4.4A.1., CGMP, Martin County, Fla. (2016). The requested RE-½A Residential Estates District is the one standard zoning district, other than a Planned Unit Development, available to implement the Estate Density 2UPA future land use. The Estate Density 2UPA is a residential classification that has a maximum density allowance of 2 units per acre.

## **Zoning Analysis & the Surrounding Area**

The subject property is part of the waterfront fringe of lots that are located between Old St. Lucie Blvd. and the St. Lucie River. These lots were originally platted in 1913 when the area was a part of Palm Beach County. The lots have historically been used for single family dwellings. Over the years older dwellings have been demolished and replaced with new construction. The single family residential pattern established for this area of the Port Sewall communities has not changed over time and is well established.

The existing WE-1 zoning was established for waterfront estate lots. The requested RE-½A Residential Estates District is also restricted to estate single family uses. The size and dimension criteria for the two districts are basically the same. Single family dwellings that have been established under the existing zoning and those established under the RE-½A Residential Estates District are indistinguishable.

Since the adoption of the CGMP and the creation of Article 3 zoning regulations at least fourteen other lots within the SE Old St Lucie Blvd have been rezoned to RE-½A Residential Estates District. The waterfront fringe of the established residential communities surrounding and including the subject property, are restricted to estate single family waterfront uses. This pattern dates back several decades and is well established.

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 subject property is a 1.27 acre waterfront lot located on the St. Lucie River. The requirements of Section 4.5, Land Development Regulations (LDR), Martin County Code (MCC), waiver and exceptions to the shoreline protection zone, shall apply to any construction that occurs along the waterfront of the lot. The subject property has a hardened shoreline and retaining wall located upland of the existing seawall. A minimum of 50 ft. shoreline protection zone has been established for the use of the property as a

single family use, including accessory uses located along the waterfront. Any future site plan for the property would be required to be submitted and reviewed by County staff to establish the location of any proposed structures and the shoreline protection zone. The permitting of structures is dependent on the success of the zoning change.

The current WE-1 district requires the maintenance of a view corridor with the establishment of a minimum “build-to” line based on the average setback from water of the primary dwellings located on either side of the proposed dwelling. The RE-½A Residential Estates District permits a rear yard setback of 25ft. When the rear yard has water frontage the County’s shoreline protection requirements also apply. Where there is a conflict the greater requirement shall prevail. For the subject lot the shoreline protection zone of 50 ft. has been established by Section 4.5, LDR, MCC. In addition to the shoreline protection zone setback Section 4.5.B.4 requires the following:

*4. [Structure setbacks.] Although a reduction in the Shoreline Protection Zone may be authorized by sections 4.5.A. and 4.5.B., compliance with structure setbacks established in table 3.12.2, LDR, is required. In addition, to protect existing view corridors on adjacent waterfront properties, new principal structures on lots with hardened or unhardened shorelines shall maintain a setback from mean high water equal to or greater than the average setback of the nearest principal residences on adjacent lots. The average setback of the nearest principal residences on adjacent lots shall be determined by measuring from the point of each of the existing principal residences nearest to mean high water.*

Any future site plan for the property would be required to comply with the established shoreline protection zone, with the RE-½A Residential Estates District affording the same desired setback from the water as the existing WE-1 Waterfront Estate District. Both districts will protect the desired view corridors.

#### **CGMP Objective 4.4A. – Policy 4.4A.1 Rezoning**

The Comprehensive Growth Management Plan (CGMP) requires that Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations pursuant to Policy 4.4.A.1., CGMP, Martin County Fla. (2016).

The proposed rezoning from W-E1, Waterfront Estates District to RE-½A Residential Estates District is consistent with the Estate Density 2UPA future land use. With either zoning district designation being consistent with the Estate Density 2UPA Land Use designation on the subject property.

The Future Land Use Map of the CGMP establishes the optimum overall distribution of land uses. 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 the Land Development Regulations.

The County has 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. The application should consider the surrounding area and the provisions of the Land Development Regulations in the selection of the proposed zoning on the property.

**The Zoning Change is subject to LDR Section 3.2.E which provides the criteria for consideration of a Zoning Change:**

Section 3.2.E. LDR, Martin County, Fla. (2002), provides the following "Standards for amendments to the Zoning Atlas".

1. The Future Land Use Map of the CGMP (Comprehensive Growth Management Plan) 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 the 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.
2. 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;**

The RE-½A Residential Estates District is a Category A district and is intended to implement the policies of the CGMP for lands designated Estate Density – up to two units per acre on the Future Land Use Map of the CGMP. The RE-½A Residential Estates District, in fact, is the only district that has been created for this purpose and is therefore the most appropriate district for properties that are designated for Estate Density use.

Policy 4.13.A.7.(2) of Chapter 4, Future Land Use Element, of the CGMP addresses the Estate Density 2UPA:

*Residential Estate densities (two units per acre). Residential Estate densities are primarily assigned to established, stable residential areas with a density of up to two units per gross acre in the Primary Urban Service District. These areas are generally on the fringe of the PUSD and lack accessibility to a full complement of urban services. The CGMP also assigns estate densities to selected areas near existing estate development that share similar characteristics with existing residential estates and to areas in the urban service districts that require density limitations because of unique problems of urban services. In reviewing specific densities, the aim shall be to preserve the stability and integrity of established residential development and provide equitable treatment of lands sharing similar characteristics. Landscaping, screening, buffering, and similar design techniques shall be used to assure a smooth transition between residential structure types and densities. Existing agricultural uses in this land use designation shall be allowed to continue in a nonconforming status.*

The subject property is part of the waterfront fringe of lots that are located between Old St. Lucie Blvd. and West Lake, a tributary to the St. Lucie River. These lots were originally platted in 1913 when the area was a part of Palm Beach County and have been historically for single family dwellings. Over the years older dwellings have been demolished and replaced with new construction. The single family residential pattern established for this area of the Port Sewall communities has remained relatively unchanged over time, with the exception being triplex units existing to the west of the subject property, within a well established Primary Urban Service District.

**b) Whether the proposed amendment is consistent with all applicable provisions of the LDR;**

The development will be required to demonstrate full compliance with all applicable Land Development Regulations requirements related to roads, drainage,

environmental protection, utilities, emergency services, landscaping, etc. at the time when a development application is submitted to the County for the property. 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 approval action taken by the County.

- c) Whether the proposed zoning 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;**

The subject property is a part of the waterfront fringe of lots located between Old St. Lucie Blvd. and the West Lake, a tributary to the St. Lucie River. These lots were originally platted when the area was a part of Palm Beach County. The lots have historically been used for primarily single family dwellings. Over the years the older dwellings have been demolished and replaced with new construction. The residential patterns established for this area are well established with a number of lots having been the subject of zoning changes to RE-½A Residential Estates District on properties located along the St. Lucie River while the majority of the waterfront properties are designated Estate Density 2UPA land use.

The existing WE-1, Waterfront Estate District zoning was established for waterfront estate lots. The requested RE-½A district is also restricted to estate single family uses. The size and dimension criteria for the two districts are very similar. Single family dwellings that have been established within the Port Sewall community under the existing zoning and those established under the RE-½A are indistinguishable. Since the adoption of the CGMP and the creation of Article 3 zoning regulations at least 14 lots in the wider area have been rezoned to the RE-½A district.

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

The waterfront fringe of the Port Sewall community is reserved and restricted to estate single family waterfront uses. This pattern dates back several decades and is well established. Most documented changes appear to be the replacement or redevelopment of older dwellings with new construction.

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

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 to support any future use planned for the property.

- 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 requested zoning change will have minimal impact on the Port Sewall community. The existing zoning district and requested zoning district permit very similar use for the property with the same size and dimension requirements.

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

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

## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Charles L. Wolff & Bonny L. Wolff present as owners, hereby make, constitute and appoint Donald J. Cuozzo and/or Cuozzo Planning Solutions, LLC., Jensen Beach, Florida, the true and lawful attorney-in-fact for said, and in its name, place and stead, to execute and sign any and all zoning and permitting documents or instruments pertaining to the following property located in Martin County, Florida.

*See Attached legal description as Exhibit 'A'*

I, Charles L. Wolff, Owner, give and grant unto said attorney-in-fact, full power and authority to do and perform any and all acts necessary on incident to the performance and execution of the powers herein expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purposes as owners might or could do with full power of substitution and revocation, hereby ratifying and confirming all that said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, I, Charles L. Wolff & Bonny L. Wolff, Owners, have hereunto set my hand on this \_\_\_\_\_ day of \_\_\_\_\_, 2018

Sealed and delivered in the presence of:

**OWNER**

[Signature]  
Witness

By: [Signature]

Print Name: D. L. FREEMAN

Print name: Charles Wolff  
Bonny L. Wolff  
Bonny L. Wolff

[Signature]  
Witness

Print Name: Darceen M. Alinski

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 1 day of September 2018, by Charles L. Wolff, Owner of said property.

[Signature]  
Notary Public

Michelle Vicat  
Print Name





615710

86-162

THIS INSTRUMENT WAS PREPARED BY:  
**GEORGE W. SOMMER, P.A.**Attorney at Law  
238 Colorado Avenue  
P. O. Box 2210  
STUART, FLORIDA 33493  
(805) 287-2233**Warranty Deed**

(STATUTORY FORM -- SECTION 689.02 F.S.)

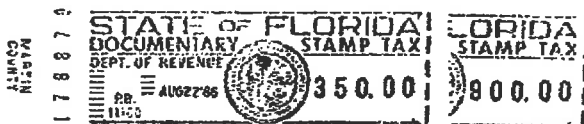
This Indenture, Made this 21<sup>st</sup> day of August 1986, Between  
**JOEL F. PYLE, a/k/a JOEL F. PYLE, SR. and JOAN M. PYLE, his wife**  
 of the County of **Martin**, State of **Florida**, grantor\*, and  
**CHARLES L. WOLFF, JR. and BONNY L. WOLFF, his wife**,  
 whose post office address is **2785 S.E. St. Lucie Boulevard, Stuart, FL 33494**  
 of the County of **Martin**, State of **Florida**, grantee\*.

**Witnesseth.** That said grantor, for and in consideration of the sum of

**Ten and no/100's (\$10.00)**-----Dollars,  
 and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby  
 acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the fol-  
 lowing described land, situate, lying and being in **Martin** County, Florida, to-wit:

**Lot 22, Less the North 75 feet thereof, all of Lots 23, 24 and 25,  
 PORT SEWALL REALTY CO'S SUBDIVISION, according to the Plat thereof  
 recorded in Plat Book 2, Page 60, Martin County, Florida public  
 records.**

Subject to restrictions, reservations, easements of record and to  
 taxes for the year 1986 and thereafter.



and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims  
 of all persons whomsoever.

\*"Grantor" and "grantee" are used for singular or plural, as context requires.

**In Witness Whereof,** Grantor has hereunto set grantor's hand and seal the day and year first above written.  
 Signed, sealed and delivered in our presence:

*George W. Sommer*  
*Charles L. Wolff, Jr.*  
 \_\_\_\_\_  
 \_\_\_\_\_

*Joel F. Pyle* (Seal)  
**JOEL F. PYLE, a/k/a JOEL F. PYLE, SR.**  
*Joan M. Pyle* (Seal)  
**JOAN M. PYLE**  
 \_\_\_\_\_ (Seal)  
 \_\_\_\_\_ (Seal)

STATE OF Florida  
 COUNTY OF Martin

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally  
 appeared **JOEL F. PYLE, a/k/a JOEL F. PYLE, SR. and JOAN M. PYLE,**  
 his wife

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before  
 me that they executed the same.

WITNESS my hand and official seal in the County and State of aforesaid this 21<sup>st</sup> day of August  
 19 86.

My commission expires

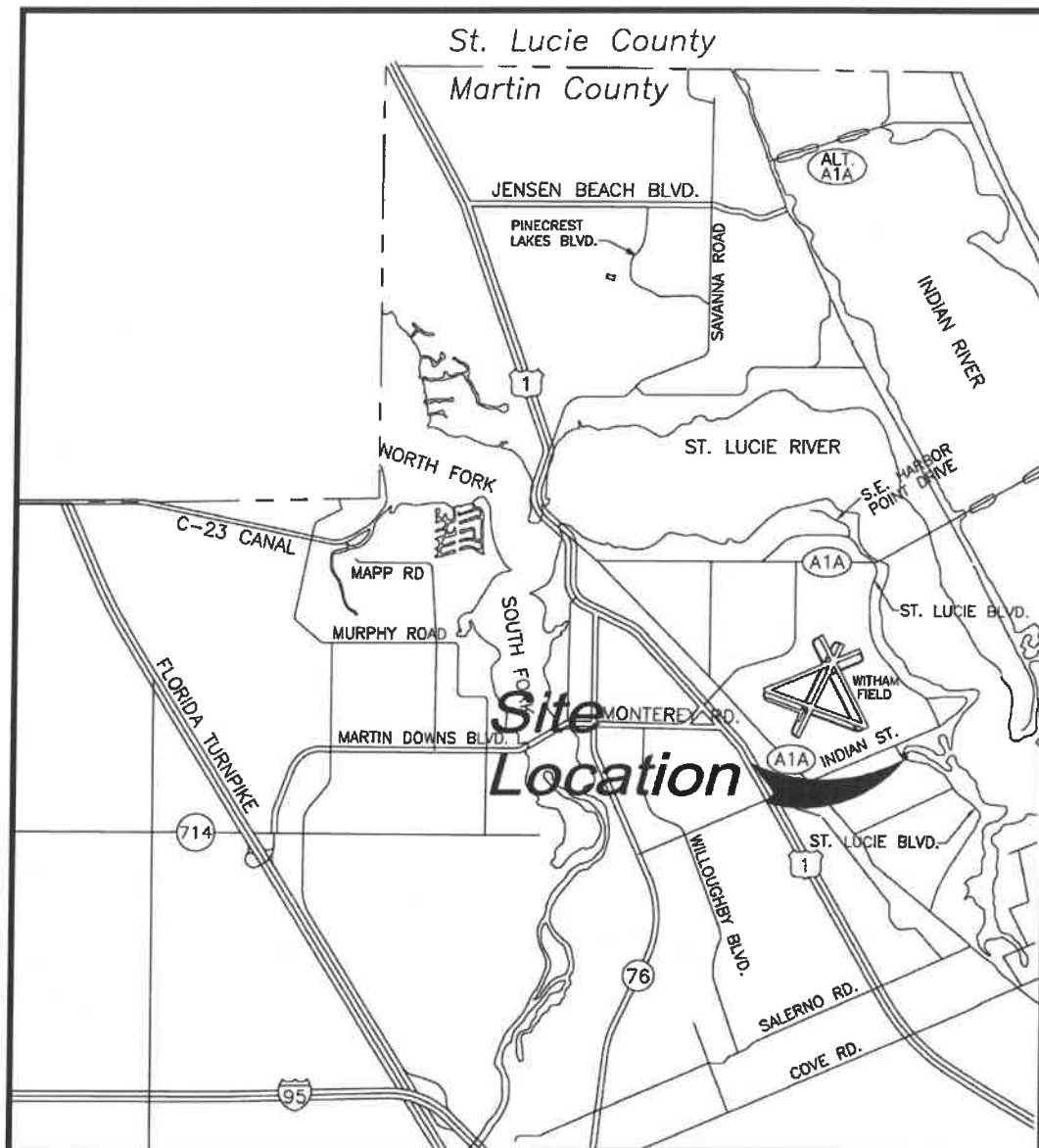
*George W. Sommer*  
 Notary Public

BOOK 686 PAGE 671

# EXHIBIT A

OVERALL PROPERTY DESCRIPTION: LOT 22 (LESS THE NORTHERLY 75 FEET), LOT 23, 24 AND 25, PORT SEWALL REALTY CO'S. SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 60, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

## Location Map





Donald J. Cuzzo

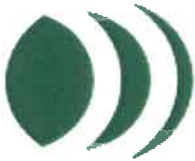
**Cuzzo Planning Solutions, LLC**

p.o. box 564 - jensen beach, fl 34958

cell: 772.485.1600 - office: 772.221.2128



Aerial Map

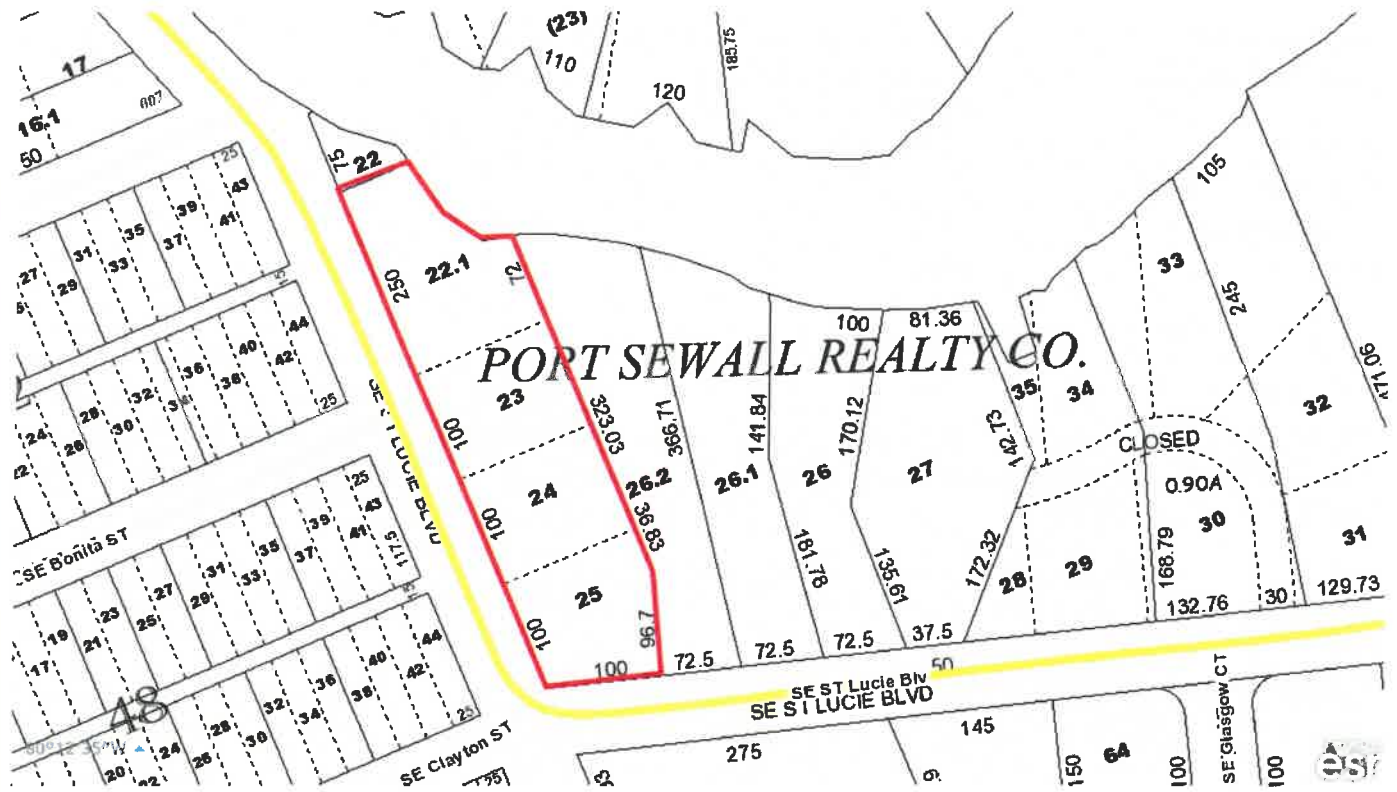


Donald J. Cuzzo

**Cuzzo Planning Solutions, LLC**

p.o. box 564 - jensen beach, fl 34958

cell: 772.485.1600 - office: 772.221.2128



# Assessment Map



# Martin County, Florida - Laurel Kelly, C.F.A

generated on 10/9/2018 11:17:50 AM EDT

## Summary

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
37-38-41-003-000-00221-6	33189	2785 SE ST LUCIE BLVD, STUART	\$894,070	10/6/2018

### Owner Information

Owner(Current)	WOLFF CHARLES F JR & BONNY L
Owner/Mail Address	2785 SE ST LUCIE BLVD STUART FL 34997-5124
Sale Date	8/1/1986
Document Book/Page	<a href="#">0686 0671</a>
Document No.	
Sale Price	250000

### Location/Description

Account #	33189	Map Page No.	HG-03
Tax District	7017	Legal Description	PORT SEWAL REALTY CO LOT 22 (LESS NLY 75') & LOTS 23, 24 & 25
Parcel Address	2785 SE ST LUCIE BLVD, STUART		
Acres	1.2910		

### Parcel Type

Use Code	0100 Single Family
Neighborhood	393060 WEST LAKE & N. LAKE WATERFRONT

### Assessment Information

Market Land Value	\$729,600
Market Improvement Value	\$164,470
Market Total Value	\$894,070

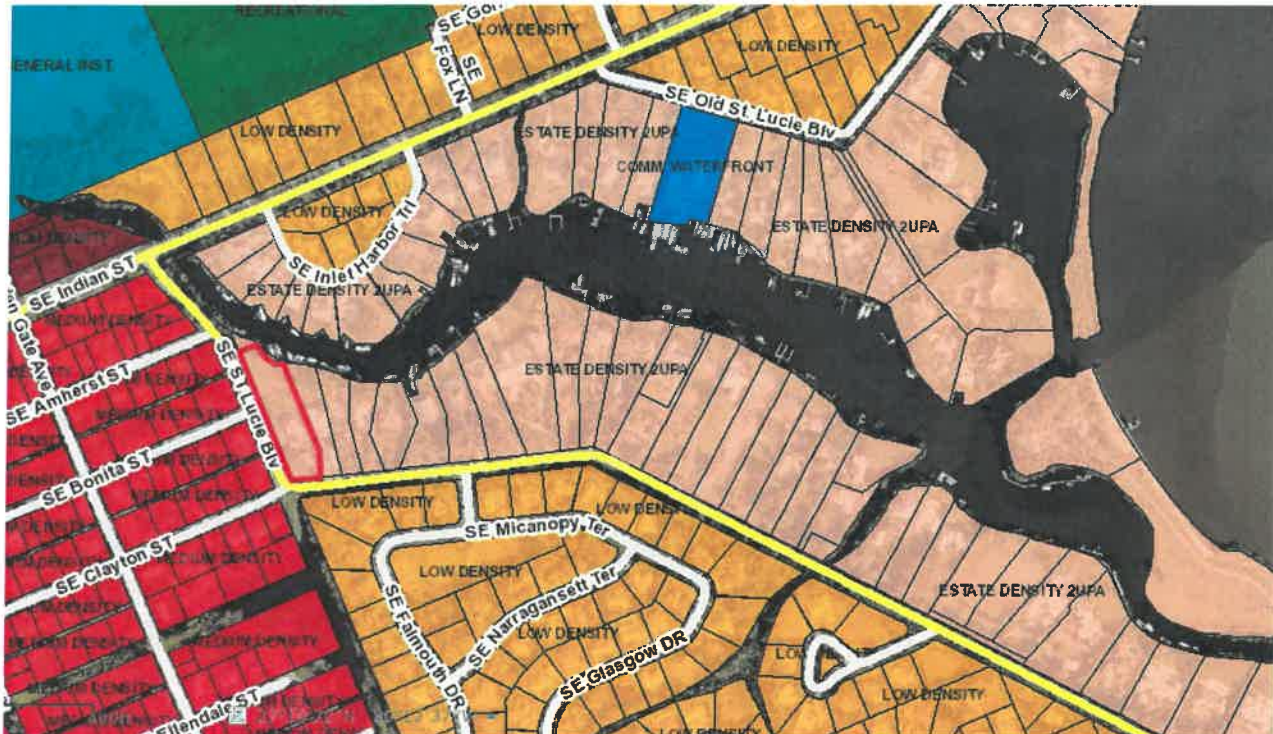


Donald J. Cuzzo

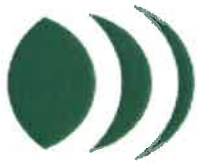
**Cuzzo Planning Solutions, LLC**

p.o. box 564 - jensen beach, fl 34958

cell: 772.485.1600 - office: 772.221.2128



FLU Map



Donald J. Cuozzo

**Cuozzo Planning Solutions, LLC**

p.o. box 564 - jensen beach, fl 34958

cell: 772.485.1600 - office: 772.221.2128



## Zoning Map





Donald J. Cuzzo

**Cuzzo Planning Solutions, LLC**

p.o. box 564 - jensen beach, fl 34958

cell: 772.485.1600 - office: 772.221.2128



Golden Gate CRA & Neighborhood  
Centre Zoning Overlay District



## School Impact Worksheet

The purpose of this school impact worksheet is to assist in planning for future public school facility needs and concurrency requirements. It is to be completed for any proposed residential project, and residential rezoning, amendments to FLUM with residential components, and DRIs.

**Date:** 8-14-2018  
**Parcel ID#:** 37-38-41-003-000-00221-6  
**Project Name:** Wolff Rezoning  
**Former Project Name:** N/A  
**Owner/Developer:** Mr. Wolff  
**Contact Name/Number:** Donald Cuzzo 772 221 2128  
**Total Project Acreage:** 1.27 acres  
**Year 1 of the Build-Out:** 0000

1. Please indicate the most likely build-out scenario. Show build-out by year and number of units/year.

Unit Type	Number of Units	First 5-year Period					Second 5- year Period				
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10
Single-family detached	N/A	0									
Multi-family		0									
Apartment		0									
Townhouse		0									
Other		0									

Note: If build-out is expected to go beyond the 10 year period above, please attach an additional table with build-out years until project completion.

2. Project number and type of residential dwelling units at build-out, as follows:

Unit Type	Number of Units	Typical Unit Floor Area (sq. ft.)	Estimated Price (\$) Per Unit	Number Restricted to 55+ Age Group
Single-family detached	N/A			
Multi-family	N/A			
Apartment	N/A			
Townhouse	N/A			
Other	N/A			

3. Please include a location map showing elementary, middle and high schools within a two-mile radius of the proposed project. If no schools are within a two-mile radius of the project, please indicate the nearest schools to the project.

## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned person on the date set forth below, who, first being duly sworn, deposes and says under penalties of perjury:

1. That the record property owner(s) of the Real Property described in **Exhibit "A"** to this Affidavit is (are) as follows:

Name	Address
Charles L. Wolff	2785 SE St Lucie Blvd, Stuart, FL, 34997
Bonny L. Wolff	2785 SE St Lucie Blvd, Stuart, FL, 34997

(If more space is needed attach separate sheet)

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest
N/A		

(If more space is needed attach separate sheet)

3. That the following is a list of those, who have any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property:

<b>Name</b>	<b>Address</b>	<b>Interest</b>
N/A		

(If more space is needed attach separate sheet)

4. That the following is a list of all other applications for which the applicant has an interest as defined in subsection b. and c. of Section 10.2.B.3. Land Development Regulations, Martin County Code currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.

<b>Application Name and/or Project Number</b>	<b>Names &amp; Addresses of Parties involved</b>	<b>Date</b>	<b>Type of Application</b>	<b>Status of Application*</b>
	N/A			

(If more space is needed attach separate sheet)

- Status defined as:  
A = Approved

P = Pending  
D = Denied  
W = Withdrawn

This Affidavit is given for the purpose of establishing compliance with the provisions of Section 10.2.B.3 Land Development Regulations; Martin County Code.

FURTHER AFFIANT SAYETH NOT.

AFFIANT

Charles Wolff

STATE OF  
COUNTY OF

Florida  
Martin

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 7th day of September 2018, by

Charles Wolff, who is personally known to me or have produced  
Florida Driver License as identification.

Ruth A. Waller

Notary Public, State of

Florida

Print Name:

Ruth A. Waller

My Commission Expires:

02/20/2020



(Notary Seal)

Ruth A. Waller  
State of Florida

My Commission Expires 02/20/2020  
Commission No. FF 952646

**Exhibit "A"**  
**(Disclosure of Interest and Affidavit)**  
**(Legal Description)**

## **EXHIBIT A**

OVERALL PROPERTY DESCRIPTION: LOT 22 (LESS THE NORTHERLY 75 FEET), LOT 23, 24 AND 25, PORT SEWALL REALTY CO'S. SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 60, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

May 12, 2003

To: Martin County Zoning Board or Whom It May Concern  
From: Roger J. Nicosia, Jr.  
Re: Building of a new home on a lot now part of the Wolff estate  
At 2785 S.E. St. Lucie Blvd., Stuart, Fl. 34997

Charlie and Bonnie Wolff have a home on three of four lots and have expressed a desire to ultimately build a home on the fourth lot. They were thoughtful enough to ask what I felt about building on that site.

As property owners of a legitimate building site I feel it is their right to build a home on that site regardless of what other neighbors may think.

As the property owner most impacted by any further building on their property, I should have the most to say about that subject. I would welcome another quality home to the neighborhood that I know the Wolff's would build.

I highly support any endeavors they may have in this regard. Feel free to call for any additional comments 772-286-3674.

Sincerely,

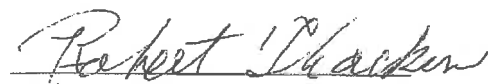



Roger J. Nicosia, Jr.  
2809 SE St. Lucie Blvd.  
Stuart, Fl. 34997

6-28-2017

To whom it may concern:

We, Bob and Ruth Thacker have lived across from the Wolff property for over 30 years. The entire time we have lived here the Wolff's have been good neighbors. We fully support them obtaining an easement on their property to allow for building a residence. Their doing so will not negatively impact our property. We have felt for years a house on this lower lot would be beneficial to the neighborhood.

  
Robert Thacker

  
Ruth Thacker

Dated: June 27, 2017



**LOCAL PLANNING AGENCY MEETING**  
**Martin County Commissioner Chambers**  
**2401 S.E. Monterey Road**  
**Stuart, Florida 34996**

**MEETING MINUTES- January 3, 2019**

**Present:**

Chairman .....	Jim Moir
Vice Chairman.....	Scott Watson
Agency Members .....	William J. Flanagan
Agency Members.....	Don Foley, III
.....	Cindy Hall

School Board Liaison ..... Kimberly Everman

**Staff Present:**

**Growth Management Department:**

Director .....	Nicki van Vonno
Acting County Attorney ..	Krista Storey
Principal Planner .....	Catherine Riiska
Principal Planner .....	Peter Walden
Principal Planner .....	Matthew Stahley
Agency Recorder.....	Mary Holleran

**1. CALL TO ORDER**

The meeting was called to order at 7:02 pm by Jim Moir, Chairman. A quorum was noted.

**2. CONSENT AGENDA**

**A. Approval of Consent Agenda/Minutes of December 6, 2018**

\* **MOTION – MOVED** by Mr. Foley to approve the Consent Agenda and Minutes of the LPA meeting of December 6, 2018.

\*\* **SECONDED** by Ms. Hall **Carried UNANIMOUSLY**

**Mr. Moir introduced and welcomed Mr. William J. Flanagan as a new member of the LPA. Mr. Flanagan commented that he was delighted to serve on the LPA Board.**

**3. UNFINISHED BUSINESS – None**

---

**Please Note:** ADA Accessibility Disclaimer – This document may be reproduced upon request in an alternative format by contacting the Martin County ADA Coordinator at (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [333.martin.fl.us/accessibility-feedback](http://333.martin.fl.us/accessibility-feedback).

**B. Requests and Presentations – None**

**4. NEW BUSINESS**

**A. Public Hearings**

**1. FPL Sweetbay Solar Energy Facility (F109-002) (Quasi-Judicial)** – Request for approval of a Major Final Site Plan for the development of approximately 271 acres of solar array panels, a 1.8-acre substation, and a 5.5 acre lake borrow pit on approximately 566 acres. The subject site is located approximately 1 ½ miles north of SW Warfield Blvd. (SR-170) on the east side of SW Allapattah Road (CR-609) in Indiantown. Included is a request for a Certificate of Public Facilities Reservation.

**Requested by:** Robert S. Raynes, Jr., Esq., Gunster Law Firm

**Presented by:** Catherine Riiska, M.S., P.W.S., Principal Planner, Growth Management Dept.

\*\*\* Ex Parte Communication Disclosures – Mr. Flanagan visited the properties and spoke with residents (who were riding bikes). He had no further comments. No other members had any communication disclosures.

\*\*\* Interveners – None

\*\*\* Ms. Riiska provided a copy of Staff Report and Agenda Materials, and a copy of her resume and professional experience

\*\*\* Return Receipts were provided by the applicant

\*\*\* All individuals wishing to speak on this request were sworn in (S/I)

Ms. Riiska reviewed the request for a major development final site plan for Florida Power & Light Company (FPL) for construction of an unmanned 74.5 MW photovoltaic solar energy facility (Solar Farm). The proposed use as a solar energy facility is a permitted use within the designated agricultural future land use and underlying zoning districts of A-2 and AG-20A. The project meets or exceeds the minimum standards of these zoning districts. An aerial Location Map displayed two access roads proposed, and the site abuts existing agriculture to the north and east and a residential subdivision to the south. The project is not within or adjacent to the USD, it is proposed to be unmanned, and no utility services are required or proposed.

The applicant is working with the County Attorney's Office regarding the donation of a 15 ft. Right-of-Way (ROW) easement on Allapattah Road within the 50 ft. setback on the applicant's property, and the form for the ROW easement has been approved by the Legal Department.

Environmental and Landscape compliance was provided within the Staff Report (pg. 8/16), along with Engineering and Findings of compliance on pg. 9/16. Staff evaluated the project and verified the FPL Solar Farm Project is in accordance with Martin County LDRs 3.100.1, and 3.104 and that it meets all Martin County Regulations and the CGMP. Staff recommends the LPA's approval of the FPL Sweetbay Solar Energy Facility (Solar Farm) and the acceptance and approval of the ROW easement.

**The Applicant:**

Robert Raynes, Esq., Gunster Law Firm, representing the applicant \*\*\* provided the Return Receipt Notifications. Mr. Raynes agreed with Ms. Riiska's excellent report that indicated this was strictly a straight zoning request. He introduced Ms. Amy Brunjes, (S/I), FPL Regional

Manager for External Affairs, Local Liaison for Martin County. Ms. Brunjes provided general information to put the project in perspective, which would set the stage for Krista Hendricks (S/I), Project Manager, FPL, Solar Energy presentation. Ms. Hendricks provided an in-depth review of solar energy, in addition to a video presentation.

LPA Comments:

Mr. Foley had been concerned with the environment but the FPL presentation and their care of the environment eased those concerns.

Mr. Flanagan confirmed neither existing power lines nor new ones would be increased.

Mr. Moir discussed the environment and the 74.5 MW photovoltaic solar energy and if there was thermal potential. He was assured the panels absorb heat, and are not hot.

Public Comments: - None

Mr. Raynes concluded FPL's presentation and asked the LPA for their recommendation of approval.

- \* **MOTION – MOVED** by Ms. Hall to support staff's recommendation regarding the approval of a Major Final Site Plan for the development of 271 acres of solar array panels, a 1.8 acre substation and a 5.5 acre lake borrow pit on approximately 566 acres. In addition the LPA recommends approval of the donation of a 15 ft. Right-of-Way (ROW) easement on Allapattah Road within the 50 ft. setback on the applicant's property.

\*\* **SECONDED** by Mr. Flanagan

**CARRIED - UNANIMOUSLY**

**2. Wolff, Bonny & Charles Rezoning (W093-001) (Quasi-Judicial)** – Request for a zoning change from the current WE-1, Waterfront Estate District to RE-1/2 A, Residential Estate District, or the most appropriate zoning district for an approximately 1.29 acres located at 2785 SE St. Lucie Boulevard. The subject property is located approximately 400 feet southeast of SE Indian Street in Stuart. Included is a request for a Certificate of Public facilities Exemption.

**Requested by:** Deanna Freeman, Cuzzo Planning Solutions, LLC

**Presented by:** Peter Walden, Principal Planner, Growth Management Department

\*\*\* Ex Parte Communication Disclosures – None

\*\*\* Interveners – None

\*\*\* Mr. Walden provided a copy of Staff Report and Agenda Materials, and a copy of his resume and professional experience

\*\*\* Return Receipts were provided by the applicant

\*\*\* All individuals wishing to speak on this request were sworn in (S/I)

\*\*\* Public comment from neighbors was provided

Mr. Walden, (S/I) introduced Matthew Stahley, (S/I) a new Planner in the Growth Management Department. Mr. Walden reviewed the requested non-mandatory zoning change from the current WE-1 Waterfront Estate District to RE-1/2 A, Residential Estate District. The permitted uses and development standards for the existing WE-1 and proposed RE-1/2 zoning districts (staff report, pg. 2/14 and 3/14) were provided.

Maximum building heights in the WE-1 district are 25 ft. and in the RE-1/2-A are 30 ft. Maximum densities in the WE-1 district are 30,000 sq. ft. and 21,780 sq. ft. in the RE-1/2-A, with setbacks less restrictive. Many of the existing waterfront lots in the area have been rezoned from the WE-1 to RE-1/2-A.

The Location Map, Aerial of the Subject Site, 2018 Aerial of the Local Area showing zoning district designations, a Zoning Map showing Future Land Use designations of abutting properties, and a Future Land Use Map were displayed. The maps show the residential development of this area is well established.

Mr. Walden pointed out an error in staff report (Pg. 6/14) #E, “At this time the water and wastewater services to the site will be provided by Martin County.” That is not correct, at this time only water services are available to the property.

Staff review of the request to rezone the property has determined it is consistent with the procedural requirements of Article 10 and in compliance with the provisions of Article 3. The Board was advised the application is in order and qualifies for an action of approval.

LPA Questions:

Mr. Flanagan questioned the height and story limitations. Mr. Walden indicated the zoning district RE-1/2-A was limited to 30 ft. in building height, and allowed 3 or 4 stories; WE-1 was limited to 2 stories and 25 ft. in building height.

Mr. Moir was concerned that sewers were not available and that it was a big issue for all the homes on the water.

The Applicant:

Donald Cuozzo, Planning Solutions, LLC and Deanna Freeman, representing the applicant, \*\*\* provided the Return Receipts. Mr. Cuozzo reviewed the request, and indicated the RE-1/2A zoning District was created to implement the Estate Density Land Use. The Wolff’s request is to have an opportunity create a new home that is more compatible with their age and used as a family compound. The RE-1/2-A gives them flexibility with the setbacks, design and the 5 ft. height difference. They also want to do something with the remainder of the property. Mr. Quozzo indicated this request brings the property into compliance with the CGMP and is in order and asked for an action of approval.

Public Comment:\*\*\*Comments attached.

The following individuals spoke in opposition of the request.

Bob Rice, Judy Mitchell, and Kim Falcone. Comments concerned the addition of another septic system on the water, drainage and trash from construction on neighboring property, fence not reinstalled after the hurricane, protection of mangroves used vs. sea wall, larger houses not fitting the neighborhood, constructing two residences on the property and wanting to see plans to assure the property would be in character with the neighborhood.

Bill Fondorf supported the request and indicated the septic system was not an issue and the guidelines for the RE-1/2-A were concise, and many neighbors have rezoned to that district.

LPA Comments:

Mr. Watson: discussed the advantages and/or disadvantages of remodeling the existing house compared to building a new structure.

Mr. Flanagan: Understood the desire for compatibility and integrity in the neighborhood, and said there are homes that are rezoned and haven't met the requirements to be in compliance. Today's rezoning offers no commitment, and staff has indicated the request has met the requirements for compliance.

Ms. Hall: The property is just outside the Golden Gate CRA, which may be slated for sewers in the near future and there might be an opportunity for this property to connect. In addition that whole area might want to consider conversion from septic to sewer if the Golden Gate CRA is slated for sewers.

Mr. Foley: Also had a concern for the septic system directly on the water.

Mr. Moir: Discussed the importance of the conversion of Martin County's septic system to sewers and the financial responsibility attached for the homeowners. The staff report did not address this issue. He was conflicted to deny this request when others had been approved.

Mr. Watson: Supported staff's recommendation of approval.

- \* **MOTION – MOVED** by Mr. Watson to approve staff's recommendation of approval for the Bonny and Charles Wolff rezoning change from the current WE-1, Waterfront Estate District to RE-1/2-A, Residential Estate District on approximately 1.29 acres located at 2785 SE St. Lucie Boulevard, Stuart, FL.

\*\* **SECONDED** – by Ms. Hall

**CARRIED UNANIMOUSLY**

**3. Humane Society of the Treasure Coast (H071-004) (Quasi-Judicial)** – Request for a zoning change from the current A-2, Agricultural District to AR-5A, Agricultural Ranchette District, or the most appropriate zoning district for an approximately 15.42 acres located on the west side of Leighton Farm Avenue about ¼ mile south of SW Martin Highway in Palm City. Included is a request for a Certificate of Public Facilities Exemption.

**Requested by:** Terence P. McCarthy, Esq. McCarthy Summers Law Firm

**Presented by:** Peter Walden, Principal Planner, and Matthew Stahley, Principal Planner, Growth Management Dept.

\*\*\* Ex Parte Communication Disclosures – None

\*\*\* Interveners – None

\*\*\* Mr. Walden provided a copy of Staff Report and Agenda Materials, and a copy of his resume and professional experience

Mr. Stahley provided a copy of Staff Report and Agenda Materials and a copy of his resume

\*\*\* Return Receipts were provided by the applicant

\*\*\* All individuals wishing to speak on this request were sworn in (S/I)

Mr. Stahley (S/I) reviewed the zoning change request. He displayed a Location Map, and a 2018 aerial of the property, the Zoning Atlas Excerpt, and the Future Land Use Map Excerpt.

1398

The land use designation on the property is Agricultural Ranchette with a maximum density allowed of one U/P/5A. The current zoning is A-2, Agricultural District, Category “C” which is inconsistent with the future land use designation, and the request to rezone is considered mandatory. The one Category “A” zoning district available to implement the Agricultural Ranchette land use is AR-5A, Agricultural Ranchette District, and a PUD is also available as an option.

Permitted uses were displayed and indicated the requested zoning change to the AR-5A Zoning District is compatible with the uses in the area and implements the future land use on the property. Review and analysis of the application finds it in compliance with applicable regulations and staff recommends approval of the AR-5A as the most appropriate zoning district.

Mr. Flanagan addressed the mandatory rezoning designation. Mr. Walden explained the Category “C” was an old zoning category that was changed in 2002 and that Category “A” was the appropriate zoning district to implement the Agricultural Ranchette land use AR-5A.

The Applicant:

Terence McCarthy, Esq., McCarthy Summers Law Firm, \*\*\* provided the Return Receipts. Mr. McCarthy reviewed the Humane Society’s request, indicating after 20 years in their present location that they needed to renovate, expand and provide for a training and educational facility.

Mr. McCarthy introduced Frank Valenti, President and CEO of the Humane Society to explain why they are here, where they have been and where they are going. Mr. Valenti indicated they provided services for over 4,000 animals last year, 660 in Palm City. 20% of the animals leave the shelter through adoption or go back to their owners. The HSTC service is intended for animal protection, providing needed training and education for owners when their animals return and expanding the community resource center for training and education, as the need for services has grown significantly. Mr. Valenti added the HSTC also visits schools, hospitals, and other agencies and invited the public to visit the shelter to seek animals for adoption. Mr. McCarthy displayed a site plan.

Mr. Flanagan asked Mr. Valenti to add the Anderson Middle School to his schedule for visits. Mr. Valenti agreed and will meet with Mr. Flanagan after the meeting.

**PUBLIC COMMENT:** - None

\* **MOTION – MOVED** by Ms. Hall to approve staff’s recommendation of approval for rezoning the Humane Society of the Treasure Coast property from the current A-2, Agricultural District to AR-5A, Agricultural Ranchette District.

\*\* **SECONDED** – by Mr. Watson

**CARRIED UNANIMOUSLY**

**5. COMMENTS**

a. **Public** - None

**b. Staff – On-Line Communication of Agenda Materials**

Ms. van Vonno addressed on-line communications with LPA members accessing the server on the FPL site and if errors had occurred. Staff is trying to determine the best way to communicate with Board members and how often problems occur downloading agenda materials.

Mr. Moir indicated he could retrieve most of the agenda materials but had issues with FPL dropping material that was being downloaded. This happened twice today. He has had 4 or 5 issues in the past with large amounts of material to be downloaded.

Mr. Foley indicated smaller agenda items were OK but the FPL site was too large and didn't open all. Large files seem to be the problem.

Ms. Hall usually picks up her copy and can access small items OK.

**c. Members -**

Ms. Van Vonno advised members the next meeting is scheduled for Thursday, January 17, 2019 and there is one site plan on the agenda. Staff has not yet determined whether a workshop will be held.

**6. ADJOURN**

There was no further business. The meeting was adjourned at 8:50 pm.

Recorded and Prepared by:

Approved by:

\_\_\_\_\_  
Mary F. Holleran, Agency Recorder

\_\_\_\_\_  
Jim Moir, Chairman

\_\_\_\_\_  
Date





Donald J. Cuzzo

**Cuzzo Planning Solutions, LLC**

p.o. box 564 - jensen beach, fl 34958

cell: 772.485.1600 - office: 772.221.2128

December 14, 2018

Addressee

Address

**RE: Notice of Public Hearings for W093-001 Wolff Rezoning - 2785 SE St. Lucie Blvd., Stuart.**

**Request and Location:** Request for a proposed amendment to the County Zoning Atlas for a residential district designation (Section 3.2.E, LDR). A Zoning District change from WE-1, Waterfront Estate District to RE-1/2A, Residential Estate District is proposed for an approximate 1.29-acre parcel located at 2785 SE St. Lucie Boulevard approximately 400 feet southeast of SE Indian Street in Stuart.

Dear Property Owner:

As the owner of property within 500 feet of the property in the above description and shown on the map attached to this letter, please be advised that consideration of a request for a proposed amendment to the County Zoning Atlas as noted above will occur at two (2) public hearings.

The date, time and place of the scheduled hearings are as follows:

Time and Date:

**LOCAL PLANNING AGENCY**

7:00 P.M., or as soon after as the matter may be heard, on  
Thursday, January 3, 2019

**BOARD OF COUNTY COMMISSIONERS**

9:00 A.M., or as soon after as the matter may be heard, on  
Tuesday, February 12, 2019

Place:

Martin County Administrative Center  
2401 S.E. Monterey Road  
Stuart, Florida

All interested persons are invited to attend and be heard. Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the County Administrator at (772) 221-2360, or in writing to 2401 S.E. Monterey Road, Stuart, FL 34996, no later than three days before the hearing date. Persons using a TDD device, please call 711 Florida Relay Services.

When attending a public hearing, a member of the public may speak during the public comment portion of the public hearing. A person may also participate in the public meeting as an Intervenor. An Intervenor may ask questions of the staff, applicant and

give testimony on the subject of the public hearing. In order to be an Intervenor, a person must qualify to receive mailed notice of the subject application in accordance with Section 10.6.E., Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator not less than 7 days prior to the meeting. No fee will be assessed on Intervenor. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group. Forms are available on the Martin County website [www.martin.fl.us](http://www.martin.fl.us).

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

For further information, please call the Growth Management Department at 772-288-5495. All written comments should be sent to Peter Walden, Principal Planner, (e-mail: [pwalden@martin.fl.us](mailto:pwalden@martin.fl.us)) or 2401 SE Monterey Road, Stuart, FL 34996. Copies of the item will be available from the Growth Management Department. 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](http://www.martin.fl.us/accessibility-feedback).

Sincerely,

Donald J. Cuozzo

Attachment: Location Map

D-Signs, LLC  
911 S.E. Hillcrest Ave.  
Stuart, FL 34994

Oct. 23, 2018

Cuozzo Planning Solutions, LLC  
P.O. Box 564  
Jensen Beach, FL 34958

REF: Wolff Rezoning sign

Attn::

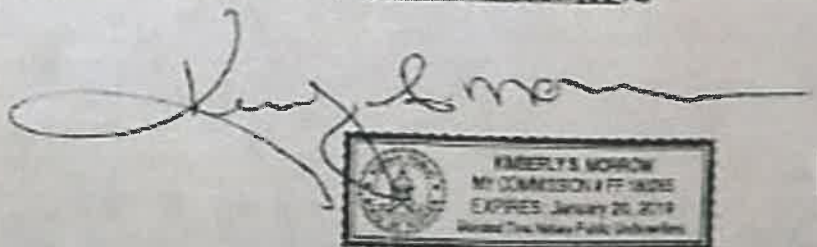
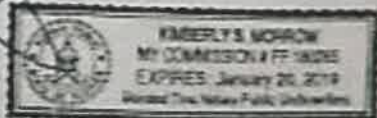
This Letter is to Certify that the above referenced sign(s) were installed per Martin County requirements. This sign was posted according to and complies with the standards of the notice provisions of Article 10, Section 10:6 Development Review Procedures.

  
Kurt C. Larsen

10/25/18  
Date

State of Florida  
County of Martin

Kurt C. Larsen, who is produced photo ID Florida Drivers License  
personally known to me, who did not take an oath,  
acknowledged the foregoing instrument before me on October 23, 2018

**W093-001**  
**Wolff Rezoning – Sign posted on proposal site.**





Ad Number: 2182251

Insertion Number: N/A

Size: 1 Col x 140 ag

Color Type: N/A

Advertiser: Martin County Commissioners

Agency: N/A

Section-Page-Zone(s): D-3-All

Description: WOLFF REZONING LEGAL AD

Public Notices

**EXHAUSTION OF ADMINISTRATIVE REMEDIES; AND PROVIDING FOR CERTIFICATION, SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, AND AN EFFECTIVE DATE.**

The Public Hearing will be held on Tuesday, January 8, 2019 at 9:00 a.m., or as soon thereafter as the matter may be heard, in the County Commission Chambers located on the first floor of Building A of the County Administrative Complex, 1801 27th Street, Vero Beach, Florida 32906, at which time interested parties may be heard with respect to the proposed ordinance.

The proposed ordinance may be inspected by the public during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at the Office of the Clerk to the Board of County Commissioners located on the second floor of Building A of the County Administrative Complex, 1801 27th Street, Vero Beach, Florida.

Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a written record of the proceedings is made, which includes testimony and evidence upon which the appeal is based.

Anyone who needs a special accommodation for this meeting must contact the County's Americans with Disabilities Act (ADA) Coordinator at 772-256-1223 at least 48 hours in advance of the meeting.

**INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS**  
FOR SOLAR, CHAMPAIGN  
Pub Dec 18th 2018  
TCN2184653

**BEFORE THE LOCAL PLANNING AGENCY AND THE BOARD OF COUNTY COMMISSIONERS**  
MARTIN COUNTY, FLORIDA

**NOTICE OF PUBLIC HEARINGS**

Subject: Wolff, Sonny and Charles (WOLFF-061) Request for a zoning district change from the current V-1 Waterfront Estate District to R-1/2A, Residential Estate District, or the most appropriate zoning district, included in the application is a request for a Certificate of Public Facilities Exemption.

Location: The subject property is approximately 1.29 acres located at 2785 SE St. Lucie Boulevard approximately 400 feet south of SE Indian Street in Stuart.

Time and Date: **LOCAL PLANNING AGENCY** 7:00 P.M., or as soon after as the matter may be heard, on Thursday, January 3, 2019

**BOARD OF COUNTY COMMISSIONERS** 9:00 A.M., or as soon after as the matter may be heard, on Tuesday, February 12, 2019

Place: Martin County Administrative Center

Public Notices

**2480 SE Monterey Road Stuart, Florida**

All interested persons are invited to attend and be heard on the proposed ordinance at the public hearing. The ordinance does not include transportation to and from the hearing. Please contact the Office of the ADA Coordinator at (772) 256-1223, or in writing to 2480 SE Monterey Road, Stuart, FL 34956, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Service.

When attending a public hearing, a member of the public may speak during the public comment portion of the public hearing. A person may also participate in the public meeting as an intervenor. An intervenor is a person who has questions of the staff, ask questions of the staff, or who wishes to be an intervenor, a person must give notice of the subject matter in accordance with Section 218.05, Land Development Regulations, Martin County Code. In addition, an intervenor must file a form of intent with the County Administrator not less than 7 business days prior to the LPA or BCC meeting. No fee will be assessed on intervenor. If the intervenor is representing a group or association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, placing that he/she is authorized to speak for the group. Forms are available on the Martin County website: www.martinfl.us. Any document, including all documents or video cassette tapes, intended to be provided as evidence must be submitted to the Growth Management Department at least seven (7) business days prior to the meeting.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any local committee, agency, council or advisory group, that person will need to ensure that a written record of the proceedings is made, which includes testimony and evidence upon which the appeal is based.

For further information, including copies of the agenda item materials, please call the Growth Management Department at 772-256-5495. All written comments should be sent to: Mike Vonnor, Growth Management Director, email: mike.vonnor@martin.fl.us or 2480 SE Monterey Road, Stuart, FL 34956. The public hearing will be held on Tuesday 18th 2018  
TCN2182351

**Request for Bids**

**REQUEST FOR SEALED BIDS**

**Request for Sealed Construction Bids** #20180015 for "Pavement Resurfacing" on the 1st floor of the Indian River County Courthouse, located at 1000 N. US Highway 1, Vero Beach, FL 32980. The project is located on the 1st floor of the Indian River County Courthouse, located at 1000 N. US Highway 1, Vero Beach, FL 32980. The project is located on the 1st floor of the Indian River County Courthouse, located at 1000 N. US Highway 1, Vero Beach, FL 32980.

**Request for Bids**  
**REQUEST FOR SEALED BIDS**  
**Request for Sealed Construction Bids** #20180015 for "Pavement Resurfacing" on the 1st floor of the Indian River County Courthouse, located at 1000 N. US Highway 1, Vero Beach, FL 32980. The project is located on the 1st floor of the Indian River County Courthouse, located at 1000 N. US Highway 1, Vero Beach, FL 32980. The project is located on the 1st floor of the Indian River County Courthouse, located at 1000 N. US Highway 1, Vero Beach, FL 32980.

Request for Bids

Floor, Suite 206, 810 "M" of the Municipal Complex, at 121 SW Port St. Lucie Blvd., Port St. Lucie, Florida 34858, on January 18, 2019, at 10:00 a.m. The project is located on the 1st floor of the Indian River County Courthouse, located at 1000 N. US Highway 1, Vero Beach, FL 32980. The project is located on the 1st floor of the Indian River County Courthouse, located at 1000 N. US Highway 1, Vero Beach, FL 32980. The project is located on the 1st floor of the Indian River County Courthouse, located at 1000 N. US Highway 1, Vero Beach, FL 32980.

**Tax Deed Application**

Jeffrey R. Smith  
Indian River County  
Clerk of the Circuit Court and  
Comptroller  
2000 18th Avenue  
Vero Beach, FL 32960  
(772) 770-5185

**NOTICE OF APPLICATION FOR TAX DEED**

NOTICE IS HEREBY GIVEN THAT JAMES WEBER, holder of a Certificate of Title, has filed said Tax Certificate for a Tax Deed to be issued upon the expiration of the term of the Certificate. The description of property and the name(s) to which it is assessed are as follows:

Certificate Number: 2015 0306  
File Number: 2015 0017D

Description of Property: SEBASTIAN HIGHLANDS SUB UNIT 63 BLK 146 LOT 12 P61 659

Property Address: 831 AMALIA AV SEBASTIAN, FL 32956

Assessed To: ELEANOR MCLAUGHLIN

All of the above property is located in Indian River County, State of Florida. Unless such certificate or certificates shall be redeemed according to Law, the Property or Properties to which the Certificate or Certificates will be sold to the Highest Bidder online at: www.indianriverclerk.com on the 15th day of January, 2019 at 11:00 AM or any subsequently scheduled sale date.

Dated: December 03, 2018  
Brandon Young, Deputy Clerk  
For JEFFREY R. SMITH  
Clerk of the Circuit Court and  
Comptroller  
Indian River County, Florida

**WARNING**

There are unpaid taxes on property which you own, in which you have a legal interest, or to which you are entitled. The taxes are due and payable to the Indian River County Tax Collector. If you are a person with a disability who needs any assistance in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administrator, 256 NW Country Club Drive Suite 217, Port St. Lucie, FL 34858, 772-807-4378 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711. Pub Dec 11th 18th 25th 2018 Jan 1 2019  
TCN 2178765

Jeffrey R. Smith  
Indian River County  
Clerk of the Circuit Court and  
Comptroller  
2000 18th Avenue  
Vero Beach, FL 32960  
(772) 770-5185

**NOTICE OF APPLICATION FOR TAX DEED**

NOTICE IS HEREBY GIVEN THAT CAPITAL ONE CITRUS ASSOCIATE OF FID 224 LLC, holder of the following Certificate for a Tax Deed to be issued thereon. The Certificate Number, the description of property and the name(s) to which it is assessed are as follows:

Certificate Number: 2015 1507  
File Number: 2018 0018TD

Description of Property: W E GEORGEYS SUB BLK 5 LOT 69 855 132

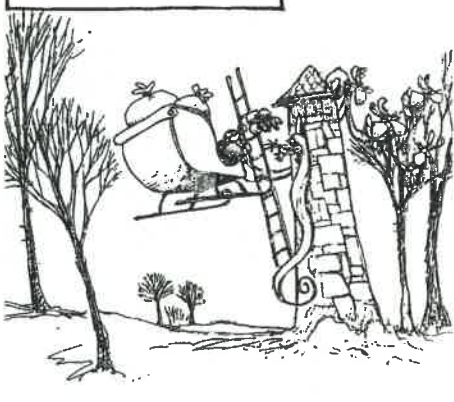
Property Address: 1835 30TH AV VERO BEACH, FL 32906

**NOTICE TO PERSONS WITH DISABILITIES**

If you are a person with a disability who needs any assistance in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administrator, 256 NW Country Club Drive Suite 217, Port St. Lucie, FL 34858, 772-807-4378 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711. Pub Dec 11th 18th 25th 2018 Jan 1 2019  
TCN 2178765

NON SEQUITUR

THE HOLIDAY REWRITE



**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Tax Deed Application**

**Matthew Stahley**

---

**From:** Bob Rice <rarerice@gmail.com>  
**Sent:** Tuesday, January 01, 2019 12:20 PM  
**To:** Peter Walden  
**Subject:** Change of Zoning - Wolfe Residence property

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

January 1, 2019

To : Mr. Peter Walden, Principle Planner

[Pwalden@martin.fl.us](mailto:Pwalden@martin.fl.us)

2401 SE Monterey Road

Stuart, Fl. 34996

Re: Objection to Wolff Rezoning (W093-001) 2785 SE St. Lucie Blvd., Stuart, Fl.  
34996

Dear Mr. Walden,

As a long time neighbor who has property that borders the Wolff estate, my wife and I WOULD STRONGLY OBJECT TO THIS SPOT ZONING CHANGE PROPOSAL.

We are 29 year residents that have lived here in a one story home. To approve a zoning change that would allow a three story home in this area, as well as boat launch, would be incompatible with the other local residences. No zoning change is warranted for this property.

We see that there is no reasonable explanation except for their PRIVATE INTEREST AND PURE PROFIT of the property owner to request a change in zoning 1406

for this estate. A spot zoning change does not promote good for the entire community and would create a hardship for us and others in this area.

Sincerely, Robert and Angela Rice  
3240 S.E. Amherst Street Stuart, Fla. 34997



## Matthew Stahley

---

**From:** David Powell <danjpowell@aol.com>  
**Sent:** Monday, December 31, 2018 10:18 AM  
**To:** Peter Walden  
**Cc:** nickiv@martin.fl.us; Doug Smith; Sarah Heard; Harold Jenkins; Edward Ciampi; Sarah Woods; Stacey Hetherington; Taryn Kryzda  
**Subject:** January 3 Public Hearing Wolff Zoning Change

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Peter Walden, Principal Planner  
22401 SE Monterey Road  
Stuart FL 34996

Dear Mr. Walden,

We live at 2831 S. E. Saint Lucie Blvd, Stuart and are responding to your letter which we received in our held mail upon returning home from Christmas holidays yesterday.

We have known the Wolffs as neighbors for twenty years and are surprised to learn of their request to change their zoning to RE-1/2A which after our quick research appears to be broad and encompasses many allowances that are not compatible with all of the waterfront residences on St. Lucie Blvd between Indian Street and Sandsprit Park. For this reason, we feel it is important to know the precise plans for this zoning change. We would like to see a development plan that provides reassurance that anything NON compatible with a residential area and/or WE-1 Waterfront Estate designation will not be built.

In the absence of such a development plan we are opposed to this rezoning request. We ask that you deny the Wolff's request without a plan that would explain why this zoning change is necessary.

Thank you for your assistance.

David T. Powell 772 781-8666

Joyce E. Powell

## Matthew Stahley

---

**From:** gloriafike@gmail.com  
**Sent:** Tuesday, January 01, 2019 7:04 PM  
**To:** Peter Walden  
**Subject:** Jan. 3 Meeting Wolff Rezoning Request

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### RE: Objection to WOLFF Rezoning (W093-001) [2785 SE St. Lucie Blvd., Stuart](#)

Dear Mr. Walden,

As a longtime property owner 2 lots east of the property requesting the above referenced zoning change, (WE-1 to RE-1/2A) and a friend and neighbor of owners Bonnie and Charles Wolff, I am writing to voice my objection to the zoning change request *as currently proposed*, especially considering three important items:

1. ***There is no development plan attached to this request and should a zoning change be granted, there is no assurance the property will not be developed into one of the allowable RE-1/2A entities inconsistent with and reducing value of neighboring properties, including a boat launch or recycle center.*** Although I can't imagine these particular uses are the Wolff's intentions, as they offer little to no monetary or lifestyle value, a zoning change with no approved development plan leaves the door open for current or future owners to implement any number of obnoxious developments. This is all the more reason to require a development plan before a zoning change is approved as it seems an associated development plan would be specific and binding to all parties.
2. ***This would set a precedent in the neighborhood as the overwhelming majority of adjacent waterfront properties in the Port Sewell area are all zoned WE-1.*** I don't agree with the Development Review Staff report's suggestion that "... The requested zoning change will have minimal impact on the Port Sewall community." This is speculative as zoning change impacts cannot be known without an associated development plan.
3. ***Of the 110 waterfront fringe Port Sewell properties, only 14 are not WE-1 and designated RE-1/2A and these 14 are not located anywhere near the property requesting the zoning change.*** All 48 nearby properties along the waterfront fringe of West Lake/Willoughby Creek where the Wolff property is located are zoned WE-1.

I would not be opposed to the Wolff's building a second home on the property with a proper variance or zoning change, but allowing the change without knowing the Wolff's intention for the property opens the door for uses not acceptable to our neighborhood. Furthermore, in the staff report, the applicant's own planning professional, Deanna Freeman, concurs that PUD zoning is an alternative to the outright zoning change being proposed.

In conclusion, the Wolff's have a large property, and another house on it would likely not be met with neighborhood opposition. However, before a zoning change is granted, we need assurances of what the property will be used for. Rather than leaving this up to speculation and simply taking the good will of the property

1409

owner and/or developer by allowing a simple zoning change, I ask you to consider all the above and deny this request without an associated development plan that will answer why this change is necessary for the Wolff property.

Sincerely,  
Gloria C. Fike  
[2815 SE St.](#) Lucie Blvd. Stuart, FL 34997

Cc: Nikki van Vonno, Growth Management Director, ([nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)) Cc: Martin County Commissioners; Doug Smith ([dsmith@martin.fl.us](mailto:dsmith@martin.fl.us)); Stacey Hetherington ([shetherington@martin.fl.us](mailto:shetherington@martin.fl.us)); Harold Jenkins ([hjenkins@martin.fl.us](mailto:hjenkins@martin.fl.us)); Sarah Heard ([sheard@martin.fl.us](mailto:sheard@martin.fl.us)); Edward Ciampi ([eciampi@martin.fl.us](mailto:eciampi@martin.fl.us))  
Cc: Taryn Kryzda, County Administrator: ([tkryzda@martin.fl.us](mailto:tkryzda@martin.fl.us))  
Cc: Sarah Woods, County Attorney: ([swoods@martin.fl.us](mailto:swoods@martin.fl.us))

Sent from my iPad

## Matthew Stahley

---

**From:** Judy Mitchell <judymitchell@kravis.org>  
**Sent:** Saturday, December 29, 2018 11:26 AM  
**To:** Peter Walden  
**Cc:** nickiv@martin.fl.us; Doug Smith; Stacey Hetherington; Harold Jenkins; Sarah Heard; Edward Ciampi; Taryn Kryzda; Sarah Woods; Firefly2811@gmail.com  
**Subject:** JANUARY 3rd PUBLIC HEARING - LETTER RE: W093-001 WOLFF REZONING - 2785 SE ST. LUCIE BLVD, STUART - (Hard Copy via US MAIL)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

December 28, 2018

Mr. Peter Walden, Principal Planner  
22401 SE Monterey Road  
Stuart, FL 34996

RE: Application **W093-001-Wolff Rezoning 2785 SE St. Lucie Blvd., Stuart**

Dear Mr. Walden,

We are property owners at 2811 SE St. Lucie Blvd., Stuart - one lot east of the Wolff property under consideration for a zoning change. We consider ourselves friends and good neighbors with Charlie and Bonnie Wolff and would like to be able to support them in their request. However, we do not have any information as to what they want to do with the property that would require a zoning change. In the absence of a Development Plan on which we and other concerned neighbors could rely and have assurances regarding the land use, we must stand in opposition to this zoning change request.

Currently there are 48 immediate and nearby properties along the waterfront fringe of Willoughby Creek, where this change is being requested. **ALL are zoned WE-1. There are no immediately adjacent or even nearby waterfront properties that have the RE-1/2A zoning designation that is being requested.**

Reviewing the zoning map included in the Wolff Zoning Change Proposal, the overwhelming majority (96 of the 110) of properties along the waterfront fringe of Port Sewell including Willoughby Creek, West Lake and Old St. Lucie Blvd. waterfront area are designated WE-1. Only 14 properties in this area are designated RE-1/2A and ALL the RE-1/2A properties are along the wider St. Lucie River with one located on wider West Lake area; ALL are substantially larger properties. **NONE** are located along the smaller, waterfront fringe of Willoughby Creek. Therefore, one would conclude that the RE-1/2A use is not compatible with the character and existing land uses of the adjacent properties or surrounding area.

A development plan would be an important step to understand why this zoning change is needed. There are a number of different uses allowed with the RE-1/2A zoning that are NOT compatible with 1411 a residential area and/or WE-1 Waterfront Estate designation including a recycling drop off facility,

neighborhood boat ramp and several commercial uses. The Wolffs cannot control what would happen should they sell the property once a zoning change is in place. An approved development plan would be binding and would provide assurances as to what could be built on that property in the future.

December 28, 2018  
Page 2

If the Wolff's want to provide a mechanism for one additional single family home to be built on their property, I would not anticipate neighborhood opposition to a simple variance process to allow them to do so.

In the absence of a development plan, however, we have no choice but to oppose this Rezoning Proposal. We ask that you deny this proposal without an associated development plan that would answer why this zoning change is necessary for this particular property.

Thank you for your consideration.

James P. Mitchell \_\_\_\_\_ Cell: 772-260-1634

Judith A. Shepherd Mitchell \_\_\_\_\_

CC: Nicki van Vonno, Growth Management Director, [nickiv@martin.fl.us](mailto:nickiv@martin.fl.us)  
CC: Martin County Commissioners; Doug Smith ([dsmith@martin.fl.us](mailto:dsmith@martin.fl.us)); Stacey Hetherington ([shetherington@martin.fl.us](mailto:shetherington@martin.fl.us)); Harold Jenkinss ([hjenkins@martin.fl.us](mailto:hjenkins@martin.fl.us)); Sarah Heard ([sheard@martin.fl.us](mailto:sheard@martin.fl.us)); Edward Ciampi ([eciampi@martin.fl.us](mailto:eciampi@martin.fl.us));  
CC: Taryn Kryzda, County Administrator: ([tkryzda@martin.fl.us](mailto:tkryzda@martin.fl.us))  
CC: Sarah Woods, County Attorney: ([swoods@martin.fl.us](mailto:swoods@martin.fl.us))

December 30, 2018

To: Mr. Peter Walden, via email pwalden@martin.fl.us  
Re: OBJECTION TO THE WOLFF ZONING CHANGE REQUEST  
(W093-001) 2785 SE Saint Lucie Blvd., Stuart

As the neighbor immediately adjacent to the Wolff's property and the property most affected by the proposed zoning change I need to know why the zoning change is requested and have guarantees as to what the change will be used for.

The change from WE-1 to RE-1/2A allows construction of buildings and facilities not compatible with the area. According to the staff report a recycling center and boat launch ramp, as well as 3 story "house scrapers" could be constructed.

In order to maintain the character of the area and property value of adjacent properties a PUD, Planned Unit Development, will be needed to ensure compatible use now and in the future.

I have been a neighbor of the Wolff's for more than 2 decades and they have enjoyed a spacious property. I also understand their move to the Florida panhandle to be closer to their son and grandchildren. I am sorry to see them go and need to see to it that the character of the neighborhood is maintained while at the same time they can benefit from their long time investment.

Sincerely,

Roger Nicosia  
2809 SE Saint Lucie Blvd., Stuart, FL 34997

December 28 , 2018

Mr. Peter Walden  
Principal Planner  
2401 SE Monterey Road  
Stuart, FL 34996

RECEIVED

JAN 02 2019

GROWTH MANAGEMENT  
DEPARTMENT

**RE: Objection to WOLFF Rezoning (W093-001) 2785 SE St. Lucie Blvd., Stuart**

Dear Mr. Walden,

I am writing in response to a letter I received regarding the Wolff Rezoning request for the above referenced property. I object to this requested zoning change because the letter does not explain why the Wolff's want to change the zoning and what type of development they want to do on the property. We cannot leave this up to speculation as it's my understanding the zoning they are requesting would allow for development of items not appropriate for our waterfront estate neighborhood.

It's my understanding the county commission has some type of entity in place that would require development plans be attached to this zoning request so that neighbors may better understand future plans for the property.

I ask that the commission and council request a development plan be done before granting any type of zoning change and thus better protect neighboring property owners.

Sincerely,



Vernon G. Sands,  
2819 SE St. Lucie Blvd.  
Stuart, FL 34997



---

[space above line provided for recording data]

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**RESOLUTION NUMBER 19-\_\_**

**[REGARDING DENIAL OF CHANGE IN ZONING CLASSIFICATION FROM WE-1, WATERFRONT ESTATE DISTRICT, TO RE-1/2A, RESIDENTIAL ESTATE, FOR CHARLES WOLFF AND BONNY WOLFF]**

**WHEREAS**, this Board has made the following determinations of fact:

1. Charles Wolff and Bonny Wolff submitted an application for a change in zoning district classification from WE-1, Waterfront Estate District, to RE-1/2A, Residential Estate District, for the property described in Exhibit A, attached hereto.
2. The Local Planning Agency was scheduled to hear the application at a public hearing on January 3, 2019. The LPA's recommendations were forwarded to the Board of County Commissioners.
3. This Board has considered such recommendations.
4. Upon proper notice of hearing this Board held a public hearing on the application on February 12, 2019.
5. At the public hearing, all interested parties were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

A. The request for a zoning district change from the WE-1, Waterfront Estate District, to the RE-1/2A, Residential Estate District, for Charles Wolff and Bonny Wolff is hereby denied because XXXX.

B. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

**DULY PASSED AND ADOPTED THIS 12th DAY OF FEBRUARY, 2019.**

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

BY: \_\_\_\_\_  
CAROLYN TIMMANN, CLERK OF  
THE CIRCUIT COURT AND  
COMPTROLLER

BY: \_\_\_\_\_  
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

BY: \_\_\_\_\_  
KRISTA A. STOREY  
ACTING COUNTY ATTORNEY

**ATTACHMENTS:**

Exhibit A, Legal Description

## EXHIBIT A

OVERALL PROPERTY DESCRIPTION; LOT 22 (LESS THE NORTHERLY 75 FEET), LOT 23, 24 AND 25, PORT SEWALL REALTY CO'S. SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 60, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PHQJ-2

**Peter W. Walden**  
3712 SW Woodbriar Lane, Palm City, FL 34990 • pwalden@martin.fl.us

## Experience

COUNTY  
EXHIBIT #2

### Principal Planner, Martin County, FL

2018- present

- Development application and land development regulation review.
- Project coordinator.

### Senior Planner, Martin County, FL

2015- 2018

- **Development Review:** Project coordinator for development and zoning applications.
- Provide review of development applications for consistency with the Comprehensive Growth Management Plan and the Land Development Regulations.

### Development Compliance Planner, City of Palm Beach Gardens, Palm Beach Gardens, FL

2014- 2015

- **Development Review:** Review development and permit applications for compliance with land development code. Monitor development construction for compliance with development orders and environmental compliance. Provide related documents; draft time extensions, build out determinations, administrative amendments.

### Zoning Compliance, Village of North Palm Beach, NPB, FL

2012- 2014

- **Plan Review:** Member of the DRC, participate in all development review, focus on zoning regulations and land development policy and compliance. Review building permits for code compliance. Prepare and present projects to the Planning Commission, and maintain all corresponding files.
- **Building Department:** fully trained permit technician, assist permit techs with code questions, record searches, and customer service, assist building official with zoning compliance issues
- **Grant Committee:** Prepare, review and present grants to the Business Grant Committee.

### Sales Associate, The Home Depot, Jupiter, FL

2010-2012

- Worked as a Sales Associate while attending FAU.

### Landscape Design Manager, Ginn Company, Celebration, FL

2004-2008

- Part of a development team responsible for managing the construction and maintenance of Resort Communities.
- Projects included: golf courses, land development and earthwork, utilities and irrigation, streetscapes, mitigation projects and wetland construction, parks, Clubhouses, and PGA Tour events in the southeast and the Bahamas.
- Worked with project managers and consultants on development compliance with SFWMD, DEP, Army Corp of Engineers, and local municipalities.

## Education & Certifications

**Florida Atlantic University**, Boca Raton, FL (GPA 3.8)

**B.P.M. Bachelor of Public Management** (Administration), minor in Geography, May 2012

**Course work in:** Urban Planning, GIS, Emergency Management, Program Evaluation, Transportation

**Indian River State College**, Stuart, FL (GPA: 3.75)

**A.A., Environmental Science**, May 2010

**Government Internship**, Town of Jupiter, FL May-August 2011 Planning and Zoning, Business Development

*Member of the American Planning Association*

FILED FOR RECORD  
COMMISSION RECORDS  
MARTIN COUNTY, FL  
Date 02/12/19  
CAROLYN TIMMANN  
CLERK OF CIRCUIT COURT  
By mkv D.C.

Peter Walden

COUNTY  
EXHIBIT #3

PHQJ-2  
PUBLIC COMMENT

**From:** Judy Mitchell <firefly2811@gmail.com>  
**Sent:** Sunday, February 10, 2019 2:18 PM  
**To:** Doug Smith  
**Cc:** Stacey Hetherington; Harold Jenkins; Sarah Heard; Edward Ciampi; Peter Walden  
**Subject:** AGENDA ITEM FOR FEBRUARY 12, 2019. Application W093-001 - WOLFF REZONING APPLICATION - 2785 SE St. Lucie Blvd., Stuart.

RE: OBJECTION TO REZONING APPLICATION W093-001 - Charles and Bonnie Wolff, 2785 SE St. Lucie Blvd., Stuart

Dear Commissioner Smith,

We are property owners at 2811 SE St. Lucie Blvd., Stuart just one lot east of the Wolff property under consideration for a zoning change and have always considered ourselves to be friends and good neighbors with the Wolffs. It is, therefore, difficult to stand in opposition to this zoning change request but we are on the record as being in opposition. We feel strongly that there should be a County approved development plan in place before a zoning change is granted that we and many other concerned neighbors could rely upon regarding the actual land use going forward. We are requesting that the applicant be required to submit a development plan before this zoning change is approved.

There are a number of different uses allowed with the requested RE-1/2 zoning that are NOT compatible with a residential area and/or WE-1 Waterfront Estate designation. Currently ALL 48 nearby properties on Willoughby Creek closest to the Wolff property are zoned WE-1. The approval of this zoning change would be precedent setting.

Of the 110 waterfront fringe Port Sewell properties, only 14 are not WE-1; they are nowhere near the property being considered for this zoning change, and they are on substantially wider bodies of water.

The Wolffs cannot control what would happen should they sell the property once a zoning change is in place. An approved development plan would be binding and would provide assurances as to what could be built on that property in the future. A zoning change should not be approved without a proper development plan that is both community serving and protects the property values of all neighboring WE-1 properties.

Thank you for your consideration of our concerns.

James P. Mitchell  
Judith A. Mitchell

FILED FOR RECORD  
COMMISSION RECORDS  
MARTIN COUNTY, FL  
Date 02/12/19 Time \_\_\_\_\_  
CAROLYN TIMMANN  
CLERK OF CIRCUIT COURT  
By mxv D.C.

## Peter Walden

---

**From:** gloriafike@gmail.com  
**Sent:** Tuesday, January 01, 2019 7:04 PM  
**To:** Peter Walden  
**Subject:** Jan. 3 Meeting Wolff Rezoning Request

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### RE: Objection to WOLFF Rezoning (W093-001) [2785 SE St. Lucie Blvd., Stuart](#)

Dear Mr. Walden,

As a longtime property owner 2 lots east of the property requesting the above referenced zoning change, (WE-1 to RE-1/2A) and a friend and neighbor of owners Bonnie and Charles Wolff, I am writing to voice my objection to the zoning change request *as currently proposed*, especially considering three important items:

1. ***There is no development plan attached to this request and should a zoning change be granted, there is no assurance the property will not be developed into one of the allowable RE-1/2A entities inconsistent with and reducing value of neighboring properties, including a boat launch or recycle center.*** Although I can't imagine these particular uses are the Wolff's intentions, as they offer little to no monetary or lifestyle value, a zoning change with no approved development plan leaves the door open for current or future owners to implement any number of obnoxious developments. This is all the more reason to require a development plan before a zoning change is approved as it seems an associated development plan would be specific and binding to all parties.
2. ***This would set a precedent in the neighborhood as the overwhelming majority of adjacent waterfront properties in the Port Sewell area are all zoned WE-1.*** I don't agree with the Development Review Staff report's suggestion that "... The requested zoning change will have minimal impact on the Port Sewall community." This is speculative as zoning change impacts cannot be known without an associated development plan.
3. ***Of the 110 waterfront fringe Port Sewell properties, only 14 are not WE-1 and designated RE-1/2A and these 14 are not located anywhere near the property requesting the zoning change.*** All 48 nearby properties along the waterfront fringe of West Lake/Willoughby Creek where the Wolff property is located are zoned WE-1.

I would not be opposed to the Wolff's building a second home on the property with a proper variance or zoning change, but allowing the change without knowing the Wolff's intention for the property opens the door for uses not acceptable to our neighborhood. Furthermore, in the staff report, the applicant's own planning professional, Deanna Freeman, concurs that PUD zoning is an alternative to the outright zoning change being proposed.

In conclusion, the Wolff's have a large property, and another house on it would likely not be met with neighborhood opposition. However, before a zoning change is granted, we need assurances of what the property will be used for. Rather than leaving this up to speculation and simply taking the good will of the property

owner and/or developer by allowing a simple zoning change, I ask you to consider all the above and deny this request without an associated development plan that will answer why this change is necessary for the Wolff property.

Sincerely,

Gloria C. Fike

[2815 SE St.](#) Lucie Blvd. Stuart, FL 34997

Cc: Nikki van Vonno, Growth Management Director, ([nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)) Cc: Martin County Commissioners; Doug Smith ([dsmith@martin.fl.us](mailto:dsmith@martin.fl.us)); Stacey Hetherington ([shetherington@martin.fl.us](mailto:shetherington@martin.fl.us)); Harold Jenkins ([hjenkins@martin.fl.us](mailto:hjenkins@martin.fl.us)); Sarah Heard ([sheard@martin.fl.us](mailto:sheard@martin.fl.us)); Edward Ciampi ([eciampi@martin.fl.us](mailto:eciampi@martin.fl.us))

Cc: Taryn Kryzda, County Administrator: ([tkryzda@martin.fl.us](mailto:tkryzda@martin.fl.us))

Cc: Sarah Woods, County Attorney: ([swoods@martin.fl.us](mailto:swoods@martin.fl.us))

Sent from my iPad



## Peter Walden

---

**From:** Judy Mitchell <judymitchell@kravis.org>  
**Sent:** Saturday, December 29, 2018 11:26 AM  
**To:** Peter Walden  
**Cc:** nickiv@martin.fl.us; Doug Smith; Stacey Hetherington; Harold Jenkins; Sarah Heard; Edward Ciampi; Taryn Kryzda; Sarah Woods; Firefly2811@gmail.com  
**Subject:** JANUARY 3rd PUBLIC HEARING - LETTER RE: W093-001 WOLFF REZONING - 2785 SE ST. LUCIE BLVD, STUART - (Hard Copy via US MAIL)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

December 28, 2018

Mr. Peter Walden, Principal Planner  
22401 SE Monterey Road  
Stuart, FL 34996

RE: Application **W093-001-Wolff Rezoning 2785 SE St. Lucie Blvd., Stuart**

Dear Mr. Walden,

We are property owners at 2811 SE St. Lucie Blvd., Stuart - one lot east of the Wolff property under consideration for a zoning change. We consider ourselves friends and good neighbors with Charlie and Bonnie Wolff and would like to be able to support them in their request. However, we do not have any information as to what they want to do with the property that would require a zoning change. In the absence of a Development Plan on which we and other concerned neighbors could rely and have assurances regarding the land use, we must stand in opposition to this zoning change request.

Currently there are 48 immediate and nearby properties along the waterfront fringe of Willoughby Creek, where this change is being requested. **ALL are zoned WE-1. There are no immediately adjacent or even nearby waterfront properties that have the RE-1/2A zoning designation that is being requested.**

Reviewing the zoning map included in the Wolff Zoning Change Proposal, the overwhelming majority (96 of the 110) of properties along the waterfront fringe of Port Sewell including Willoughby Creek, West Lake and Old St. Lucie Blvd. waterfront area are designated WE-1. Only 14 properties in this area are designated RE-1/2A and ALL the RE-1/2A properties are along the wider St. Lucie River with one located on wider West Lake area; ALL are substantially larger properties. **NONE** are located along the smaller, waterfront fringe of Willoughby Creek. Therefore, one would conclude that the RE-1/2A use is not compatible with the character and existing land uses of the adjacent properties or surrounding area.

A development plan would be an important step to understand why this zoning change is needed. There are a number of different uses allowed with the RE-1/2A zoning that are NOT compatible with a residential area and/or WE-1 Waterfront Estate designation including a recycling drop off facility,

neighborhood boat ramp and several commercial uses. The Wolffs cannot control what would happen should they sell the property once a zoning change is in place. An approved development plan would be binding and would provide assurances as to what could be built on that property in the future.

December 28, 2018

Page 2

If the Wolff's want to provide a mechanism for one additional single family home to be built on their property, I would not anticipate neighborhood opposition to a simple variance process to allow them to do so.

In the absence of a development plan, however, we have no choice but to oppose this Rezoning Proposal. We ask that you deny this proposal without an associated development plan that would answer why this zoning change is necessary for this particular property.

Thank you for your consideration.

James P. Mitchell \_\_\_\_\_ Cell: 772-260-1634

Judith A. Shepherd Mitchell \_\_\_\_\_

CC: Nicki van Vonno, Growth Management Director, [nickiv@martin.fl.us](mailto:nickiv@martin.fl.us)

CC: Martin County Commissioners; Doug Smith ([dsmith@martin.fl.us](mailto:dsmith@martin.fl.us)); Stacey Hetherington ([shetherington@martin.fl.us](mailto:shetherington@martin.fl.us)); Harold Jenkinss ([hjenkins@martin.fl.us](mailto:hjenkins@martin.fl.us));

Sarah Heard ([sheard@martin.fl.us](mailto:sheard@martin.fl.us)); Edward Ciampi ([eciampi@martin.fl.us](mailto:eciampi@martin.fl.us));

CC: Taryn Kryzda, County Administrator: ([tkryzda@martin.fl.us](mailto:tkryzda@martin.fl.us))

CC: Sarah Woods, County Attorney: ([swoods@martin.fl.us](mailto:swoods@martin.fl.us))

December 30, 2018

To: Mr. Peter Walden, via email pwalden@martin.fl.us  
Re: OBJECTION TO THE WOLFF ZONING CHANGE REQUEST  
(W093-001) 2785 SE Saint Lucie Blvd., Stuart

As the neighbor immediately adjacent to the Wolff's property and the property most affected by the proposed zoning change I need to know why the zoning change is requested and have guarantees as to what the change will be used for.

The change from WE-1 to RE-1/2A allows construction of buildings and facilities not compatible with the area. According to the staff report a recycling center and boat launch ramp, as well as 3 story "house scrapers" could be constructed.

In order to maintain the character of the area and property value of adjacent properties a PUD, Planned Unit Development, will be needed to ensure compatible use now and in the future.

I have been a neighbor of the Wolff's for more than 2 decades and they have enjoyed a spacious property. I also understand their move to the Florida panhandle to be closer to their son and grandchildren. I am sorry to see them go and need to see to it that the character of the neighborhood is maintained while at the same time they can benefit from their long time investment.

Sincerely,

Roger Nicosia  
2809 SE Saint Lucie Blvd., Stuart, FL 34997

December 28 , 2018

Mr. Peter Walden  
Principal Planner  
2401 SE Monterey Road  
Stuart, FL 34996

RECEIVED

JAN 02 2019

GROWTH MANAGEMENT  
DEPARTMENT

**RE: Objection to WOLFF Rezoning (W093-001) 2785 SE St. Lucie Blvd., Stuart**


Dear Mr. Walden,

I am writing in response to a letter I received regarding the Wolff Rezoning request for the above referenced property. I object to this requested zoning change because the letter does not explain why the Wolff's want to change the zoning and what type of development they want to do on the property. We cannot leave this up to speculation as it's my understanding the zoning they are requesting would allow for development of items not appropriate for our waterfront estate neighborhood.

It's my understanding the county commission has some type of entity in place that would require development plans be attached to this zoning request so that neighbors may better understand future plans for the property.

I ask that the commission and council request a development plan be done before granting any type of zoning change and thus better protect neighboring property owners.

Sincerely,



Vernon G. Sands,  
2819 SE St. Lucie Blvd.  
Stuart, FL 34997

## Peter Walden

---

**From:** Bob Rice <rarerice@gmail.com>  
**Sent:** Tuesday, January 01, 2019 12:20 PM  
**To:** Peter Walden  
**Subject:** Change of Zoning - Wolfe Residence property

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

January 1, 2019

To : Mr. Peter Walden, Principle Planner

[Pwalden@martin.fl.us](mailto:Pwalden@martin.fl.us)

2401 SE Monterey Road

Stuart, Fl. 34996

Re: Objection to Wolff Rezoning (W093-001) 2785 SE St. Lucie Blvd., Stuart, Fl.  
34996

Dear Mr. Walden,

As a long time neighbor who has property that borders the Wolff estate, my wife and I WOULD STRONGLY OBJECT TO THIS SPOT ZONING CHANGE PROPOSAL.

We are 29 year residents that have lived here in a one story home. To approve a zoning change that would allow a three story home in this area, as well as boat launch, would be incompatible with the other local residences. No zoning change is warranted for this property.

We see that there is no reasonable explanation except for their PRIVATE INTEREST AND PURE PROFIT of the property owner to request a change in zoning

for this estate. A spot zoning change does not promote good for the entire community and would create a hardship for us and others in this area.

Sincerely, Robert and Angela Rice  
3240 S.E. Amherst Street Stuart, Fla. 34997

## Peter Walden

---

**From:** David Powell <danjpowell@aol.com>  
**Sent:** Monday, December 31, 2018 10:18 AM  
**To:** Peter Walden  
**Cc:** nickiv@martin.fl.us; Doug Smith; Sarah Heard; Harold Jenkins; Edward Ciampi; Sarah Woods; Stacey Hetherington; Taryn Kryzda  
**Subject:** January 3 Public Hearing Wolff Zoning Change

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Peter Walden, Principal Planner  
22401 SE Monterey Road  
Stuart FL 34996

Dear Mr. Walden,

We live at 2831 S. E. Saint Lucie Blvd, Stuart and are responding to your letter which we received in our held mail upon returning home from Christmas holidays yesterday.

We have known the Wolffs as neighbors for twenty years and are surprised to learn of their request to change their zoning to RE-1/2A which after our quick research appears to be broad and encompasses many allowances that are not compatible with all of the waterfront residences on St. Lucie Blvd between Indian Street and Sandsprit Park. For this reason, we feel it is important to know the precise plans for this zoning change. We would like to see a development plan that provides reassurance that anything NON compatible with a residential area and/or WE-1 Waterfront Estate designation will not be built.

In the absence of such a development plan we are opposed to this rezoning request. We ask that you deny the Wolff's request without a plan that would explain why this zoning change is necessary.

Thank you for your assistance.

David T. Powell 772 781-8666

Joyce E. Powell