



# Board of County Commissioners

## Agenda Item Summary

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PHQJ-1

**Continued From  
Previous Meeting**

File ID: 19-0608

PHQJ-1

Meeting Date: 7/30/2019

PLACEMENT: Public Hearings - Quasi-Judicial

### TITLE:

**SUNRISE RESTAURANTS, LLC REZONING (C110-007)**

COUNTY  
**EXHIBIT # 1**

### EXECUTIVE SUMMARY:

This is a request by Sunrise Restaurants, LLC for approval of an amendment to the county zoning atlas. A zoning district change from the R-3A Liberal Multiple-Family District to the LC Limited Commercial District, or the most appropriate zoning district, is requested for an approximate 2.29-acre parcel located at 4000 NE Indian River Drive, approximately 1,000 feet north of the intersection of NE Indian River Drive and NE Causeway Boulevard in Jensen Beach. Included is a request for a Certificate of Public Facilities Exemption.

DEPARTMENT: Growth Management

PREPARED BY: Name: Catherine Riiska  
Title: Principal Planner

REQUESTED BY: Agent, Morris Crady, Lucido and Associates; Owner, Fred Ayres, Sunrise Restaurants, LLC

PRESET:

**PROCEDURES: Quasi-Judicial**

FILED FOR RECORD  
COMMISSION RECORDS  
MARTIN COUNTY, FL  
Date 7/30/19 Time \_\_\_\_\_  
CAROLYN TIMMANN  
CLERK OF CIRCUIT COURT  
By MKV D.C.

### BACKGROUND/RELATED STRATEGIC GOAL:

The 2.29-acre subject site is located at Jensen Beach at 4000 NE Indian River Dr. The parcel, which is bisected by NE Indian River Drive, is bounded on the west by the FEC railroad right-of-way and on the east by the Indian River. The portion of the site, located on the west side of NE Indian River Drive, contains a structure formerly known as the Admiral's Table restaurant that was originally developed in the 1970's and has been unused for approximately 20 years. The portion of the site located on the east side of NE Indian River Drive abuts the Indian River and is undeveloped.

The future land use designation for the entire property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Commercial Limited, which is a classification that is allocated to commercial sites accessible to major thoroughfares near residential neighborhoods intended to accommodate commercial uses of a scale and intensity that shall be compatible with adjacent residential neighborhoods. Pursuant to Section 3.402., LDR, the existing Category C R-3A zoning district is inconsistent with the Commercial Limited future land use designation. Therefore, the request to rezone this property is considered mandatory.

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There is one (1) Category A standard zoning district that is available to implement the Commercial Limited future land use policies of the CGMP, which is the LC Limited Commercial district. In addition to the standard zoning districts, 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 PUD zoning district requires additional benefits to the County and more controls by the County. The applicant is seeking to redevelop the site and is requesting approval to rezone the property to the LC Limited Commercial district.

The Martin County Land Development Regulations provide the standards for amendments to the Zoning Atlas in Section 3.2.E.2. of Article 3. A full analysis of the application of these standards to this rezoning request and the specific subject site is provided in the attached Staff Report. The application has been scheduled to be considered by the Local Planning Agency in a public hearing on June 6, 2019, and their recommendations will be provided to the Board.

The following supporting materials are provided attached to this Agenda Item:

- 1 - Staff Report
- 2 - Draft Resolution for Approval of Rezoning
- 3 - Site Legal Description (Exhibit A to resolution)
- 4 - Application Materials
- 5 - Financial Disclosure Affidavit
- 6 - Surrounding Properties Noticing List
- 7 - Noticing Letter Template
- 8 - Noticing Sign Posting Certification
- 9 - Legal Ad
- 10 - Draft Resolution for Denial of Rezoning

### **ISSUES:**

The applicant failed to mail notices to surrounding property owners within the required time. Because the BCC hearing had already been advertised in the newspaper, it is necessary to continue this item to July 30, 2019.

### **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**

1. Move that the Board receive and file the Agenda item Summary and all of its attachments including the Staff Report for the record as Exhibit 1.
2. Move that the Board approve the request to amend the Martin County Zoning Atlas to change the zoning district on the subject property from R-3A to LC, or the most appropriate zoning district, and adopt the resolution of approval.

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## ALTERNATIVE RECOMMENDATIONS

- 2A. Move that the Board continue this matter to a date certain.
- 2B. Move that the Board deny the request to amend the Martin County Zoning Atlas to change the zoning district on the subject property from R-3A to LC, or the most appropriate zoning district, and adopt a resolution of denial setting forth the reasons for the denial.

## FISCAL IMPACT:

### RECOMMENDATION

The applicant has paid fees of \$290 for sufficiency review and \$1,000 for mandatory rezoning application review.

Funding Source	County Funds	Non-County Funds
<b>Subtotal</b>		
<b>Project Total</b>		

## ALTERNATIVE RECOMMENDATIONS

As above.

## DOCUMENT(S) REQUIRING ACTION:

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

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# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## STAFF REPORT

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

## **SUNRISE RESTAURANTS, LLC REZONING**

Applicant:	Sunrise Restaurants, LLC, Fred Ayres
Property Owner:	Sunrise Restaurants, LLC
Agent for the Applicant:	Lucido and Associates, Morris A. Crady
County Project Coordinator:	Catherine Riiska, MS, PWS, Principal Planner
Growth Management Director:	Nicki van Vonno, AICP
Project Number:	C110-007
Application Type and Number:	DEV2019030010
Report Number:	2019_0503_C110-007_DRT_Staff_FINAL.docx
Application Received:	03/28/2019
Transmitted:	04/01/2019
Staff Report:	05/01/2019
LPA Hearing:	06/06/2019
BCC Hearing:	06/18/2019

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

This is an application for a proposed amendment to the county Zoning Atlas for a Commercial Limited district designation (Section 3.2.E, LDR). A Zoning District change from R-3A, Liberal Multiple Family Residential District, to the LC, Limited Commercial District, or the most appropriate zoning district, is proposed for an approximate 2.29-acre parcel located approximately 1,000 feet north of the intersection of NE Indian River Dr and NE Causeway Blvd in Jensen Beach at 4000 NE Indian River Dr. The parcel, which is bisected by NE Indian River drive, is bounded on the west by the FEC railroad right-of-way and on the east by the Indian River.

The portion of the site, located on the west side of NE Indian River Drive, contains a structure formerly known as the Admiral's Table restaurant that was originally developed in the 1970's and has been vacant for approximately 20 years, with associated paved parking in various states of deterioration. The portion of the site located on the east side of NE Indian River Drive abuts the Indian River and is undeveloped. The future land use designation for the entire property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Commercial Limited, which is a classification that is allocated to commercial sites accessible to major thoroughfares near residential neighborhoods intended to accommodate commercial uses of a scale and intensity that shall

be compatible with adjacent residential neighborhoods. Areas designated for Limited Commercial development are not intended to accommodate large-scale retail sales, service or trade activities that generally serve a larger market area. Pursuant to Section 3.402., LDR, the existing Category C R-3A zoning district is inconsistent with the Commercial Limited future land use designation. Therefore, the request to rezone this property is considered mandatory.

There is one (1) Category A standard zoning district that is available to implement the Commercial Limited future land use policies of the CGMP, which is the LC Limited Commercial district. In addition to the standard zoning districts, 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 PUD zoning district requires additional benefits to the County and more controls by the County. The applicant is proposing to rezone the property to the LC Limited Commercial district. The following tables provide the permitted uses and the development standards for the available standard zoning district LC, followed by the standards for the existing category C R-3A zoning district.

**TABLE 3.11.2 (EXCERPT)**  
**PERMITTED USES – CATEGORY “A” NONRESIDENTIAL DISTRICTS**

USE CATEGORY	LC
<i><b>Residential Uses</b></i>	
Accessory dwelling units	
Apartment hotels	P
Mobile homes	
Modular homes	
Multifamily dwellings	
Single-family detached dwellings	
Single-family detached dwellings, if established prior to the effective date of this ordinance	
Townhouse dwellings	
Duplex dwellings	
Zero lot line single-family dwellings	
<i><b>Agricultural Uses</b></i>	
Agricultural processing, indoor	
Agricultural processing, outdoor	
Agricultural veterinary medical services	
Aquaculture	
Crop farms	
Dairies	
Exotic wildlife sanctuaries	

Farmer's markets	
Feed lots	
Fishing and hunting camps	
Orchards and groves	
Plant nurseries and landscape services	P
Ranches	
Silviculture	
Stables, commercial	
Storage of agricultural equipment, supplies and produce	
Wildlife rehabilitation facilities	
<b><i>Public and Institutional Uses</i></b>	
Administrative services, not-for-profit	P
Cemeteries, crematory operations and columbaria	
Community centers	P
Correctional facilities	
Cultural or civic uses	P
Dredge spoil facilities	
Educational institutions	P
Electrical generating plants	
Fairgrounds	
Halfway houses	
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance	
Hospitals	
Neighborhood assisted residences with six (6) or fewer residents	
Neighborhood boat launches	
Nonsecure residential drug and alcohol rehabilitation and treatment facilities	
Nonsecure residential drug and alcohol rehabilitation and treatment facilities, on lots where such use was lawfully established prior to the effective date of this ordinance	
Places of worship	P
Post offices	P
Protective and emergency services	P

Public libraries	P
Public parks and recreation areas, active	P
Public parks and recreation areas, passive	P
Public vehicle storage and maintenance	
Recycling drop-off centers	P
Residential care facilities	P
Solid waste disposal areas	
Utilities	P
<i>Commercial and Business Uses</i>	
Adult business	
Ancillary retail use	
Bed and breakfast inns	P
Business and professional offices	P
Campgrounds	
Commercial amusements, indoor	P
Commercial amusements, outdoor	
Commercial day care	P
Construction industry trades	P
Construction sales and services	P
Family day care	
Financial institutions	P
Flea markets	
Funeral homes	P
General retail sales and services	
Golf courses	
Golf driving ranges	
Hotels, motels, resorts and spas	P
Kennels, commercial	
Limited retail sales and services	P
Marinas, commercial	
Marine education and research	
Medical services	P
Pain management clinics	P

Parking lots and garages	P
Recreational vehicle parks	P
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance	
Residential storage facilities	P
Restaurants, convenience, with drive-through facilities	
Restaurants, convenience, without drive-through facilities	P
Restaurants, general	P
Shooting ranges	
Shooting ranges, indoor	P
Shooting ranges, outdoor	
Trades and skilled services	
Vehicular sales and service	
Vehicular service and maintenance	
Veterinary medical services	P
Wholesale trades and services	
<b><i>Transportation, Communication and Utilities Uses</i></b>	
Airstrips	
Airports, general aviation	
Truck stop/travel center	
<b><i>Industrial Uses</i></b>	
Biofuel facility	
Composting, where such use was approved or lawfully established prior to March 1, 2003	
Extensive impact industries	
Limited impact industries	
Mining	
Salvage yards	
Yard trash processing	
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002	
<b><i>Life Science, Technology and Research (LSTAR) Uses</i></b>	
Biomedical research	P

Bioscience research	P
Computer and electronic components research and assembly	P
Computer and electronic products research and assembly	P
Computer programming/software research	P
Computer system design	P
Electromedical apparatus research and assembly	P
Electronic equipment research and assembly	P
Laser research and assembly	P
Lens research	P
Management, scientific and technical services	P
Marine Research	P
Medical and dental labs	P
Medical equipment assembly	P
Optical equipment assembly	P
Optical instruments assembly	P
Optoelectronics assembly	P
Pharmaceutical products research	P
Precision instrument assembly	P
Professional, scientific and technical services	P
Reproducing magnetic and optical media	P
Research and development laboratories and facilities, including alternative energy	P
Scientific and technical consulting services	P
Simulation training	P
Technology centers	P
Telecommunications research	P
Testing laboratories	P
<b><i>Targeted Industries Business (TIB) Uses</i></b>	
Aviation and aerospace manufacturing	
Business-to-business sales and marketing	P
Chemical manufacturing	
Convention centers	
Credit bureaus	P

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

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

**TABLE 3.12.1 (excerpted)  
DEVELOPMENT STANDARDS**

<b>C A T</b>	<b>Zoning District</b>	<b>Min. Lot Area (sq. ft.)</b>	<b>Min. Lot Width (ft.)</b>	<b>Max. Res. Density (upa)</b>	<b>Max. Hotel Density (upa)</b>	<b>Max. Building Coverage (%)</b>	<b>Max. Height (ft.)/(stories)</b>	<b>Min. Open Space (%)</b>	<b>Other Req. (footnote)</b>
A	LC	10,000	80	10.00	20.00	50	30	30	—

**TABLE 3.12.2 (excerpted)  
STRUCTURE SETBACKS**

		<b>Front/by story (ft.)</b>				<b>Rear/by story (ft.)</b>				<b>Side/by story (ft.)</b>			
<b>C A T</b>	<b>Zoning District</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
A	LC	25	25	25	25	20	20	30	40	10	10	20	

### Category C Zoning District Standards

#### Sec. 3.407. – R-3A Liberal Multiple-Family District.

3.407.A. Uses permitted. In this district, a building or structure or land shall be used for only the following purposes subject to any additional limitations pursuant to section 3.402:

1. Any uses permitted in the R-3 Multiple-Family Residential District.

2. Restaurants and/or lunchrooms, not the drive-in type, with an enclosed seating capacity of ten persons or more.
3. Beauty parlors and barbershops.
4. Dry cleaning and laundry pickup stations.
5. Fire stations.
6. Boat docks and dry and wet storage facilities under cover, and facilities for maintenance and repairs of boats or yachts, upon submission of plans for review and approval of the planning and zoning board.
7. Mobile home and travel trailer sales.
8. Gasoline or other motor fuel stations, provided all structures and buildings, except principal use signs, and including storage tanks shall be placed not less than 25 feet from any side or rear property lines.
9. Professional and business offices.
10. Retail stores.

3.407.B. Required lot area and width. Lots or building sites shall have an area of not less than 7,500 square feet, with a minimum width of 60 feet measured at the building line:

1. Single-family structures: The minimum lot size shall be the same as above. A minimum of 600 square feet of living area shall be required, exclusive of carports, breezeways or utility rooms.
2. Two-family structures: The minimum lot size shall be 7,500 square feet, with a minimum width of 75 feet a minimum of 800 square feet of living area per two-family structure shall be required, exclusive of carports, breezeways or utility rooms.
3. Apartment buildings: There shall be a minimum building site of 15,000 square feet with a minimum width of 100 feet measured at the building line for the first four apartment units. For each additional apartment unit, 2,600 square feet shall be added to the required minimum building site and an additional five feet shall be added to the required minimum width at the building line. A maximum density of 15 apartment units may be permitted per acre depending on available community services and capital improvements. There shall be a minimum of 325 square feet of living area in each apartment unit.
4. Triplex structures: The minimum lot size shall be 11,250 square feet, with a minimum width of 88 feet; a minimum of 1,200 square feet of living area per three-family structure shall be required, exclusive of carports, breezeways or utility rooms.

3.407.C. Minimum yards required.

1. Front:
  - 1 story: 20 feet.
  - 2 stories: 25 feet.
2. Sides and rear:
  - 1 story: 6 feet.
  - 2 stories: 10 feet.
3. For structures in excess of two stories, five feet shall be added to the required yards per story.
4. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.
5. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.
6. No setback or yard shall be required adjacent to water frontage.

3.407.D. Building height regulations.

1. The maximum building height in this district shall be four stories or 40 feet.

3.407.E. Percentage of land coverage.

1. One- to four-story dwelling structures and accessory structures shall not occupy more than 30 percent of the building site required.

**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 Commercial Limited land use on the Future Land Use Map (FLUM) of the Comprehensive Growth Management Plan (CGMP). The zoning implementation policies and requirements are contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code identify one (1) standard zoning districts, LC Limited Commercial District, that is available to implement the Commercial Limited future land use classification.

In addition to the standard zoning districts the PUD (Planned Unit Development) District is also available as a fourth option. The PUD District offers more design flexibility to 1368

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

Policy 4.13A.8.(2) of Chapter 4, Future Land Use Element, of the CGMP addresses the Commercial Limited land use designation:

*Limited Commercial development is allocated to commercial sites accessible to major thoroughfares near residential neighborhoods. The scale and intensity of commercial uses in Limited Commercial areas shall be compatible with adjacent residential neighborhoods. Sites in this designation are intended for shops with limited inventory of goods as well as transient lodging facilities consistent with the CGMP and the Land Development Regulations. This designation is not generally intended to accommodate residential development. Duly approved residential uses existing at the effective date of the CGMP shall be considered permitted uses.*

*Areas designated for Limited Commercial development are not intended to accommodate large-scale retail sales, service or trade activities that generally serve a larger market area. Such stores would usually require a larger floor area, carry a relatively larger inventory and require a substantially greater parking area.*

*Land Development Regulations implementing the Limited Commercial future land use designation shall be consistent with these development standards. Minimum net lot sizes shall be 10,000 square feet. FAR shall be governed by the parking standards of the Land Development Regulations. Maximum densities for hotel/motel units shall be 20 units per gross acre. Maximum building coverage shall be 50 percent. Minimum open space shall be 30 percent. Maximum building height shall be 30 feet.*

*Residential use shall be allowed in the Limited Commercial future land use designation as part of a mixed-use project in any of the seven CRAs designated in Policy 4.2B.4. Residential densities shall be as provided for in Policy 4.3A.3.*

This application requests a rezoning of the property to the LC Zoning District, which is the one Category A standard zoning district created specifically to implement the CGMP policies for lands designated Commercial Limited on the Future Land Use Map of the CGMP. The site fronts and spans NE Indian River Drive, a minor arterial roadway, serving as a major thoroughfare along the west bank of the Indian River, is in close proximity to residential neighborhoods, and therefore meets the locational criteria of sites suitable for the Commercial Limited future land use designation and development. The proposed redevelopment of this subject site, for which this rezoning is intended for application of the standards associated with the Commercial Limited land use, is a local restaurant, which is a permitted use under the proposed zoning district of LC and does not include the use of large-

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scale retail sales, service or trade activities that generally serve a larger market area. The site is located within the primary urban services district and will be required to demonstrate compliance with all applicable standards for the Commercial Limited land use designation in the CGMP.

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

There is one (1) standard zoning district that is available to implement the Commercial Limited future land use policies of the CGMP, which is the requested LC Limited Commercial District.

The subject property has an area of approximately 2.3 acres and a lot width of approximately 250 linear feet fronting the right-of-way for NE Indian River Drive for both the eastern and western portions of the parcel, consistent with the minimum development standards governing the requested LC Zoning District, as shown above in Table 3.12.1. With respect to the other Land Development Regulation requirements related to roads, drainage, environmental protection, utilities, emergency services, landscaping, etc., full compliance is being assessed regarding the specific redevelopment plan that has been submitted to the County under a separate application (C110-008) that is under review. This request to rezone the subject property is consistent with the information the County provided to the applicant at a pre-application workshop held with the County Development Review Team on September 6, 2018, and is considered mandatory.

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 redevelopment of the property is proposed as part of this application requesting a rezoning. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

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

As shown in the figures contained in Section E below, the subject property is bisected by and has two frontages on NE Indian River Drive, within a corridor designated for commercial limited land use along this major thoroughfare and within close proximity to land designated for and developed for residential use. The adjacent parcels to the north and south have the same Limited Commercial land use. The primary land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for the local area include a concentration of commercial limited uses along the NE Indian River Drive corridor. The proposed zoning district of LC is the one standard Category A zoning district created for the implementation of the Commercial Limited future land use designation and permits the existing and proposed redevelopment of the site. Existing development within the area consists primarily of limited commercial uses in immediate vicinity and residential land uses in near proximity, consistent with the intent of the Commercial Limited future land use designation as described in the CGMP. Therefore, the requested LC zoning district is suitable to the site and is compatible with the character of the existing land uses in the adjacent and surrounding area.

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

The requested zoning district of LC is the one standard Category A zoning district that is consistent with the future land use designation and the currently existing development associated with the areas adjacent to, and within proximity of, the subject site. This project is located within the primary urban service district and the infrastructure needed to support and provide services to the existing and proposed development in this local area are available. Development that has occurred within recent years located both north and south of the site is in conformance with the future land use designations for the area. The redevelopment being proposed on the property via a separate application is a permitted use within the proposed LC zoning district and in conformance with the Commercial Limited future land use designation. The proposed redevelopment of the site is under review via a separate application (C110-008) and it will be required to meet the County development standards. Therefore, the proposed LC zoning is compatible with the existing historical uses and the current contemporaneous development pattern and is appropriate for this property.

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

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

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

The land use pattern that has been established and recognized on the Future Land Use Map (FLUM) of the CGMP for development contains commercial limited land uses within proximity to the subject parcel along the NE Indian River Drive corridor. The rezoning to LC, Limited Commercial District, would be consistent with the Commercial Limited Future Land Use provisions and provide the nearby residents with the reinstatement of a historically available use, a restaurant establishment in a convenient location. The application of the requested LC zoning district is consistent with the ongoing logical development of the locale and would improve conditions by allowing for redevelopment of an unused, abandoned site via the County's current standards. This development pattern is well established adjacent to, and within the vicinity of, the subject parcel and the extension of this pattern to the subject property through the assignment of the requested LC zoning district is suitable, 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 public hearings will provide the public an opportunity to participate in the review and decision making process.

### **C. Staff recommendation**

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

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Catherine Riiska	288-5667	Comply
G	Development Review	Catherine Riiska	288-5667	Comply
H	County Attorney	Krista Storey	288-5443	Review Ongoing
I	Adequate Public Facilities	Catherine Riiska	288-5667	Exempt

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. Staff recommends approval of this rezoning petition.

### **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.

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

Parcel number(s) and address:

053941000014000210

8100 SW Jack James Drive

Existing Zoning:

PUD-C, Commercial Planned Unit Development (expired)

Future land use:

Industrial

Gross area of site:

1.26 acres

**Figure 1: Location Map**



**Figure 2: Subject Site 2018 Aerial**



Adjacent existing or proposed development:

To the north: Savannah State Park (across NE Jensen Beach Blvd)  
To the south: Single Family Residential  
To the east: Commercial, Retail, and Multifamily Residential  
To the west: Single Family Residential (across Drainage ROW)

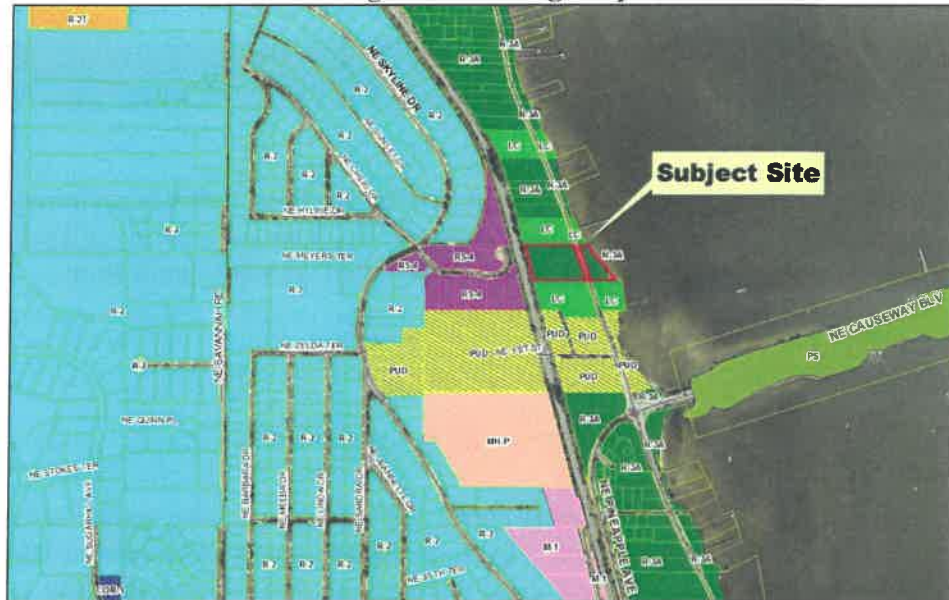
**Figure 3: Local Area 2018 Aerial**



Zoning district designations of abutting properties:

To the north: R-3A, Liberal Multiple Family (across NE Jensen Beach Blvd)  
 To the south: R-2, Single Family Residential  
 To the east: R-3A, Liberal Multiple Family, and PUD-R  
 To the west: RS-6, Single Family Residential (across Drainage ROW)

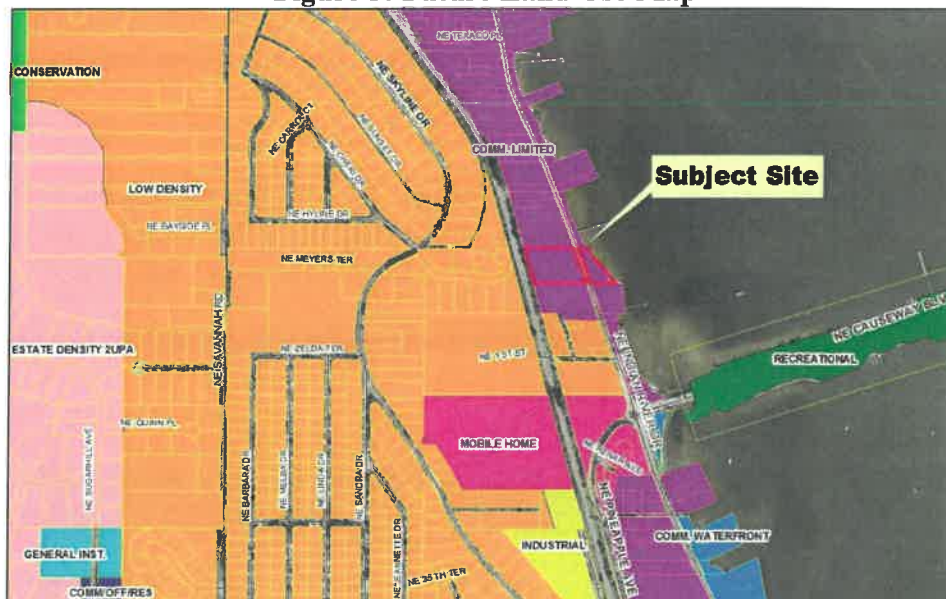
Figure 4: Zoning Map



Future land use designations of abutting properties:

To the north: Conservation (across NE Jensen Beach Blvd)  
 To the south: Estate Density 2 UPA  
 To the east: COR, Commercial Office/Residential  
 To the west: Medium Density Residential (across Drainage ROW)

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:**

**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. For development parcels which lie outside of or border the primary urban service district, the notification distance shall be increased to 1000 feet. 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.

**Information #2:**

Notice(s) of public hearings regarding development applications shall be published at least 14 days prior to the date of the public hearing (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. [Section 10.6.D., LDR, MCC]

**Information #3:**

Once everyone has signed off with a comply, the project will be scheduled for the next LPA meeting dependent upon the County's scheduling policy. Following the LPA meeting, the project will be scheduled for the next BCC meeting dependent upon the County's scheduling policy.

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

**Review Ongoing**

***I. 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 1375

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.

#### ***J. 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.

#### ***K. Local, State, and Federal Permits***

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

#### ***L. Fees***

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

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$1,000.00	\$1,000.00	\$0.00
Advertising fees*:	TBD		
Recording fees**:	TBD		
Mandatory impact fees:	TBD		
Non-mandatory impact fees:	TBD		

\* 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.

### **M. General application information**

Applicant: Sunrise Restaurants, LLC  
Fred Ayres  
3945 NE Indian River Drive  
Jensen Beach, FL 34957

Agent: Lucido and Associates  
Morris A. Crady  
701 SE Ocean Blvd.  
Stuart, FL 34994  
772-220-2100  
[mcrady@lucidodesign.com](mailto:mcrady@lucidodesign.com)

### **N. 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

### **O. Attachments**

---

[space above line provided for recording data]

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

**RESOLUTION NUMBER \_\_\_\_**

**[REGARDING A CHANGE IN ZONING CLASSIFICATION FROM R-3A, LIBERAL  
MULTIPLE-FAMILY DISTRICT, TO LC, LIMITED COMMERCIAL DISTRICT, FOR  
SUNRISE RESTAURANTS, LLC WITH A CERTIFICATE OF PUBLIC FACILITIES  
EXEMPTION]**

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

1. Sunrise Restaurants, LLC submitted an application for a change in zoning district classification from the current R-3A Multiple-Family District to the LC, Limited Commercial District, for the property described in Exhibit A, attached hereto.
2. The Local Planning Agency considered the application at a public hearing on June 20, 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 July 30, 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 R-3A Multiple-Family District to the LC, Limited Commercial District.

B. Pursuant to Section 5.32.B.3.f., Land Development Regulations, Martin County, Fla. (2009), this rezoning action is hereby determined to meet the requirements for a Certificate of Public Facilities Exemption.

C. Pursuant to Policy 14.1C.5.(2), Comprehensive Growth Management Plan, Martin County, Fla. (2016), 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 30TH DAY OF JULY, 2019.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

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

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

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

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

ATTACHMENTS:

Exhibit A, Legal Description

EXHIBIT A  
LEGAL DESCRIPTION

THE PART OF LOT 4 LYING EAST OF THE F.E.C. RAILROAD RIGHT-OF-WAY IN BALLANTINE & MOORE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 205, PUBLIC RECORDS OF ST LUCIE (NOW MARTIN) COUNTY, FLORIDA AND THE NORTH 86.9 FEET OF TRACT 6A LYING EAST OF THE F.E.C. RAILROAD RIGHT-OF-WAY IN GAINES ESTATES SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 90, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA

SAID PARCEL CONSISTING OF 2.289 ACRES OR 100,640 SQUARE FEET MORE OR LESS.

SAID PARCEL SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND/OR DEDICATIONS.



lucido&associates

**TRANSMITTAL  
(VIA HAND DELIVERY)**

<b>Date:</b>	March 28, 2019		
<b>To:</b>	Catherine Riiska Martin County Growth Management Dept.		
<b>From:</b>	Morris A. Crady, AICP		
<b>Subject:</b>	Conchy Joe's Restaurant Mandatory Rezoning Application (C110-007)	<b>Project No.</b>	18-041

In response to the attached completeness letter dated March 22, 2019, please find enclosed the application fee check in the amount of \$1,000, the original application package and a CD with PDF copies of the application.

The items needing additional attention have been addressed as follows:

**Item #1: Recorded Deed** – The certified statement of no transfer of the subject property has been added to the application. For your information, this requirement is not included on the County's rezoning application checklist.

**Item #2: Surrounding Property Owners List** – The list will be provided no later than 14 days prior to the first scheduled public hearing.

**Item #3: Disclosure of Interest Affidavit** – The affidavit has been revised as requested.

If you have any questions or need additional information, please feel free to contact me or my assistant, Shirley Lyders.



# MARTIN COUNTY

## BOARD OF COUNTY COMMISSIONERS

2401 S.E. MONTEREY ROAD • STUART, FL 34996

DOUG SMITH  
STACEY HETHERINGTON  
HAROLD E. JENKINS II  
SARAH HEARD  
EDWARD V. CIAMPI

Commissioner, District 1  
Commissioner, District 2  
Commissioner, District 3  
Commissioner, District 4  
Commissioner, District 5

TARYN KRYZDA, CPM County Administrator  
KRISTA A. STOREY Acting County Attorney

TELEPHONE (772) 288-5400  
WEBSITE [www.martin.fl.us](http://www.martin.fl.us)

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).

March 22, 2019

Mr. Morris Crady  
Lucido & Associates  
701 SE Ocean Blvd  
Stuart, FL 34996

Application No: DEV2019030010  
Project Number: C110-007

RE: Completeness Review  
CONCHY JOE'S RESTAURANT REZONING

Dear Mr. Crady,

The above referenced application has been determined to be complete for review by the County. Catherine Riiska will be the County's project coordinator for this request. As such, please direct all future questions and correspondence to her attention.

Although the review was determined complete, the following items need additional attention.

Item #1: RECORDED DEED: A copy of the recorded deed(s) for the subject property and any contract for purchase of the property.

Comments: Please submit a certified statement of no property transfer since the deed was obtained.

Item #2: PROPERTY OWNERS: Certified list of property owners to be notified by letter of the public hearings.

Comments: Required. Please provide no later than 14 days prior to the first scheduled hearing.

Item #3: DISCLOSURE of INTEREST AFFIDAVIT: Please submit a completed financial disclosure affidavit form. [Section 10.2.B.3., LDR, MCC]

Comments: Please update section 4 to correctly reflect additional application submitted for this site and attach a stand-alone legal description, not the legal deed.

At this time, please submit the full application with a bookmarked disc and an extra set of plans, along with an application fee in the amount of **\$1,000.00** (check payable to Martin County Board of County Commissioners) to the Growth Management Department, Development Review Division. Each set must duplicate the application submitted for this completeness review. Each set must contain original signed and sealed documents. The review of the application will commence the date after the project coordinator distributes the copies to the various agencies and individuals who participate in the review process for this application. At the end of the review period, you will be provided with a copy of a completed staff report for this application.

In the meantime, it is required that a sign be erected on the subject property. The project number **C110-007** must be included on the sign(s). Prior to preparing your sign, please read Section 10.6 Article 10 L.D.R., which contains the required information that must be on the sign. Please provide documentation (i.e., photograph and certification to the project coordinator) that the property has been posted in accordance to the notification requirements.

Sincerely,



Nicki van Vonno, AICP *FOL*  
Growth Management Director

NvV:PW:kk

cc: Sunrise Restaurants, LLC,  
3945 NE Indian River Drive, Jensen Beach, FL 34957

To the best of my knowledge and belief, there has been no transfer of the former Admiral's Table property since the Warranty Deed into Sunrise Restaurants, LLC was recorded in O.R. Book 2983, Page 1301, public records of Martin County, Florida.

DATED THIS 28<sup>th</sup> DAY OF March, 2019.

  
Morris A. Crady

STATE OF FLORIDA  
COUNTY OF MARTIN

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS 28<sup>th</sup> DAY OF March, 2019 BY MORRIS A. CRADY, WHO ☒ IS PERSONALLY KNOWN TO ME OR ☐ HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES:





**lucido&associates**

March 11, 2019

HAND DELIVERY

Nicki van Vonno, Director  
Martin County Growth Management Department  
2401 SE Monterey Road  
Stuart, FL 34996

**Re: Conchy Joe's Restaurant – Mandatory Rezoning Application for Former Admiral's Table Parcel with Certificate of Public Facilities Exemption (Our ref. #18-041)**

Dear Nicki:

On behalf of the property owner, Sunrise Restaurants, LLC, we are pleased to submit this application for a mandatory rezoning from R-3A to LC as discussed at the pre-application workshop on September 13, 2018.

With this understanding, please find enclosed the sufficiency review fee check in the amount of \$290.00, the CD with PDF copies of the application materials, and the original application package containing the following materials:

1. Application form;
2. Digital submittal affidavit;
3. Project narrative;
4. The owner's notarized power of attorney for representation by Lucido & Associates;
5. The Disclosure of Interest Affidavit;
6. The recorded deed documenting ownership by Sunrise Restaurants, LLC;
7. The legal description;
8. Location map;
9. Aerial map;
10. Parcel assessment map;
11. Future land use map; and
12. Zoning map.

The following standard application materials are not provided for the reasons indicated:

- **School Impact Worksheet** - Not applicable to commercial projects.
- **Surrounding property owners list** – To be provided prior to the public hearing.

Upon a determination of completeness, we will submit the mandatory application fee in the amount of \$1,000.00.

Please feel free to contact me or my assistant, Shirley Lyders, if you have any questions or comments.

Sincerely,

Morris A. Crady, AICP  
Senior Vice President



Martin County, Florida  
Growth Management Department  
DEVELOPMENT REVIEW DIVISION  
2401 SE Monterey Road, Stuart, FL 34996  
772-288-5501 [www.martin.fl.us](http://www.martin.fl.us)

1386

## DEVELOPMENT REVIEW APPLICATION

### A. General Information:

1. **Type of Application:** Zoning Change
2. **Proposed Development's Name:**  
CONCHY JOE'S
3. **Former Development's Name:**  
N/A
4. **Previous Project Number:** \_\_\_\_\_
5. **Pre-Application Meeting Date:** \_\_\_\_\_
6. **Property Owner:**  
Name or Company Name SUNRISE RESTAURANTS, LLC  
Company Representative FRED AYRES  
Address 3945 NE INDIAN RIVER DRIVE  
City JENSEN BEACH State FL Zip 34957  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Email \_\_\_\_\_
7. **Agent:** Select from the List  
Name or Company Name LUCIDO & ASSOCIATES  
Company Representative MORRIS A. CRADY  
Address 701 SE OCEAN BOULEVARD  
City STUART State FL Zip 34994  
Phone 772 - 220 - 2100 Fax 772 - 223 - 0220  
Email MCRADY@LUCIDODESIGN.COM
8. **Contract Purchaser:** Select from the List  
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 \_\_\_\_\_

Select from the list

**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 \_\_\_\_\_  
 Company Representative \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 Email \_\_\_\_\_

Select from the list

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

Select from the list

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

Select from the list

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

Select from the list

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

**16. Environmental Planner:** Same as Agent

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):**

15-37-41-001-004-00010-3  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**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.

  
 \_\_\_\_\_  
 MORRIS A. CRADY  
 Printed name

3-11-19  
 \_\_\_\_\_  
 Date

# NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF MARTIN

I hereby certify that the foregoing instrument was acknowledged before me this 11th day of March, 2019, by MORRIS A. CRADY.

He or she

☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

Shirley Lyders  
Notary public signature

Printed name

State of \_\_\_\_\_ at-large





Martin County Development Review  
Digital Submittal Affidavit

1390

I, Morris A. Crady, attest that the electronic version included for the project Admiral's Table Rezoning application 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.

  
Applicant Signature

3-11-19  
Date



## **PROJECT NARRATIVE**

### **Former “Admiral’s Table” Restaurant Parcel Rezoning from R-3A to LC March 11, 2019**

#### ***Existing Property Characteristics***

The subject property is approximately 2.3 acres located on NE Indian River Drive, less than ¼ mile north of the Jensen Causeway. The former “Admiral’s Table” restaurant was originally developed in the 1970’s and has been vacant for the past 20 years. This parcel, which was recently acquired under a separate business entity by the owner of Conchy Joe’s, includes an existing building of approximately 6,400 sf and associated paved parking in various states of deterioration.

The owner’s intent is to restore and improve the restaurant by adding a micro-brewery, a 2<sup>nd</sup>-story waterfront dining area and improved parking in conjunction with the proposed expansion and renovation of Conchy Joe’s restaurant.

#### ***Proposed Rezoning***

The property is designated for Limited Commercial future land use and zoned R-3A. According to our discussion with Growth Management staff at the September 13, 2018 workshop, a mandatory rezoning is required from R-3A to LC in order to redevelop the site.

**Sunrise Restaurants, LLC**  
**P.O. Box 1056**  
**Jensen Beach, FL 34958**

December 17, 2018

Nicki van Vonno, Director  
 Martin County Growth Management Department  
 2401 S.E. Monterey Road  
 Stuart, FL 34996

Re: Formerly Admiral's Table Restaurant  
 Parcel I.D. #15-37-41-001-004-00010-3

Dear Ms. van Vonno:

As owner of the above-referenced property, please consider this correspondence as formal authorization for Lucido & Associates to represent Sunrise Restaurants, LLC during the governmental review process of the application.

Sincerely,

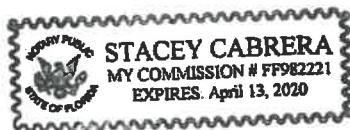
**SUNRISE RESTAURANTS, LLC,**  
 a Florida limited liability company

By:   
 Frederic M. Ayres, IV, Manager

STATE OF FLORIDA  
 COUNTY OF MARTIN

The foregoing was acknowledged before me this 13<sup>th</sup> day of December, 2018,  
 by FREDERIC M. AYRES, IV, Manager of SUNRISE RESTAURANTS, LLC, a Florida  
 limited liability company. He ☒ is personally known to me or ☐ has produced \_\_\_\_\_  
 \_\_\_\_\_ as identification.

(Notarial Seal)



NOTARY PUBLIC

My Commission Expires: April 13, 2020



This Instrument Prepared By / Return To:  
 Jennifer L. Williamson, Esquire  
 CRARY BUCHANAN, P.A.  
 759 SW Federal Hwy., Suite 106  
 Stuart, FL 34994  
 (772) 287-2600

### WARRANTY DEED (from Corporation)

**THIS WARRANTY DEED**, Made and executed the 23 day of March, 2018, by **Amadco, Inc.**, a Florida corporation, existing under the laws of Florida, and having its principal place of business at 4300 Biscayne Blvd., Suite 305, Miami, Florida 33137, hereinafter called the Grantor, to **Sunrise Restaurants, LLC**, a Florida limited liability company, whose post office address is 759 SW Federal Highway, Suite 106, Stuart, Florida 34994, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**WITNESSETH:** That the Grantor, for and in consideration of the sum of **\$10.00** and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Martin County, Florida, to-wit:

That part of Lot 4 lying East of the F.E.C. Railroad Right-of-Way in Ballantine and Moore's Subdivision, as recorded in Plat Book 1, Page 205, Public Records of St. Lucie (now Martin) County, Florida, and the North 86.9 feet of Tract 6A, lying East of the F.E.C. Railroad Right-of-Way in Gaines Estate Subdivision, as recorded in Plat Book 1, Page 90, Public Records of Martin County, Florida.

PARCEL I.D. NO.: 15-37-41-001-004-00010-3

Subject to: restrictions, reservations, covenants, conditions, and easements of record; taxes for 2018 and the years subsequent thereto, and all applicable laws, ordinances and governmental regulations, including without limitation, zoning and building codes and ordinances.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

In Witness Whereof the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

Jaymy Bengio Witness  
 [Print Name of Witness]  
Eckie Coroner Witness  
 [Print Name of Witness]

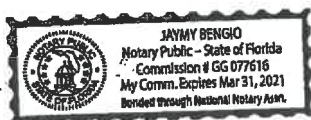
Amadco, Inc., a Florida Corporation

By: Sam S. Qubain  
 Its: President

(CORPORATE SEAL)

STATE OF FLORIDA  
 COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 23 day of March, 2018, by Sami S. Qubain, as President of Amadco, Inc., a Florida corporation, on behalf of the corporation. He (PLEASE CHECK ONE OF THE FOLLOWING) ☐ is personally known to me, or ☒ has produced FLDL (TYPE OF IDENTIFICATION) as identification.



Jaymy Bengio (Print Name)  
 Notary Public - State of Florida  
 Commission Number:  
 My Commission Expires:

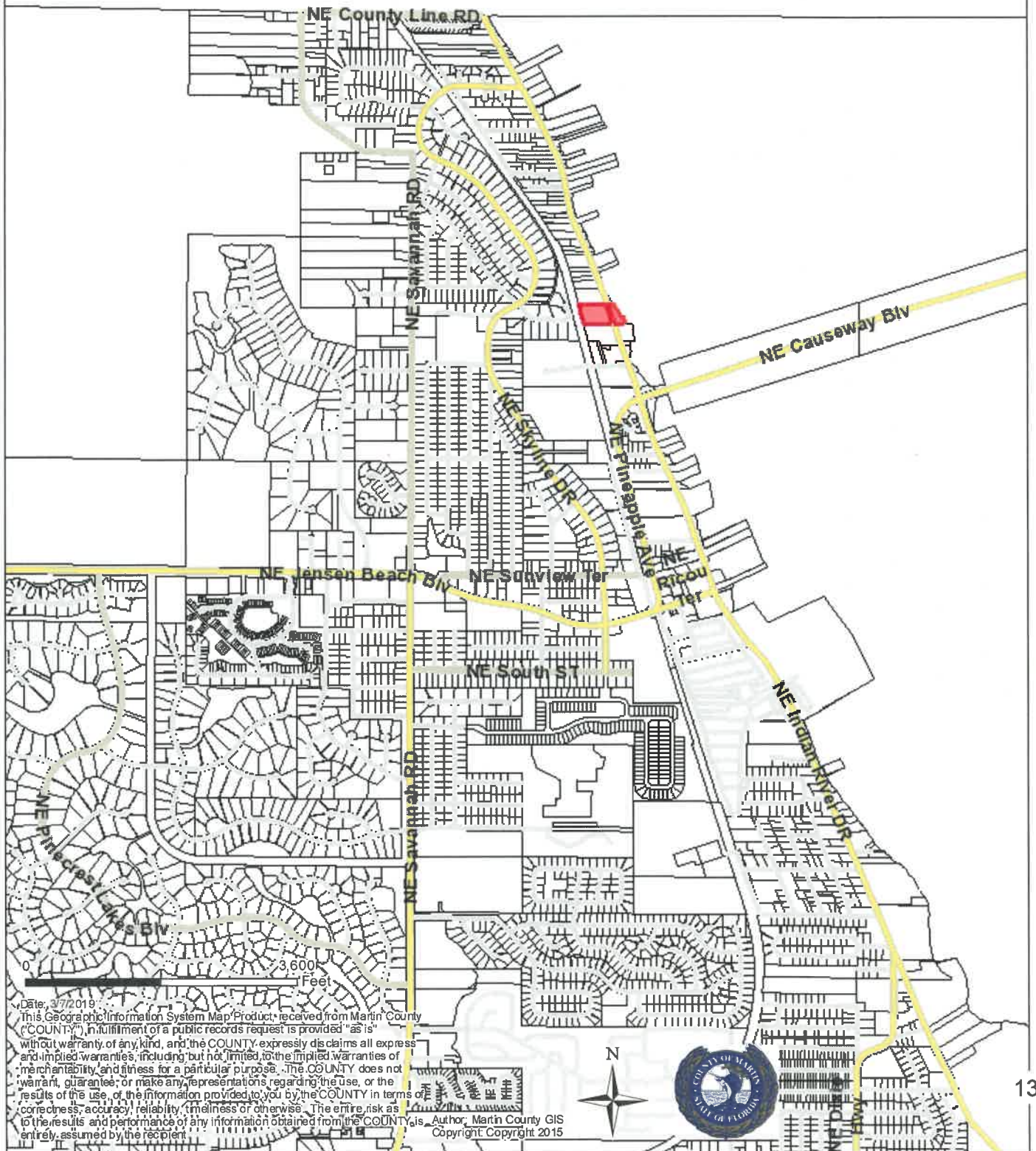
EXHIBIT A  
LEGAL DESCRIPTION

THE PART OF LOT 4 LYING EAST OF THE F.E.C. RAILROAD RIGHT-OF-WAY IN BALLANTINE & MOORE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 205, PUBLIC RECORDS OF ST LUCIE (NOW MARTIN) COUNTY, FLORIDA AND THE NORTH 86.9 FEET OF TRACT 6A LYING EAST OF THE F.E.C. RAILROAD RIGHT-OF-WAY IN GAINES ESTATES SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 90, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA

SAID PARCEL CONSISTING OF 2.289 ACRES OR 100,640 SQUARE FEET MORE OR LESS.

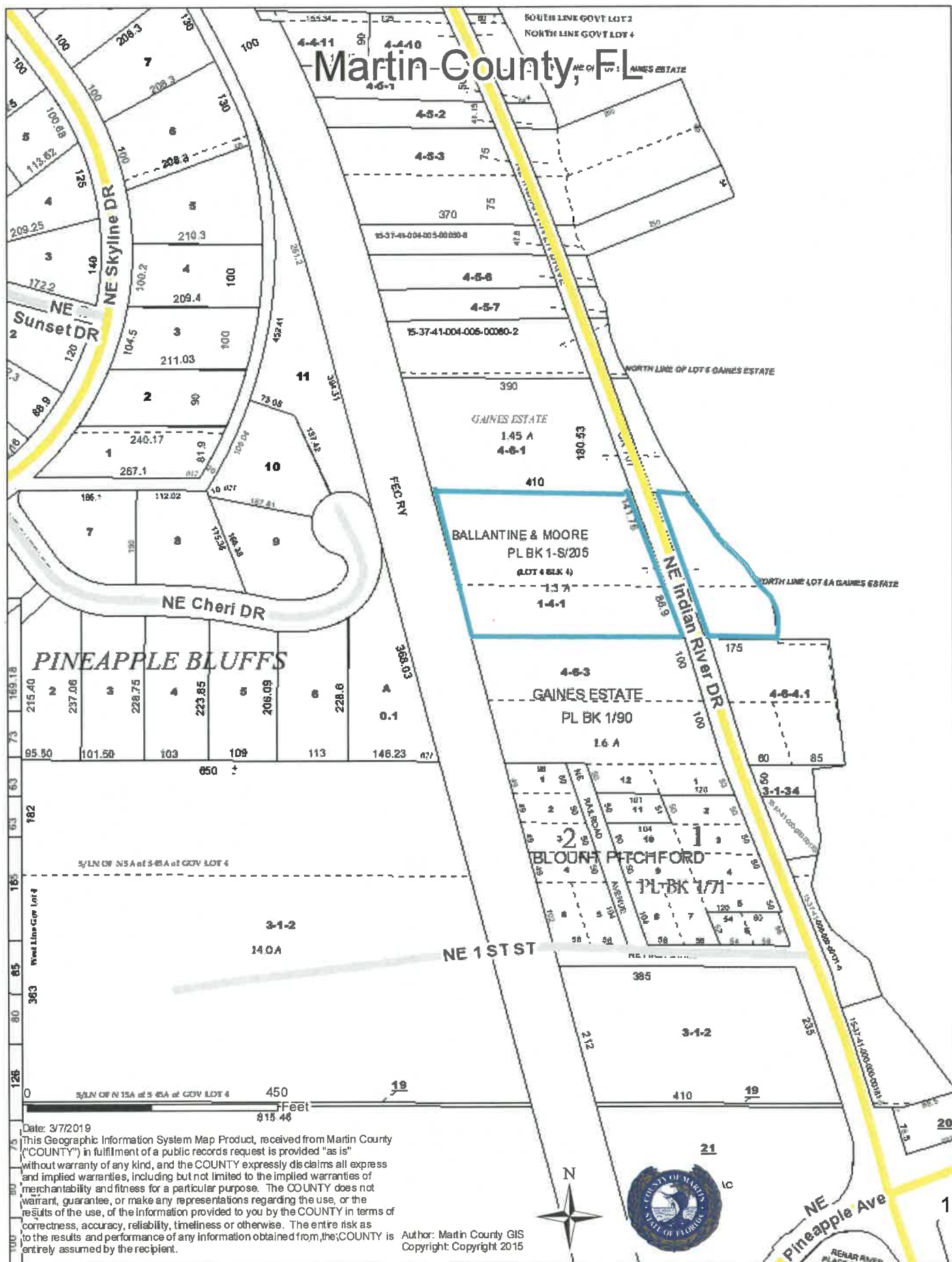
SAID PARCEL SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND/OR DEDICATIONS.

# Martin County, FL

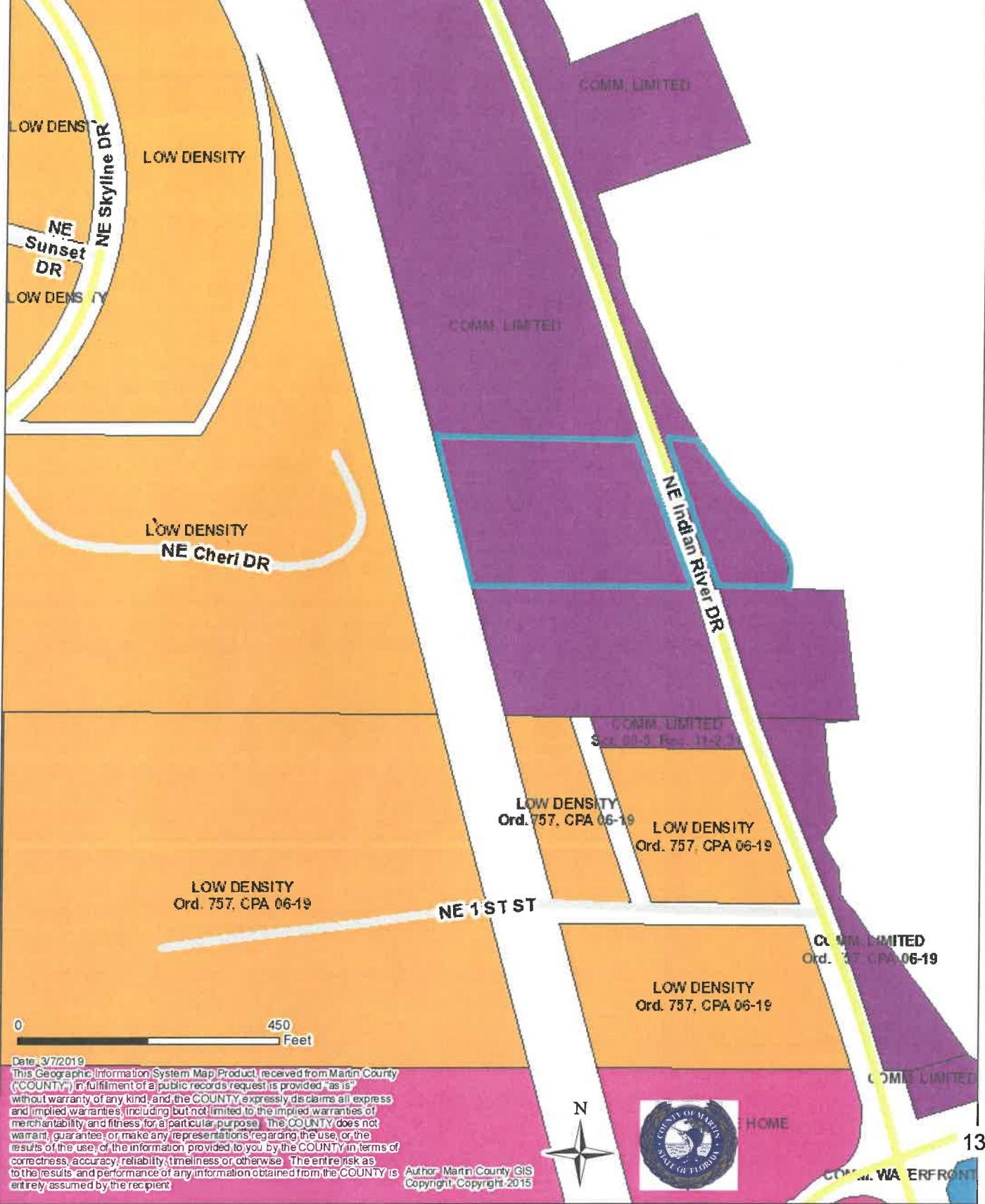


# Martin County, FL





# Martin County, FL

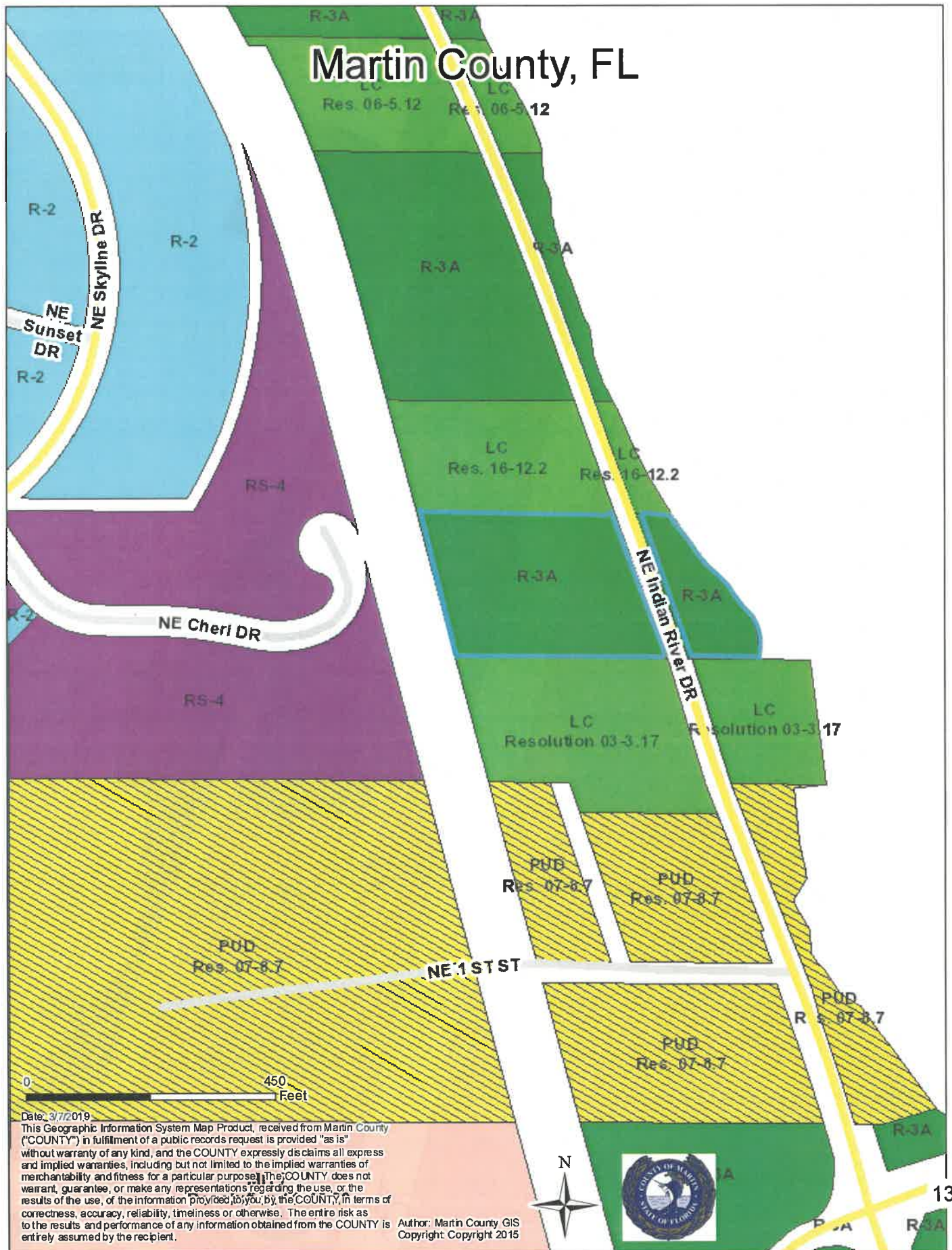


Date: 3/7/2019

This Geographic Information System Map/Product received from Martin County ("COUNTY") in fulfillment of a public records request is provided "as is" without warranty of any kind and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee or make any representations regarding the use, or the results of the use, of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient.

Author: Martin County GIS  
Copyright: Copyright 2015

# Martin County, FL



Date: 3/7/2019

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Author: Martin County GIS  
Copyright: Copyright 2015

### 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
SUNRISE RESTAURANTS, LLC	P.O. Box 1056 Jensen Beach, FL 34958

(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
Frederic M. Ayres, IV (See attached corporation summary)	P.O. Box 1056 Jensen Beach, FL 34957	

(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:

Name	Address	Interest

(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.

Application Name and/or Project Number	Names & Addresses of Parties involved	Date	Type of Application	Status of Application *
C110-008	Frederic M. Ayres, IV P.O. Box 1056 Jensen Beach, FL 34957	3-22-19	Major revised final site plan	Pending

(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.

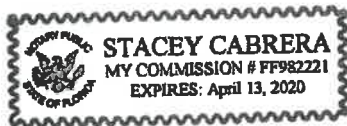
FURTHER AFFIANT SAYETH NOT.

AFFIANT


  
Frederic M. Ayres, IV

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 13<sup>th</sup> day of December 2018, by Frederic M. Ayres, IV, who is personally known to me or have produced \_\_\_\_\_ as identification.



(Notary Seal)

  
Notary Public, State of Florida  
Print Name: Stacey Cabrera  
My Commission Expires: April 13, 2020



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

## Detail by Entity Name

Florida Limited Liability Company

**SUNRISE RESTAURANTS, LLC**

### Filing Information

**Document Number** L17000135023  
**FEI/EIN Number** 82-5103129  
**Date Filed** 06/21/2017  
**State** FL  
**Status** ACTIVE

### Principal Address

4000 NE INDIAN RIVER DRIVE  
JENSEN BEACH, FL 34957

Changed: 04/09/2018

### Mailing Address

PO BOX 1056  
JENSEN BEACH, FL 34958

Changed: 04/09/2018

### Registered Agent Name & Address

AYRES, FREDERIC M, IV  
4000 NE INDIAN RIVER DRIVE  
JENSEN BEACH, FL 34957

Name Changed: 04/09/2018

Address Changed: 04/09/2018

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

DARLEY, NICHOLAS  
4000 NE INDIAN RIVER DRIVE  
JENSEN BEACH, FL 34957

Title MGR

CABRERA, STACEY

4000 NE INDIAN RIVER DRIVE  
JENSEN BEACH, FL 34957

**Annual Reports**

Report Year	Filed Date
2018	04/09/2018

**Document Images**

[04/09/2018 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[06/21/2017 -- Florida Limited Liability](#)

[View image in PDF format](#)

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

EXHIBIT A  
LEGAL DESCRIPTION

THE PART OF LOT 4 LYING EAST OF THE F.E.C. RAILROAD RIGHT-OF-WAY IN BALLANTINE & MOORE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 205, PUBLIC RECORDS OF ST LUCIE (NOW MARTIN) COUNTY, FLORIDA AND THE NORTH 86.9 FEET OF TRACT 6A LYING EAST OF THE F.E.C. RAILROAD RIGHT-OF-WAY IN GAINES ESTATES SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 90, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA

SAID PARCEL CONSISTING OF 2.289 ACRES OR 100,640 SQUARE FEET MORE OR LESS.

SAID PARCEL SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND/OR DEDICATIONS.



## **TRANSMITTAL**

**(VIA HAND DELIVERY)**

<b>Date:</b>	April 25, 2019		
<b>To:</b>	Catherine Riiska Martin County Growth Management Dept.		
<b>From:</b>	Shirley Lyders		
<b>Subject:</b>	Conchy Joe's Restaurant Mandatory Rezoning Application (M.C. Project #C110-007)	<b>Project No.</b>	18-041

Attached, for your records, is the certified list of surrounding property owners within 500 feet of the subject property.



736 colorado avenue, suite a, stuart, florida 34994 • phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

April 25, 2019

Ownership Search

Prepared For: Lucido & Associates

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 500 foot area surrounding the following described parcel of land:

See Exhibit "A" attached hereto & made a part hereof.

TAX ID:        See Exhibit "B" attached hereto  
OWNER:        & made a part hereof.  
ADDRESS:

The apparent property owners of land surrounding the above referenced property are as follows: The list does not include any owners who qualify for confidentiality (See attached).

A handwritten signature in blue ink that reads 'Karen Rae Hyche'. The signature is written in a cursive, flowing style.

Karen Rae Hyche  
President



736 colorado avenue, suite a, stuart, florida 34994 • phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

## OWNERSHIP REPORT

SEARCH NO. P19-11,452/KRH

THE ATTACHED REPORT IS ISSUED TO LUCIDO & ASSOCIATES. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE SUM OF \$1,000.00.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 500 foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.

The land referred to herein is described as follows:

See Exhibit "A" attached hereto & made a part hereof.

PRESTIGE TITLE AGENCY, INC.

736 Colorado Ave. Ste. A  
Stuart FL 34994

By: Karen Rae Hyche  
Karen Rae Hyche



This Instrument Prepared By / Return To:  
 Jennifer L. Williamson, Esquire  
 CRARY BUCHANAN, P.A.  
 759 SW Federal Hwy., Suite 106  
 Stuart, FL 34994  
 (772) 287-2800

### WARRANTY DEED (from Corporation)

THIS WARRANTY DEED, Made and executed the 23 day of March, 2018, by Amadco, Inc., a Florida corporation, existing under the laws of Florida, and having its principal place of business at 4300 Biscayne Blvd., Suite 306, Miami, Florida 33137, hereinafter called the Grantor, to Sunrise Restaurants, LLC, a Florida limited liability company, whose post office address is 759 SW Federal Highway, Suite 106, Stuart, Florida 34994, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**WITNESSETH:** That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, recapt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Martin County, Florida, to-wit:

That part of Lot 4 lying East of the F.E.C. Railroad Right-of-Way in Bellantine and Moore's Subdivision, as recorded in Plat Book 1, Page 205, Public Records of St. Lucie (now Martin) County, Florida, and the North 86.9 feet of Tract 6A, lying East of the F.E.C. Railroad Right-of-Way in Gaines Estate Subdivision, as recorded in Plat Book 1, Page 90, Public Records of Martin County, Florida.

PARCEL I.D. NO.: 15-37-41-001-004-00010-3

Subject to: restrictions, reservations, covenants, conditions, and easements of record; taxes for 2018 and the years subsequent thereto, and all applicable laws, ordinances and governmental regulations, including without limitation, zoning and building codes and ordinances.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

In Witness Whereof the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

Jaymy Bengio Witness  
 (Print Name of Witness)  
Echene Corrales Witness  
 (Print Name of Witness)

Amadco, Inc., a Florida Corporation

By: Sam S. Qubain  
 Its: President

(CORPORATE SEAL)

STATE OF FLORIDA  
 COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 23 day of March, 2018, by Sami S. Qubain, as President of Amadco, Inc., a Florida corporation, on behalf of the corporation. He (PLEASE CHECK ONE OF THE FOLLOWING) FLDL is personally known to me, or X has produced (TYPE OF IDENTIFICATION) as identification.



Jaymy Bengio (Print Name)  
 Notary Public - State of Florida  
 Commission Number:  
 My Commission Expires:

Exhibit "A"

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

generated on 4/25/2019 11:45:03 AM EDT

## Summary

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
15-37-41-001-004-00010-3	619	4000 NE INDIAN RIVER DR, JENSEN BEACH	\$806,350	4/20/2019

### Owner Information

Owner(Current)	SUNRISE RESTAURANTS LLC
Owner/Mail Address	759 SW FEDERAL HWY STE 106 STUART FL 34994
Sale Date	3/23/2018
Document Book/Page	2983 1301
Document No.	2686368
Sale Price	2000000

### Location/Description

Account #	619	Map Page No.	
Tax District	6006	Legal Description	BALLANTINE & MOORE LOT 4 E OF F E C RY, BLK 4 & PART OF TRACT 6A OF GAINES ESTATES BEING: N 86.9 OF TRACT 6A E OF RY RW
Parcel Address	4000 NE INDIAN RIVER DR, JENSEN BEACH		
Acres	2.2890		

### Parcel Type

Use Code	2100 Restaurant/cafeterias
Neighborhood	20200 Indian River Drive

### Assessment Information

Market Land Value	\$632,700
Market Improvement Value	\$173,650
Market Total Value	\$806,350

Exhibit "B"

Sunrise Restaurants LLC  
759 SW Federal Hwy. Ste. 106  
Stuart FL 34994

Town of Ocean Breeze  
PO Box 1025  
Jensen Beach FL 34958

Florida East Coast Railway LLC  
7150 Philips Hwy. Ste. 300  
Jacksonville FL 32256

Jensen Beach MHP LLC  
295 Madison Ave. 2<sup>nd</sup> Floor  
New York NY 10017

F M Ayres 2 LLC  
PO Box 2803  
Jensen Beach FL 34958

Just Believe Recovery Center LLC  
1475 NE Jensen Beach Blvd.  
Jensen Beach FL 34957

Irene E. Gomes  
4150 NE Indian River Dr.  
Jensen Beach FL 34957

Thomas S. & Heather L. Lucius  
4120 NE Indian River Dr.  
Jensen Beach FL 34957

Peirce Lee Braun  
4110 NE Indian River Dr.  
Jensen Beach FL 34957-4013

Camelot San Castle Enterprises  
LLC  
PO Box 2025  
Palm City FL 34991

GDHG Realty LLC  
773 Havana Dr.  
Boca Raton FL 33487

Pineapple Bluffs Prop. Owners  
3880 NE Cheri Dr.  
Jensen Beach FL 34957

Jeffrey A. & Rebecca G. Bobo  
3860 NE Cheri Dr.  
Jensen Beach FL 34957

Peter J. & Laura A. Wynbrandt  
3360 NE Aviary Pl.  
Jensen Beach FL 34957

Colby & Darlene Benham  
3801 NE Cheri Dr.  
Jensen Beach FL 34957

Joseph J. & Mary C. Borgerding  
3800 NE Cheri Dr.  
Jensen Beach FL 34957

Donna L. Banister Rev. Trust  
3881 NE Cheri Dr.  
Jensen Beach FL 34957

Benjamin Meares & Mary Kathryn  
Ferguson  
961 NE Zebrina Senda  
Jensen Beach FL 34957

Todd A. Mize  
Sandra K. Rozier  
3781 NE Cheri Dr.  
Jensen Beach FL 34957

Stephen L. & Marilyn B. Hero (Tr)  
4063 NE Skyline Dr.  
Jensen Beach FL 34957

Robert Emmett Heekin Rev. Trust  
Jane Louise Heekin Rev. Trust  
4043 NE Skyline Dr.  
Jensen Beach FL 34957

Stephen L. & Marilyn B. Hero  
4063 NE Skyline Dr.  
Jensen Beach FL 34957

James F. Samuel Rev. Trust  
4083 NE Skyline Dr.  
Jensen Beach FL 34957

Larry & Kathleen Donnell  
4113 NE Skyline Dr.  
Jensen Beach FL 34957

Darlene Burba  
4133 NE Skyline Dr.  
Jensen Beach FL 34957-3840

**SAMPLE LETTER TO SURROUNDING PROPERTY OWNERS**

*(month) (day), (2019)*

*(addressee from the certified property owners list)*  
*(address)*

Subject and Location: **Sunrise Restaurants, LLC, Rezoning (C110-007)** Request to rezone approximately 2.3 acres of property from the R-3A Liberal Multiple-Family District, to the LC Limited Commercial District, or the most appropriate zoning district. The subject site is located at 4000 NE Indian River Drive in Jensen Beach, adjacent to the Indian River Lagoon and bisected by Indian River Drive, approximately 1,000 feet north of NE Causeway Blvd. Included is a request for a Certificate of Public Facilities Exemption.

Dear *(property owner)*:

As a landowner within 500 feet of the property identified in the above description and shown on the map attached to this letter, please be advised that consideration of an amendment to the zoning atlas as noted above will occur at two 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, June 6, 2019

Time and Date: **BOARD OF COUNTY COMMISSIONERS**  
9:00 A.M., or as soon after as the matter may be heard, on  
Tuesday, June 18, 2019

Place: Martin County Administrative Center  
2401 S.E. Monterey Road  
Stuart, Florida 34996

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 business 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 insure 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 Nicki van Vonno, Growth Management Department Director, (e-mail: [nikkiv@martin.fl.us](mailto:nikkiv@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,

*(applicant's name)*

Attachment: Location Map



**lucido&associates**

## **TRANSMITTAL**

**(VIA HAND DELIVERY)**

<b>Date:</b>	April 8, 2019		
<b>To:</b>	Catherine Riiska Martin County Growth Management Dept.		
<b>From:</b>	Shirley Lyders		
<b>Subject:</b>	Conchy Joe's Restaurant Mandatory Rezoning Application (M.C. Project #C110-007)	<b>Project No.</b>	18-041

Pursuant to Article 10.6.B of the Development Review Procedures, attached is the certification regarding the posting of the sign for your records.

Doug Fitzwater  
220 Hibiscus Avenue  
Stuart, FL 34996

Ms. Shirley Lyders  
Lucido & Associates  
701 SE Ocean Blvd.  
Stuart, FL 34994

Proposed Rezoning  
Conchy Joe's  
File Number C110-007

Dear Ms. Lyders:

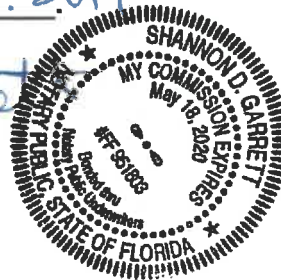
This is to certify that the above referenced sign was installed per Martin County requirements and comply with the standards of the notice provisions of Article 10, Section 10.6: Development Review Procedures.

  
Doug Fitzwater

State of Florida  
County of Martin

Doug Fitzwater, who is personally known to me, acknowledged the forgoing instrument before me on April 8, 2019.

  
Notary Public, State of Florida





**NOTICE  
PROPOSED REZONING**

CONCHY JOE'S  
DATE, TIME AND PLACE OF HEARING(S) AND  
OTHER INFORMATION AVAILABLE FROM  
MARTIN COUNTY GROWTH MANAGEMENT DEPARTMENT  
CALL 772-288-5495

**FILE NUMBER C110-007**

Treasure Coast Newspapers

TCPALM

The Stuart News

1939 SE Federal Highway, Stuart, FL 34994

**AFFIDAVIT OF PUBLICATION**

STATE OF FLORIDA  
COUNTY OF MARTIN

Before the undersigned authority personally appeared, Natalie Zollar, who on oath says that she is Classified Inside Sales Manager of the Stuart News, a daily newspaper published at Stuart in Martin County, Florida; that the attached copy of advertisement was published in the Stuart News in the following issues below. Affiant further says that the said Stuart News is a newspaper published in Stuart in said Martin County, Florida, with offices and paid circulation in Martin County, Florida, and that said newspapers have heretofore been continuously published in said Martin County, Florida, daily and distributed in Martin, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The Stuart News has been entered as Periodical Matter at the Post Offices in Stuart, Martin County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

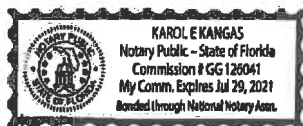
Customer	Ad Number	Copyline	PO #
433969 - MARTIN COUNTY BOCC (LEGALS)	2279172	CONCHY JOES C110-007	

Pub Dates  
May 10, 2019

Sworn to and subscribed before me this day of, May 10, 2019, by

Natalie Zollar who is  
Natalie Zollar  
(X) personally known to me or  
( ) who has produced \_\_\_\_\_ as identification.

Karol E Kangas  
Karol Kangas Notary Public



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

**NOTICE OF PUBLIC HEARINGS**

**Subject: Sunrise Restaurants,  
LLC, Rezoning (C110-007)**  
Request to rezone approximately 2.3 acres of property from the R-3A Liberal Multiple-Family District, to the LC Limited Commercial District, or the most appropriate zoning district, with a request for a Certificate of Public Facilities Exemption.

**Location:** The site is located at 4000 NE Indian River Drive in Jensen Beach, adjacent to the Indian River Lagoon and bisected by Indian River Drive, approximately 1,000 feet north of NE Causeway Blvd.

**Public hearing:  
LOCAL PLANNING AGENCY**

**Time and Date:**  
7:00 P.M. or as soon as the matter can be heard on Thursday, June 6, 2019

**Public hearing:  
BOARD OF COUNTY  
COMMISSIONERS**

**Time and Date:**  
9:00 A.M. or as soon as the matter can be heard on Tuesday, June 18, 2019

**Place:**  
Martin County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida 34996

All interested persons are invited to attend and be heard. Persons with disabilities who need an accommodation in order to participate in these proceedings 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 ADA Coordinator at (772) 221-1396, or 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 meeting date. This notification can be reproduced in an alternative format upon request by contacting the Office of the ADA Coordinator at (772) 221-1396. 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 business days

prior to the LPA or BCC 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 the 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 who 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, including copies of the agenda item materials, please call the Growth Management Department at (772) 288-5495. All written comments should be sent to Nicki van Vonno, Growth Management Director, (e-mail: [nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)) or 2401 SE Monterey Road, Stuart, FL 34996.

**THIS NOTICE DATED THIS 1ST  
DAY OF MAY, 2019.**

**Publish:** Stuart News

**Publish Date:** May 10, 2019  
TCN 2279172

[illegible]

**DULY PASSED AND ADOPTED THIS 18TH DAY OF JUNE, 2019.**

**ATTEST:**

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

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

**BY: \_\_\_\_\_  
EDWARD V. CIAMPI, CHAIR**

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

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

**ATTACHMENTS:**

**Exhibit A, Legal Description**

Catherine G. Riiska

COUNTY  
EXHIBIT # 2Summary of Qualifications

- PWS (Professional Wetland Scientist) Certification # 2162; Environmental Scientist with experience in multiple applications, including wetland science, hydrology, water quality, and regulatory programs
- Master of Science Degree in Environmental Sciences, Soil and Water Science, Bachelor of Science Degree in Biology
- Member of American Planning Association (APA)
- Member of Society of Wetland Scientists (SWS) and Florida Association of Environmental Professionals (FAEP)
- Certified Florida Master Naturalist (UF)
- Certified Stormwater Management Inspector, FDEP
- Extensive Knowledge of Wetland Ecology, SFWMD infrastructure, STA's, Water Quality and Regulatory Missions
- Mastery of GIS skills, including but not limited to map creation, modeling, interpolation, extrapolation, spatial analysis
- Knowledge of NELAC, FDEP, EPA, UMAM, SFWMD A.H., various F.S. and F.A.C.
- Experience in development review, code compliance, industrial water control, permitting, and analyses, including relevant DEP and EPA requirements and effluent monitoring

Work Experience

**Principal Planner** (May/2015 – current); Martin County – Growth Management Department  
Development Review including Environmental Review and Special Projects. Evaluation of Major and Minor development applications for compliance with Martin County Code; Project Coordination duties involving internal development review team, external customers/applicants, and other governmental agencies; Report and Agenda creation and presentation to various advisory committees and the BOCC. Interdepartmental support as needed as a subject matter expert including comprehensive plan amendment and diverse County goals and processes, including litigation, regulation and environmental science-based issues.

**Senior Planner** (Feb/2014 – May/2015); Martin County – Growth Management Department  
Development Review including Environmental Review and Special Projects. Wetland delineation and assessment. Evaluation of Major and Minor development applications for compliance with Martin County Code; Project Coordination duties involving internal development review team, external customers/applicants, and other governmental agencies; Report and Agenda creation and presentation to various advisory committees and the BOCC.

**Environmental Analyst III** (Jan/2013 – Feb/2014); **Environmental Analyst II** (Oct/2009 – Jan/2013)  
South Florida Water Management District, WPB FL – Environmental Resource Permitting Division  
Water use and ERP permit application/modification review; State Wetland delineation; Field wetland assessments including hydrological, biological, and water quality; In-situ soil analysis, hydric soil determinations; Seagrass and benthic resource surveying/mapping; Wetland monitoring program development and review; Wetland monitoring data assessment and reporting with extensive documentation; WRAP, WATER, and UMAM assessments; GIS, Google Earth, Multiple certifications and formalized training obtained:

**Science Technician II** (Dec/2007 – Oct/2009)  
South Florida Water Management District, WPB FL – Water Quality Monitoring Division, Environmental Resources Assessment Dept.  
Environmental field sampling, surface water and autosampler sampling and sample processing; Field instrument use, maintenance, and troubleshooting; Extensive QA/QC performance and documentation; Marsh sampling including vegetation identification and survey; Multiple certifications and formalized training obtained:

**OPS Technician / Graduate Student - University of Florida – Environmental Sciences** (April/2005 – Dec/2007)  
University of Florida, IRREC Ft. Pierce – AgroEcology Laboratory  
Awarded Master of Science Degree in Environmental Sciences, Soil and Water Science  
NELAC Environmental compliance, monitoring, and testing; Test method development; Establishment of standard operating procedures; Lab and lab supply maintenance and tracing; Extensive documentation and record keeping; reporting and procedural compliance with all local, state, and federal regulatory agencies including USDA-ARS, NELAC, FDEP.

**Education:** Master of Science, Environmental Science, Soil and Water Science, UF  
Bachelor of Science, Biology; Microbiology major, Chemistry minor, FAU

Publications

**Nontarget Deposition and Losses of Chlorothalonil in Irrigation Runoff Water from a Commercial Foliage Plant Nursery. Journal of Environmental Quality 39:2130-2137.**

**Irrigation Water and Nitrate-nitrogen Loss Characterization in Southern Florida Nurseries: Cumulative Volumes, Runoff Rates, Nitrate-nitrogen Concentrations and Loadings, and Implications for Management. Hort Technology 20(2):325-330**