



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

PHQJ-1  
COUNTY  
EXHIBIT # 1

File ID: 20-0635

PHQJ-1

Meeting Date: 5/5/2020

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

**TITLE:**

**PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT FOR CPA 19-22, PUBLIX SUPERMARKET FLUM**

**EXECUTIVE SUMMARY:**

This amendment is concurrent to a request to amend the future land use designation from Agricultural to General Commercial future land use on a 6-acre portion of a 16.72-acre parcel, located at the southeast corner of SW Kanner Highway and SW Pratt Whitney Road. The applicant requests to rezone the entire property from A-1 and R-3A to GC, General Commercial zoning district.

**DEPARTMENT:** Growth Management

**PREPARED BY:** Name: Maria Jose, M.S.  
Title: Planner

**REQUESTED BY:** Publix Supermarket, Inc.

**PRESET:**

**PROCEDURES:** Quasi-Judicial

FILED FOR RECORD  
COMMISSION RECORDS  
MARTIN COUNTY, FL  
Date 5/5/2020  
CAROLYN TIMMANN  
CLERK OF CIRCUIT COURT  
By MKV D.C.

**BACKGROUND/RELATED STRATEGIC GOAL:**

Comprehensive Growth Management Plan Policy 4.4A.1. provides that "Parcels being considered for amendment to the future land use designation shall be concurrently evaluated for rezoning to the most appropriate zoning district in the most recently adopted Land Development Regulations."

**ISSUES:**

A concurrent rezoning is required for each Future Land Use Map (FLUM) amendment where the amendment creates an inconsistency with the current zoning designation. Analysis of the proposed rezoning can be found in the staff report attached to this Board Item.

**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 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 its attachments including the staff report for the record as Exhibit 1.
2. Move that the Board amend the Martin County Zoning Atlas to change the zoning district on the subject 16.72 acres of land from A-1 and R-3A to GC Zoning District.

**ALTERNATIVE RECOMMENDATIONS**

Move that the Board continue the item to a future date certain.

**FISCAL IMPACT:**

**RECOMMENDATION**

Staff time.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

**ALTERNATIVE RECOMMENDATIONS**

Staff time.

**DOCUMENT(S) REQUIRING ACTION:**

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

# CPA19-22 Publix Supermarket REZONING

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

Request Number: CPA 19-22 Publix Supermarket

Report Issuance Date: December 31, 2019

Applicant: Publix Supermarket, Inc.

Agent: Gunster Law Firm  
Joshua Long, AICP  
800 SE Monterey Commons Blvd.  
Stuart, FL 34996

County Project Coordinator: Maria Jose, M.S., Planner  
Growth Management Director: Nicki van Vonno, AICP

<u>PUBLIC HEARINGS:</u>	<u>Date</u>	<u>Action</u>
Local Planning Agency:	2/6/2020	LPA voted 2-2 for approval
Board of County Commission Adoption:	5/5/2020	

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

This application is a request for a zoning district change on a parcel from A-1, Small Farms District and R-3A, Liberal Multiple-Family to GC, General Commercial on 16.72 acres located at the southeast corner of SW Kanner Hwy. and Pratt Whitney Road. The application was submitted concurrently with a Future Land Use Map (FLUM) change from Agricultural to General Commercial on six acres within the larger 16.72 acres.

<b>Zoning District</b>	<b>District Purpose</b>
CC (Community Commercial District)	The CC district is intended to implement the CGMP policies for lands designated Commercial General on the Future Land Use Map of the CGMP. This district is designed to minimize the potential for negative impacts on surrounding properties.
GC (General Commercial District)	The GC district is intended to implement the CGMP policies for lands designated Commercial General on the Future Land Use Map of the CGMP.

**Staff recommendation:**

Staff recommends approval of the zoning district change from A-1 and R-3A to GC. The decision on the appropriate zoning depends on the final decision for the future land use designations on the property. The R-3A zoning district is not consistent with the General Commercial future land use assigned on the same portion of the 16.72 acres. The proposed zoning district, GC, implements the General Commercial future land use designation proposed for six acres of the site.

**Permitted Uses and Standards:**

The existing zoning districts, A-1 and R-3A, of the subject property are Category C zoning districts and the permitted uses and standards for them are listed in Section 3.407. and Section 3.411.1 of the LDR. The excerpts are shown below. Also below are excerpts from Article 3 of the Land Development Regulations, Martin County Code including the permitted use schedule and development standards for the proposed zoning districts, which are Category A districts. Lands zoned in accordance with this Division shall be limited to the uses indicated as permitted in Table 3.11.2. The "P" indicates that the use is permitted within that zoning district provided that the use can be developed in accordance with, the requirements set forth in Divisions 3 and 4 and all other applicable requirements of this Article and the Land Development Regulations.

**Excerpt from the LDR regarding existing zoning, R-3A and A-1:**

**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 with an enclosed seating capacity of ten persons or more, excluding drive-ins, microbreweries or craft distilleries.
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.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-02; Ord. No. 1094, pt. 4, 1-29-2019)

**Sec. 3.411.1. A-1 Small Farms District.**

3.411.1.A. *Uses permitted.*

1. In this district, a building or structure or land shall be used for only the following purposes:
2. Any use permitted in the R-2A Two-Family Residential District.
3. Barns, dairies, greenhouses, guesthouse, servants' quarters and other accessory buildings.

4. Truck farming, fruit growing, poultry raising, nurseries and field crops.
5. Roadside stands for the sale of fruit, vegetables and other products produced on the premises thereof.
6. Drive-in theatres, private stables.
7. Commercial radio and/or television transmitting stations, towers, poles, masts, antennas, power plants and the other incidental and usual structures pertaining to such stations. All structures and attachments thereto and appurtenances thereof shall comply with all of the applicable requirements of the Federal Communications Commission and the Civil Aeronautics Board and/or authority. Towers, poles, masts and antennas shall be designed and stamped by a registered engineer or architect to assure the structure, masts, etc., will withstand hurricane force winds.
8. Trailers. The minimum lot size for a trailer shall be 20 acres and there shall be no more than one trailer on any lot. The trailer shall not be located within 100 feet of any property line. The trailer shall be permitted to remain only so long as the principal use of the property is agricultural. The trailer shall only be used as a residence. The trailer shall be screened from view of abutting lots and public streets to a height of six feet, for example, by means of an opaque fence or landscape buffer.
9. Farmer's markets, as defined in Division 2 and pursuant to the requirements set forth in section 3.71.1 of the Land Development Regulations.

3.411.1.B. *Required lot area.* The required lot area shall not be less than two acres.

3.411.1.C. *Minimum yards required.*

1. *Front:* 25 feet.
2. *Rear and side:* 25 feet.
3. 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.
4. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.
5. A minimum setback or yard of 20 feet shall be required adjacent to water frontage.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 669, pt. 1, 6-28-2005)

**Excerpt from the LDR regarding proposed zoning, GC:**

**TABLE 3.11.2  
PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS**

USE CATEGORY	C	G
	C	C
<i>Residential Uses</i>		
Accessory dwelling units		
Apartment hotels	P	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>Agricultural Uses</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	P
Ranches		
Silviculture		
Stables, commercial		
Storage of agricultural equipment, supplies and produce		
Wildlife rehabilitation facilities		

USE CATEGORY	C	G
	C	C
<i>Public and Institutional Uses</i>		
Administrative services, not-for-profit	P	P
Cemeteries, crematory operations and columbaria		
Community centers	P	P
Correctional facilities		
Cultural or civic uses	P	P
Dredge spoil facilities		
Educational institutions	P	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		P
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	P
Post offices	P	P
Protective and emergency services	P	P
Public libraries	P	P
Public parks and recreation areas, active	P	P
Public parks and recreation areas, passive	P	P
Public vehicle storage and maintenance		
Recycling drop-off centers	P	P
Residential care facilities	P	
Solid waste disposal areas		
Utilities	P	P
<i>Commercial and Business Uses</i>		
Adult business		
Ancillary retail use		

USE CATEGORY	C	G
	C	C
Bed and breakfast inns	P	
Business and professional offices	P	P
Campgrounds		
Commercial amusements, indoor	P	P
Commercial amusements, outdoor		P
Commercial day care	P	P
Construction industry trades	P	P
Construction sales and services	P	P
Family day care		
Financial institutions	P	P
Flea markets		P
Funeral homes	P	P
General retail sales and services	P	P
Golf courses		
Golf driving ranges		P
Hotels, motels, resorts and spas	P	P
Kennels, commercial		P
Limited retail sales and services	P	P
Marinas, commercial	P	P
Marine education and research		
Medical services	P	P
Pain management clinics		P
Parking lots and garages	P	P
Recreational vehicle parks	P	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	P
Restaurants, convenience, with drive-through facilities		P
Restaurants, convenience, without drive-through facilities	P	P
Restaurants, general	P	P
Shooting ranges		
Shooting ranges, indoor	P	P
Shooting ranges, outdoor		

USE CATEGORY	C	G
	C	C
Trades and skilled services		P
Vehicular sales and service		P
Vehicular service and maintenance		P
Veterinary medical services	P	P
Wholesale trades and services		P
<i>Transportation, Communication and Utilities Uses</i>		
Airstrips		
Airports, general aviation		
Truck stop/travel center		
<i>Industrial Uses</i>		
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		
<i>Life Science, Technology and Research (LSTAR) Uses</i>		
Biomedical research	P	P
Bioscience research	P	P
Computer and electronic components research and assembly	P	P
Computer and electronic products research and assembly	P	P
Computer programming/software research	P	P
Computer system design	P	P
Electromedical apparatus research and assembly	P	P
Electronic equipment research and assembly	P	P
Laser research and assembly	P	P
Lens research	P	P
Management, scientific and technical services	P	P
Marine Research	P	P
Medical and dental labs	P	P

USE CATEGORY	C	G
	C	C
Medical equipment assembly	P	P
Optical equipment assembly	P	P
Optical instruments assembly	P	P
Optoelectronics assembly	P	P
Pharmaceutical products research	P	P
Precision instrument assembly	P	P
Professional, scientific and technical services	P	P
Reproducing magnetic and optical media	P	P
Research and development laboratories and facilities, including alternative energy	P	P
Scientific and technical consulting services	P	P
Simulation training	P	P
Technology centers	P	P
Telecommunications research	P	P
Testing laboratories	P	P
<i>Targeted Industries Business (TIB) Uses</i>		
Aviation and aerospace manufacturing		
Business-to-business sales and marketing	P	P
Chemical manufacturing		
Convention centers	P	P
Credit bureaus	P	P
Credit intermediation and related activities	P	P
Customer care centers	P	P
Customer support	P	P
Data processing services	P	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	P
Food and beverage products manufacturing		
Funds, trusts and other financial vehicles	P	P
Furniture and related products manufacturing		
Health and beauty products manufacturing		

USE CATEGORY	C	G
	C	C
Information services and data processing	P	P
Insurance carriers	P	P
Internet service providers, web search portals	P	P
Irradiation apparatus manufacturing		
Lens manufacturing		
Machinery manufacturing		
Management services	P	P
Marine and marine related manufacturing		
Metal manufacturing		
National, international and regional headquarters	P	P
Nondepository credit institutions	P	P
Offices of bank holding companies	P	P
On-line information services	P	P
Performing arts centers	P	P
Plastics and rubber products manufacturing		
Printing and related support activities		
Railroad transportation		
Reproducing magnetic and optical media manufacturing		
Securities, commodity contracts	P	P
Semiconductor manufacturing		
Simulation training	P	P
Spectator sports	P	P
Surgical and medical instrument manufacturing		
Technical support	P	P
Telephonic and on-line business services	P	P
Textile mills and apparel manufacturing		
Transportation air		
Transportation equipment manufacturing		
Transportation services		P
Transaction processing	P	P
Trucking and warehousing		
Wood and paper product manufacturing		



(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 669, pt. 1, 6-28-2005; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 891, pt. 1, 2-22-2011; Ord. No. 970, pt. 1, 4-7-2015; Ord. No. 1014, pt. 2, 12-6-2016; Ord. No. 1045, pt. 1, 1-9-2018)

**LDR, Article 3, Sec. 3.12. Development standards**

The land development standards set forth in Tables 3.12.1 and 3.12.2 shall apply to all lands zoned in accordance with this Division.

**TABLE 3.12.1  
DEVELOPMENT STANDARDS**

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	CC	10,000	80	—	20.00	50	30	30	—
A	GC	10,000	80	—	20.00	60	40	20	—

**TABLE 3.12.2.  
STRUCTURE SETBACKS**

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

**Standards for Amendments to the Zoning Atlas**

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

Please see the staff report for CPA 19-22, Publix Supermarket FLUM Amendment. The report discusses compatibility with the Martin County CGMP and recommends General Commercial future land use designation. GC and CC zoning districts are the only standard zoning districts that implement General Commercial future land use designation. However, GC and CC have some differences in permitted uses and development standards.

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

The site and the requested GC zoning district implements the proposed General Commercial future land use pursuant to the requirements and standards of the LDR. The site meets the minimum lot width and minimum lot size for the GC zoning district. Any site plan proposed on the 16.72 acres must comply with all applicable land development regulations.

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

The GC zoning district implements the proposed General Commercial future land use. The GC provides permitted uses such as general retail sales and services, in accordance with the CGMP policies. The subject site is located near a signalized intersection of 2 major roadways and is adequately sized to provide required buffers and ensure compatibility with the adjacent uses.

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

The growth in the area, particularly the surrounding residential and commercial uses, and public infrastructure improvements, has altered the character of the area such that the proposed request is

730

now reasonable and consistent with area land use characteristics. There have been some zoning changes in the area. The future land use map amendments discussed in Section 1.4 of the staff report for CPA 19-22 identifies the changes to the Future Land Use Map since 1982 to parcels near the subject site. The rezonings listed below facilitate the development of vacant land consistent with the adopted Future Land Use Map. See Figure 1, which shows all the past zoning resolutions in the area nearby the subject parcel.

1. **Resolution 15-12.3:** Zoning amendment, where property was changed from A-1 to RE-1/2A.
2. **Resolution 03-11.16:** Zoning amendment, where property was changed from A-2 to RE-1/2A.
3. **Resolution 88-7.11:** Zoning amendment, where property was changed from A-2 to LC on a lot and from A-2 to RE-1A on another lot.
4. **Resolution 05-9.5:** Zoning amendment, where property was changed from R-3A to LC.
5. **Resolution 04-4.6:** Zoning amendment, where property was changed from R-3A to LC.
6. **Resolution 92-3.6:** Zoning amendment, where property was changed from A-1 to PUD, Florida Club.



Figure 1, where the subject site is in blue and parcels marked white had rezonings.

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

The property is located partially in the Primary Urban Service District (PUSD) and a concurrent text amendment proposes to extend the PUSD over the entire subject site. All required public facilities and services are in place to support future development in accordance with the GC zoning district.

- 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 change in future land use is in direct response to the pattern of growth and the investment in public facilities and services that has occurred since the CGMP was adopted. The proposed request will conserve and enhance the value of existing developments and will support a reasonable mix of land uses in the area, while using the county's resources efficiently and economically.

Please refer to Figure 2 below, which shows the proposed zoning atlas.

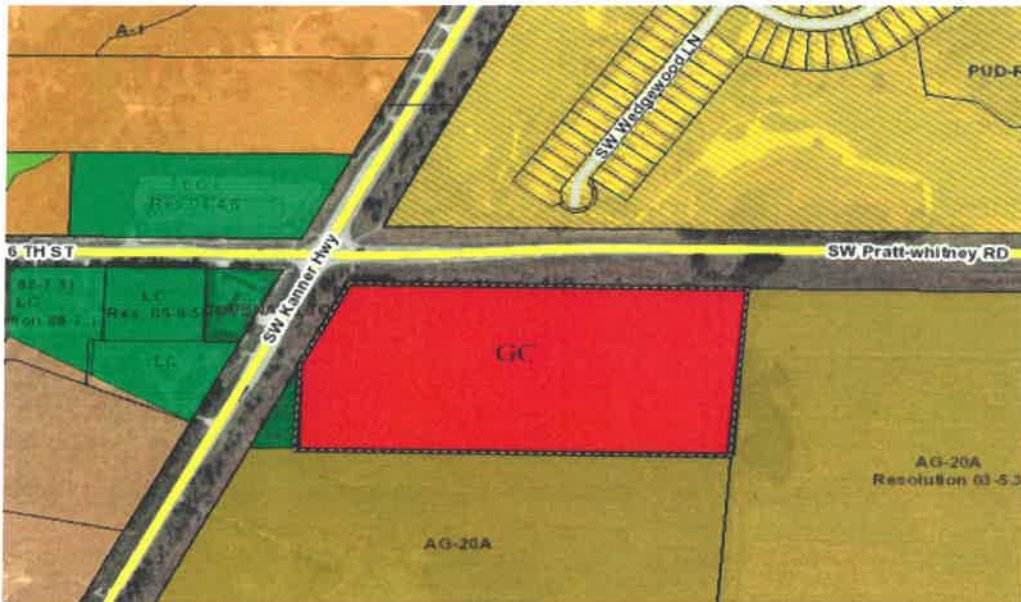


Figure 2, Proposed Zoning District, GC (General Commercial)

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

CPA 19-22 and this concurrent rezoning have not been presented at a public hearing yet.

**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 rezoning process does not include a site plan review; therefore departments related to site plan review were not included in this rezoning staff report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Maria Jose	288-5930	Pending
G	Development Review	Maria Jose	288-5930	Pending
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Maria Jose	288-5930	Exempt

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) is 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).

**D. Review Board action**

A review and recommendation is required on this application from the Local Planning Agency (LPA). Final action on this application is required by the Board of County Commissioners (BCC). Both the LPA and the BCC meetings must be advertised public hearings.

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

Location: Approximately ±16.72 acres, located at the southeast corner of SW Kanner Hwy. and Pratt Whitney Road, in Stuart.

Existing zoning:	A-1 and R-3A
Future land use:	General Commercial and Agricultural
Commission district:	District 3
Community redevelopment area:	N/A
Municipal service taxing unit:	District 3 Municipal Service Taxing Unit
Planning area:	Mid County

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

##### **Unresolved issues:**

##### **Item #1:**

Compatibility with the Future Land Use Map. The Growth Management Department staff has reviewed the Future Land Use Map Amendment in a separate report. Should the proposed change to the Future Land Use Map be adopted, the proposed GC zoning district would correctly implement the respective General Commercial Future Land Use designation.

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

##### **Unresolved issues:**

No site plan has been proposed. See Section F. above.

##### **Additional Information:**

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

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

See above statement.

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

See above statement.



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

See above statement.

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

See above statement.

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

See above statement.

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

See above statement.

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

See above statement.

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

See above statement.

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

See above statement.

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

See above statement.

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

See above statement

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

Review is ongoing.

***T. Determination of compliance with the adequate public facilities requirements - responsible departments***

The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B., LDR, Martin County, Fla. (2016). Exempted development will be treated as committed development for which the County assures concurrency.

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

- A. Additions to nonresidential uses that do not create additional impact on public facilities;
- B. Changes in use of property when the new use does not increase the impact on public facilities over the pre-existing use, except that no change in use will be considered exempt when the

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preexisting use has been discontinued for two years or more;

- C. Zoning district changes to the district of lowest density or intensity necessary to achieve consistency with the Comprehensive Growth Management Plan;
- D. Boundary plats which permit no site development.

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

Not applicable.

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

No Local, State and Federal Permits are applicable to a rezoning action which does not permit any development activities.

***W. Fees***

Not applicable.

***X. General application information***

Applicant and Property Owner: Publix Supermarket, Inc.

***Y. Acronyms***

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

***Z. Figures/Attachments***

Figures within the report:

Figure 1, Past Zoning Resolutions

Figure 2, Proposed Zoning Map

Application Materials  
Adoption Hearing  
Rezoning, CPA 19-22 Publix Supermarket FLUM  
May 5, 2020



July 2, 2019

Ms. Nicki van Vonno, AICP  
Growth Management Director  
2401 S.E. Monterey Road  
Stuart, FL 34996

**Re: Rezoning Application Cover Letter  
Publix on SW Kanner Hwy & SW Pratt Whitney Rd**

Dear Nicki:

It is our pleasure to submit on behalf of our client Publix Super Markets, Inc. a Rezoning Application for a 16.72 acre property located on the Southeast corner of Southwest Kanner Highway (SR76) and Southwest Pratt Whitney Road (CR711). This application is one of three concurrent applications being submitted on behalf of our client; together our application consist of a Future Land Use Map Amendment with Concurrent Rezoning and Comprehensive Plan Text Amendment.

Enclosed you will find one (1) paper copy of Rezoning Application materials and one (1) disk which contains an electronic versions of all required documents. Each application checklist item which is not included with our submittal is identified below. For ease of review we use the same numbering system found on the County Checklist.

Rezoning Application

Rezoning Application

14. School Impact Worksheet – Not applicable

If you have any questions or need further information please do not hesitate to contact me at 772-288-1980.

Best regards,

  
Joshua I. Long, AICP

cc: Client  
Robert S. Raynes, Jr., Esq.  
Enclosures

WPB\_ACTIVE 9496905.1

737



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

## DEVELOPMENT REVIEW APPLICATION

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### A. GENERAL INFORMATION

Type of Application: Zoning Change

Name or Title of Proposed Project: Publix Super Market @ SW Kanner Hwy & Pratt Whitney Ro

#### Brief Project Description:

Three part, concurrent request for a Comp Plan FLUM Application, a Comp Plan Text Amendment and a Rezoning Application for a new Publix Super Market on the SE corner of SW Kanner Hwy & SW Pratt Whitney Road. The 16.72 acre site, is undeveloped and contains Category C zoning designations that are inconsistent with the property's land use designations. Our applications request CG land use and GC zoning for the entire 16.72 acre parcel.

Was a Pre-Application Held? ☐ YES/NO ☒ Pre-Application Meeting Date: \_\_\_\_\_

Is there Previous Project Information? ☐ YES/NO ☒

Previous Project Number if applicable: N/A

Previous Project Name if applicable: N/A

#### Parcel Control Number(s)

18-39-41-000-002-00010-8



### B. PROPERTY OWNER INFORMATION

Owner (Name or Company): Daniel P. Grealish, L. William Spencer & Thomas B. Grealis

Company Representative: N/A

Address: 1815 Washington Road

City: Pittsburgh, State: PA Zip: 15241

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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**C. PROJECT PROFESSIONALS**

**Applicant (Name or Company):** Publix Super Markets, Inc.

**Company Representative:** Tonya Karcher

**Address:** 3300 Publix Corporate Parkway

**City:** Lakeland, **State:** FL **Zip:** 33811

**Phone:** 863-616-5777 **Email:** tonya.karcher@publix.com

**Agent (Name or Company):** Gunster Law Firm

**Company Representative:** Robert S. Raynes, Jr., Esq.

**Address:** 800 S.E. Monterey Commons Blvd., Suite 200

**City:** Stuart, **State:** FL **Zip:** 34996

**Phone:** 772-288-1980 **Email:** r-raynes@gunster.com

**Contract Purchaser (Name or Company):** Same as Applicant

**Company Representative:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_, **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Land Planner (Name or Company):** Gunster Law Firm

**Company Representative:** Joshua I. Long, AICP

**Address:** 800 S.E. Monterey Commons Blvd., Suite 200

**City:** Stuart, **State:** FL **Zip:** 34996

**Phone:** 772-288-1980 **Email:** \_\_\_\_\_

**Landscape Architect (Name or Company):** N/A

**Company Representative:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_, **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Surveyor (Name or Company):** Bowman Consulting Group

**Company Representative:** Richard E. Barnes, Jr.

**Address:** 301 S.E. Ocean Blvd.

**City:** Stuart, **State:** FL **Zip:** 34994

**Phone:** 772-678-4344 **Email:** rbarnes@bowmanconsulting.com

**Civil Engineer (Name or Company):** Bowman Consulting Group

**Company Representative:** Lisa Leonard, P.E.

**Address:** 301 S.E. Ocean Blvd.

**City:** Stuart, **State:** FL **Zip:** 34994

**Phone:** 772-678-4344 **Email:** lleonard@bowmanconsulting.com

**PROJECT PROFESSIONALS CONTINUED**

**Traffic Engineer (Name or Company):** O'Rourke Engineering & Planning  
**Company Representative:** Susan E. O'Rourke, P.E.  
**Address:** 969 SE Federal Highway, Suite 402  
**City:** Stuart, **State:** FL **Zip:** 34994  
**Phone:** 772-781-7918 **Email:** seorourke@comcast.net

**Architect (Name or Company):** N/A  
**Company Representative:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_, **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Attorney (Name or Company):** Same as Agent  
**Company Representative:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_, **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Environmental Planner (Name or Company):** N/A  
**Company Representative:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_, **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Other Professional (Name or Company):** \_\_\_\_\_  
**Company Representative:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_, **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**D. Certification 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. **(125.022(1), Fla. Stat.)**



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

**E. 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.

[Signature]  
Applicant Signature

7/2/19  
Date

Robert S. Raynes, Jr.  
Printed Name

**NOTARY ACKNOWLEDGMENT**

STATE OF: Florida COUNTY OF: Martin

I hereby certify that the foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of July, 20 19, by Robert S. Raynes, Jr.

He or She is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public Signature

Sue-An Caruso  
Printed name

STATE OF: Florida at-large





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

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## Digital Submittal Affidavit

I, Joshua I. Long, AICP, attest that the electronic version included for the project Publix on SW Kanner Hwy & SW Pratt Whitney Road 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

07-03-2019  
Date

### NOTARY ACKNOWLEDGMENT

STATE OF: Florida COUNTY OF: Martin

I hereby certify that the foregoing instrument was acknowledged before me this 3 day of July, 20 19, by Josh Long.

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

  
Notary Public Signature

Stacy Talbot  
Printed name

STATE OF: Florida at-large





July 2, 2019

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

**Re: Justification Statement/Narrative  
Future Land Use Map Amendment with Concurrent Rezoning and  
Comprehensive Plan Text Amendment**

Dear Nicki:

It is our pleasure to submit on behalf of our client Publix Super Markets, Inc. a Future Land Use Map Amendment with Concurrent Rezoning and Comprehensive Plan Text Amendment for a 16.72 acre property located on the Southeast corner of Southwest Kanner Highway (SR76) and Southwest Pratt Whitney Road (CR711), herein identified as the "Property." A location map which identifies the Property is included as **Exhibit "A."** It is our client's intent to develop the Property as a 48,387 square foot Publix Supermarket with 9,600 square feet of attached retail; the approval of which will be handled through a separate site plan application after the Future Land Use Map Amendment, Rezoning and Text Amendments have been processed. The proposed Publix will be constructed to comply with the Martin County Building Code and Land Development Regulations.

**Background**

The Property is currently vacant and contains a split land use designation and zoning category, see **Exhibit "B."** The majority of the Property (10.72 acres) has a land use designation of Commercial General with a zoning category of R-3A Liberal Multi-Family, hereinafter the "Commercial Portion". A majority of the Commercial Portion is located within the Martin County Primary Urban Service Boundary, the "USB". However, approximately 1.57 acres of the Commercial Portion is located outside the USB, see **Exhibit "B."** The remaining portion of the Property, located to the east of the Commercial Portion, has a land use designation of Agricultural with a Zoning Category of A-1 Small Farms, hereinafter the "Agricultural Portion," and is located outside of the USB. Notwithstanding the split land use and zoning designations, the property has always been considered as one unified parcel.

As previously mentioned, the Property is located at the intersection of SW Kanner Hwy and SW Pratt Whitney Road, both roads are identified as Arterial Roads on the Martin County Roadway Functional Class and Evacuation Map, see **Exhibit "C."** SW Kanner Hwy is

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classified as a Major Arterial and SW Pratt Whitney is classified as a Minor Arterial. The subject intersection is located on the County's Hurricane Evacuation Map and is a critical intersection to provide commercial goods and services for the County during emergency evacuations. Major and Minor Arterial Roads are appropriate for locating Commercial General land use designations.

The Property has approximately 1,204 linear feet of frontage along SW Pratt Whitney Road; of which approximately 719 feet of the frontage is the Commercial Portion of the Property with the remaining 485 feet of the frontage being the Agricultural Portion of the Property. Approximately 10.72 acres of the Property is covered by the Commercial Portion and approximately 6 acres of the Property is covered by the Agricultural Portion.

The subject intersection already contains Commercial land use designations on three (3) of the four (4) corners with the other corner containing a large residential development, see **Exhibit "B."** The existing land use designation and developed use for each corner is identified below:

- Northwest Corner: Land Use – Commercial Limited  
Existing Use – Self-Storage Warehouse
- Southwest Corner: Land Use – Commercial General and Commercial Limited  
Existing Use – Gas Station with Convenience Store
- Northeast Corner: Land Use – Estate Density 2UPA  
Existing Use – Florida Club Residential Development
- Southeast Corner: Land Use – Commercial General and Agricultural  
Existing Use – Vacant

#### **The Property is Undevelopable**

The Property is currently undevelopable due to environmental constraints on the Commercial Portion and inappropriate land use and zoning designations on the Agricultural Portion.

#### **Environmental Constraints:**

The Property is 16.72 acres in size with 3.32 acres of wetlands and 3.78 acres of required Upland Preserve/Wetland Buffer. Therefore, a total of 7.1 acres cannot be developed due to environmental constraints. The Commercial Portion of the Property contains approximately 2.857 acres of wetlands. These wetlands extend across the entire length of the Commercial Portion of the Property. Martin County does not allow impacts to wetlands. Furthermore, the County requires Upland Preserves/Wetland Buffers adjacent to all wetlands. The combined prohibition on impacts to wetlands and the requirement of Upland Preserve/Wetland Buffers makes the entire Commercial Portion of the Property undevelopable, see **Exhibit "D."**



#### **Inappropriate Land Use and Zoning Designations:**

Both, the Commercial Portion and Agricultural Portion of the Property are undevelopable as currently configured due to inappropriate land use and zoning. A mandatory rezoning for both portions of the Property is required.

A rezoning of the Agricultural Portion to the A-20 zoning designation would be required in order to be consistent with the current Agricultural land use designation. However, this is not possible given the fact that the A-20 zoning designation requires a minimum lot size of 20 acres. Currently, the Agricultural land use designation covers only 5.95 acres of the Property. As previously noted the size of the entire Property is only 16.72 acres, well under the 20-acre minimum lot requirements for the A-20 zoning designation. Therefore, a land use and zoning change are required on the Agricultural Portion.

The Commercial Portion's Commercial General land use designation only provides two possible Category A options for rezoning, 1) General Commercial or 2) Community Commercial; there are no other compatible Category A zoning designations for Commercial General land use. General Commercial zoning is the most appropriate zoning for the Property. The Property is strategically located at an important intersection for the area on two arterial roads on a hurricane evacuation route and the Property has historically been intended to be commercial.

#### **Future Land Use and Rezoning Request**

The Property's environmental constraints requires that alternative development options be explored. The Property contains an adequate amount of non-environmentally sensitive lands within the Agricultural Portion of the Property that could be developed if the entire Property had a land use designation of Commercial General and a zoning category of General Commercial. Publix has created a draft Site Plan that avoids nearly all of the environmentally sensitive lands on the Property and provides the required Upland Preserve/Wetland Buffers, see **Exhibit "E."** The only disturbance to environmentally sensitive areas with the Publix design provided in **Exhibit "E"** is for a secondary access point which is required for fire department and first responder access. Access waivers through environmentally sensitive areas are allowed under the Martin County Environmental Protection Standards and our site plan application will request all required waivers.

If the entire Property was assigned a Commercial General land use and General Commercial zoning then approximately 9.62 acres of the 16.72 could be developable as a commercial use which has long been intended for the Property.

Prior to the Martin County Comprehensive Plan the zoning for the Property was R-3A. In 1982 when the first land use designations were assigned to properties throughout Martin County the Commercial Portion was assigned a land use designation of Commercial General recognizing the intended use of that portion of the Property for commercial purposes. Accordingly, this

Property has long been intended for the type of use Publix is proposing to provide to the community. The proposed 9.62 acres of developable land that would be achieved with these applications is 1.05 acres less than the current acreage (10.77 acres) for the Commercial Portion of the Property.

Assigning the General Commercial land use and zoning designations to the entire Property would also correct the inappropriate land use designation that currently exists on the Agricultural Portion. Changing the Agricultural land use designation that currently exists on the Property to another Agricultural land use designation, such as Agricultural Ranchette or Rural Density would create "spot zoning" because none of those land use categories exist in the immediate area.

Our client has proposed a Comprehensive Plan Sub-Area Development Restriction for the entire Property that would set the maximum non-residential development intensity at 63,810 square feet.

Accordingly, this submittal contains two (2) two-part applications for the following:

1. A concurrent Future Land Use Map Amendment with Rezoning for:
  - a. An Amendment to the Future Land Use Map, [Section 1.1 – An Exhibit of the Martin County Comprehensive Plan] to change the Future Land Use designation on the Agricultural Portion of the Property from Agricultural to Commercial General.
  - b. A Rezoning request to change the zoning on the Commercial Portion and the Agricultural Portion of the Property from R3-A Liberal Multi-family and A-1 Small Farms to General Commercial.
2. A two-part text amendment to:
  - a. Comprehensive Plan Policy 4.1.B.2 to establish sub-area development restrictions for the Property limiting the maximum intensity to 63,810 sq. ft. of non-residential use.
  - b. An alteration of the Primary Urban Service District Boundary (USB) to extend the USB line approximately 599 feet east of the existing USB line to cover the entire Property.

The Commercial General land use and General Commercial zoning designations are the most appropriate designations for the Property. The Property is strategically located at an important intersection for the area that has historically been intended to be commercial. Without the requested Comprehensive Plan amendments and zoning requests the Property cannot be developed because of environmental constraints and inappropriate land use and zoning designations.

Ms. Nicki van Vonno, AICP  
July 2, 2019  
Page 5

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert S. Raynes, Jr.", with a stylized flourish at the end.

Robert S. Raynes, Jr. Esq.

Enclosures

cc:

Client

**Consistency with the CGMP:**

**5.2 Section 1.11.C(2) – Procedures upon application: Staff can recommend approval of a requested change provided it is consistent with all other elements of this Plan and at least one of the following three situations has been demonstrated by the applicant to exist:**

- (a) Past changes in land use designations in the general area make the proposed use logical and consistent with these uses and adequate public services are available of and growth in the area—in terms of development of vacant land, redevelopment and availability of public services—has altered the character of the area such that the proposed request is now reasonable and consistent with area land use characteristics; or**
- (b) The proposed change would correct an inappropriately assigned land use designation; or**
- (c) The proposed change is a County initiated amendment that would correct a public facility deficiency in a County facility that provides for the health, safety or general welfare of County residents and cannot otherwise be adequately provided in a cost effective manner at locations where the proposed land use is currently consistent with the CGMP.**

**Demonstration of compliance with Section 1.11.C(2)(a):** This application complies with both Section 1.11.C(2)(a) and (b) by addressing the land use changes that have occurred in the area south and west of the Florida Turnpike herein referred to as the "Planning Area," please see **Exhibit "F."** The Planning Area has developed into a large residential area within Martin County. The existence of residential homes in this Planning Area requires commercial services be available. Currently, there are no grocery stores in the Planning Area to serve the needs of the residents, see **Exhibit "G."** Our client intends to build a Publix Super Market to serve the needs of the residents within the Planning Area. Martin County recognized the need for commercial services for the Planning Area by adopting commercial land use designations at the intersection of SW Kanner Hwy and SW Pratt Whitney Road. In fact, the Property was assigned a Commercial General land use designation to meet the needs of this area. However, the portion of the Property that received the Commercial General land use designation is undevelopable due to environmental constraints. This application seeks to expand the Commercial General land use designation to the Agricultural Portion in order to address the commercial needs of the Planning Area.

This application also addresses the inappropriate land use and zoning designations by eliminating the inconsistency that exists with the Commercial and Agricultural Portions of the Property. The Agricultural land use with A-1 Small Farms zoning designation and the Commercial General land use with R-3A zoning are inappropriate land use and zoning designations that renders the Property undevelopable. The most appropriate land use and zoning designations for the Commercial and Agricultural Portions of the Property is the Commercial General land use with the General Commercial zoning.

### **Section 1.5. - Economic Principles**

**A principal goal of Martin County is to promote balanced, orderly, sustainable economic growth by creating and promoting an economic environment consistent with Sec. 1.1 above that will enhance prosperity for all communities and citizens of the County. .... Our environment and quality of life are the foundations for Martin County's economy. Protecting both, while providing for orderly growth and development, is fundamental to our success in maintaining a strong and vibrant economy that is free from over development.**

**Demonstration of compliance with Section 1.5:** The proposed amendment complies with the economic principles of Section 1.5 by implementing the intended plan for commercial services at this intersection. The Property is located at the intersection of two arterial roads. Approximately two-thirds of the Property already has a Commercial General land use designation. However, the Commercial Portion of the Property cannot be developed because of environmental constraints. Assigning a Commercial General land use designation to the remainder of the Property will further the goals of the County by recognizing the use that has historically been intended at this intersection.

#### **Compatibility with surrounding uses**

**The CGMP provides that existing residential areas shall be protected from encroachment by incompatible development. This application outlines how the proposed amendment would result in a logical, timely and orderly development pattern which is compatible with the character of the existing land uses in the adjacent and surrounding area.**

**Objective 2.1A. Text amendments to the CGMP and amendments to the FLUM shall allocate land use to provide for compatibility with existing development and long term planning goals.**

**Policy 2.1A.1: No land uses, or development shall:**

- (1) Exceed 15 units per acre.**
- (2) Have more than four stories. Rebuilding of oceanfront structures on Hutchinson Island to the original building configuration shall not be considered inconsistent with this policy.**
- (3) Be more than 40 feet high. Building height shall be measured as described in the Land Development Regulations.**

**Demonstration of Compliance with Policy 2.1A.1** – Our application is consistent with Objective 2.1A and Policy 2.1A.1 by providing Commercial General land use at the intersection of two arterial roads on a Property which already been assigned Commercial General, but is

currently undevelopable. The requested land use amendments will make possible the historically intended use of the Property for General Commercial purposes.

**Policy 2.1A.2. Existing and future residential areas shall be protected from encroachment by commercial or industrial development or other non-residential uses, which would be incompatible with such residential uses.**

**Demonstration of Compliance with Policy 2.1A.2** – No existing residential areas will be encroached upon by commercial development with this application.

**Goal 4.10 – To provide for adequate and appropriate sites for commercial land uses to serve the needs of the County's anticipated residents and visitors.**

**Demonstration of Compliance with Goal 4.10** - The Property is located at the intersection of two arterial roads and has already been identified as an appropriate location for commercial land use to serve the residents of the Planning Area. The majority of the Property already has a Commercial General land use designation. However, the Commercial Portion of the Property cannot be developed because of environmental constraints. Assigning a Commercial General land use designation to the remainder of the Property will further the goals of the County by recognizing the use that has historically been intended at this intersection.

**Objective 4.10A. To continue using the Land Development Regulations to provide a variety of commercial zoning districts to implement future land use designations and provide sufficient space for a variety of activities.**

**Demonstration of Compliance with Objective 4.10A.** – The proposed amendment complies with Objective 4.10A by providing Commercial General land use and General Commercial zoning which is a very important commercial designation for a major intersection where arterial roads meet and that was historically intended to be used for General Commercial. Providing Commercial General land use at this intersection will provide a variety of commercial uses that are not available with the Limited Commercial land use designations on the NW and SW corners of this intersection.

## **Environmental Protection**

**Section 1.5.D. Protection of the quality of life and the environment in Martin County is a critical factor in economic growth and sustainability. Martin County shall maintain a long-term commitment to improve land and water management plans and practices and to protect and restore environmental resources.**

**Demonstration of Compliance with Section 1.5.D:** Without the requested land use amendments the Property is undevelopable. However, the proposed amendments will allow development of the Property that is consistent with Section 1.5D.

**Section 2.1.** - Martin County has endeavored to establish a Comprehensive Growth Management Plan which broadens, enhances, and protects the quality of life for its residents. The overall goals for the Comprehensive Growth Management Plan are keyed to maintaining quality residential and nonresidential uses, natural resource conservation and preservation of beneficial and protective natural systems, enhanced economic development, and fiscal conservancy.

**Demonstration of Compliance with Section 2.1.** - The Project complies with the Comprehensive Plan by providing much needed Commercial General land use for the residents of the Planning Area. Providing commercial services at arterial roads adjacent to residentially developed areas improves the quality of life for the residents of that area by reducing the drive time associated with getting the common goods and services required for residential life within Martin County. The project also avoids naturally sensitive areas and enhances economic development by providing space for commercial businesses to serve the adjacent residential.

**2.2A.** Martin County shall preserve all wetlands regardless of size unless prohibited by state law.

**Policy 2.2A.1.** All wetlands shall be preserved except as set out in the exceptions listed below. "Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration enough to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

**Demonstration of Compliance with Objective 2.2A. and Policy 2.2A.1** – All wetlands will be preserved in accordance with Objective 2.2A and Policy 2.2A.1, except as set forth in the exceptions that provide for the secondary access point identified on Exhibit "E."

**Policy 2.2B.1.** Except as set forth in Policy 9.1G.11, Martin County shall assure that a minimum of 25% of existing upland native habitat will be preserved in all development where such habitat exists. Additional requirements for native upland habitat that is endangered or threatened, and for unique oak/cabbage palm hammocks are outlined in Chapter 9.

**Demonstration of Compliance with Objective 2.2B. and Policy 2.2B.1.** – The proposed plan will exceed the 25% preservation of existing native upland habitat.

**Policy 2.2B.2.** Upland preservation areas and PAMPs approved by the County to protect them shall be designed and maintained to ensure sustainability.

**Demonstration of Compliance with Policy 2.2B.2.** – Any proposal will incorporate the applicable PAMPs and ensure preservation areas are protected in such documentation in accordance with CGMP and Land Development Regulation policies as they pertain to

environmental protections in place that govern the development parameters and protection measures of a property.

**Policy 2.2B.3.** Martin County shall protect native habitats utilized by species that are designated by the federal government and the State of Florida as "Endangered" or "Threatened."

**Demonstration of Compliance with Policy 2.2B.3.** – The proposal will follow strict policy requirements regarding the protections of native habitats in accordance with federal, state and local policy protection measures and permitting in place.

#### Concurrency

**Policy 2.3B.1.** Martin County shall enforce the concurrency standards

**Demonstration of Compliance with Policy 2.3B.1.** – Infrastructure will be provided through the existing planned and funded infrastructure.

**Policy 2.3B.4.** No FLUM amendment or text amendments shall lessen the requirements of this Plan to provide an acceptable level of public services

**Demonstration of Compliance with Policy 2.3B.4.** – The proposed amendments do not lessen the requirements of this Plan to provide an acceptable level of public services and will actually promote the use of existing utilities already located adjacent to the property.

**Policy 4.1B.2.** Analysis of availability of public facilities.

**Demonstration of Compliance with Policy 4.1B.2.** The majority of the Property is located within the USB. Adequate water and sewer supplies exist to support the proposed development within the Utility Department's planning horizon. The traffic analysis indicates that adequate infrastructure exists for the proposed project.

**Policy 4.7A.1.** Designation of land uses to support urban services.

**Demonstration of Compliance with Policy 4.7A.1.** – A majority of the Property is already located inside the USB. Extension of the USB on the remainder of the Property and the development of the property will result in uses that support the existing USB and provide for efficient delivery of urban services. Urban services are intended to be extended to the property to accommodate water and sewer.

**Policy 4.7A.2.** Development in Primary Urban Service District

**Demonstration of Compliance with Policy 4.7A.2.** – All non-residential uses will be located within the Primary Urban Service District as a result of the modification of the USB.



**Policy 4.7A.6.** Any proposed amendment to either the Primary Urban Service District or the Secondary Urban Service District boundaries shall be considered only after the regular update to the Residential Capacity Analysis and an analysis that public facilities are available to fully serve land in the two existing urban service districts as well as any potential expansion of an urban service district. The Board of County Commissioners must adopt both studies before applications for amendments to the Primary or Secondary Urban Service Districts can be determined complete.

**Demonstration of Compliance with Policy 4.7A.6.** – The Residential Capacity Analysis is inapplicable in this case because we are requesting Commercial General land use on the Agricultural Portion of the Property. Public facilities are available to fully serve land in the existing USB as well as the proposed expansion of the USB for this project.

***Policy 4.7A.7. Allowed alterations to the Primary Urban Service District boundary.*** The Primary Urban Service District boundaries delineated on Figure 4-2 (Urban Services District Boundary Map) are intended to separate urban from nonurban areas. The land uses and intensity of development permitted in the Primary Urban Service District and development in the district must have all public facilities and services at adopted LOS standards. Therefore, during consideration of any expansion, creation or contraction of these boundaries through the plan amendment process, the Board of County Commissioners must find that the requested alteration to the Primary Urban Service District boundary will:

- (1) Not create any internal inconsistency with other elements of the adopted CGMP;
- (2) Not result in incompatibilities with adjacent land uses;
- (3) Not adversely impact environmental, natural, historical or archaeological resources, features or systems to a degree that is inconsistent with this Plan;
- (4) Be consistent with Goal 4.9 relating to appropriate residential land use capacities;
- (5) Demonstrate that reasonable capacity does not exist on suitable land in the existing Primary Urban Service District for the 15-year planning period. For the purpose of this subsection, "reasonable" means available for development from the standpoint of environmental concerns, efficient use and expansion of public facilities and services, or availability of development sites in relationship to the projected needs of the population;
- (6) Demonstrate that the land affected is suitable for urban uses; at a minimum, unsuitable uses include environmentally sensitive areas (to the degree they are protected by this Plan), prime agricultural areas, prime groundwater recharge areas and critical habitat for endangered or threatened species. This criterion is not intended to

preclude development of surrounding lands provided that the unsuitable areas are fully protected;

(7) Demonstrate that the full range of urban public facilities and services can be economically and efficiently supplied at the adopted LOS standards; and

(8) Be consistent with the adopted Capital Improvements Element.

**Demonstration of Compliance with Policy 4.7A.7.** - The proposal does not create any internal inconsistencies with the CGMP and actually will correct inconsistencies and inappropriate land use and zoning designations that currently exist on the Property. A majority of the Property is already located inside the USB. However, a portion of the Property that currently has a land use designation of Commercial General is located outside the USB. Extension of the USB on the remaining portion of the Property will correct this inconsistency. The proposed land use change will not result in incompatibilities with the adjacent land uses because the current Commercial General portion of the Property abuts Agricultural land uses that already exist within the area. As it currently stands the property is undevelopable due to existing environmental constraints. However, the requested land use change will protect the existing wetlands while at the same time providing development rights for the property owners and commercial services for the Planning Area. The proposal is not inconsistent with Goal 4.9, because residential land use designations are not being requested. The Property has historically been intended to be developed as a commercial property. A full range of public facilities and services are currently available and located adjacent to the Property.

## Proposed Types of Use

**Policy 4.10A.1. Diverse commercial zoning districts.** Appropriate zoning districts shall be provided, at a minimum, for research and development facilities; targeted industries; business and professional offices; general retail sales and services; limited commercial uses; wholesale trades and services; and marine waterfront commercial uses.

**Demonstration of Compliance with Policy 4.10A.1.** The proposed application complies with this policy by providing much needed General Commercial uses at a location intended for General Commercial. The Property is located at the intersection of two arterial roads in a heavily developed residential area that lacks General Commercial uses to serve the residents of that area.

**Objective 4.10B.** To consider the space requirements and location of commercial development and its impact on a community when assigning commercial future land use designations.

**Demonstration of Compliance with Objective 4.10B.**- The commercial development proposed will not negatively impact the existing community. The proposed commercial uses

will provide services that compliment and support the community and that were intended to be located at this intersection prior to the creation of the Comprehensive Plan.

**Policy 4.10B.1. Criteria for commercial land use designation.** The following criteria, at a minimum, shall be used for assigning a commercial land use designation at a given location on the Future Land Use Map:

- (1) Trip generation characteristics; impact on existing and planned transportation facilities; and ability to achieve functional internal circulation and a landscaped parking area.
- (2) Specific needs of commercial activities, such as market area, anticipated employment generation and floor area requirements.
- (3) Compatibility with and impact on other surrounding commercial activities.
- (4) Relationship to surrounding land uses and natural systems.
- (5) Impact on existing and planned community services and utilities.

**Demonstration of Compliance with Policy 4.10B.1.** – A majority of the Property is already within the USB and has a Commercial General land use designation. Utilities exist right outside of the Property's boundary along the western portion of the Property as shown on the survey submitted with this application. Our Traffic Analysis shows conformance with the Martin County Traffic Performance Standards and the proposed application meets the commercial needs of the residents within the immediate area. The Property is located at the intersection of two arterial roads. Commercial land uses currently exists at this intersection and are consistent with the intended uses for a major intersection.

**Policy 4.10B.2. Criteria for siting commercial development.** Commercial development shall be strategically directed to areas best able to accommodate its specific requirements of land area, site, public facilities and market location. The aim is to promote efficient traffic flow along thoroughfares, achieve orderly development and minimize adverse impacts on residential quality.

**Demonstration of Compliance with Policy 4.10B.2.** – The proposed commercial is strategically located and intended at the intersection of two arterial roads in compliance with the Martin County Growth Management Policy on siting of commercial development. The two arterial roads serve the residents within the Planning Area. This substantial residential area has limited Commercial availability of services and the proposed application will provide much needed commercial services for those residents.

**Policy 4.10B.3. Avoidance of strip commercial development.** Changes in land use designation shall not be granted if the Board of County Commissioners finds (upon review by the Local Planning Agency) that the change will lead or contribute to a proliferation of strip commercial development. The existence of commercial areas on one corner shall not dictate development with the same or similar use on all corners.

**Nor shall the existence of commercial development on a major thoroughfare dictate similar use for all frontages. Mixed-use development shall not be considered strip commercial development.**

**Demonstration of Compliance with Policy 4.10B.3.** The proposed application is not strip commercial development. The intersection has long been designated as location for commercial activity. The Property itself has long been designated as an appropriate location for Commercial General land use. This application follows the already established commercial siting pattern established by Martin County for commercial at this intersection.

## **Expanding the Urban Service District**

**Goal 4.1. To manage growth and development in a way that is fiscally efficient, consistent with the capabilities of the natural and manmade systems and maintains quality-of-life standards acceptable to Martin County's citizens.**

**Demonstration of Compliance with Goal 4.1.** The project will provide for fiscally efficient managed growth by clustering development in the area currently adjacent to the USB, while protecting environmentally sensitive habitat.

### **Policy 4.1B.2. Analysis of availability of public facilities.**

**Demonstration of Compliance with Policy 4.1B.2.** Adequate water and sewer services exist to support the proposed development within the Utility Department's planning horizon and are currently adjacent to the Property. The traffic analysis indicates that adequate infrastructure exists for the proposed project.

**Policy 4.7C.2. Orderly Expansion of the Primary or Secondary Urban Service District. Martin County shall not establish new, isolated, Primary or Secondary Urban Service Districts. Orderly expansion shall be on land contiguous to an existing Primary or Secondary Urban Service District, if a determination of need is made consistent with policies supporting Objective 4.7A. or Objective 4.7B., respectively**

**Demonstration of Compliance with Policy 4.7C.2 -** A majority of the Property is already located within the USB. An expansion of USB, on the remainder of the Property, will provide for the orderly expansion of the USB and does not establish new isolated service districts.

## **Addressing Urban Sprawl**

In 2011 the Florida legislation adopted HB 7207 that amends the Growth Management Act, F.S. §163.3177(3)(a)9. Under HB 7207, requiring any amendment to the Future Land Use Element of the County's Comprehensive Plan to discourage urban sprawl. The statute defines "urban sprawl" as "a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a

clear separation between urban and rural uses.” The statute provides a list of **thirteen “primary indicators”** that a plan amendment “does not discourage the proliferation of urban sprawl.” HB 7207 provides an additional eight criteria, of which four must be met, in order to judge whether an amendment can be determined to discourage the proliferation of urban sprawl.

The evaluation of presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

- (1) ***Promotes, allows, or designates for development substantial areas of the jurisdiction as low-intensity, low-density, or single-use development or uses.***

**Response:** No. A majority of the Property already has a Commercial General land use designation. The application proposes the extension of Commercial General land use across the remainder of the Property.

- (2) ***Promotes, allows, or designates significant amounts of urban development to occur in rural areas as substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.***

**Response:** No. A portion of the Property is already located within the USB. The Property is located adjacent to several residential communities and is therefore not a substantial distance from existing urban areas. Most of which, are already served by water, sewer and other public facilities.

- (3) ***Promotes, allows, or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.***

**Response:** No. The application calls for compact commercial development on a Property which has always been intended for commercial development.

- (4) ***Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.***

**Response:** No. The application will protect wetlands and native habitats by providing development opportunities without impacting environmentally sensitive areas.

- (5) ***Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silviculture activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.***

**Response:** No. The subject property has never been used for agricultural purposes.

**(6) *Fails to maximize use of existing public facilities and services.***

**Response:** No. Water and Sanitary service will be provided to the site via existing Martin County Utilities water and wastewater pipes already located adjacent to the Property.

**(7) *Fails to maximize use of future public facilities and services.***

**Response:** No. The site will utilize existing public facilities and services which are already located directly adjacent to the Property.

**(8) *Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.***

**Response:** No. The Property is located at the intersection of two arterial roads which is a very efficient and appropriate location which decreases the costs associated with providing services to the area.

**(9) *Fails to provide a clear separation between rural and urban uses.***

**Response:** No. The requested Comprehensive Plan amendments does not affect the current separation between urban and rural uses.

**(10) *Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.***

**Response:** No. The project does not discourage or inhibit infill development or redevelopment within the Planning Area. The proposed amendment will actually allow for the development of the Property as historically intended.

**(11) *Fails to encourage a functional mix of uses.***

**Response:** No. The proposed land use amendments allows and encourages a functional mix of uses by providing Commercial General uses that do not exist within the Planning Area.

**(12) *Results in poor accessibility among linked or related land uses.***

**Response:** No. The project does not create poor accessibility links between related land uses as it is located at the intersection of two major arterial roads.

**(13) *Results in the loss of significant amounts of functional open space.***

**Response:** No. The proposed preservation of wetlands and upland habitat will enable those systems to continue to provide ecosystem services.

Florida Statute provides an additional eight criteria in order to judge whether an amendment can be determined to discourage the proliferation of urban sprawl. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl, if it incorporates a development pattern or urban form that achieves four or more of the following eight factors:

**(1) *Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.***

**Response:** Yes. The proposed application directs economic growth away from environmentally sensitive areas, thereby reducing any adverse impact of the natural resources or the ecosystem.

**(2) *Promotes the efficient and cost-effective provision or extension of public infrastructure and services.***

**Response:** Yes. The proposed amendment utilizes existing utility connection which are already adjacent to the Property.

**(3) *Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.***

**Response:** Yes. The proposed project will provide additional walkways and connection points from both Southwest Kanner Highway and Pratt Whitney Road.

**(4) *Promotes conservation of water and energy.***

**Response:** Yes. The proposed Publix will promote energy conservation by provide goods and services to the residents in the Planning Area, thereby reducing greenhouse gas emissions by reducing travel times and distances. Publix works diligently to reduce their carbon intensity. Publix partners with conservation organizations to help conserve energy and Publix recycles 100's of 1,000's of tons of material each year. More information on Publix's sustainability programs can be found at [www.Publix.com/sustainability](http://www.Publix.com/sustainability)

- (5) *Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.***

**Response:** Not applicable. The Property has never been used for agricultural purposes.

- (6) *Preserves open space and natural lands and provides for public open space and recreation needs.***

**Response:** Yes. The application will protect a large area of wetlands and native upland habitat.

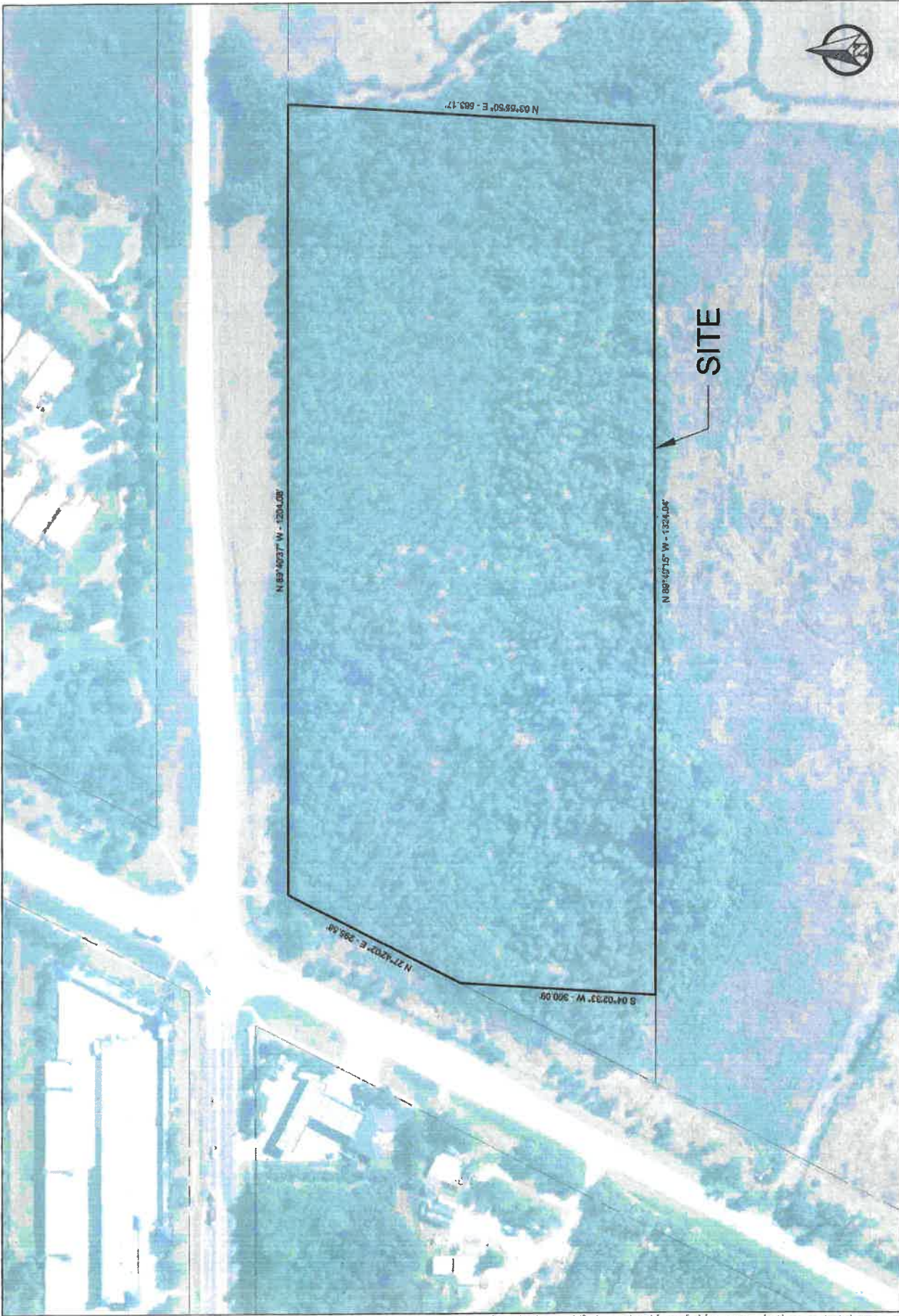
- (7) *Creates a balance of land uses based upon demands of the residential population for the non-residential needs of an area.***

**Response:** Yes. The application will provide Commercial General land use which will serve a large residential population west of the Florida Turnpike.

- (8) *Provides uses, densities, and intensities of use and urban form that would remediate an existing of planned development pattern such as transit-oriented developments or new towns.***

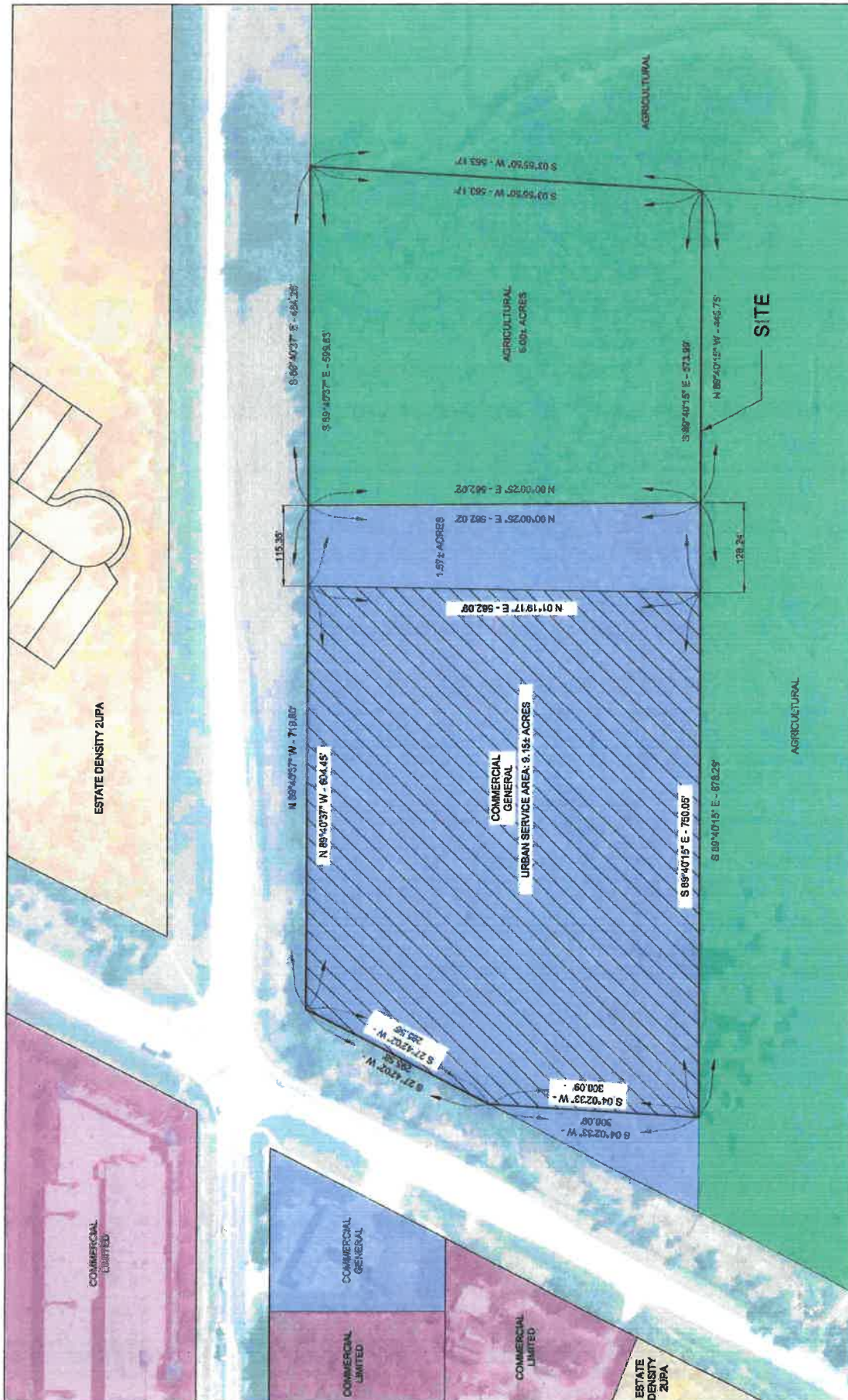
**Response:** Not applicable. Transit oriented development and urban development are not appropriate for this location.





<b>Bowman CONSULTING</b> Professional Engineers, Certificate of Authorization License No. 30482 Professional Surveyors and Mappers, Certificate License No. LB 6020 Bowman Consulting Group, Ltd. Inc. 301 SE Ocean Blvd. Suite 201, Stuart, FL 34984 Phone: (772) 225-1413 Fax: (772) 225-7881 <a href="http://www.bowmanconsulting.com">www.bowmanconsulting.com</a> <a href="mailto:b@bowmanconsulting.com">b@bowmanconsulting.com</a>		<b>LOCATION MAP</b>		Grocery Store Florida SR 76 & Pratt Whitney Road Stuart, FL 34997		DATE June 2019 PROJECT NO. 010529-02-001 SCALE 1"=200' SHEET EX A
FILE NO. 010529-02-001		DRAWN BY GC	CHECKED BY VF			

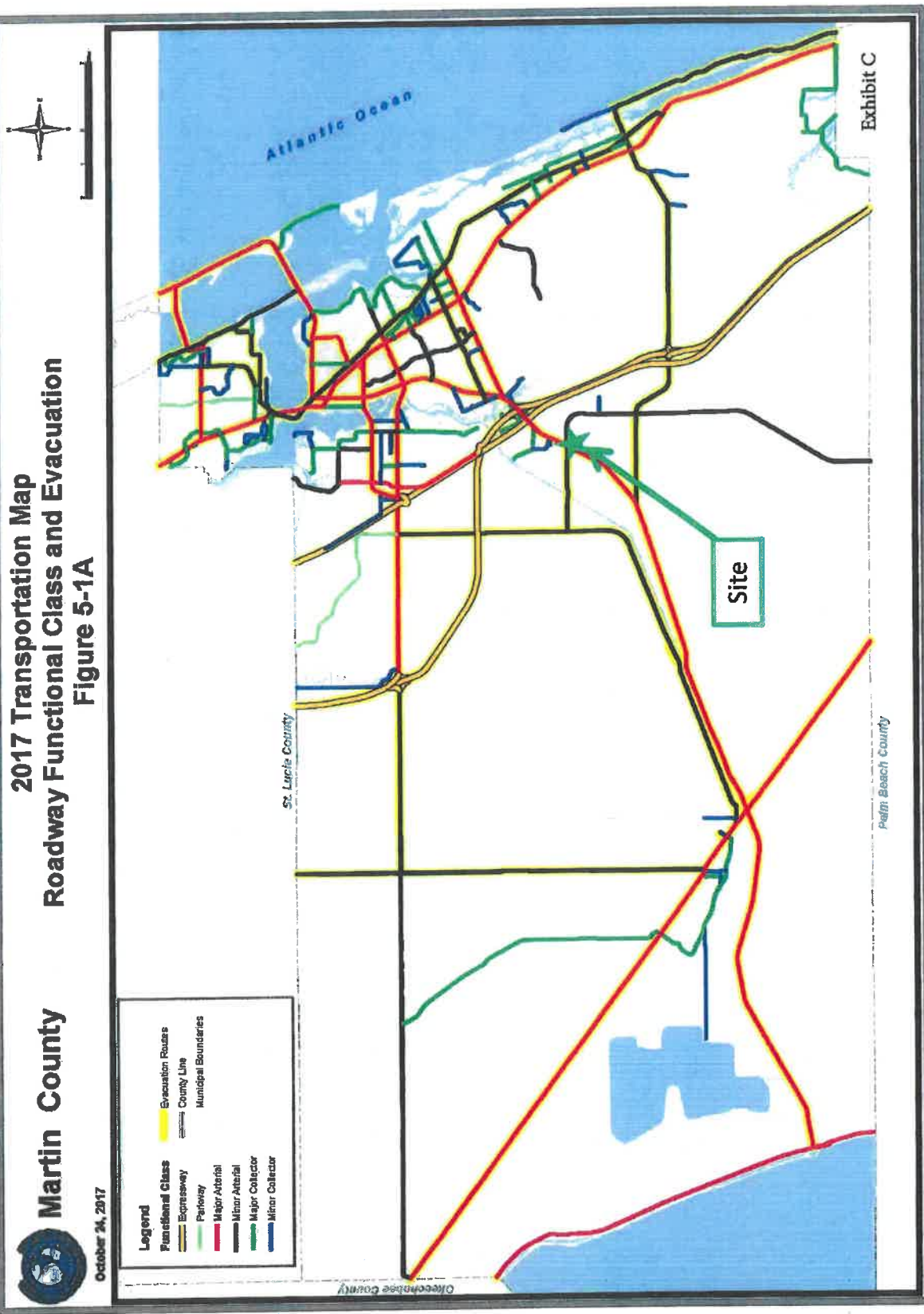




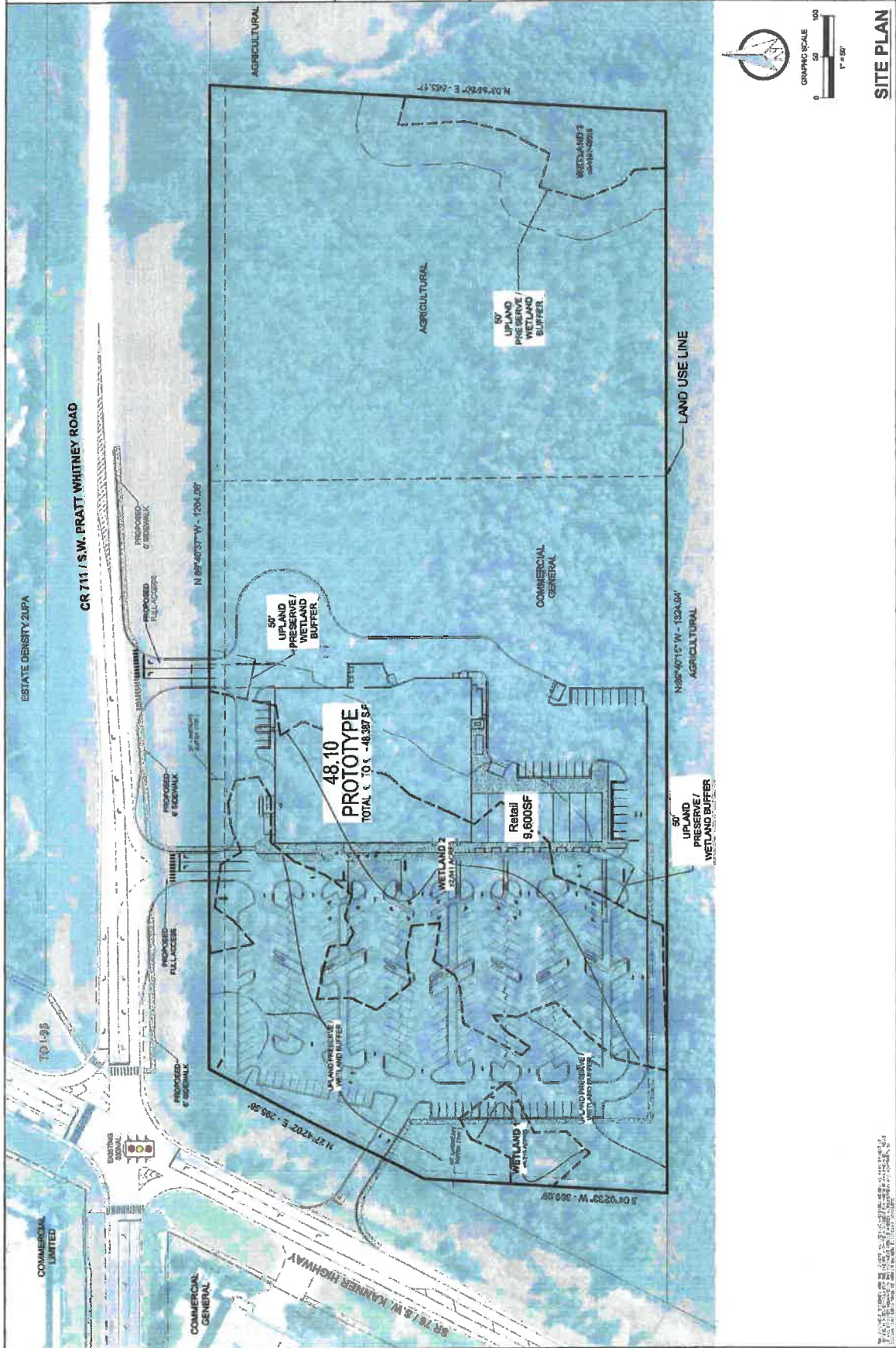
URBAN SERVICE BOUNDARY



DATE June 2019 PROJECT NO. 010529-02-001 SCALE: 1"=200'	FUTURE LAND USE/URBAN SERVICE BOUNDARY OVERLAP EXHIBIT		Grocery Store Florida SR 76 & Pratt Whitney Road Stuart, FL 34997		<b>Bowman CONSULTING</b> Professional Engineers, Certificate of Authorization License No. 20469 Professional Surveyors and Mapmakers, Certificate License No. LE 5000
SHEET EX B		FILE NO. 010529-EXHIBITS		CHECKED BY VF	DRAWN BY GC







# STRUCTURE SETBACKS

FRONT	25'
REAR	25'
SIDE	25'

# GENERAL COMMERCIAL COVERAGE

MAX BUILDING HEIGHT	45'
MAX BUILDING COVERAGE	80%
MIN OPEN SPACE	20%

# SITE DATA:

TOTAL SITE AREA	726,191 SF	16.71 AC	100%
WETLAND AREA	544,054 SF	12.50 AC	75%
UPLAND AREA	182,137 SF	4.21 AC	25%
TOTAL UPLAND AREA	86,027 SF	1.94 AC	100%
UPLAND PRESERVE	184,437 SF	4.21 AC	39%
UPLAND DEVELOPED AREA	418,675 SF	9.50 AC	71%
TOTAL WETLAND	544,054 SF	12.50 AC	100%
WETLAND MITIGATION	5,087 SF	0.12 AC	5%
WETLAND PRESERVE	538,967 SF	12.38 AC	95%
TOTAL DEVELOPMENT AREA	418,675 SF	9.50 AC	100%
IMPERVIOUS AREA	388,474 SF	8.83 AC	89%
BUILDING AREA	47,887 SF	1.09 AC	14%
PARKING AREA	222,897 SF	5.09 AC	64%
PERMEABLE AREA	122,198 SF	2.80 AC	32%
OPEN SPACE AREA	86,027 SF	1.94 AC	21%
DEVELOPMENT AREA	418,675 SF	9.50 AC	11%

# PARKING

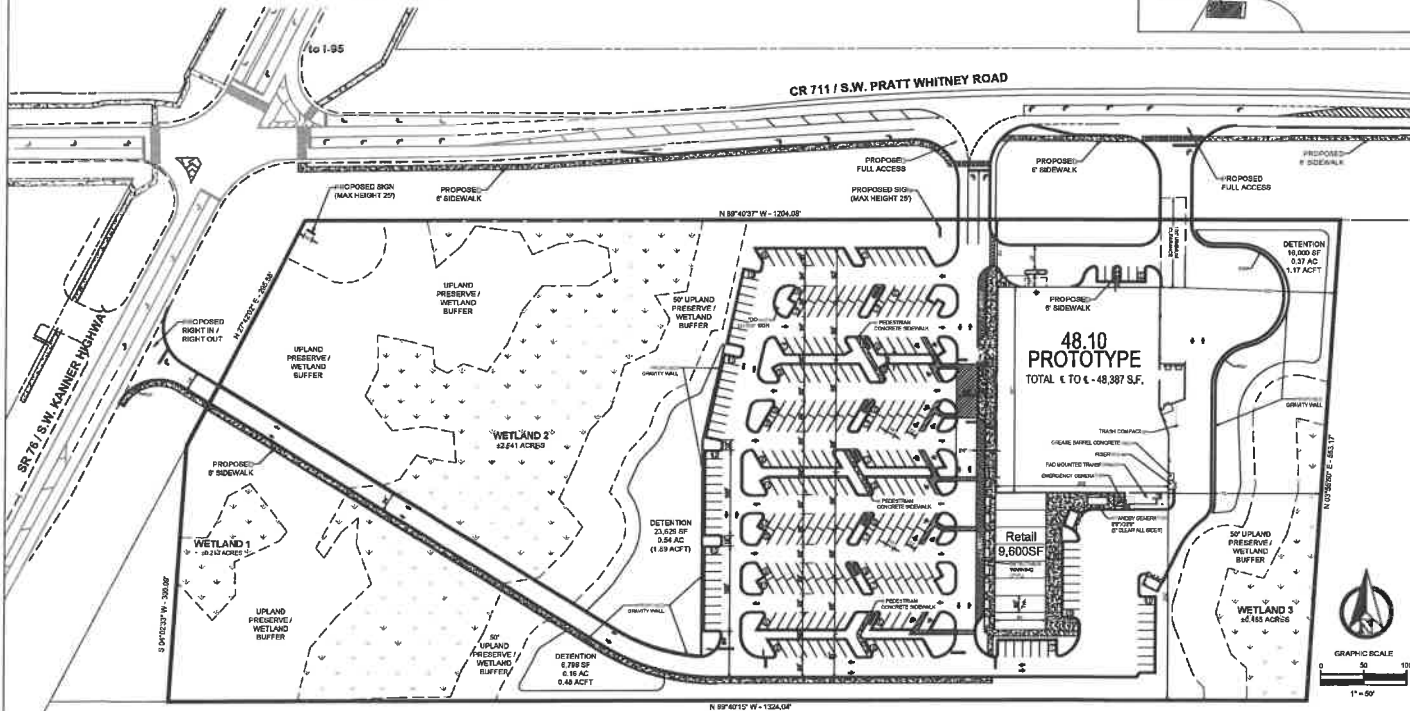
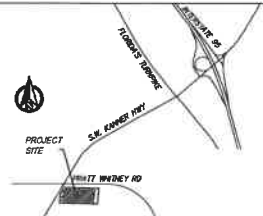
TOTAL PARKING PROVIDED	246 / 87,877,000 = 0.28 PARKING RATIO
INCLUDES 14 PARKING SPACES	
TOTAL CODE PARKING REQUIRED	87,877,000 = 246 SPACES REQUIRED

# VEHICULAR USE LANDSCAPE

100 SF OF LANDSCAPE PER 400 SF OF PAVEMENT	
11,170 SF (4,700 X 500) = 22,340	
REQUIRED	22,340 SF
PROVIDED	42,751 SF

# ZONING / LAND USE

EX ZONING	RESIDENTIAL MEDIUM DENSITY
EX LAND USE	COMMERCIAL GENERAL / R&D
FUTURE ZONING	GC - GENERAL COMMERCIAL / R&D
FUTURE LAND USE	COMMERCIAL GENERAL / R&D



**Bowman**  
CONSULTING  
C

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© Bowman Consulting Group, LLC

**GROCERY STORE**  
Florida SR 76 & Pratt Whitney Road  
Stuart, FL 34997

DATE  
04/18/19  
PROJECT NO.  
010529-001  
SHEET  
EX-E



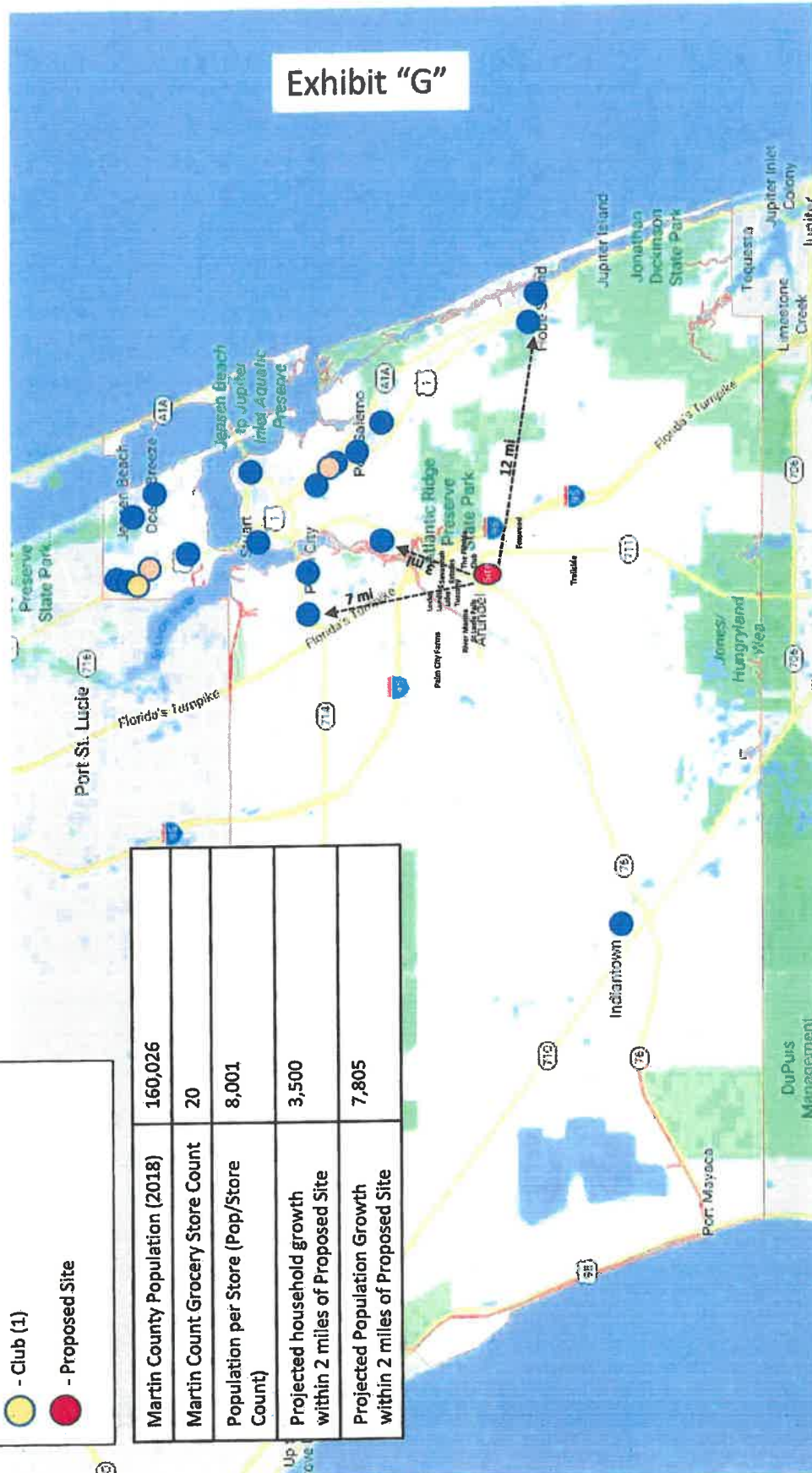


# Martin County Grocery Demand

Exhibit "G"

- Supermarket (17)
- Mass Merchandiser (2)
- Club (1)
- Proposed Site

Martin County Population (2018)	160,026
Martin Count Grocery Store Count	20
Population per Store (Pop/Store Count)	8,001
Projected household growth within 2 miles of Proposed Site	3,500
Projected Population Growth within 2 miles of Proposed Site	7,805



## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that We, Douglas A. Reichert Jr. and James. D. Reichert, as Co-Successor Trustees of the Martha D. Reichert Revocable Trust dated June 4, 1999 ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.

Martha D. Reichert Revocable Trust dated June 4, 1999

By: Douglas A. Reichert Jr.  
Name: Douglas A. Reichert Jr.  
Title: Co-Successor Trustee

STATE OF DISTRICT  
COUNTY OF COLUMBIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of DISTRICT and in the County of COLUMBIA to take acknowledgments, personally appeared Douglas A. Reichert Jr., Co-Successor Trustee of the Martha D. Reichert Revocable Trust dated June 4, 1999, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 4<sup>th</sup> day of June, 2019.



Charlotte S. Brown  
Notary Public  
My Commission Expires: 7/31/2023



By: James D. Reichert  
Name: James D. Reichert  
Title: Co-Successor Trustee

STATE OF CO

COUNTY OF Denver

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of CO and in the County of Denver to take acknowledgments, personally appeared James D. Reichert, Co-Successor Trustee of the Martha D. Reichert Revocable Trust dated June 4, 1999, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company.

He/She is [ ] personally known to me or [X] has produced CO-DL as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 4 day of June, 2019.

(NOTARIAL STAMP)

Notary Public

My

Aubrey M. O'Neal

Commission Expires

Expires: 09/25/2021

09/25/2021



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**

1

## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Thomas B. Grealish, ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.



Name: Thomas B. Grealish


STATE OF Pennsylvania

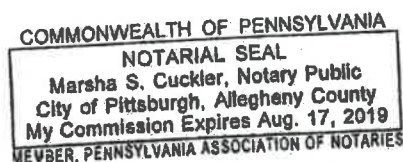
COUNTY OF Allegheny

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Pennsylvania and in the County of Allegheny to take acknowledgments, personally appeared Thomas B. Grealish, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is [ ] personally known to me or [X] has produced PA Drivers License as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 13 day of May, 2019.

(NOTARIAL STAMP)

  
Notary Public  
My Commission Expires: \_\_\_\_\_



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**

## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Daniel P. Grealish, ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.



Name: Daniel P. Grealish

STATE OF Pennsylvania

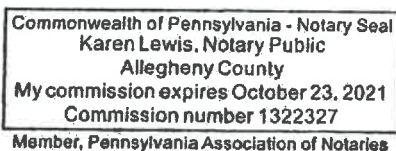
COUNTY OF Allegheny

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Pennsylvania and in the County of Allegheny to take acknowledgments, personally appeared Daniel P. Grealish, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 22ND day of May, 2019.

(NOTARIAL STAMP)

Karen Lewis  
Notary Public  
My Commission Expires: Oct 23, 2021



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**

## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Patricia L. Grealish, as Trustee under the provisions of the Daniel P. Grealish 2011 Trust f/b/o Daniel W. Grealish ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.

Daniel P. Grealish 2011 Trust f/b/o Daniel W. Grealish

By: Patricia L. Grealish  
Name: Patricia L. Grealish  
Title: Trustee

STATE OF Pennsylvania

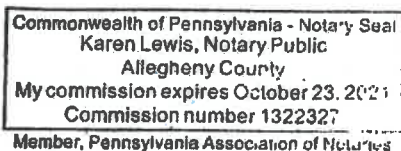
COUNTY OF Allegheny

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Pennsylvania and in the County of Allegheny to take acknowledgments, personally appeared Patricia L. Grealish, Trustee under the provisions of the Daniel P. Grealish 2011 Trust f/b/o Daniel W. Grealish, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 22ND day of May, 2019.

(NOTARIAL STAMP)

Karen Lewis  
Notary Public  
My Commission Expires: Oct. 23, 2021



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**



### LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Patricia L. Grealish, as Trustee under the provisions of the Daniel P. Grealish 2011 Trust f/b/o Katherine G. Grealish ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.

Daniel P. Grealish 2011 Trust f/b/o Katherine G. Grealish

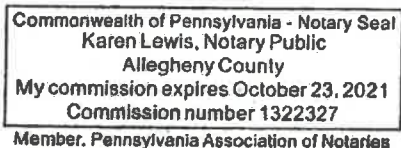
By: Patricia L. Grealish  
Name: Patricia L. Grealish  
Title: Trustee

STATE OF Pennsylvania  
COUNTY OF Allegheny

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Pennsylvania and in the County of Allegheny to take acknowledgments, personally appeared Patricia L. Grealish, Trustee under the provisions of the Daniel P. Grealish 2011 Trust f/b/o Katherine G. Grealish, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 22ND day of May, 2019.

(NOTARIAL STAMP)



Karen Lewis  
Notary Public  
My Commission Expires: Oct 23, 2021



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**

## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Kevin Kelly, ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.

Kevin Kelly

Name: Kevin Kelly

STATE OF South Carolina

COUNTY OF Aiken

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of South Carolina and in the County of Aiken to take acknowledgments, personally appeared Kevin Kelly, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is [ ] personally known to me or [ ] has produced Driver's License as identification.

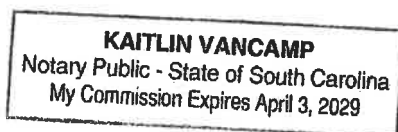
WITNESS my hand and official seal in the County and State last aforesaid this 16 day of May, 2019.

(NOTARIAL STAMP)

[Signature]

Notary Public

My Commission Expires: April 3 2029

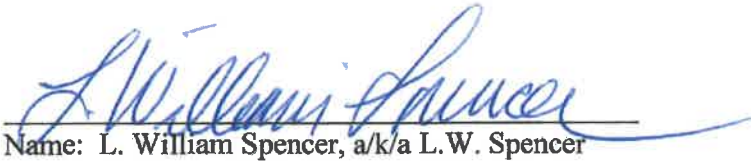


**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**

### LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, L. William Spencer, a/k/a L.W. Spencer, ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.

  
Name: L. William Spencer, a/k/a L.W. Spencer

STATE OF Pennsylvania


COUNTY OF Allegheny

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Pennsylvania and in the County of Allegheny to take acknowledgments, personally appeared L. William Spencer a/k/a L.W. Spencer, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is [ ] personally known to me or [ ☒ ] has produced PA Drivers License as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 14 day of May, 2019.

(NOTARIAL STAMP)

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Denise L. Reilly, Notary Public  
Bethel Park Boro, Allegheny County  
My Commission Expires Nov. 22, 2020

  
Notary Public  
My Commission Expires: Nov 22, 2020

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**

*fw*

### LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Caitlin Orosz, formerly known as Caitlin Patricia Kelly, ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.

Caitlin Orosz

Name: Caitlin Orosz, f/k/a Caitlin Patricia Kelly

STATE OF PA

COUNTY OF Allegheny

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of PA and in the County of Allegheny to take acknowledgments, personally appeared Caitlin Orosz f/k/a Caitlin Patricia Kelly, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is [ ] personally known to me or [ ] has produced PA Drivers License as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 18th day of May, 2019.

(NOTARIAL STAMP)

Megan Andrews

Notary Public

My Commission Expires: 10-15-2022

Commonwealth of Pennsylvania - Notary Seal  
Megan Andrews, Notary Public  
Allegheny County  
My commission expires October 15, 2022  
Commission number 1339709  
Member, Pennsylvania Association of Notaries

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**

## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Sean Kelly, ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.

Sean Kelly

Name: Sean Kelly

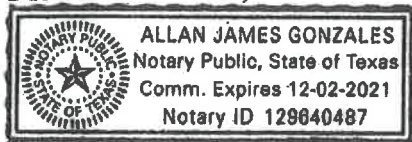
STATE OF Texas

COUNTY OF Tarrant

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Texas and in the County of Tarrant to take acknowledgments, personally appeared Sean Kelly, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 15<sup>th</sup> day of May, 2019.

(NOTARIAL STAMP)



[Signature]  
Notary Public

My Commission Expires: 12/2/21



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Patrick Kelly, ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.

Patrick Kelly  
Name: Patrick Kelly

STATE OF Florida

COUNTY OF Palm Beach

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Florida and in the County of Palm Beach to take acknowledgments, personally appeared Patrick Kelly, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 14 day of May, 2019.

(NOTARIAL STAMP)



[Signature]  
Notary Public  
My Commission Expires: June 5, 2020

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**

**LIMITED POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS, that I, Danielle Bellows, as Personal Representative of the Estate of Willard M. Bellows ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.

Estate of Willard M. Bellows

By: Danielle Bellows

Name: Danielle Bellows

Title: Personal Representative

STATE OF PENNSYLVANIA

COUNTY OF WASHINGTON

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of PENNSYLVANIA and in the County of WASHINGTON to take acknowledgments, personally appeared Danielle Bellows, Personal Representative of the Estate of Willard M. Bellows, to me known to be the person described herein and who executed the foregoing, and acknowledged before me that he executed same, on behalf of the company. He/She is [ ] personally known to me or [ ] has produced PA DRIVERS LICENSE as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 17<sup>th</sup> day of May, 2019.

(NOTARIAL STAMP)

Joanne V. Thompson  
Notary Public

My Commission Expires: 03-19-2020

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Joanne V. Thompson, Notary Public  
Canonsburg Boro, Washington County  
My Commission Expires March 19, 2020  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**

### LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that We, Robert B. Martin and Robin K. Martin ("Owner"), do hereby authorize Publix Super Markets, Inc., a Florida corporation ("Publix"), to represent the Owner, with respect to that certain land consisting of approximately sixteen and seventy-one hundredths (16.71) acres +/- located on the southeast corner of Kanner Highway and Pratt Whitney Road, Stuart, Martin County, Florida, being more particularly described on Exhibit A (the "Property"), of which Publix is under contract with the Owner to purchase, in any and all matters pertaining to zoning, land use, and operational approvals requested from all governmental and quasi-governmental authorities having jurisdiction over the Property and from all other persons or entities that are necessary or desirable for the development and operation of the Property for Publix's intended use and intended improvements, including, but not limited to: zoning approvals, variances and the like, conditional use approvals, building permits, site/land development permits, curb cut permits, site plan approvals, water and sanitary sewer tap permits, stormwater approvals, and utility permits and approvals, and any and all other permits, approvals, consents and/or any other documents which may be deemed necessary or desirable in order for Publix to develop and construct its intended improvements upon the Property. This authorization shall continue until revoked by the Owner or until Publix acquires fee simple title to the Property.

  
Robert B. Martin

  
Robin K. Martin

STATE OF Florida

COUNTY OF Palm Beach

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Florida and in the County of Palm Beach to take acknowledgments, personally appeared Robert B. Martin and Robin K. Martin, to me known to be the persons described herein and who executed the foregoing, and acknowledged before me that they executed same. They are [ ☒ ] personally known to me or [ ☐ ] have produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 8th day of July, 2019.

(NOTARIAL STAMP)



  
Notary Public  
My Commission Expires: March 13, 2022

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**The North One-Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, as recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 100 feet thereof and also LESS AND EXCEPT the right of way for Kanner Highway.**



**RE: Limited Power of Attorney for new Publix Supermarket in Martin County, FL**

June 19, 2019

To whom it may concern:


We the undersigned, hereby authorize Robert S. Raynes Jr., Esq. (Gunster Law) and Joshua I. Long, AICP (Gunster Law) to act on our behalf in all manners relating to applications for future land use map amendments, comprehensive plan text amendments, rezoning applications, site plan applications, building permits, speaking with Martin County staff, speaking at public meetings, and signing of all documents relating to any matters related to the approval and construction of the proposed Publix Super Market at the southeast corner of SW Pratt Whitney Road and SW Kanner Highway in Martin County, Florida. Any and all acts carried out by these individuals on our behalf shall have the same effect as acts of our own.

This release is for any Gunster Law personnel as needed.

The parcel control number for the subject parcel is 18-39-41-000-002-00010-8

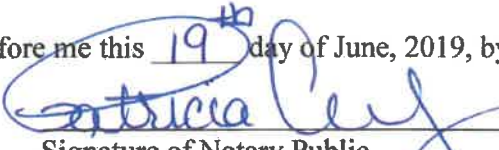
This authorization is valid until further written notice from Publix Super Markets, Inc.

Sincerely,

  
William W. Rayburn, IV  
Publix Super Markets, Inc.

STATE OF FLORIDA  
COUNTY OF POLK

Sworn to (or affirmed) and subscribed before me this 19<sup>th</sup> day of June, 2019, by William W. Rayburn, IV.

  
\_\_\_\_\_  
Signature of Notary Public  
Print, Type/Stamp Name of Notary

Personally known: ✓  
OR Produced Identification: \_\_\_\_\_  
Type of Identification Produced: \_\_\_\_\_



PATRICIA COOLEY  
Commission # GG 209772  
Expires August 20, 2022  
Bonded Thru Budget Notary Services





Recorded in Martin County, FL 10/18/2018 10:19 AM  
Carolyn Timmann, Clerk of the Circuit Court & Comptroller  
Rec Fees: \$18.50 Deed Tax: \$1,575.00  
CFN#2721225 BK 3022 PG 766 PAGE 1 of 2

Prepared by and return to:  
Mathews & Piazza, P.A.  
George W. Mathews III, Esq  
1325 S. Congress Avenue, Suite 104  
Boynton Beach, FL 33426  
561-738-5501  
Will Call: 13 MP

**PREPARER DID NOT CONDUCT A TITLE  
SEARCH AND NO REPRESENTATION IS  
MADE AS TO TITLE**

File Number: 18-0100-LPG/18-1035-LKG

Parcel Identification No. 18-39-41-000-002-00010-8

[Space Above This Line For Recording Data]

### **Warranty Deed**

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

This Indenture made this 10 day of October, 2018 between, Kerry Sujilida, a single woman, whose post office address is 30 East George Street, #314, Indianapolis, IN 46204, grantor\*, and Daniel P. Grealish, as to an undivided 25% interest, L. William Spencer, as to an undivided 50% interest and Thomas B. Grealish, as to an undivided 25% interest, whose post office address is 1815 Washington Road, Pittsburgh, PA 15241, grantee\*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida, to-wit:

**AS TO ALL OF THE GRANTOR'S UNDIVIDED 16.5% INTEREST IN AND TO THE  
FOLLOWING DESCRIBED REAL PROPERTY:**

The North Half (N ½) of Lot 2, Section 18, TROPICAL FRUIT FARMS, according to the Plat thereof, recorded in Plat Book 3, Page 6, of the Public Records of Palm Beach County, Florida (now being MARTIN county, Florida); being part of Township 39 South, Range 41 East, Less the North 100 feet thereof.

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

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

CFN#2721225 BK 3022 PG 767 PAGE 2 of 2

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness  
Print Name: Chris Karpman

Kerry Sujilida (Seal)  
Kerry Sujilida

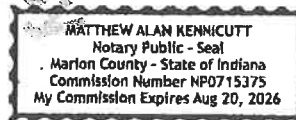
Witness  
Print Name: Jared W. L...

State of Indiana  
County of Marion

The foregoing instrument was acknowledged before me this 16 day of October, 2018 by Kerry Sujilida, who ☐ is personally known or ☒ has produced a Driver's License as identification.

Matthew Alan Kennicutt [Notary Seal]

Name:  
Notary Public - State of Indiana  
Commission No.: NP0715375  
My Commission Expires: Aug 20 2026



**LEGAL DESCRIPTION:**

THE NORTH ONE-HALF (N ½) OF LOT 2, SECTION 18, TROPICAL FRUIT FARMS,  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 6,  
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY (NOW MARTIN COUNTY),  
FLORIDA, BEING PART OF TOWNSHIP 39 SOUTH, RANGE 41 EAST

LESS THE NORTH 100 FEET THEREOF.

AS PER O.R.B. 2722, PAGE 2860

Parcel Control Number - 18-39-41-000-002-00010-8



CAD file name: P:\010529-02-001 (DWG) - Kerner Hwy\Engineering\CA\010529-02-001.dwg, 6/28/2019

Bowman Consulting Group, Ltd., Inc.  
301 SE Ocean Blvd,  
Suite 301, Stuart, FL 34994  
Phone: (772) 263-1411  
Fax: (772) 550-7881  
www.bowmanconsulting.com  
©Bowman Consulting Group, Ltd.

**Bowman  
CONSULTING**  
Professional Engineers, Certificate of Authorization License No. 30462  
Professional Surveyors and Mappers, Certificate License No. LB, 8030

LOCATION MAP

FILE No.  
010529-EXHIBITS

DRAWN BY  
QC

CHECKED BY  
VF

Grocery Store  
Florida SR 76 & Pratt Whitney Road  
Stuart, FL 34997

DATE June 2019
PROJECT NO. 010529-02-001
SCALE: 1"=200'
SHEET EX A

# Aerial Photograph



# Martin County Assessment Map







CAD File Name: P:\010529 - Public\010529-02-001 (DWG) - Public\Kornel\_Horvath\Engineering\CAD\Sheet\010529-02-001.dwg 6/26/2019

Bowman Consulting Group, L.L.C., Inc.  
 201 SE Ocean Blvd.  
 Suite 201, Stuart, FL 34994  
 Phone: (772) 285-1413  
 Fax: (772) 220-7051  
 www.bowmanconsulting.com  
 © Bowman Consulting Group, Ltd.

**Bowman CONSULTING**  
 Professional Engineers, Certificate of Authorization License No. 30462  
 Professional Surveyors and Mappers, Certificate License No. LB 8030

FUTURE LAND USE MAP

FILE No.  
010529-EXHIBITS

DRAWN BY  
QC

CHECKED BY  
VF

Grocery Store  
 Florida SR 76 & Pratt Whitney Road  
 Stuart, FL 34997

DATE June 2019
PROJECT NO. 010529-02-001
SCALE: 1"=200'
SHEET EX 2



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

June 25, 2019

Ownership Search

Prepared For: Gunster

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 1000 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'.

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. P19-11,479/KRH

THE ATTACHED REPORT IS ISSUED TO GUNSTER. 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 1000 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

**LEGAL DESCRIPTION:**

THE NORTH ONE-HALF (N ½) OF LOT 2, SECTION 18, TROPICAL FRUIT FARMS,  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 6,  
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY (NOW MARTIN COUNTY),  
FLORIDA, BEING PART OF TOWNSHIP 39 SOUTH, RANGE 41 EAST

LESS THE NORTH 100 FEET THEREOF.

AS PER O.R.B. 2722, PAGE 2860

Exhibit "A"

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

generated on 6/13/2019 10:16:06 AM EDT

## Summary

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
18-39-41-000-002-00010-8	61456	UNASSIGNED, STUART	\$1,746,930	6/8/2019

Owner Information	
Owner(Current)	SPENCER L W <b>ETAL</b>
Owner/Mail Address	898 SW 21ST ST BOCA RATON FL 33486
Sale Date	10/10/2018
Document Book/Page	3022 0766
Document No.	2721225
Sale Price	225000

Location/Description			
Account #	61456	Map Page No.	P-18A
Tax District	3003	Legal Description	THE NORTH ONE-HALF OF LOT 2 SECTION 18-39-41 TROPICAL FRUIT FARMS ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3 PAGE 6 PUBLIC RECORDS MARTIN COUNTY FLORIDA LESS AND EXCEPT THE NORTH 100 FEET THEREOF
Parcel Address	UNASSIGNED, STUART		
Acres	16.7100		

Parcel Type	
Use Code	1000 Vacant Commercial
Neighborhood	51700 Kanner_SW 96th

Assessment Information	
Market Land Value	\$1,746,930
Market Improvement Value	
Market Total Value	\$1,746,930

Subject property

Exhibit "B"

803

HON. RUTH PIETRUSZEWSKI  
REAL ESTATE

MARTIN COUNTY

## Advalorem Taxes

ACCOUNT NUMBER: 18-39-41-000-002-00010.80000 2018 TAX DISTRICT: 3003  
 ASSESSED VALUE: 1,469,386 EXEMPTIONS: \* NONE \* TAXABLE VALUE: 1,469,386  
 TAXING AUTHORITY PHONE MILLAGE ASSESSED EXEMPTIONS TAXABLE TAXES  
 COUNTY-GENERAL FUND-OP 772-288-5504 6.5971 1,469,386 0 1,469,386 9,693.69  
 SCHOOL-GENERAL FUND 772-219-1200 4.1140 1,746,930 0 1,746,930 7,186.87  
 SCHOOL - DISCRETIONARY 772-219-1200 .7480 1,746,930 0 1,746,930 1,306.70  
 SCHOOL CAPITAL OUTLAY 772-219-1200 1.5000 1,746,930 0 1,746,930 2,620.40  
 SCHOOL ADDTNL VOTER MIL 772-219-1200 .5000 1,746,930 0 1,746,930 873.47  
 CHILDRENS SERVICES ORDNCS 772-288-5758 .3618 1,469,386 0 1,469,386 531.62  
 FL-INLAND NAVIGATION DIST 561-627-3386 .0320 1,469,386 0 1,469,386 47.02  
 DISTRICT THREE MSTU 772-288-5504 .0663 1,469,386 0 1,469,386 97.42  
 MSTU FIRE RESCUE UNINCORP 772-288-5504 2.6319 1,469,386 0 1,469,386 3,867.28  
 MSTU-PARKS & RECREATION 772-288-5504 .1615 1,469,386 0 1,469,386 237.31  
 MSTU UNINCORP STORMW/ROAD 772-288-5504 .5679 1,469,386 0 1,469,386 834.46  
 SOUTH FLORIDA WATER MANAGEMENT 561-686-8800 .2936 1,469,386 0 1,469,386 431.41  
 COUNTY ASSESSED: 1,469,386 SCHOOL ASSESSED: 1,746,930

EXEMPTION:NONE

## Non-Advalorem Taxes

LEVYING AUTHORITY PURPOSE RATES/BASIS AMOUNT  
 NON AD VALOREM ASSESSMENTS: 0.00  
 COMBINED TAXES & ASSESSMENTS TOTAL: 27,727.65

0 UNASSIGNED

18 39 41  
 THE NORTH ONE-HALF OF LOT 2 SECT  
 ION 18-39-41 TROPICAL FRUIT FARM  
 S ACCORDING TO THE PLAT THEREOF  
 RECORDED IN PLAT BOOK 3 PAGE 6 P  
 UBLIC RECORDS MARTIN COUNTY FLOR  
 IDA LESS AND EXCEPT THE NORTH 10

18-39-41-000-002-00010.80000 2018

SPENCER L W  
 BELLOW WILLARD M  
 DANIEL P GREALISH 2011 TRUST FBO D ET AL \*\*\* PAID \*\*\* PAID \*\*\* PAID \*\*\*  
 C/O HIMMELRICH & COMPANY 01/30/19 PERIOD 03

JAN 1-JAN 31	FEB 1-FEB 28	MAR 1-MAR 31	DELINQUENT ON
27,173.10	27,450.37	27,727.65	APRIL 1, 2019

HON. RUTH PIETRUSZEWSKI MARTIN COUNTY  
 REAL ESTATE

JAN 1-JAN 31	FEB 1-FEB 28	MAR 1-MAR 31	DELINQUENT ON
27,173.10	27,450.37	27,727.65	APRIL 1, 2019

EX-TYPE	ESCROW	MILLAGE	TAXES LEVIED	REMIT PAYMENT IN U.S. FUNDS TO:
		3003		

VALUES AND EXEMPTIONS TAXES 27,727.65 HON. RUTH PIETRUSZEWSKI  
 COUNTY ASMT 1,469,386 TOTAL 27,727.65 3485 SE WILLOUGHBY BLVD  
 STUART, FL 34994

18 39 41  
 THE NORTH ONE-HALF OF LOT 2 SECT  
 ION 18-39-41 TROPICAL FRUIT FARM  
 S ACCORDING TO THE PLAT THEREOF  
 RECORDED IN PLAT BOOK 3 PAGE 6 P  
 UBLIC RECORDS MARTIN COUNTY FLOR  
 IDA LESS AND EXCEPT THE NORTH 10  
 \*\*\* PAID \*\*\* PAID \*\*\* PAID \*\*\*  
 01/30/19 PERIOD 03  
 011-2018-0043711.0001  
 \$27,173.10 CK

18-39-41-000-002-00010.80000 2018

SPENCER L W  
 BELLOW WILLARD M  
 DANIEL P GREALISH 2011 TRUST FBO D ET AL \*\*\* PAID \*\*\* PAID \*\*\* PAID \*\*\*  
 C/O HIMMELRICH & COMPANY 01/30/19 PERIOD 03  
 898 SW 21ST ST 011-2018-0043711.0001  
 BOCA RATON, FL 33486 \$27,173.10 CK

Subject property

L.W. Spencer, Willard M. Bellows, Daniel P.  
Grealish (Tr) ET AL  
c/o Himmelrich & Company  
898 SW 21<sup>st</sup> St.  
Boca Raton FL 33486

Martin County  
2401 SE Monterey Rd.  
Stuart FL 34996

State of Florida  
Dept. Of Transportation  
3400 W. Commercial Blvd.  
Ft. Lauderdale FL 33309-3421

Bellavida Corporation  
5870 SW 76<sup>th</sup> Ave.  
Davie FL 33328

Hobe Sound Ranch Ltd.  
4500 PGA Blvd. Ste. 207  
Palm Beach Gardens FL 33418

Walter Robert Karpinia  
1955 SW Kanner Hwy.  
Stuart FL 34997

Paul G. & Debra J. Eaton  
1945 SW Kanner Hwy.  
Stuart FL 34997

Robert C. & Sandra L. Klein  
505 SE St. Lucie Blvd.  
Stuart FL 34996

7-Eleven Inc.  
PO Box 711  
Dallas TX 75221

William Elkins  
Deborah J. Razete-Elkins  
1966 SW 96<sup>th</sup> St.  
Stuart FL 34997

JPDR Investments LLC  
8732 Club Estates Way  
Lake Worth FL 33467

Chung-Chih Shih  
Sheue-Yann Shih  
445 75<sup>th</sup> Ave. S.  
West Palm Beach FL 33413-2232

Mitchell P. & Dorothy Colligan  
1901 SW Kanner Hwy.  
Stuart FL 34997

Jean E. Elkins  
2040 SW 96<sup>th</sup> St.  
Stuart FL 34997

DC Saxon LLC  
12525 Oak Arbor Ln.  
Boynton Beach FL 33436

Stor-A-Way II Inc.  
5094 SE Federal Hwy.  
Stuart FL 34997

Andre R. & Lisa Ann Boucher  
2069 SW 96<sup>th</sup> St.  
Stuart FL 34997

Florida Club Prop. Owners Assoc.  
9250 SW Old Royal Dr.  
Stuart FL 34997

Florida Golf Club LLC  
1380 SW Kanner Hwy.  
Stuart FL 34997

John S. & Barbara J. Warren  
1422 SW Balmoral Trace  
Stuart FL 34997

Carol Marie Savage  
Carol A. Savage  
1434 SW Balmoral Trc.  
Stuart FL 34997

Christopher D. & Gail L. Bach  
PO Box 190  
Frostproof FL 33843

Janice M. Berardelli Living Trust  
1458 SW Balmoral Trce.  
Stuart FL 34997

Nicholas S. & Pamela M. Cintia  
1470 SW Balmoral Trace  
Stuart FL 34997

Paul & Frances Birmingham  
1482 SW Balmoral Trce.  
Stuart FL 34997

Richard & Colleen Venezia  
1494 SW Balmoral Trce.  
Stuart FL 34997

Dennis L. & Lizbeth L. Fadden  
1506 SW Balmoral Trace  
Stuart FL 34997

Nicholas Picchione II  
1518 SW Balmoral Trace  
Stuart FL 34997

Kevin William & Suzanne  
Washuta  
1530 SW Balmoral Trc.  
Stuart FL 34997

Everett L. & Theresa M. Lewis  
1542 SW Balmoral Trce.  
Stuart FL 34997

James Y. Adkins  
9423 SW Wedgewood Ln.  
Stuart FL 34997

Brian P. & Patricia A. Hickey  
9435 SW Wedgewood Ln.  
Stuart FL 34997

Dolores Carrera  
9447 SW Wedgewood Ln.  
Stuart FL 34997

Bruce M. & Judith L. Thomson  
9459 SW Wedgewood Ln.  
Stuart FL 34997

William & Maureen McGuinniss  
9471 SW Wedgewood Ln.  
Stuart FL 34997

Carolyn B. Merlino Trust  
9483 SW Wedgewood Ln.  
Stuart FL 34997

Marc Tkaczow  
9495 SW Wedgewood Ln.  
Stuart FL 34997

Alisa Diane Davis  
9507 SW Wedgewood Ln.  
Stuart FL 34997

Peter Hoffmann  
Maria H. Czbur  
9519 SW Wedgewood Ln.  
Stuart FL 34997

Sandra L. & Larry M. Ramsey  
9531 SW Wedgewood Ln.  
Stuart FL 34997

Peter G. & Cynthia A. Lindblad  
9543 SW Wedgewood Ln.  
Stuart FL 34997

Richard J. & Kimberly B. Chupick  
9555 SW Wedgewood Ln.  
Stuart FL 34997

Thomas A. & Gail P. Cifrodella  
9592 SW Wedgewood Ln.  
Stuart FL 34997

Stephen T. & Debra Moore  
19 Meirs Rd.  
Cream Ridge NJ 08514

Linda D. Malone  
9568 SW Wedgewood Ln.  
Stuart FL 34997

Robert G. & Deborah L. Frank  
9556 SW Wedgewood Ln.  
Stuart FL 34997

Charles A. & Rosalie F. Schmitz  
9669 49<sup>th</sup> Ct.  
Plesant Prairie WI 53158

Kenneth H. & Melinda D. Gorles  
9532 SW Wedgewood Ln.  
Stuart FL 34997

Maria E. Varona  
1073 Vintner Blvd.  
Palm Beach Gardens FL 33410

Peter J. Pagano  
Tamara Ordenez  
9508 SW Wedgewood Ln.  
Stuart FL 34997

Erwin Eibert  
9496 SW Wedgewood Ln.  
Stuart FL 34997

Karen M. Wood  
9484 SW Wedgewood Ln.  
Stuart FL 34997

Daniel H. & Patricia E. Dohany  
9472 SW Wedgewood Ln.  
Stuart FL 34997

Charles T. Ancona  
Dorothy E. Carr  
9460 SW Wedgewood Ln.  
Stuart FL 34997

Virginia M. Carricato (Estate)  
9448 SW Wedgewood Ln.  
Stuart FL 34997

B. Dean & Debra M. Hoffman  
8 Stone Meadow Farm Dr.  
Shrewsbury MA 01545

John & Joyce L. Paolantonio  
470 Monmouth Rd.  
West Long Branch NJ 07764

Carol Stein  
9412 SW Wedgewood Ln.  
Stuart FL 34997

Lee Holland & Norma Ruth Mayer  
Trust  
9400 SW Wedgewood Ln.  
Stuart FL 34997

Carlton L. & Miriam Hoffman  
1554 SW Balmoral Trace  
Stuart FL 34997



Grady H. & Linda D. Holloway  
1541 SW Balmoral Trace  
Stuart FL 34997

George H. & Mary C. Winterling  
1517 SW Balmoral Trace  
Stuart FL 34997

Dennis E. McGregor  
1493 SW Balmoral Trce.  
Stuart FL 34997

Warren & Susan Sigman  
1469 SW Balmoral Trce.  
Stuart FL 34997

Francisco & Kimberly Kathryn  
Rivera  
1445 SW Balmoral Trce.  
Stuart FL 34997

Florida Club Property Owners  
Assoc.  
9250 SW Old Royal Dr.  
Stuart FL 34997

Florida Golf Club LLC  
1380 SW Kanner Hwy.  
Stuart FL 34997

## 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
SEE ATTACHED	SHEET NO. 1

(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
SEE ATTACHED	SHEET NO. 2	%
		%
		%

(If more space is needed attach separate sheet)

**Sheet No. 1**  
**(List of Record Property Owners)**

<b>Name:</b>	<b>Address:</b>
<b>L.W. Spencer</b>	1815 Washington Road Pittsburgh, Pa 15241
<b>Thomas B., Grealish</b>	c/o Henderson Brothers 920 Fort Duquesne Blvd. Pittsburgh, PA 15222
<b>Daniel P. Grealish</b>	c/o Henderson Brothers 920 Fort Duquesne Blvd. Pittsburgh, PA 15222
<b>Patricia L. Grealish</b> as Trustee under the provisions of the Daniel P. Grealish 2011 Trust fbo Katherine G. Grealish	c/o Henderson Brothers 920 Fort Duquesne Blvd. Pittsburgh, PA 15222
<b>Patricia L. Grealish</b> as Trustee under the provisions of the Daniel P. Grealish 2011 Trust fbo Daniel W. Grealish	c/o Henderson Brothers 920 Fort Duquesne Blvd. Pittsburgh, PA 15222
<b>Kevin Kelly</b>	209 Sea Grass Lane Aiken, SC 29803
<b>Caitlin Orosz</b> <b>f/k/a Caitlin Patricia Kelly</b>	136 Buckingham Drive Pittsburgh, PA 15237
<b>Patrick Kelly</b>	11254 54 <sup>th</sup> St. N West Palm Beach, FL 33411
<b>Sean Kelly</b>	815 Edgewood Drive Keller, TX 76248
<b>Douglas A. Reichert, Jr.</b> , Co-successor Trustee of the Martha D. Reichert Revocable Trust dated June 4, 1999	2402 Oakmont Court Oakton, VA 22124
<b>James D. Reichert</b> , a Co-successor Trustee of the Martha D. Reichert Revocable Trust dated June 4, 1999	3507 Osage Street Denver, CO
<b>Robert B. Martin and Robin K. Martin</b> , husband and wife	12314 Plantation Lane North Palm Beach, FL 33408

**Sheet No. 2**

**(List of every natural person and entity with a legal or equitable interest in the property)**

<b>Name:</b>	<b>Address:</b>	<b>Interest:</b>
<b>L.W. Spencer</b>	1815 Washington Road Pittsburgh, Pa 15241	24.75%
<b>Thomas B., Grealish</b>	c/o Henderson Brothers 920 Fort Duquesne Blvd. Pittsburgh, PA 15222	11.625%
<b>Daniel P. Grealish</b>	c/o Henderson Brothers 920 Fort Duquesne Blvd. Pittsburgh, PA 15222	4.125%
<b>Patricia L. Grealish</b> as Trustee under the provisions of the Daniel P. Grealish 2011 Trust fbo Katherine G. Grealish	c/o Henderson Brothers 920 Fort Duquesne Blvd. Pittsburgh, PA 15222	3.75%
<b>Katherine G. Grealish</b>	c/o Henderson Brothers 920 Fort Duquesne Blvd. Pittsburgh, PA 15222	beneficiary of the trust
<b>Patricia L. Grealish</b> as Trustee under the provisions of the Daniel P. Grealish 2011 Trust fbo Daniel W. Grealish	c/o Henderson Brothers 920 Fort Duquesne Blvd. Pittsburgh, PA 15222	3.75%
<b>Daniel W. Grealish</b>	c/o Henderson Brothers 920 Fort Duquesne Blvd. Pittsburgh, PA 15222	beneficiary of the trust
<b>Kevin Kelly</b>	209 Sea Grass Lane Aiken, SC 29803	17%
<b>Caitlin Orosz</b> <b>f/k/a Caitlin Patricia Kelly</b>	136 Buckingham Drive Pittsburgh, PA 15237	5%
<b>Patrick Kelly</b>	11254 54 <sup>th</sup> St. N West Palm Beach, FL 33411	5%
<b>Sean Kelly</b>	815 Edgewood Drive Keller, TX 76248	5%
<b>Douglas A. Reichert, Jr.,</b> Co-successor Trustee of the Martha D. Reichert	2402 Oakmont Court Oakton, VA 22124	10% (with James)

**James D. Reichert**, a Co-successor  
Trustee of the Martha D. Reichert  
Revocable Trust dated June 4, 1999

3507 Osage Street (see above)  
Denver, CO

**Robert B. Martin and Robin K. Martin**,  
husband and wife

12314 Plantation Ln 10%  
North Palm Beach, FL 33408

## DISCLOSURE OF INTEREST AFFIDAVIT.

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
Publix Super Markets, Inc	3300 Publix Corporate Parkway Lakeland Florida 33811	Contract Purchaser
WindCrest Development Group, Inc.	605 E. Robinson Street Suite 340 Orlando, FL 32801	Broker
Himmelrich & Company	898 S.W. 21 <sup>st</sup> Street Boca Raton, FL 33486	Broker

(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 <sup>1*</sup>

(If more space is needed attach separate sheet)

<sup>1</sup> Status defined as: A = Approved P = Pending D = Denied W = Withdrawn



## DISCLOSURE OF INTEREST AFFIDAVIT

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.

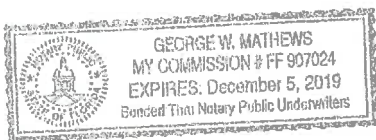
AFFIANT

*Paul D. Himmelreich*  
Signature  
Paul D. Himmelreich  
Print name

STATE OF: Florida

COUNTY OF: Palm Beach

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 3<sup>rd</sup> day of July, 20 19, by Paul Himmelreich, who is personally known to me or have produced as identification.



(Notary Seal)

*[Signature]*  
Signature  
Notary Public, State of Florida  
Print Name: George W. Mathews  
My Commission Expires: 12/5/19

## **DISCLOSURE OF INTEREST AFFIDAVIT**

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

The North one-half (N 1/2) of Lot 2, Section 18, Tropical Fruit Farms, according to the Plat thereof, as recorded in Plat Book 3, Page 6 of the Public Records of Palm Beach County (now being Martin County), Florida, being part of Township 39 South, Range 41 East, less the North 100 feet thereof.

# **DISCLOSURE OF INTEREST AFFIDAVIT**

## **Appendix**

### **Article 10.2.B.3. Article 10, Development Review Procedures; Land Development Regulations; Martin County Code**

10.2.B. Application submittal for development approval. Applications for development approval shall comply with the following described procedures:

1. **Initiation.** A development application shall be filed with the County Administrator by the owner or other person having a power of attorney from the owner to make the application.
2. **Acceptance of the application.** A development application will be received for processing on any working day.
3. **Verification of property ownership.** The documents required below are required prior to an application being determined complete. After the application is determined to be complete, the applicant has a continuing obligation to provide revised documents to reflect any changes to the information provided that may occur before and as of the date of the final public hearing or final action on the application.
  - a. **Proof of ownership** must be provided for any application for any type of development order. The applicant shall provide a copy of the recorded deed for the subject property, and shall certify any subsequent transfers of interests in the property. If the applicant is not the owner of record, the applicant is required to report its interest in the subject property.
  - b. The applicant must disclose the names and addresses of each and every natural person or entity with any legal or equitable interest in the property of the proposed development, including all individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, limited liability company, professional associations and all other groups or combinations.
  - c. For those entities that are a firm, association, joint adventure, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, limited liability company, professional associations and all other groups or combinations thereof, every natural person or entity that enjoys a legal or equitable interest in property of the proposed development shall be disclosed including but not limited to any partners, members, shareholders, trustees, and stockholders.
  - d. The disclosure required in b. and c. above shall not apply to companies that are publicly traded and to consultants and contractors who may perform professional services or work related to the property.
  - e. In addition, the disclosure must include those having 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.
  - f. The applicant must list all other applications for which they have an interest as defined in subsection b. and c. above that is currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.
  - g. Any development order, including applications for Planned Unit Developments which was granted or approved based on false or incomplete disclosure will be presumed to have been fraudulently induced and will be deemed by the Martin County Board of County Commissioners to be void ab initio and set aside, repealed, or vacated.

# Meeting Minutes



**LOCAL PLANNING AGENCY  
MINUTES**

**February 6, 2020**

**Commission Chambers**

**2401 SE Monterey Road, Stuart, FL 34996**

**Cindy Hall, District 1, November 2022**

**William J. Flanagan, District 2, November 2022**

**Donald Foley, III, District 3, November 2020**

**James Moir, Chair, District 4, November 2020**

**Scott Watson, Vice Chair, District 5, November 2020**

**Kimberly Everman, School Board Liaison, December 2020**

---

**CALL TO ORDER**

LPA Members Present, Thursday, February 6, 2020: Jim Moir, Chairman, Vice Chairman Scott Watson, Members, William Flanagan, and Cindy Hall (4 present of 5 Members).

Not Present: LPA member Donald Foley, III and School Board Liaison – Kimberly Everman.

Chairman Moir called the meeting to order at 7:05 pm. A quorum was present.

**Present:**

Senior Assistant County Attorney .....	Krista Storey
Comprehensive Planning Administrator .....	Clyde Dulin
Development Review Administrator .....	Paul Schilling
Principal Planner .....	Maria Jose
Senior Planner .....	Matthew Stahley
Agency Recorder/Notary .....	Mary Holleran

**MINU      APPROVAL OF MINUTES**

**MINU-1      DECEMBER 19, 2019**

The LPA is asked to approve the minutes from December 19, 2019 LPA Meeting.

**Agenda Item 20-0351**

**MOTION:**      A MOTION was made by Mr. Flanagan; **SECONDED** by Mr. Watson to approve the minutes of the LPA Meeting of December 19, 2019. The MOTION CARRIED 4-0.

**QJP –      QUASI - JUDICIAL PROCEDURES**

Quasi-Judicial procedures apply when a request involves the application of a policy to a specific application and site. It is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding.

**NPH-3**

**COMPREHENSIVE PLAN AMENDMENT 19-22 PUBLIX SUPERMARKET**

Public hearing to consider a Future Land Use Map Amendment to change from Agriculture to General Commercial on a portion of a 16.72-acre parcel located at the southeast corner of SW Kanner Highway and SW Pratt Whitney Road.

Requested by: Robert S. Raynes, Jr., Esq., Gunster Yoakley & Stewart, P.A.

Presented by: Maria Jose, Planner, Growth Management Department

Agenda Item: 20-0353

COUNTY: Ms. Storey advised there would be ample time for members of the public to speak on these two items, the land use and the text amendment are co-mingled, and it makes sense to present both items at this time.

STAFF: Ms. Jose provided information on the maps displayed on Staff report (pg. 2/19) showing Figure 1, a location map of the blue highlighted subject site, and Figure 2, the current FLUM showing the Agricultural portion, black hatching. The parcel does not have a single future land use designation. A 6-acre portion of the 16.72 subject site is agriculture while the rest of the parcel is designated as General Commercial. Future Land Use on the surrounding parcels was provided.

Currently the western portion (Commercial) of the site is within the PUSD. The eastern portion currently designated Agricultural is located outside of the PUSD. A concurrent text amendment proposed an extension so that the entire subject parcel will be within the PUSD and would allow the proposed General Commercial designation to be located within the PUSD.

Staff recommends approval of the proposed request to consider a Future Land Use Map Amendment to change from Agriculture to General Commercial on a 6-acre portion of a 16.72-acre parcel located at the SE corner of SW Kanner Highway and SW Pratt Whitney Road, and it is consistent with the CGMP. Neighboring properties are compatible with the request to change from Agricultural to General Commercial.

LPA: Mr. Flanagan confirmed the location of water and sewer access was across Kanner Highway and not across Pratt Whitney. Mr. Moir indicated it was across north Pratt Whitney. Mr. Flanagan commented on the construction and bad traffic being a challenge.

APPLICANT: Mr. Raynes said they do agree with staff's recommendation of approval on both amendments and they agree with the comments, conclusions and recommendations made in the staff report. He addressed why these Comp Plan Amendments are appropriate and necessary. While there is anxiety when hearing about moving the Urban Service Line and putting General Commercial in Agricultural areas, that in order to understand what is happening on this property they need to address the problems existing with the site. Four issues that exist with the site are: there is a split Land Use designation on the property and it contains split land use and zoning; the Agricultural FLU is inappropriate, zoning is inconsistent with the FLU, and there are two zoning designations not compatible with the property. Rezoning is mandatory.



Mr. Raynes introduced Josh Long, AICP, Gunster Yoakley & Stewart, P.A., who provided further review of the CPAs requested. His presentation provided reasons for both CPA 19-21 and CPA 19-22 for approval and he agreed with staff's report, analysis and recommendation.

LPA: Ms. Hall confirmed with Mr. Raynes that the parcel always had only one owner. Mr. Flanagan commented on the self-imposition of the amount needed, that it was not excessive.

**PUBLIC COMMENTS:** The following individuals spoke: Judy Gordon, Carol Fitzpatrick, Carmen Vilarino, and Joan Bausch. Their concerns were moving the USB closer, that it was a mistake, traffic problems with General Commercial in residential areas, there are three Publix Supermarkets within 10 miles, why not seek a health food market. What's going in beside Publix. Commercial property was OK if you do not move the Urban Service Boundary. That small piece of property will be a big problem for all. A concern was the Wetlands.

LPA: Mr. Moir asked where the Wetlands were and where the USB line is, from the wetlands.

**APPLICANT:** Mr. Long provided a survey display showing the existing wetlands on the site to answer Mr. Moir's question about the wetlands and the location between the USB boundary and the wetlands.

Summarizing, Mr. Raynes explained why GC was appropriate, commenting that there was a specific issue in addressing by the County for an inappropriate Land Use Designation and GC being outside the USB.

#### The LPA CONTINUED WITH CPA 19-21

LPA: Mr. Watson agreed that it was appropriate and looked forward to a Publix in that area. Mr. Flanagan also looked forward to a Publix in that location for a more convenient food market. Ms. Hall saw that it was a County error that had to be fixed. Mr. Moir discussed the wetlands and the serious problem to develop them. He was uncomfortable moving the USB but moving it by degrees was reasonable and made sense.

A MOTION was made by Mr. Watson to approve staff's recommendation for CPA 19-21 to amend the text of Chapter 4, Future Land Use Element and amend Figure 4-2, Urban Service District and Figure 11-1, Areas Currently Served by Regional Utilities of the Martin County Growth Management Plan; SECONDED by Mr. Flanagan. MOTION CARRIED 4-0.

#### The LPA CONTINUED WITH CPA 19-22

A MOTION was made by Mr. Flanagan to approve CPA 19-22 to change the Future land Use Map from Agricultural to General Commercial on the whole parcel located at the SE corner of SW Kanner Highway and SW Pratt Whitney Road. SECONDED by Mr. Watson. MOTION CARRIED 4-0.

**PUBLIC COMMENTS:** None

STAFF: NPH-4 was originally listed as NPH-3 on the agenda.

**NPH-4 PUBLIX SUPERMARKET REZONING (QUASI-JUDICIAL)**

Application for rezoning from R-3A and A-1 to GC, General Commercial or the most appropriate zoning district regarding Comprehensive Plan Amendment 19-22 Public Supermarket FLUM.

Requested by: Robert S. Raynes, Jr., Esq., Gunster Yoakley & Stewart, P.A.

Presented by: Maria Jose, Planner, Growth Management Department

Agenda Item: 20-0354

LPA: Ex parte communication disclosures – None. No Interveners were present

COUNTY: Staff and individuals speaking on this matter were sworn-in (s/i)

STAFF: Ms. Jose (s/i) provided NPH-4, Exhibit 1, a copy of her resume and work history and Exhibit 2, a copy of the Agenda and Staff's Report.

STAFF: Ms. Jose (s/i) indicated this was a concurrent application for a Future Land Use Map (FLUM) change from Agricultural to General Commercial on six acres within the larger 16.72 acres from the previous Publix presentations made earlier. The APPLICANT is requesting a zoning district change on a parcel from A-1, Small Farms District and R-3A, Liberal Multiple-Family to GC, General Commercial on 16.72 acres located at the southeast corner of SW Kanner Highway and Pratt Whitney Road. Permitted uses for GC and CC were displayed as the only standard zoning districts that implement General Commercial future land use designations.

Staff recommends approval of the zoning district change from A-1 and R-3A to GC, as GC implements the General Commercial future land use designation.

LPA: Mr. Moir pointed out there were some differences in permitted uses in GC allowing drive-thru restaurants, fast foods, and gas stations that are not permitted in CC or LC. From a neighborhood concern, an environmental concern, and traffic issue, that was a people issue.

APPLICANT: Mr. Raynes provided Certification of the mailing to surrounding homeowners as NPH-4, Exhibit 1, which included proof of the CGMP text. They agreed with staff's report, analysis and conclusions and their recommendation of approval that GC is the appropriate zoning. He indicated that Mr. Long's report touched on a few items indicating GC was an appropriate zoning.

PUBLIC: Judy Gordon asked why CC (Community Commercial) isn't used, was there any reason it wasn't considered so that drive thru restaurants, gas stations and traffic were not part of the neighborhood issues.

LPA: Mr. Moir commented that he understood Ms. Gordon's question, but the LPA can't zone for specific applications it's based on what is permissible. If it's just for Publix, GC can stand, but there are other reasons for GC, most are for the applicant. Ms. Storey indicated it has to be based on the Policy, not the Applicant or potential uses.

LPA: Mr. Flanagan agreed that the focus on the zoning was to be on the policy and not the Applicant, and other requests will be coming down the road where it would be germane.

Mr. Moir suggested it was reasonable to have a conversation and ask what their obligation was to the community and what they wanted. If it was something more than a Publix going on the property, such as drive-thru restaurants and gas stations, that it was not in their best interest.

COUNTY: Ms. Storey indicated that Land Use and Zoning are based on the Policy in the CGMP and that is why staff comments regarding the Policy in the Plan are often frustrating for the public, the LPA and the Board of County Commissioners.

LPA: Mr. Flanagan mentioned the restriction of sq. footage imposed as a self-restriction by the Applicant, that if it were to change, they would have to come back, and there are more steps occurring. Mr. Moir cautioned on the amount of wetlands and the capacity to develop on them.

PUBLIC: Joanne Swan, commented when putting zoning on the property, anything goes. Two years from now they can come back again and change plans for more commercial and mentioned the property at Cove and Salerno Roads that was developed with wetlands.

Joan Bausch thought Mr. Moir should stick to his guns regarding the fact that he was uncomfortable with GC over CC and the uses that are more restrictive.

COUNTY: Ms. Storey commented that the Applicant requested a particular zoning, staff analyzed the various options from a selection of choices available, and GC and CC were limited options, along with a PUD.

STAFF: Ms. Jose reviewed the permitted GC-General Commercial and CC- Community Commercial zoning uses. The LPA discussed high intensity uses, and other uses.

APPLICANT: Mr. Raynes provided additional information regarding the requested GC zoning, including consideration of the location of the roads, evacuation route, it is not adjacent to residential neighborhoods, services are needed, retail uses will come in with the limited sq. footage, and GC is the most appropriate on this location.

LPA: A MOTION was made by Mr. Watson to approve staff's recommendation of approval of the zoning district change from A-1 and R-3A to GC General Commercial rezoning for Publix Supermarket. SECONDED by Ms. Hall. Not supported by Mr. Moir and Mr. Flanagan. Motion did not carry 2-2.

Mr. Moir supported CC-Community Commercial as a more appropriate zoning district. Mr. Flanagan agreed CC was more appropriate. Both GC and CC support tied at 2-2.

Moving this application on to the Board of County Commissioners, the four members indicated the following: Mr. Watson and Ms. Hall supported staff's recommendation for GC zoning. Mr. Moir and Mr. Flanagan supported CC zoning.

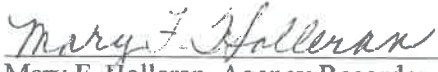
STAFF: Mr. Dulin commented on the CPA's and Zoning going before the Board of County Commissioners. He provided the schedule for transmittal of the text and land use amendments of the PUSD. Tonight's application on rezoning will not be presented until the third public hearing.

COMMENTS:

1. PUBLIC – None
2. STAFF – Ms. Storey indicated there will not be a meeting on Thursday February 20, 2020. The next meeting is scheduled for Thursday, March 5, 2020 at 7:00 pm. The Election of new Officers for 2020 will be on the agenda for that meeting.
3. LPA – There was no further business.

ADJOURN: The LPA meeting of February 6, 2020 adjourned at 8:40 pm.

Respectfully Submitted:

  
Mary F. Holleran, Agency Recorder  
Notary Public

Approved by:

  
Jim Moir, Chairman

  
Date Signed:

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## Public Comments

**From:** [Clyde Dulin](#)  
**To:** [kayaklady1@gmail.com](#)  
**Cc:** [Maria Jose](#)  
**Subject:** RE: CPA 19-22 Publix Supermarket  
**Date:** Monday, April 20, 2020 9:58:49 AM

---

Diane,  
Thank you for your public comment. It will be added to the record.

**From:** Maria Jose <mjose@martin.fl.us>  
**Sent:** Monday, April 20, 2020 9:56 AM  
**To:** Clyde Dulin <cdulin@martin.fl.us>  
**Subject:** FW: CPA 19-22 Publix Supermarket

**From:** Diane Evans <kayaklady1@gmail.com>  
**Sent:** Friday, April 17, 2020 8:18 PM  
**To:** Maria Jose <mjose@martin.fl.us>  
**Cc:** Kerry Meier <kerrya00040@gmail.com>  
**Subject:** Re: CPA 19-22 Publix Supermarket



Thanks for getting back with me Maria.

When the Small Farms District was set up it was to preserve the agriculture district. Kanner Highway is getting to look like Federal Highway....WHY? Publix is less than 5 miles away. I am absolutely appalled that the zoned dept is considering changing what are fore fathers fought hard to save. Open Land where the SandHill Crane lives and wild life. The additional traffic is not needed on this stretch of highway. I strongly am against this zoning change. There is no need to change this zoning and destroy more farm land and more wetlands. We do not need to be mini Miami. Please reconsider not changing this zoning to CG.

Most appreciative for getting back with me.

Diane

On Apr 17, 2020, at 5:51 PM, Maria Jose <mjose@martin.fl.us> wrote:

The current zoning is R-3A (Liberal Multiple-Family District and A-1 (Small Farms District). The proposed request is to rezone the 16.72 acre property to GC (General Commercial)

The next final hearing is the adoption hearing and it  
Scheduled for Tuesday, May 5th.

Thanks,  
Maria Jose

---

**From:** Diane Evans <kayaklady1@gmail.com>  
**Sent:** Friday, April 17, 2020 5:25 PM  
**To:** Maria Jose <mjose@martin.fl.us>  
**Subject:** Re: CPA 19-22 Publix Supermarket



PS  
when is the next planning meeting scheduled?

On Apr 17, 2020, at 5:17 PM, Maria Jose <mjose@martin.fl.us> wrote:

Hello,  
My name is Maria Jose and I'm the planner working on the CPA 19-22, Publix Supermarket FLUM, Text and Rezoning proposals. If you have any questions regarding the proposed amendments, feel free to contact me.

Thanks,  
Maria Jose



**COVID-19 HOTLINE (772) 287-1652**

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**From:** [Clyde Dulin](#)  
**To:** [Maria Jose](#)  
**Subject:** FW: CPA 19-22 Publix  
**Date:** Friday, February 28, 2020 4:45:32 PM

---

FYI

**From:** Nicki vanVonno <[nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)>  
**Sent:** Friday, February 28, 2020 4:43 PM  
**To:** [augirls@bellsouth.net](mailto:augirls@bellsouth.net); Comish <[Comish@martin.fl.us](mailto:Comish@martin.fl.us)>; Clyde Dulin <[cdulin@martin.fl.us](mailto:cdulin@martin.fl.us)>; Don Donaldson <[ddonalds@martin.fl.us](mailto:ddonalds@martin.fl.us)>  
**Cc:** Carol Fitzpatrick <[carolfittz@hotmail.com](mailto:carolfittz@hotmail.com)>; Joanne Swann <[jmswann1@aol.com](mailto:jmswann1@aol.com)>; Margie Garren <[mregarren@aol.com](mailto:mregarren@aol.com)>; Grace Hodges <[jghod@bellsouth.net](mailto:jghod@bellsouth.net)>; Brenda Boland <[zackydo@bellsouth.net](mailto:zackydo@bellsouth.net)>; Joe Mullins <[jomul@comcast.net](mailto:jomul@comcast.net)>  
**Subject:** CPA 19-22 Publix

Hello:

Good Afternoon:

I saw your email regarding the Publix future land use map amendment. There are 3 public hearings on any plan amendment. The LPA hearing was the first one. The LPA discussion of Community Commercial and General Commercial concerned the rezoning on the property to be considered if the future land use is changed.

The only item on the County Commission agenda is the Future Land Use map application. If the BCC decides to transmit the future land use application to the reviewing agencies, then at the adoption hearing, there will be a separate staff report and public hearing on the rezoning of the property. The LPA discussion of Community Commercial and General Commercial will be discussed when the BCC consider any rezoning.

Sincerely,

Nicki B. van Vonno, AICP  
Growth Management Department Director  
Martin County Board of County Commissioners  
772-288-5520  
[nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)

**From:** [Taryn Kryzda](#)  
**To:** [Nicki vanVonne](#)  
**Cc:** [Don Donaldson](#)  
**Subject:** FW: CPA 19-22 Publix  
**Date:** Friday, February 28, 2020 1:08:05 PM  
**Attachments:** [image001.gif](#)

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FYI

**Taryn G. Kryzda, MPA, CPM**

County Administrator  
Martin County Board of County Commissioners  
2401 SE Monterey Road  
Stuart, FL 34996  
772-288-5939 (o)



*"Florida has a very broad public records law. As a result, any written communication created or received by Martin County Board of County Commissioners' employees is subject to disclosure to the public and the media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."*

**From:** Judy Gordon <augirls@bellsouth.net>  
**Sent:** Friday, February 28, 2020 12:16 PM  
**To:** Comish <Comish@martin.fl.us>  
**Cc:** Carol Fitzpatrick <carolfittz@hotmail.com>; Joanne Swann <jmswann1@aol.com>; Margie Garren <mregarren@aol.com>; Grace Hodges <jghod@bellsouth.net>; Brenda Boland <zackydo@bellsouth.net>; Joe Mullins <jomul@comcast.net>  
**Subject:** CPA 19-22 Publix



Dear Commissioners,

I would like to comment on the upcoming hearing of the Comprehensive Plan Amendment 19-22 which is scheduled for it's second hearing on March 3, 2020.

I would like to point out that the materials I see being presented to you from GMD fail to mention that the LPA had a discussion regarding the changing of the land use from AG to GC. The discussion was to consider CC (Community Commercial) in lieu of GC (General Commercial). There being only four members of the LPA that meeting, the vote was split 2 to 2.

First, I am disappointed that your staff is not giving you all the info you should have. Second, and more importantly, I would ask that you consider applying your powers, to

make this acreage Community Commercial. This would protect the surrounding neighborhoods from another gas station or drive-thru fast food entity, which is certainly not needed on Kanner Hwy.

The development of property in Martin County is happening much faster than most of us would like to see, even though we fight hard to slow it down. The very least we should be doing is making sure that the development is appropriate. It is appropriate to protect existing residents from more and more infiltration of traffic, noise, odors, etc.

Thank you.

Judy Gordon  
773 SW Blue Stem Way  
Stuart

# Public Notice

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

August 8, 2019

Gunster Law Firm  
800 SE Monterey Commons Blvd. Suite 200  
Stuart, FL 34996

REF: Publix Kanner & Pratt Whitney

Attn:

This Letter is to Certify that the above referenced sign(s) were installed per Martin County requirements. On August 8, 2019 This sign was posted according to and complies with the standards of the notice provisions of Article 10, Section 10.6 Development Review Procedures.

Sign 1 installed on Kanner Hwy

Sign 2 installed on property line on SW Pratt Whitney Rd.

  
Kurt C. Larsen

8/12/19  
Date

State of Florida  
County of Martin

Kurt C. Larsen, who is personally known to me, who did not take an oath,  
acknowledged the foregoing instrument before me on 8/13/19



# SW Kanner Hwy





# SW Pratt Whitney Rd



April 10, 2020

**Subject:** NOTICE OF PUBLIC HEARINGS on Comprehensive Plan Amendment 19-21, a proposed text amendment to the Martin County Comprehensive Growth Management Plan ("CGMP"), Figure 4-2, Urban Service Districts, and 11-1, Areas Currently Served by Regional Utilities; and an amendment to Policy 4.1B.2 to establish sub-area development restrictions for an undeveloped 16.72 acre parcel located on the southeast corner of SW Kanner Highway & SW Pratt Whitney Road.

The following, concurrent separate application for this property will also be heard:

NOTICE OF PUBLIC HEARINGS on Comprehensive Plan Amendment 19-22, a request to change the Future Land Use designation and Zoning District on an undeveloped 16.72 acre parcel located on the southeast corner of SW Kanner Highway & SW Pratt Whitney Road. The request is to change a 6 acre portion of the 16.72 acre parcel from Agricultural to General Commercial so that the entire parcel can have a single land use designation of General Commercial. Along with this is a concurrent separate application to rezone the entire 16.72 acre parcel from R-3A & A-1 to GC.

Dear Property Owner:

As a landowner within 2,500 feet of the property described above and shown on the map attached to this letter, please be advised that the described property is the subject of applications to make the following changes:

- 1) Change Figure 4-2 of the CGMP to extend the Primary Urban Service Boundary approximately 599 feet east in order to cover the entire 16.72 acre subject parcel. The proposed amendment to Figure 4-2 will include 7.57 additional acres.
- 2) Change Figure 11-1 of the CGMP to extend the Areas Currently Served by Regional Utilities approximately 599 feet east in order to cover the entire 16.72 acre subject parcel. The proposed amendment to Figure 11-1 will include 7.57 additional acres.
- 3) Change Policy 4.1B.2 of the CGMP to establish sub-area development restrictions for the 16.72 acre parcel capping the maximum intensity of uses on the subject parcel contained within a building or buildings to 63,810 square feet.
- 4) Change the Future Land Use designation on a 6 acre portion of the 16.72 acre parcel from Agricultural to General Commercial so that the entire parcel can have a single land use designation of General Commercial.
- 5) Change the Zoning Districts, R-3A, Liberal Multiple-Family District and Small Farms District, A-1 to GC, General Commercial on the entire 16.72 acre parcel.

The Martin County Board of County Commissioners will conduct a public hearings on the subjects listed above.

The date, time and place of the scheduled Board of County Commissioners hearing is provided below:

Time and Date: **Martin County Board of County Commissioners**  
9:00am., or as soon after as the matter be heard, on  
Tuesday, May 5, 2020

Place: John F. Armstrong Wing of the Blake Library  
2351 SE Monterey Road  
Stuart, Florida 34996

All interested persons are invited to attend the above-described hearing and will have an opportunity to speak. 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 SE Monterey Road, Stuart, Florida 34996, no later than three days before the hearing date. If you are hearing or voice impaired, please call the TDD line at (772) 228-5940.

**Comprehensive Planning Facts.** The Future Land Use Map is adopted as part of the CGMP and is one of the primary tools for managing land development. The Future Land Use designation of a parcel of land determines the general type of use allowed, as well as the maximum level of density or intensity allowed (such as the number of residential units per acre). The zoning regulations provide one or more zoning districts for implementing each Future Land Use designation. The zoning designation of a parcel of land determines, in more detail than the Future Land Use designation, what type and level of development may occur. A change to the CGMP or the Future Land Use Map requires three public hearings as follows:

1. Local Planning Agency (which makes a recommendation to the Board of County Commissioners).
2. Board of County Commissioners Transmittal Hearing (to determine whether the proposed amendment should be approved and sent to the State for review).
3. Board of County Commissioners Adoption Hearing (to adopt the proposed amendment)

**Public involvement opportunities:** All interested persons are invited to attend any or all of the above-described hearings and will have an opportunity to speak. All application files are available for public inspection during business hours at the address below. Written comments will be included as part of the public record of the application.

**View Application Files at:**  
Martin County Administrative Center  
Growth Management Department  
2401 S.E. Monterey Road  
Stuart, Florida 34996

**Submit Written Comments to:**  
Growth Management Director  
Growth Management Department  
Martin County  
2401 S.E. Monterey Road  
Stuart, Florida 34996

For more information, visit the County's website: [www.martin.fl.us](http://www.martin.fl.us) then click "Departments"; "Growth Management"; "Comprehensive Planning" or contact the Martin County Growth Management Department at (772) 288-5495.

Property Owner  
April 10, 2020  
Page 3

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.

Sincerely,

*Robert Raynes, Jr.*

Robert S. Raynes, Jr., Esq.

Attachments:

Exhibit "A" - Location Map



CAD file name: P:\010529 - Palm\010529-03-001 (01) - Kanner Hwy\Engineering\CAD\Plans\010529-03-001.dwg, 8/28/2019

Bowman Consulting Group, Ltd., Inc.  
301 SE Ocean Blvd.  
Suite 301, Stuart, FL 34994  
Phone: (772) 225-1413  
Fax: (772) 229-7881  
www.bowmanconsulting.com  
© Bowman Consulting Group, Ltd.

**Bowman  
CONSULTING**  
Professional Engineers, Certificate of Authorization License No. 30452  
Professional Surveyors and Mappers, Certificate License No. L.S. 8030

LOCATION MAP

FILE No.  
010529-03-001

DRAWN BY  
QC

CHECKED BY  
VF

Grocery Store  
Florida SR 76 & Pratt Whitney Road  
Stuart, FL 34997

DATE June 2019
PROJECT NO. 010529-02-001
SCALE: 1"=200'
SHEET EX A



## Man accused of threatening man with gun in Jensen Beach

Sara Marino  
Treasure Coast Newspapers  
USA TODAY NETWORK - FLORIDA

JENSEN BEACH—A Stuart man was accused of firing shots in the air and then pointing a firearm at someone nearby Tuesday evening.

Sean Claesgens, 44, of an unspecified part of Stuart, was arrested on charges of aggravated assault with a deadly weapon, discharge of a firearm in public and unlicensed carrying of a concealed firearm.

Martin County Sheriff's Office deputies said around 8 p.m. Tuesday they were called to an apartment building in Jensen Beach regarding gunfire. Law enforcement officials would not release the address of the apartment building.

A man in the building told deputies he was on his porch watching videos when he saw Claesgens fire two shots with a black handgun from a nearby building. The man told deputies, Claesgens noticed him and pointed the handgun at



Claesgens

him. The man ran inside and called 911. Deputies said they went to an apartment building and spoke with a man who matched the witness' description of Claesgens. The witness

identified Claesgens as the man who had fired the shots, deputies said.

Claesgens told deputies he didn't shoot the gun, according to his arrest affidavit.

Two people who were inside the apartment with Claesgens said they were in another room when they heard two loud pops coming from the porch area, reports show.

Claesgens was arrested and taken to the Martin County Jail. He was released on a \$5,500 bond.

Sara Marino is a TCPalm breaking news reporter covering Martin County. You can reach Sara on Twitter @saramarino or email her at Sara.Marino@tcpalm.com.



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FIND A RENTAL**

## KEEP THE FAITH

### "Don't Let Loneliness Shake Your Faith"

- Join us for Drive-In Church, Sunday at 11:00am, in our front parking lot.
- Join us Online, Saturday 6pm, Sunday 9 & 11am, [www.thegraceplace.com/watch](http://www.thegraceplace.com/watch) or on Facebook.
- GraceKids Online, Sunday at 1:00 & 4:00pm, at [www.thegraceplace.com/watch](http://www.thegraceplace.com/watch) or on Facebook.

**TheGracePlace.com**

772-287-6388 1550 SE Salerno Road Stuart 34997

### NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the Board of County Commissioners of Martin County will conduct public hearings on May 5, 2020 beginning at 9:00 A.M., or as soon thereafter as the items may be heard, to review the following items:

1. AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLAN AMENDMENT 19-21, PUBLIC SUPERMARKET, TEXT, AMENDING THE TEXT OF CHAPTER 4, FUTURE LAND USE ELEMENT AND FIGURE 4-2, URBAN SERVICE DISTRICTS AND CHAPTER 11, POTABLE WATER SERVICES ELEMENT, FIGURE 11-1, AREAS CURRENTLY SERVED BY REGIONAL UTILITIES OF THE MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN; MARTIN COUNTY CODE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, CODIFICATION AND AN EFFECTIVE DATE.
2. AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLAN AMENDMENT 19-22, PUBLIC SUPERMARKET FLUM AMENDING THE FUTURE LAND USE MAP OF THE MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, AND AN EFFECTIVE DATE.

#### IN CONJUNCTION WITH:

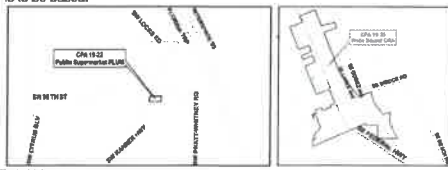
3. A RESOLUTION OF MARTIN COUNTY, FLORIDA REGARDING AN APPLICATION TO CHANGE THE ZONING DISTRICT FROM R-3A, LIBERAL MULTIPLE-FAMILY DISTRICT AND A-1, SMALL FARMS DISTRICT TO GC, GENERAL COMMERCIAL DISTRICT OR THE MOST APPROPRIATE ZONING DISTRICT ON 16.72 ACRES AT THE SOUTHEAST CORNER OF SW KANNER HIGHWAY AND SW PRATT WHITNEY ROAD.
4. Comprehensive Plan Amendment 19-25, Hobe Sound FLUM, a proposal to amend the Future Land Use Map regarding the Hobe Sound Community Redevelopment Area (1,024 acres) to change the Residential Estate Density, Low Density Residential, Medium Density Residential, Mobile Home Density, Commercial Office/Residential, Limited Commercial, and General Commercial future land use designations to CRA Center, CRA Neighborhood, General Institutional, Public Conservation and Recreational future land use designations, and repeal the Hobe Sound Mixed-Use Future Land Use Overlay.
5. AN ORDINANCE OF MARTIN COUNTY, FLORIDA, CREATING DIVISION 5, HOBE SOUND COMMUNITY REDEVELOPMENT CODE OF ARTICLE 12, REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; REPEALING SECTION 3.263, HOBE SOUND COMMUNITY REDEVELOPMENT AREA, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; AMENDING THE ZONING ATLAS TO ASSIGN THE HOBE SOUND REDEVELOPMENT ZONING DISTRICT AND MAKE OTHER CHANGES FOR CONSISTENCY WITH THE FUTURE LAND USE MAP; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

The meeting will be held in the John F. and Rita M. Armstrong Wing of the Blake Library, 2351 SE Monterey Road, Stuart, Florida 34996. Written comments may be mailed to: Nicki van Vonne, Director, Martin County Growth Management Department, 2401 S.E. Monterey Road, Stuart, Florida 34996. Copies of the items will be available from the Growth Management Department. For more information, contact the Growth Management Department at (772) 288-5495.

All interested persons are invited to attend and be heard. Persons interested in being heard on this matter who are unable to attend the meeting may email written comments to [BOCC-PublicComment@martin.fl.us](mailto:BOCC-PublicComment@martin.fl.us). Comments received at this email address that are received prior to the conclusion of the applicable matter will be read into the record at the public meeting.

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 ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Services.

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.



Martin County Commissioners

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Prepared by: Maria Jose, M.S.  
Martin County Growth Management Department  
2401 S.E. Monterey Road  
Stuart, FL 34996

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

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

**A RESOLUTION OF MARTIN COUNTY, FLORIDA REGARDING AN APPLICATION TO CHANGE THE ZONING DISTRICT FROM R-3A, LIBERAL MULTIPLE-FAMILY DISTRICT AND A-1, SMALL FARMS DISTRICT TO GC, GENERAL COMMERCIAL DISTRICT OR THE MOST APPROPRIATE ZONING DISTRICT ON 16.72 ACRES AT THE SOUTHEAST CORNER OF SW KANNER HIGHWAY AND SW PRATT WHITNEY ROAD.**

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

1. The owners of the subject parcel authorized Publix Supermarket Inc. to submit an application to change the zoning district on ±16.72 acres of land, described in Exhibit A, attached hereto.
2. The Local Planning Agency heard the application at a public hearing on February 6, 2020. 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 May 5, 2020.
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 of the subject land, described in Exhibit A, is hereby changed from A-1 (Small Farms District) and R-3A (Liberal Multiple-Family) to GC (General Commercial).
- B. Pursuant to Section 5.32.B.3.f., Land Development Regulations, Martin County Code, this rezoning action is hereby determined to meet the requirements for a Certificate of Public Facilities Exemption.



- C. Pursuant to Section 14.1C.5.(2), Comprehensive Growth Management Plan, Martin County Code, regarding preliminary development approvals, the property described in Exhibit A is subject to a determination of level of service capacity at final site plan approval and no rights to obtain final development orders, nor any other rights to develop the subject property have been granted or implied by this Board.
- D. The effective date of this resolution, if Comprehensive Plan Amendment 19-22, Publix Supermarket FLUM is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If CPA 19-22 is timely challenged, this resolution shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on CPA 19-22 may be issued or commence before it has become effective.
- E. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the Applicants by the Growth Management Department subsequent to recording.

**DULY PASSED AND ADOPTED THIS 5<sup>th</sup> DAY OF MAY, 2020.**

**ATTEST:  
COMMISSIONERS**

**BOARD OF COUNTY  
MARTIN COUNTY, FLORIDA**

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

**BY: \_\_\_\_\_  
HAROLD E. JENKINS II, CHAIRMAN**

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

**BY: \_\_\_\_\_  
SARAH W. WOODS, COUNTY  
ATTORNEY**

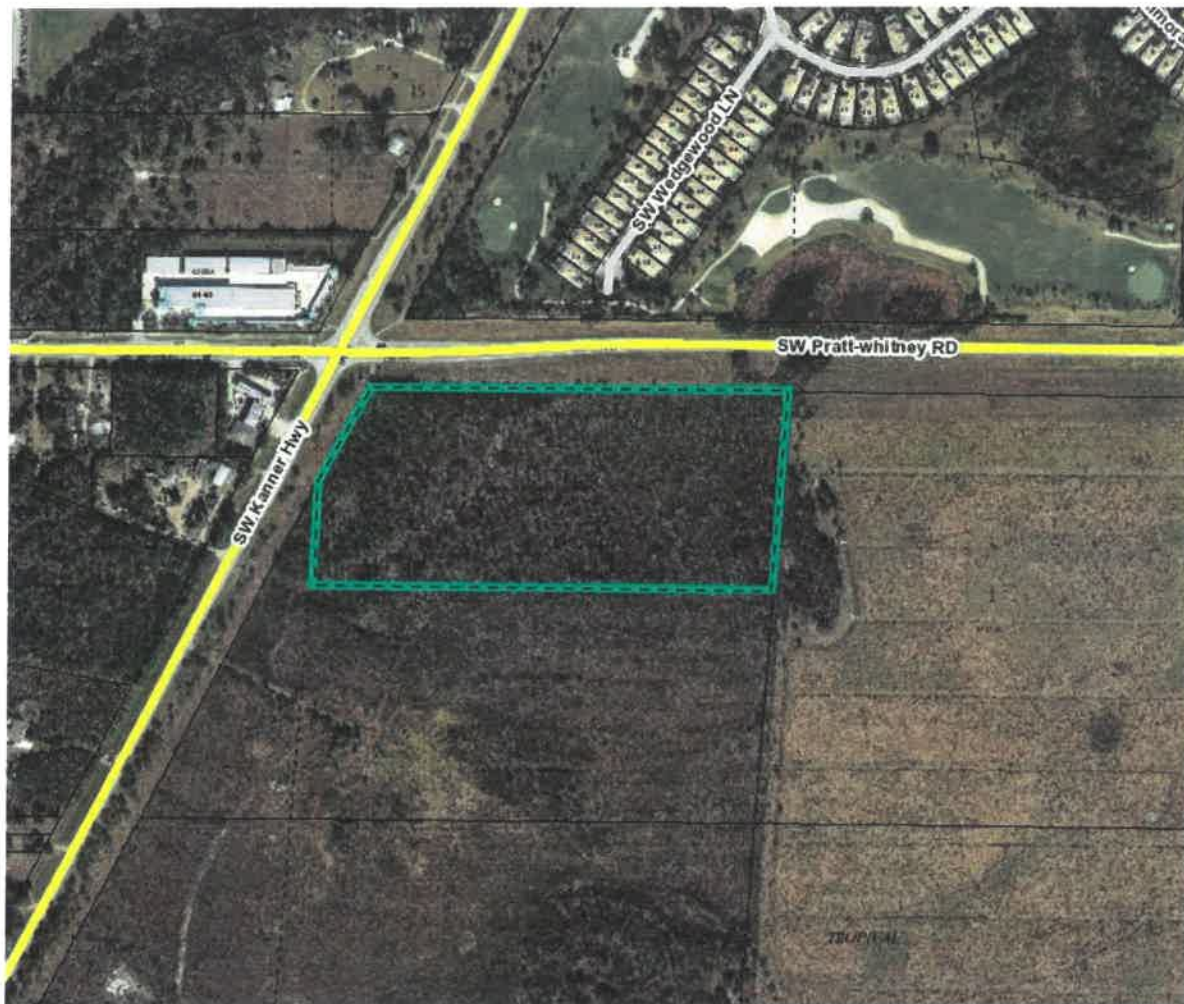
## EXHIBIT A

### Parcel I.D. Number

18-39-41-000-002-00010-8

### Legal Description:

THE NORTH ONE-HALF (N YZ) OF LOT 2, SECTION 18, TROPICAL FRUIT FARMS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 6, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 100 FEET THEREOF AND ALSO LESS AND EXCEPT THE RIGHT OF WAY FOR KANNER HIGHWAY.



**Maria Jose, M.S.**

Planner for Martin County BOCC, Growth Management Department

## **EDUCATION**

COUNTY  
EXHIBIT # 2

### **- University of Central Florida, Orlando, Florida**

- Master of Science in Urban and Regional Planning (Graduated in May 2018)

### **- University of South Florida, Tampa, Florida**

- Bachelor of Arts in Communication Sciences and Disorders (Graduated in May 2015)

## **PROFESSIONAL EXPERIENCE**

### **Planner for Martin County Board of County Commissioners (May 2018 to present)**

- Planner working in the Comprehensive Planning Division, Growth Management Department, specializing in long term, comprehensive planning
- Trained in writing reports for Future Land Use Map Amendments and Zoning Amendments, through research and analysis, ensuring proper land use and development
- Presents in public meetings, in front of the Board of Commissioners, and Local Planning Agency, to provide the best recommendations regarding important future land use/development decisions and help implement policy making decisions that impact Martin County and its residents, considering all factors such as environmental and public concerns
- Updates and improves elements in the Martin County Comprehensive Plan, Code of Ordinances and Land Development Regulations by making necessary amendments
- Assists citizens regarding development plans, providing polite customer service and education regarding the various planning and legal processes

### **Paid Internship in City Planning/Public Administration (November 2017 to May 2018)**

- FCCMA Shared Internship, worked as an intern for the City of Deltona, providing service to the Planning and Development Services Department, as well as the Center at Deltona and was trained to manage multiple aspects of City Planning and Public Administration
- Assisted the Planning Director in grant writing for the Center at Deltona via the Volusia ECHO Program
- Reviewed site plans for proposed developments coming to Deltona, ensuring City Standards and planning regulations are met and assisted the Ordinance Review Committee
- Provided customer service ensuring high quality service to clients
- Internship continued at County of Volusia (February 2018- May 2018)
- Worked for the Planning & Development Services, participating in a future land use GIS project, helping with spatial data analysis, data collection, and mapping using ArcGIS
- Participated in site plan reviews and long range planning activities, wrote reports and created presentations/excel spreadsheets regarding land use codes and the comprehensive plan