



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

PHQJ-1  
COUNTY  
EXHIBIT # 1

File ID: 20-1145

PHQJ-1

Meeting Date: 10/27/2020

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

### **TITLE:**

**PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT FOR CPA 20-02, MARTINEZ COVE ROAD**

### **EXECUTIVE SUMMARY:**

This amendment is a rezoning request to change the zoning from A-1 to RE-1/2A, Residential Estate District, on a 2.38-acre parcel, located at 1500 SE Cove Road, west of SE Grace Lane. The proposed rezoning is contingent upon the approval of CPA 20-02, a request to amend the future land use designation from Rural Density Residential to Residential Estate Density.

**DEPARTMENT:** Growth Management

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

**REQUESTED BY:** Steven M. Martinez and Nicholas Martinez, Jr.

**PRESET:**

**PROCEDURES:** Quasi-Judicial

FILED FOR RECORD  
COMMISSION RECORDS  
MARTIN COUNTY FL  
Date 10/27/2020  
By CAROLYN TIMMANN  
CLERK OF CIRCUIT COURT  
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 2.38 acres of land from A-1 to RE-1/2 A Zoning District.

**ALTERNATIVE RECOMMENDATIONS**

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

**FISCAL IMPACT:**

**RECOMMENDATION**

Staff time.

**ALTERNATIVE RECOMMENDATIONS**

Staff time.

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement  |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance             |
| <input type="checkbox"/> Other:                      |                                       | <input checked="" type="checkbox"/> Resolution |

# Martinez Cove Road REZONING

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

Report Issuance Date: August 10, 2020

Applicant: Steven M. Martinez and Nicholas Martinez, Jr

Represented by: Fox McCluskey Bush Robinson PLLC  
Tyson Waters, Esq.  
3461 Willoughby Boulevard  
Stuart, FL 34994

Planner: Maria Jose, M.S., Planner  
Growth Management Director: Paul Schilling

Request Number: CPA 20-02

<u>PUBLIC HEARINGS:</u>	Date	Action
Local Planning Agency:	9/17/2020	LPA voted 3-1 for RE-1/2A zoning
Board of County Commission Adoption:	10/27/2020	

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

This application is a request for a zoning district change on a 2.38-acre parcel from A-1 (Small farms District) to RE-1/2 A, Residential Estate District, located at 1500 S.E. Cove Road, west of S.E. Grace Lane.

The application was submitted concurrently with a Future Land Use Map (FLUM) change from Rural Density Residential (1 unit per 2 acres) to Residential Estate Density (2 upa).

### **Staff recommendation:**

Staff recommends approval of the zoning district change from A-1 to RE-1/2 A. The decision on the appropriate zoning depends on the final decision for the future land use designations on the property. The proposed zoning district, RE-1/2 A, implements the Residential Estate Density (up to 2 units per acre) future land use designation proposed for the subject site.

Cat.	Zoning District	District Purpose
A	<b>RE-1/2A</b> (Residential Estate District District)	The RE-1/2 A district is intended to implement the policies of the CGMP for lands designated Estate Density - up to two units per acre on the Future Land Use Map of the CGMP.

### **Permitted Uses:**

The existing zoning district, A-1, is a Category C zoning district. The A-1 zoning district is not consistent with the Rural Density future land use designation, currently assigned. Martin County, Fla., Land Development Regulations Section 3.402. (2018). Please see the excerpt below which shows the permitted uses allowed by the A-1:

#### **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)

Below is an excerpt from Article 3 of the LDR, showing the permitted use schedule for the proposed zoning district, RE-1/2A. 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 Article 3 and the Land Development Regulations. The proposed RE-1/2A district allows single-family detached dwellings and some institutional uses whereas A-1 zoning permits many additional uses along with residential uses such as duplexes, agricultural uses, trailers and drive-in theatres.

**TABLE 3.11.1**  
**PERMITTED USES - CATEGORY "A" AGRICULTURAL AND RESIDENTIAL DISTRICTS**

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E 1/2 A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0
<i>Residential Uses</i>													
Accessory dwelling units													
Apartment hotels													
Mobile homes	P												
Modular homes	P	P	P	P	P	P	P	P	P	P	P	P	P
Multifamily dwellings													
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P	P
Single-family detached dwellings, if established prior to the effective date of this ordinance													
Townhouse dwellings													
Duplex dwellings													
Zero lot line single-family dwellings													P
<i>Agricultural Uses</i>													
Agricultural processing, indoor	P												
Agricultural processing, outdoor	P												
Agricultural veterinary medical services	P	P	P	P									

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E 1/2 A	R S 3	R S B 3	R S 4	R S 5	R S 6	R S 8	R S 1 0
Aquaculture	P	P	P										
Crop farms	P	P	P	P									
Dairies	P												
Exotic wildlife sanctuaries	P	P	P	P									
Farmer's markets	P	P	P										
Feed lots	P												
Fishing and hunting camps	P	P											
Orchards and groves	P	P	P	P									
Plant nurseries and landscape services	P	P	P	P									
Ranches	P	P	P										
Silviculture	P	P	P	P									
Stables, commercial	P	P	P	P									
Storage of agricultural equipment, supplies and produce	P												
Wildlife rehabilitation facilities	P	P	P										
<i>Public and Institutional Uses</i>													
Administrative services, not-for-profit	P	P	P										
Cemeteries, crematory operations and columbaria	P	P	P										
Community centers	P	P	P	P	P	P	P	P	P	P	P	P	P
Correctional facilities													
Cultural or civic uses													
Dredge spoil facilities													
Educational institutions					P	P	P		P	P	P	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	P												
Hospitals													

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 10
Neighborhood assisted residences with six or fewer residents	P	P	P	P	P	P	P	P	P	P	P	P	P
Neighborhood boat launches					P	P	P		P	P	P	P	P
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	P	P	P										
Places of worship	P	P	P	P	P	P	P		P	P	P	P	P
Post offices													
Protective and emergency services	P	P	P	P	P	P	P		P	P	P	P	P
Public libraries						P	P		P	P	P	P	P
Public parks and recreation areas, active	P	P	P	P	P	P	P		P	P	P	P	P
Public parks and recreation areas, passive	P	P	P	P	P	P	P		P	P	P	P	P
Public vehicle storage and maintenance													
Recycling drop-off centers	P	P	P	P	P	P	P		P	P	P	P	P
Residential care facilities													
Residential care facilities, where such use was lawfully established prior to the effective date of this ordinance	P	P	P										
Solar energy facilities (solar farms)	P												
Solid waste disposal areas													
Utilities	P	P	P	P	P	P	P		P	P	P	P	P
<i>Commercial and Business Uses</i>													
Adult business													
Bed and breakfast inns	P	P	P	P	P	P	P		P	P	P	P	P
Business and professional offices													
Campgrounds													



USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0
Commercial amusements, indoor													
Commercial amusements, outdoor													
Commercial day care	P	P	P	P	P	P	P		P	P	P	P	P
Construction industry trades													
Construction sales and services													
Family day care	P	P	P	P	P	P	P	P	P	P	P	P	P
Financial institutions													
Flea markets													
Funeral homes													
General retail sales and services													
Golf courses	P	P	P	P	P	P	P		P	P	P	P	P
Golf driving ranges													
Hotels and motels													
Kennels, commercial	P	P	P										
Limited retail sales and services													
Marinas, commercial													
Marine education and research													
Medical services													
Parking lots and garages													
Recreational vehicle parks													
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance													
Residential storage facilities													
Restaurants, convenience, with drive through facilities													
Restaurants, convenience without drive through facilities													
Restaurants, general													
Shooting ranges, indoor													
Shooting ranges, outdoor	P												



USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0
Sporting clay course	P												
Trades and skilled services													
Vehicular sales and service													
Vehicular service and maintenance													
Veterinary medical services													
Wholesale trades and services													
<i>Transportation, Communication and Utilities Uses</i>													
Airstrips	P	P	P	P									
Airports, general aviation													
<i>Industrial Uses</i>													
Composting, where such use was approved or lawfully established prior to March 1, 2003													
Extensive impact industries													
Limited impact industries													
Mining	P	P	P										
Salvage yards													
Yard trash processing	P												
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002													

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 669, pt. 1, 6-28-2005; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1045, pt. 1, 1-9-2018; Ord. No. 1067, pt. 2, 5-22-2018; Ord. No. 1074, pt. 3, 7-24-2018)

### **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. Please see excerpts below, which show the development requirements of the proposed RE-½A zoning district. The minimum lot area required by RE-½A is 21,780 sq ft or 0.5 acre. Whereas the minimum lot area required by A-1 zoning district is 2 acres. For RE-½A, the minimum lot width required is 100 ft and maximum height required is 30 ft.

**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	RE-2A	2 ac.	175	0.50	—	—	30	50	—
A	RE-1A	1 ac.	150	1.00	—	—	30	50	—
A	RE-½A	21,780	100	2.00	—	—	30	50	—
B	HR-1	10,000	100	(a)	—	—	35	30	—
B	HR-1A	12,000	100	(a)	—	—	35	30	—
B	R-1	15,000	100	(a)	—	25	30/3	50	—
B	R-1A	10,000	85	(a)	—	25	30/3	30	(d)
B	R-1B	8,200	75	(a)	—	—	35	30	—
B	R1-C	15,000	100	(a)	—	25	25/2	50	—
B	R-2	7,500	60	(a)	—	35	30/3	30	—
B	R-2B	7,500	60	(a)	—	35	30/3	30	—
B	R-2C	5,000	50	(a)	—	—	35	30	—
B	R-2T	7,500	60	(a)	—	35	30/3	30	—
B	RT	5,500(f)	50	(a)	—	—	20/1	30	(b), (i)
B	TP	10 ac.	—	(k)	—	—	20/1	—	(c), (j)

**NOTES:**

- (a) Maximum residential density shall be one single-family residential dwelling unit per lawfully established lot.
- (b) In the RT district:
  - (1) Mobile home subdivisions shall be surrounded by a landscaped buffer strip at least 25 feet in depth on all sides. Buffers shall be unoccupied, except for underground utilities, canals, ditches, landscaping and entrance ornamentation.
  - (2) A minimum of five percent of the gross land area shall be required for recreation area.
  - (3) Fences and walls located on or within five feet of lot lines shall not exceed a height of six feet, except such fences or walls shall not exceed three feet six inches when located in a required front yard.
- (c) In the TP district:
  - (1) A minimum of five percent of the gross land area shall be required for recreation area.
  - (2) Fences and walls located on or within five feet of lot lines shall not exceed a height of six feet, except such fences or walls shall not exceed three feet six inches when located in a required front yard.

- (d) In the R-1A district, waterfront lots shall have a minimum of width of 60 feet along the street frontage and 100 feet in width along the waterway.
- (e) In the MH-P district, each mobile home shall have a site area of at least 5,500 square feet.
- (f) Each mobile home subdivision shall have a site area of at least ten acres.
- (g) The maximum density for the RM-10 district is 15 units per acre for sites meeting the affordable housing criteria set forth in Section 4.4.M.1.e.(5) of the Comprehensive Growth Management Plan.
- (h) The minimum lot area and minimum lot width requirements shall not apply to zero lot line, townhouse or multifamily developments on lots created after March 29, 2002.
- (i) In the RT and MH-S districts, single-family detached dwellings (site-built dwellings) shall also comply with the provisions of Section 3.98.
- (j) In the TP zoning district, mobile homes, modular homes and single-family detached dwellings (site-built dwellings) shall be limited to a foot print approved by the owner of the property (e.g., president of a condominium association or cooperative). Verification of the location and foot print by the property owner shall be provided with the building permit application. Primary structures and attached accessory structures, regardless of construction type, shall maintain a ten foot separation from other primary structures and attached accessory structures. Also, single-family detached dwellings (site-built dwellings) shall comply with the provisions of Section 3.98.
- (k) In the TP zoning district the maximum residential density shall not exceed that density established on the parcel on April 1, 1982. New mobile home park development, requiring final site plan approval, in the TP zoning district shall not exceed eight units per acre.

(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. 809, pt. 1, 9-9-2008; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 937, pt. 1, 8-6-2013)

**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	AG-20A	50	50	50	50	50	50	50	50	50	50	50	50
A	AR-5A	40	40	40	40	40	40	40	40	40	40	40	40
A	AR-10A	40	40	40	40	40	40	40	40	40	40	40	40
A	RE-2A	30	30	30	30	30	30	30	30	30	30	30	30
A	RE-1A	25	25	25	25	15	15	15	15	15	15	15	15
A	RE-½A	25	25	25	25	15	15	15	15	15	15	15	15
A	RS-3	25	25	25	25	10	10	10	10	10	10	10	10
B	R-2	20	20	20	—	6	8	10	—	6	8	10	—
B	R-2B	20	20	20	—	6	8	10	—	6	8	10	—

**NOTES:**

Additional setback specifications are contained in division 3 (standards for specific uses) and division 4 (miscellaneous development standards) of this article 3.

- (a) Side setback for nonconforming lots is 7.5 feet.
- (b) Side setback for nonconforming lots is 6.5 feet.
- (c) Where the real property boundary abuts an RE, RS, MH, RM, HR-1, HR-1A, R-1, R-1A, R-1B, R-1C, R-2, R-2B, R-2C, R-2T, RT, TP, E, E-1, WE-1 zoning district, a residential use in a PUD, or the real property boundary of a public school, these increased setbacks shall apply:

Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)				
1	2	3	4	1	2	3	4	1	2	3	4	Corner
25	25	25	25	20	20	30	40	15	20	20	30	25

- (d) In the HR-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 35-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.
- (e) In the R-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 20-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.
- (f) In the R-1B district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 30-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.
- (g) In the WE-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 50-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C. Where existing principal residences on adjacent lots are set back more than 50 feet from the mean high water line, the minimum setback from the mean high water line shall be the mean setback of the nearest principal residences on adjacent lots, or, where there is no principal residence within 1,000 feet, the minimum setback from the mean high water line shall be 50 feet. Accessory structures which are not roofed or enclosed by walls or screening shall only be subject to the minimum 50-foot setback from the mean high water line.
- (h) The minimum rear setback for single-family detached residences and duplex dwellings shall be 20 feet.
- (i) Setbacks shown for the TP zoning district are from property lines, i.e. the mobile home park boundary. The setbacks are not applicable between structures.
- (j) For enclosed storage structures, greenhouses, child's playhouse and gazebos, this dimension may be reduced to five feet.
- (k) The side/corner minimum setback shall be 20 feet.
- (l) For lots that have frontage on ingress/egress or access easements and not on platted road rights-of-way the front setbacks shall be measured from the easement line.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 727, pt. 1, 10-24-2006; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1014, pt. 2, 12-6-2016)

## 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 20-02, Martinez at Cove Road FLUM Amendment. The report discusses compatibility with the Martin County CGMP and recommends Residential Estate Density (2 upa) future land use designation. RE-1/2A, zoning district, implements the Residential Estate Density (2 upa) future land use.

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

The requested RE-1/2A zoning district implements the proposed Residential Estate Density (2 upa) future land use pursuant to the requirements and standards of the LDR. Any site plan proposed on the 2.38 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,*



Many of the surrounding parcels are also zoned as RE-1/2A. RE-1/2A allows permitted uses such as single-family detached dwellings like those in the surrounding parcels. The RE-1/2A, RE-2A and PUD zoning districts, surrounding the site, contain or will permit single family residential units on a variety of lot sizes. Development permitted by the proposed zoning will be compatible with much of the development in the surrounding zoning districts. Please see Figure 1 below.

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

The growth in the nearby area includes parcels changing to RE-1/2A, which is also the proposed zoning district for the subject site. There have been a few zoning changes in the area. See Figure 1, which shows the past zoning resolutions in the area nearby the subject parcel.

1. **Resolution 09-12.25:** Zoning amendment, where property was changed from A-1, Small Farms District, to RE-1/2A, Residential Estate District.
2. **Resolution 09-12.27:** Zoning amendment, where property was changed from A-1A, Agricultural District, to RE-1/2A, Residential Estate District.
3. **Resolution 03-3.26:** Zoning amendment, where property was changed from RE-1/2A, Residential Estate District, to PUD (Planned Unit Development)

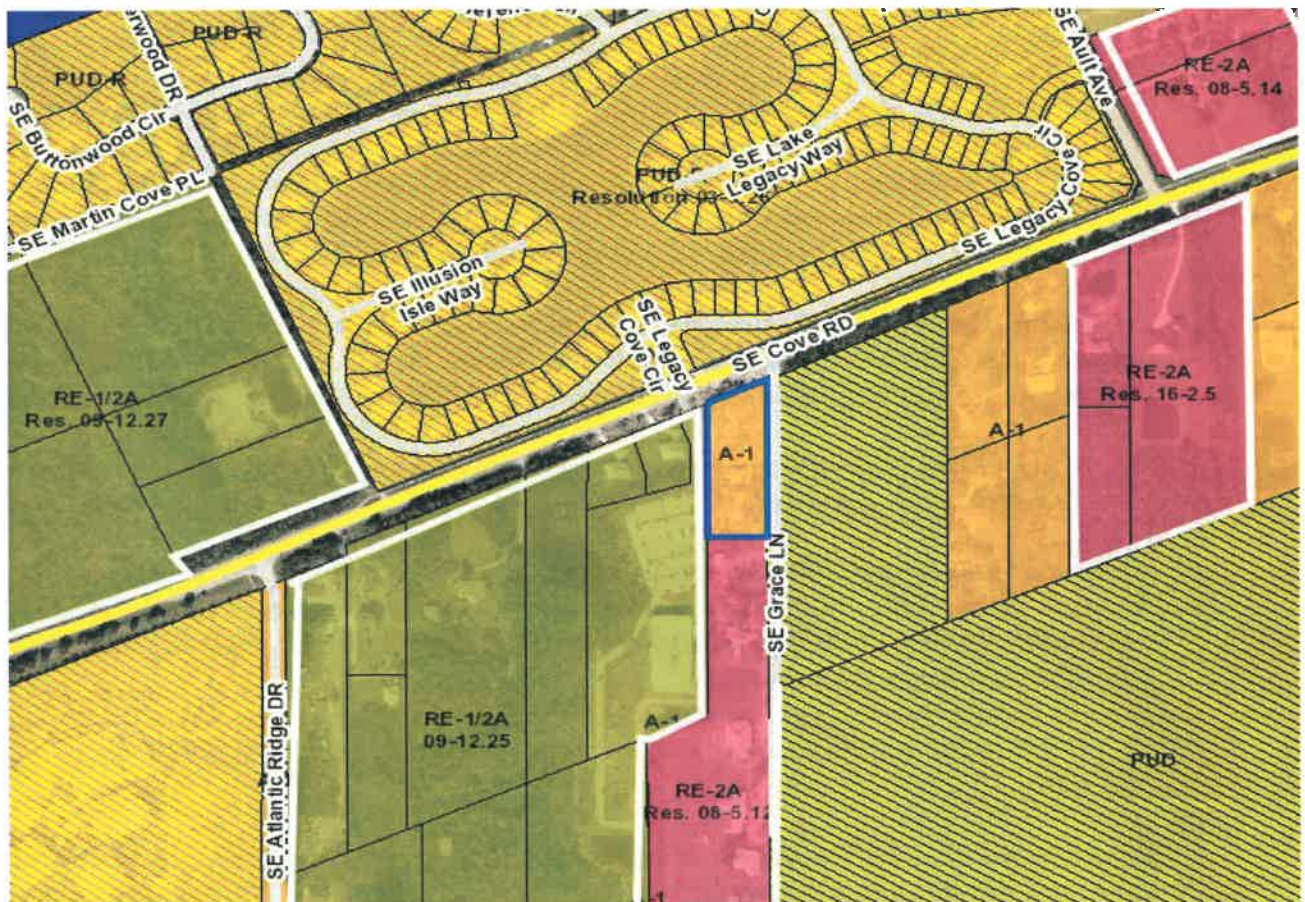


Figure 1, where the subject site is in blue and parcel marked in white had a rezoning.

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

The subject property is located inside of the PUSD, and it already has access to water and sewer



provisions. The proposed amendment will not result in excessive demands on public facilities since the maximum residential density allowed by RE-1/2A is only 2 units per acre.

- 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,*

As discussed in Section 1.4 of the Future Land Use Map staff report, numerous future land use changes have occurred in the Cove Rd./Salerno Road corridor along with the planned widening of SE Cove Rd. These changes make the proposed amendment logical, timely, orderly and consistent with the immediately adjacent lands and with the development occurring in the larger area.

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

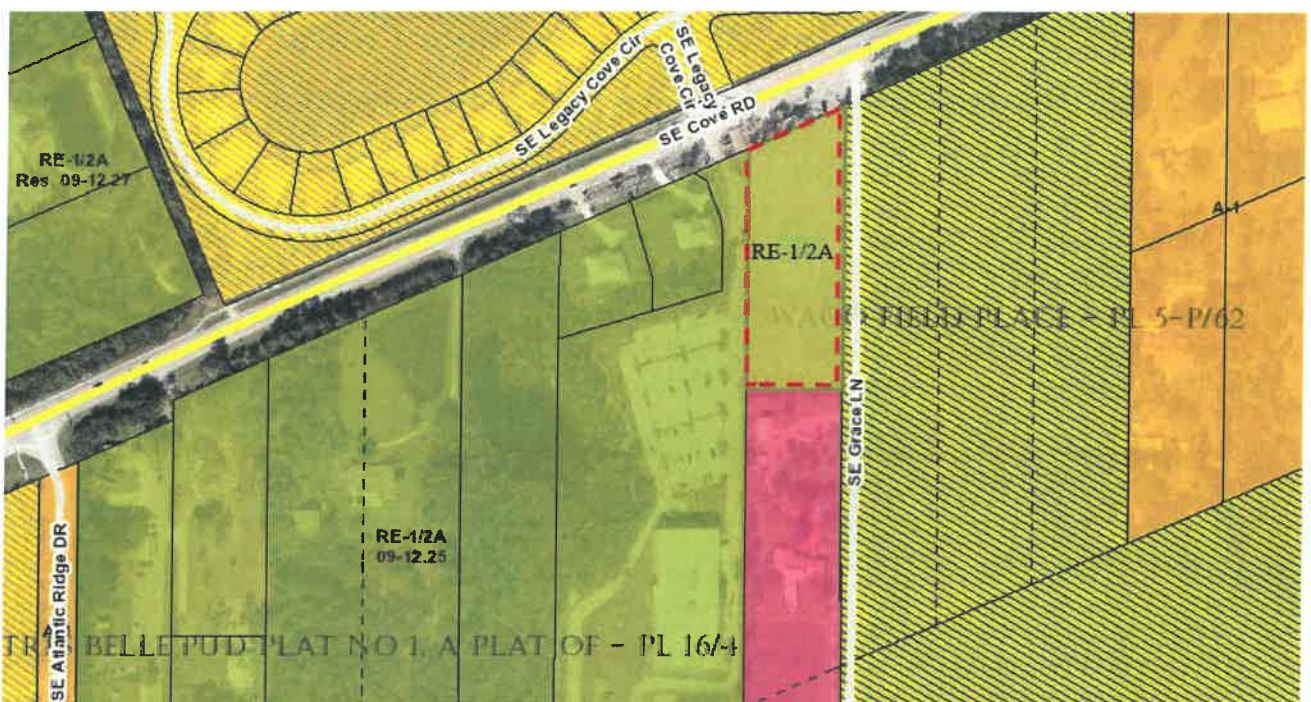


Figure 2, Proposed Zoning District, RE-1/2A, with the subject site marked in red.

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

CPA 20-02 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: 2.38 acres, located at 1500 S.E. Cove Road, west of S.E. Grace Lane.

Existing zoning:	A-1
Future land use:	Rural Density Residential
Commission district:	District 4
Community redevelopment area:	N/A
Municipal service taxing unit:	District 4 Municipal Service Taxing Unit
Planning area:	South 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 RE-1/2A zoning district would correctly implement the respective Residential Estate Density (2 upa) 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 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: Steven M. Martinez and Nicholas Martinez, Jr.

#### ***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



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: Martinez Rezoning Application

#### Brief Project Description:

The proposed rezoning is filed in conjunction with a future land use amendment for the subject property. The proposed land use change is from Rural Density to Estate Density 2 UPA and this zoning change request is to change the zoning designation on the property from A-1 to RE- 1/2A.

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

Is there Previous Project Information? ☐ YES/NO ☒

Previous Project Number if applicable: \_\_\_\_\_

Previous Project Name if applicable: \_\_\_\_\_

#### Parcel Control Number(s)

34-38-41-001-000-00080-5

_____	_____
_____	_____
_____	_____
_____	_____

#### B. PROPERTY OWNER INFORMATION

Owner (Name or Company): Nicholas Martinez Jr. and Steven M. Martinez

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

Address: 1500 SE Cove Road

City: Stuart, State: FL Zip: 34997

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

**C. PROJECT PROFESSIONALS****Applicant (Name or Company):** Nicholas Martinez Jr. and Steven M. Martinez

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

Address: 1500 SE Cove RoadCity: Stuart, State: FL Zip: 34997

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

**Agent (Name or Company):** Fox McCluskey Bush Robison, PLLCCompany Representative: Tyson Waters, Esq.Address: 3461 SE Willoughby BoulevardCity: Stuart, State: FL Zip: 34994Phone: 772-287-4444 Email: twaters@foxmccluskey.com**Contract Purchaser (Name or Company):** \_\_\_\_\_

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

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

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

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

**Land Planner (Name or Company):** \_\_\_\_\_

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

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

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

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

**Landscape Architect (Name or Company):** \_\_\_\_\_

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

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

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

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

**Surveyor (Name or Company):** Stephen J. Brown, Inc.Company Representative: Stephen J. BrownAddress: 619 East 5th StreetCity: Stuart, State: FL Zip: 34994Phone: 772-288-7176 Email: \_\_\_\_\_**Civil Engineer (Name or Company):** \_\_\_\_\_

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

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

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

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

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

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

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

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

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

**Attorney (Name or Company):** Fox McCluskey Bush Robison, PLLCCompany Representative: Tyson Waters, Esq.Address: 3461 SE Willoughby BoulevardCity: Stuart, State: FL Zip: 34994Phone: 772-287-4444 Email: twaters@foxmccluskey.com**Environmental Planner (Name or Company):** \_\_\_\_\_

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] [Signature] 3/31/2020  
Applicant Signature Signature Date

NICHOLAS MARTINEZ STEVEN M. MARTINEZ  
Printed Name PRINT NAME

**NOTARY ACKNOWLEDGMENT**

STATE OF: FLORIDA COUNTY OF: MARTIN

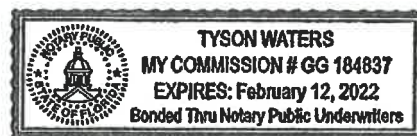
I hereby certify that the foregoing instrument was acknowledged before me this 31<sup>st</sup> day of MARCH, 20 20, by Nicholas Martinez & Steven M. Martinez

He or She    is personally known to me or ✓ has produced FLA. Driver's License as identification.

[Signature]  
Notary Public Signature

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

[Signature]  
Applicant Signature  
Agent

4/1/2020  
Date

### NOTARY ACKNOWLEDGMENT

STATE OF: FLORIDA COUNTY OF: MARTIN

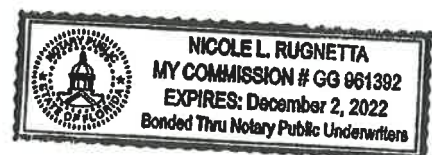
I hereby certify that the foregoing instrument was acknowledged before me this 1 day of April, 2020, by Tyson Waters.

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

[Signature]  
Notary Public Signature

Nicole Rugnetta  
Printed name

STATE OF: Florida at-large



## NARRATIVE

The subject property is located on the south side of Cove Road, located east of Kanner Highway and west of Willoughby Boulevard. The subject property is located immediately west of the newly approved development known as Cove Royale and immediately east of the Treasure Coast Classical Academy.

To the north, east and west of the subject property are parcels having an Estate Density 2UPA land use designation, the same as being requested by the Applicant. The parcel to the immediate south of the subject property has a Rural Density land use designation but is the existing location of the Samaritan House for Boys.

The zoning designation for the parcels to the east and north is Planned Unit Development, comprising of the Legacy Cove development and recently approved Cove Royale development. To the west of the subject property, the parcels have a RE – ½ A zoning designation, consistent with the zoning designation requested with this application. The Samaritan House for Boys parcel has a zoning designation of RE – 2A.

The requested land use and zoning changes will allow the Applicant to subdivide the subject property creating up to four (4) lots. The immediate intention for such subdivision is to allow the Applicant's family to acquire a lot and eventually construct a single-family home on each lot for their use.

The requested land use and zoning change is consistent and compatible with the surrounding properties and conforms to the requirements of the Martin County Comprehensive Plan.

# LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that we, Steven M. Martinez and Nicholas Martinez, Jr., do by these presents hereby make, constitute and appoint Tyson Waters, Esquire, and Fox McCluskey Bush Robison, PLLC, as its attorneys-in-fact to represent it and to execute, acknowledge, and deliver in our name documents and instruments, as its attorneys-in-fact may deem proper, as well as represent it at any hearings and meetings, that may be required to amend the future land use and zoning designations, and other laws, rules and regulations, as may be applicable, for the following described real property:

**See Exhibit "A"**

IN WITNESS WHEREOF, we have set our hands and seal this 31<sup>ST</sup> day of MARCH, 2020.

Signed, Sealed and delivered

In the presence of:

*Christine Martinez*  
 Print Name: Christine Martinez  
 Witness #1 (as to both)

*Tyson Waters*  
 Print Name: TYSON WATERS  
 Witness #2 (as to both)

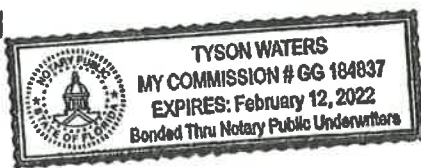
*Steven M. Martinez*  
 Print Name: Steven M. Martinez

*Nicholas Martinez, Jr.*  
 Print Name: Nicholas Martinez, Jr.

STATE OF FLORIDA  
 COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 31<sup>ST</sup> day of MARCH, 2020, by Steven M. Martinez and Nicholas Martinez, Jr., who are personally known to me or have produced FL. Driver's License as identification.

[SEAL]



*Tyson Waters*  
 Signature of Notary Public  
TYSON WATERS  
 Print, type or stamp commissioned  
 Name of Notary Public  
 My Commission expires:

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

Lot 8, WA-CO FIELD PLACE, according to the plat thereof as recorded in Plat Book 5, Page 62, Public Records of Palm Beach (now Martin) County, Florida; Less and except the following: Known as the Southerly portion of Lot 8, WA-CO Field Place, as recorded in Plat Book 5, Page 62, Public Records of Palm Beach (now Martin) County, Florida and being more particularly described as follows: Beginning at the Southwest corner of said Lot 8, thence North 8°18'31" West along the West line of said Lot 8, a distance of 626.67 feet to a point; thence North 89°40'23" East, a distance of 186.61 feet to a point on the East line of said Lot 8; thence South 0°19'53" East along said East line, a distance of 545.30 feet to a point on the South line of said Lot 8; thence South 66°08'23" West along said South line, a distance of 203.80 feet to the Point and Place of Beginning.

Parcel Identification Number: 34-38-41-001-000-00080-5



This Document Prepared By and Return to:

Christopher J. Twohey, P.A.  
 844 East Ocean Blvd. Ste A  
 Stuart FL 34984  
 (772) 221-8013

Parcel ID Number: 34-38-41-001-000-00080.50000

## Warranty Deed

This Indenture, Made this 15 day of May, 2017 A.D., Between  
 Karen Sue Jones, a single woman

of the County of Surry, State of North Carolina, grantor, and  
 Steven M. Martinez, a single man and Nicholas Martinez, Jr., a single man, both as Joint Tenants with Rights of Survivorship

whose address is: 1500 SE Cove Rd., Stuart, FL 34997

of the County of Martin, State of Florida, grantees.

Witnesseth that the GRANTOR, for and in consideration of the sum of

TEN DOLLARS (\$10) DOLLARS,  
 and other good and valuable consideration to GRANTOR in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, has  
 granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described land, situate,  
 lying and being in the County of Martin State of Florida to wit:

Lot 8, WA-CO FIELD PLACE, according to the plat thereof as recorded in Plat Book 5, Page 62, Public Records of  
 Palm Beach (now Martin) County, Florida; Less and except the following: Known as the Southerly portion of Lot 8,  
 WA-CO Field Place, as recorded in Plat Book 5, Page 62, Public Records of Palm Beach (now Martin) County,  
 Florida and being more particularly described as follows: Beginning at the Southwest corner of said Lot 8, thence  
 North 0°18'31" West along the West line of said Lot 8, a distance of 626.67 feet to a point; thence North 89°40'23"  
 East, a distance of 186.61 feet to a point on the East line of said Lot 8; thence South 0°19'53" East along said East  
 line, a distance of 545.30 feet to a point on the South line of said Lot 8; thence South 66°08'23" West along said  
 South line, a distance of 203.80 feet to the Point and Place of Beginning.

SUBJECT TO:

1. Taxes for the year 2017, and all subsequent years
2. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;
3. Restrictions and matters appearing on the Plat or otherwise common to the subdivision; and
4. Public utility easements of record, if any.

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

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

Signed, sealed and delivered in our presence:

Printed Name: Christopher J. Twohey  
 Witness

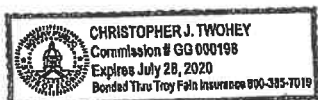
Karen Sue Jones (Seal)  
 P.O. Address: 233 Dudley Ave., Mount Airy, NC 27030

Printed Name: Maria J. Kubler  
 Witness

STATE OF Florida  
 COUNTY OF Martin

The foregoing instrument was acknowledged before me this 15 day of May, 2017 by  
 Karen Sue Jones, a single woman

who is personally known to me or who has produced her

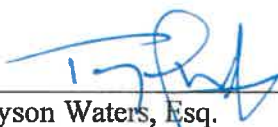


Printed Name: Christopher J. Twohey  
 Notary Public  
 My Commission Expires: 7-28-20

**CERTIFICATE OF NO TRANSFER**

Based upon a search of the public records available on the Martin County Clerk of Court's website as of the date provided below, the undersigned certifies that the property legally described on Exhibit "A" attached hereto and made a part hereof is owned by Steven M. Martinez and Nicholas Martinez, Jr., and there have been no transfers of the subject property since that certain deed from Karen Sue Jones, dated May 1, 2017, and recorded on May 4, 2017, in Official Records Book 2922, Page 2125, of the Public Records of Martin County, Florida.

DATED this 1<sup>st</sup> day of April, 2020.

  
\_\_\_\_\_  
Tyson Waters, Esq.  
Attorney for Applicant

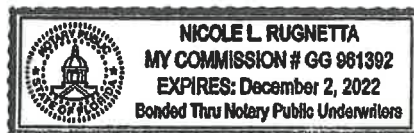
STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1 day of April, 2020, by Tyson Waters, who is personally known to me or has produced \_\_\_\_\_ as identification.

[SEAL]

  
\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Print, type or stamp commissioned  
Name of Notary Public  
My Commission expires:





**Exhibit "A"**  
**LEGAL DESCRIPTION**

Lot 8, WA-CO FIELD PLACE, according to the plat thereof as recorded in Plat Book 5, Page 62, Public Records of Palm Beach (now Martin) County, Florida; Less and except the following: Known as the Southerly portion of Lot 8, WA-CO Field Place, as recorded in Plat Book 5, Page 62, Public Records of Palm Beach (now Martin) County, Florida and being more particularly described as follows: Beginning at the Southwest corner of said Lot 8, thence North 8°18'31" West along the West line of said Lot 8, a distance of 626.67 feet to a point; thence North 89°40'23" East, a distance of 186.61 feet to a point on the East line of said Lot 8; thence South 0°19'53" East along said East line, a distance of 545.30 feet to a point on the South line of said Lot 8; thence South 66°08'23" West along said South line, a distance of 203.80 feet to the Point and Place of Beginning.

Parcel Identification Number: 34-38-41-001-000-00080-5

Acreage: 2.38 acres

### LEGAL DESCRIPTION

Lot 8, WA-CO FIELD PLACE, according to the plat thereof as recorded in Plat Book 5, Page 62, Public Records of Palm Beach (now Martin) County, Florida; Less and except the following: Known as the Southerly portion of Lot 8, WA-CO Field Place, as recorded in Plat Book 5, Page 62, Public Records of Palm Beach (now Martin) County, Florida and being more particularly described as follows: Beginning at the Southwest corner of said Lot 8, thence North 8°18'31" West along the West line of said Lot 8, a distance of 626.67 feet to a point; thence North 89°40'23" East, a distance of 186.61 feet to a point on the East line of said Lot 8; thence South 0°19'53" East along said East line, a distance of 545.30 feet to a point on the South line of said Lot 8; thence South 66°08'23" West along said South line, a distance of 203.80 feet to the Point and Place of Beginning.

Parcel Identification Number: 34-38-41-001-000-00080-5

Acreage: 2.38 acres





# Martin County, FL

SE Legacy Cove Cir

SE Legacy Cove Cir

SE Cove Rd

SE Grace LN

0

480

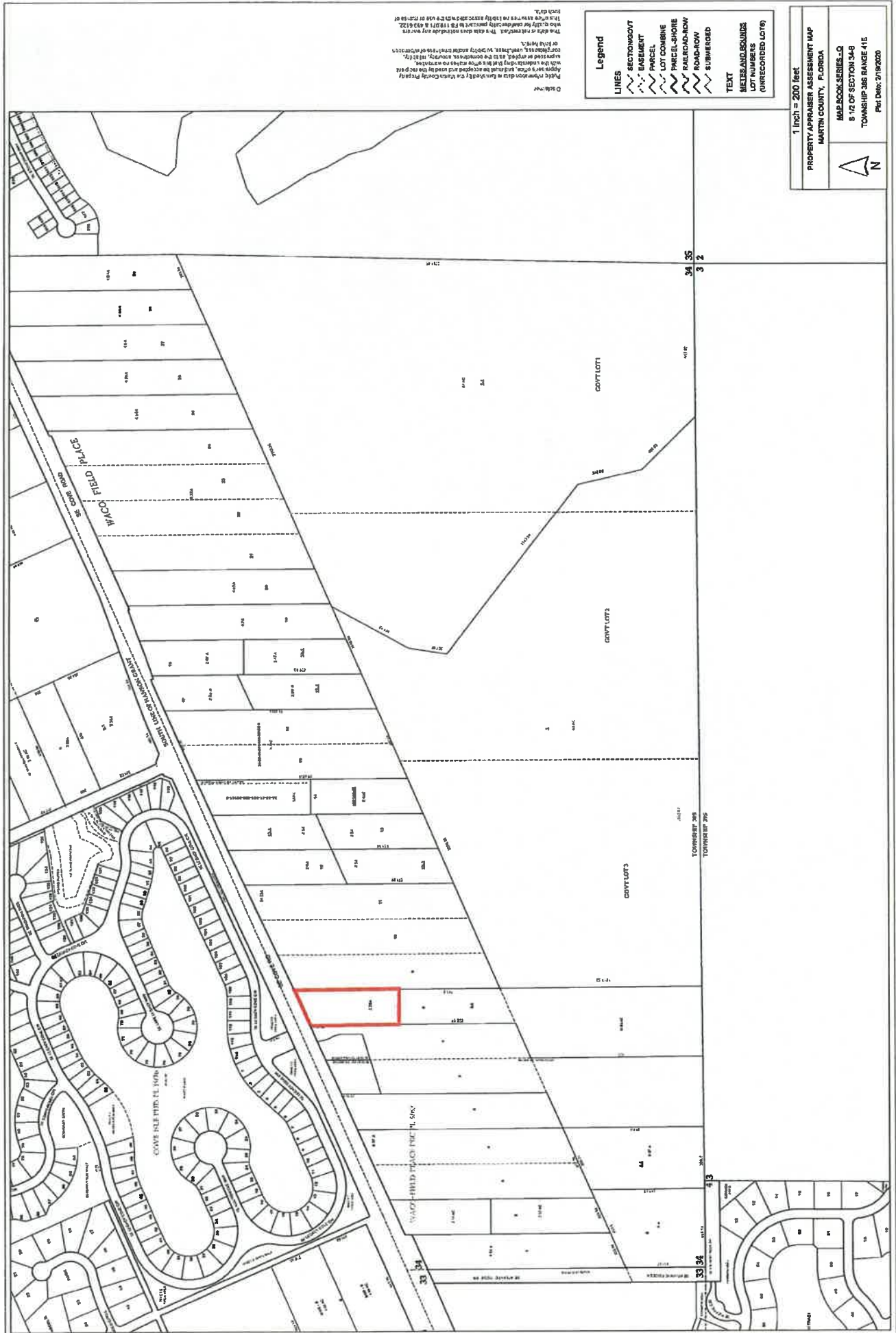
Feet

Date: 9/16/2023  
The Geographic Information System Map Product received from Martin County (GEOINT) is a compilation of public records received from the County without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY disclaims all liability for any errors or omissions in the data, and the user assumes all responsibility for the use of the information provided. The user agrees to hold the COUNTY harmless for any and all claims, damages, losses, or expenses, including reasonable attorneys' fees, arising out of or from the use of the information provided. The user agrees to hold the COUNTY harmless for any and all claims, damages, losses, or expenses, including reasonable attorneys' fees, arising out of or from the use of the information provided. The user agrees to hold the COUNTY harmless for any and all claims, damages, losses, or expenses, including reasonable attorneys' fees, arising out of or from the use of the information provided.

Aerial: Martin County, FL  
Copyright: 2023









**Martin County Property Appraiser**  
**Laurel Kelly, CFA**

**Main Office**

1111 SE Federal Highway  
Suite 330  
Stuart, Florida 34994  
Phone: (772) 288-5608  
Fax: (772) 221-1346

**Hobe Sound Annex**

11726 SE Federal Hwy  
Island Crossings Center  
Hobe Sound, Florida 33455  
Phone: (772) 546-1309  
Fax: (772) 546-3287

**Notice**

Rev. 10/17

Public information data is furnished by the Martin County Property Appraiser's office, and must be accepted and used by the recipient with the understanding that this office makes no warranties, expressed or implied, as to the correctness, accuracy, reliability, completeness, usefulness, suitability and/or timeliness of information or links herein.

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The address labels are formatted for 1" x 2 5/8" labels. 3 across by 10 down.  
Compatible with Avery 5160.





400ft

27°07'15"N 80°13'41"W



*Martin County School Board  
500 East Ocean Boulevard  
Stuart, FL 34994*

## School Impact Worksheet

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

**Date:** January 27, 2020  
**Parcel ID#:** 34-38-41-001-000-00080-5  
**Project Name:** Martinez - Cove Road Parcel Land Use and Zoning Change  
**Former Project Name:** \_\_\_\_\_ **Owner/Developer:** Steven and Nicholas Martinez  
**Contact Name/Number:** Tyson Waters, Esq. - 772-287-4444  
**Total Project Acreage:** 2.38 **Year 1 of the Build-Out:** \_\_\_\_\_

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

Unit Type	Number of Units	First 5-year Period					Second 5-year Period				
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
Single-family detached	4	4									
Multi-family											
Apartment											
Townhouse											
Other											

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

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

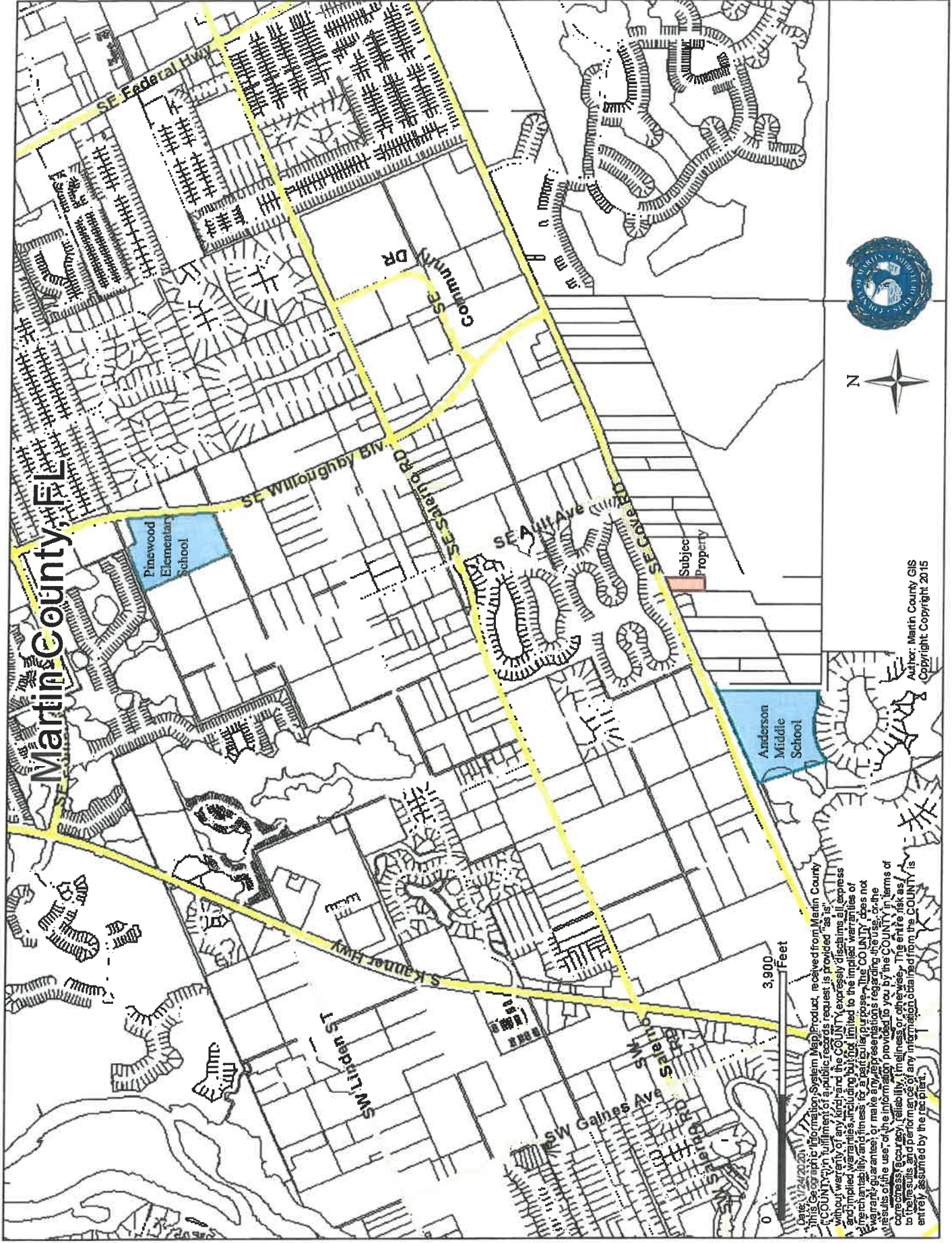
Unit Type	Number of Units	Typical Unit Floor Area (sq. ft.)	Estimated Price (\$) Per Unit	Number Restricted to 55+ Age Group
Single-family detached	4	To be Determined	N/A	
Multi-family				
Apartment				
Townhouse				
Other				

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

See Attached



# School Sites (public) within two miles of subject property



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## 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
Nicholas Martinez, Jr.	1500 SE Cove Road Stuart, Florida 34997
Steven M. Martinez	1500 SE Cove Road Stuart, Florida 34997

(If more space is needed attach separate sheet)

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

Name	Address	Interest
See above		

(If more space is needed attach separate sheet)

## 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
None.		

(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>
None				

(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

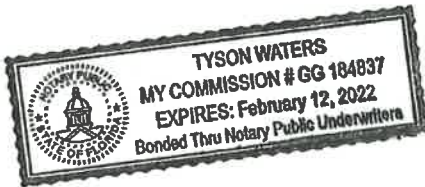
*Steven M. Martinez*  
 SIGNATURE  
STEVEN M. MARTINEZ  
 PRINT NAME

*Nicholas Martinez*  
 Signature  
Nicholas Martinez  
 Print name

STATE OF: FLORIDA

COUNTY OF: MARTIN

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 31<sup>st</sup> day of MARCH, 2020, by NICHOLAS MARTINEZ + STEVEN M. MARTINEZ, who is personally known to me or have produced FL. DRIVER'S LICENSE as identification.



(Notary Seal)

*Tyson Waters*  
 Signature  
 Notary Public, State of FLORIDA  
 Print Name: TYSON WATERS  
 My Commission Expires: FEB. 12, 2022



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

Lot 8, WA-CO FIELD PLACE, according to the plat thereof as recorded in Plat Book 5, Page 62, Public Records of Palm Beach (now Martin) County, Florida; Less and except the following: Known as the Southerly portion of Lot 8, WA-CO Field Place, as recorded in Plat Book 5, Page 62, Public Records of Palm Beach (now Martin) County, Florida and being more particularly described as follows: Beginning at the Southwest corner of said Lot 8, thence North 8°18'31" West along the West line of said Lot 8, a distance of 626.67 feet to a point; thence North 89°40'23" East, a distance of 186.61 feet to a point on the East line of said Lot 8; thence South 0°19'53" East along said East line, a distance of 545.30 feet to a point on the South line of said Lot 8; thence South 66°08'23" West along said South line, a distance of 203.80 feet to the Point and Place of Beginning.

Parcel Identification Number: 34-38-41-001-000-00080-5

## Public Notice



## CERTIFICATION OF POSTING OF NOTICE

Re: CPA 20-02 Martinez Cove Road; Land Use Change and Rezoning  
1500 SE Cove Road, Stuart, Florida

This letter is to certify that the above referenced sign was installed pursuant to Martin County Land Development Regulations on April 21, 2020. The sign was posted in accordance with, and in compliance of, the notice posting requirements in Article 10, Section 10.6.B., Martin County Land Development Regulations. A photograph of the sign posted on the above referenced property is included and attached herewith.

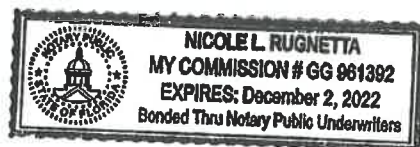
Efrain Warens  
By: Efrain Warens  
on behalf of Sign Store and More Company

STATE OF FLORIDA       )  
  )  
COUNTY OF MARTIN    )

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this 9 day of September, 2020, by FL Driver License, who is personally known to me or who has produced as identification.

Nicole Rugnetta  
Notary Public  
Print Name:  
My Commission expires:

[Seal]











ANTHONY D. GEORGE, JR.

**MICHAEL J. McCLUSKEY**  
Board Certified Business Litigation (2008-2019)  
**RAYMOND G. ROBISON**  
LL.M. - Master of Laws in Taxation  
**J. HENRY CARTWRIGHT**  
Board Certified Condominium and  
Planned Development Lawyer  
**ADAM G. SCHWARTZ**  
**TYSON J. WATERS**  
Board Certified Real Estate Lawyer  
**FREDERIK W. van VONNO (1951-2017)**  
Board Certified City, County &  
Local Government Lawyer

3461 SE Willoughby Boulevard  
Stuart, Florida 34994

Telephone:  
(772) 287-4444

Fax:  
(772) 283-4637

[www.foxmccluskey.com](http://www.foxmccluskey.com)

**VALERIE A. CHESNUT**  
**DOROTHY ANN A. DLUGOLECKI**  
**PHILIP W. GROSDIDIER**  
LL.M. - Master of Laws in Taxation

Of Counsel:  
**GEORGE W. BUSH, JR. (1964 – 2019)**  
Board Certified Business Litigation Lawyer  
Board Certified Condominium  
& Planned Development Lawyer  
**M. LANNING FOX**  
Board Certified Real Estate Lawyer  
**ROBERT A. GOLDMAN**

RE: Notice of public hearing regarding Application # CPA 20-02 (Martinez Cove Rd.): an application submitted by Nicholas Martinez, Jr., and Steven M. Martinez to change the Future Land Use and Zoning of a parcel of land.

Dear Property Owner:

As the owner of property within 1,000 feet of the property shown on the attached location map, please be advised that the property is the subject of an application to change the Future Land Use designation:

FROM: Rural Density Residential (up to 1 unit per 2 acres)

TO: Residential Estate Density (up to 2 units per acre)

And to change the zoning designation:

FROM: A-1

TO: RE ½ A

The date, time and place of the scheduled hearing is:

**MEETING:** Martin County Board of County Commissioners  
**DATE:** October 27, 2020  
**TIME:** 9:00 a.m. or as soon thereafter as the item may be heard  
**PLACE:** John F. and Rita M. 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.

**Accessibility arrangements.** 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 S.E. Monterey Road, Stuart, FL 34996, no later than three days before the meeting date. Persons using a TTY device, please call 711 Florida Relay Services.

**Record for appeals.** If any person decides to appeal any decisions made with respect to any matter considered at the meetings or hearings of any board, committee, commission, 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.

**Comprehensive Planning Facts.** The Future Land Use Map is adopted as part of the County's Comprehensive Growth Management Plan 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 small-scale change to the Future Land Use Map requires two public hearings as follows:

1. Local Planning Agency (which makes a recommendation to the Board of County Commissioners).
2. Board of County Commissioners (to determine whether the proposed amendment should be adopted).

**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. Written comments will be included as part of the public record of the application.

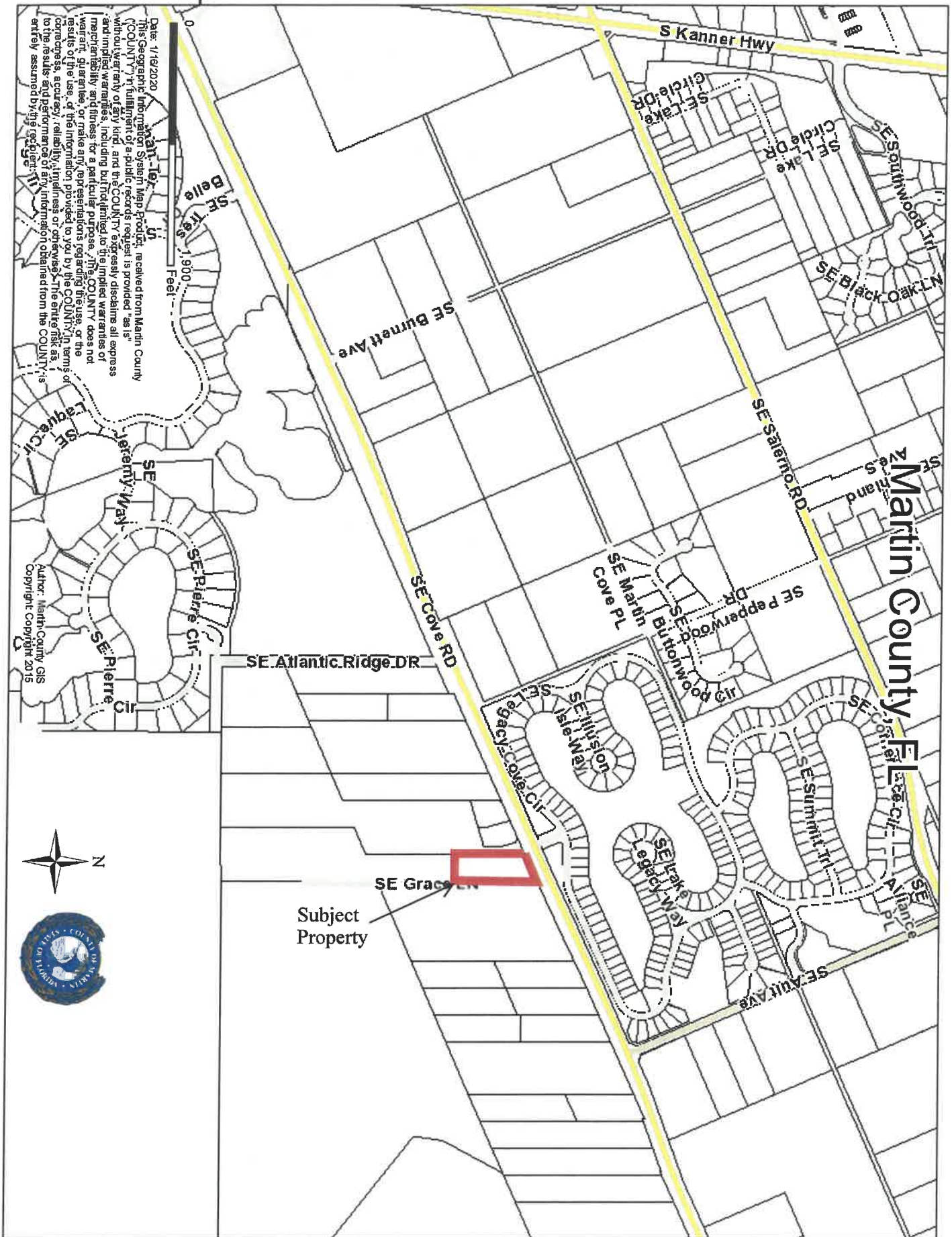
Submit written comments to: Paul Schilling, Director  
Growth Management Department  
2401 S.E. Monterey Road  
Stuart, Florida 34996

To view the staff reports, please visit the County's website at:  
<https://www.martin.fl.us/CompPlanningStaffReports>

For more information, contact Maria Jose, M.S., Planner, Growth Management Department at (772) 288-5495 or via e-mail: [mjose@martin.fl.us](mailto:mjose@martin.fl.us).

**Attachment: Location Map**

## Location Map





## FDA warns Ohio research institute about sanitizing

Max Filby  
The Columbus Dispatch  
USA TODAY NETWORK

COLUMBUS, Ohio — The Food and Drug Administration criticized a Columbus, Ohio-based research institute this week for failing to track issues with its mask decontamination units.

Battelle received a letter from the FDA on Wednesday warning that it did not have proper protocols in place to report adverse events that occur when people use masks cleaned by the nonprofit research institute's Critical Care Decontamination System units.

Battelle's decontamination technology, which the company says can sanitize 80,000 N95 masks per day per unit, was approved for use as a shortage of the masks hit the U.S. when the COVID-19 pandemic began in March.

Adverse events questioned by the FDA include, but are not limited to, allergic reactions, shrunken or misshapen respirators, a poor fit or seal of N95 masks, shredding, peeling, or discoloration of the respirator, mask straps breaking, odor issues, infection in wearers of decontaminated masks and skin irritation, the letter says.

"When there is an inadequate adverse event reporting process, the ability to detect problems and address them in order to assure the safety and performance of decontaminated respirators is compromised," Dr. Binita Ashar, director of the FDA's Office of Surgical and Infection Control Devices in the Center for Devices and Radiological Health, said in a news release. "We will hold companies accountable if they fail to fulfill their regulatory obligations."

Battelle is required to respond within the next 15 days, according to the FDA. "We appreciate the clarity that the FDA's letter has provided, and we will be submitting our response in the coming days to continue to meet their requirements," Battelle spokesman T.R. Massey told The Columbus Dispatch.

"We are appreciative of the FDA's work early in the pandemic to get this capability fielded, including Dr. Binita Ashar's personal involvement in mak-



Workers at Battelle's West Jefferson facility build one of its Critical Care Decontamination Systems.  
COURTESY OF BATTELLE

ing this technology available to nurses, doctors and other health care professionals."

Massey said the nonprofit research institute has been in touch with the FDA as "reporting obligations have evolved during the pandemic."

The FDA wrote to Battelle in August requesting information about the institute's processes for reporting adverse events to the FDA after the agency became aware that there may be deficiencies in the sanitization process.

Battelle's mask-cleaning technology was used at some Columbus-area hospitals, including Ohio State University's Wexner Medical Center and OhioHealth facilities.

While the reused masks were sometimes damaged, OhioHealth spokesman Colin Yoder said Battelle's cleaning system ensured every person who entered the room of a COVID-19 patient at OhioHealth's hospitals was wearing an N95 mask.

"We did not experience widespread mask degradation, but did occasionally have a mask that changed shape enough to not fit well and, in those situations, we'd simply discard the mask and grab another mask," Yoder said.

"This was a temporary solution for OhioHealth, and we continue to source new, disposable N95 masks as our ideal and primary solution."

## Shutdowns spark Jewish community protests

Ryan W. Miller  
USA TODAY

NEW YORK — Protesters gathered for a second night in New York on Wednesday in defiance of new shutdown orders in some of the city's neighborhoods that have seen concerning spikes in new COVID-19 cases in recent weeks.

Orthodox Jewish protesters gathered en masse in Brooklyn, some with masks and others without, defying new restrictions from Gov. Andrew Cuomo that would close nonessential businesses and schools and limit the size of religious gatherings.

The new lockdown orders were issued for parts of Queens, Brooklyn and the city's suburbs that have disproportionately contributed to new virus cases in recent weeks, and some of those areas are home to large populations of the Orthodox Jewish community.

The new measures also come amid the Jewish holiday of Sukkot, contributing to the anger from some of those in the Orthodox community.

Photos and videos of the Wednesday night protest showed crowds dancing in the street and waving campaign flags for President Donald Trump.

However, a reporter, Jacob Kornbluh of Jewish Insider, said he was "brutally assaulted" after being targeted in the protest by a critic of the lockdown.

Kornbluh said he was "hit in the head, and kicked at by an angry crowd of hundreds of community members." Kornbluh, who is Jewish, said he was also called "Nazi" and "Hitler."

New York Police Department said in an email to USA TODAY that no arrests were made or summonses issued for violations of COVID-19 restrictions.

Crowds also gathered Tuesday to protest the new restrictions. Fires were lit to burn masks and at least two people were injured, according to local news outlet Gothamist.

Addressing concerns that the lockdown restrictions were singling out the Orthodox community, Cuomo said earlier Wednesday that the cluster boundaries were driven entirely by data.



Members of the Orthodox community speak with NYPD officers Wednesday in the Borough Park neighborhood of Brooklyn. JOHN MINICILLO/AP

However, he acknowledged that some were critical of his decision.

Mayor Bill de Blasio, who had proposed new shutdowns to the state on Sunday based on ZIP codes, defended the governor's plan to limit gatherings in houses of worship.

"We know that we've got to get out of this and we've got to get out of it quickly. No one wants to see a full resurgence, a second wave in New York City. If we get a second wave, then a lot more will be shut down for a lot longer," de Blasio told reporters Wednesday.

Nine ZIP codes have seen test positivity levels rise above 3% on a seven-day average, de Blasio said. The city is also watching a dozen other ZIP codes that are nearing that number, too. The mayor proposed shutdowns based on those ZIP codes, but Cuomo instead issued the orders on a tiered cluster system. The closer to the center of the cluster, the tougher the restrictions.

In "red" zones, the areas with the highest levels of the virus, houses of worship will be limited to 25% capacity or 10 people maximum; mass gatherings prohibited; no nonessential businesses; dining can be takeout only; schools would be online only.

Those new restrictions will apply to five COVID-19 clusters across the state.

Contributing: Joseph Spector and Jon Campbell, New York State Team

Martin County - Growth Management

N/A

A-14-All

Notice of Public Hearings

Advertiser:

GC10508127-01

Ad Number:

Insertion Number:

N/A

Size:

3 Col x 10 in

Color Type:

N/A

Description:

Section-Page-Zone(s):

### NOTICE OF PUBLIC HEARINGS

The Martin County Board of County Commissioners will conduct public hearings on October 27, 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 19-28, GOLDEN GATE, 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.
2. AN ORDINANCE OF MARTIN COUNTY, FLORIDA, CREATING DIVISION 7, GOLDEN GATE COMMUNITY REDEVELOPMENT CODE OF ARTICLE 12, REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; REPEALING SECTION 3.267, GOLDEN GATE COMMUNITY REDEVELOPMENT AREA, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; AMENDING THE ZONING ATLAS TO ASSIGN THE GOLDEN GATE 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.
3. AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLAN AMENDMENT 20-02, MARTINEZ COVE ROAD, 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.

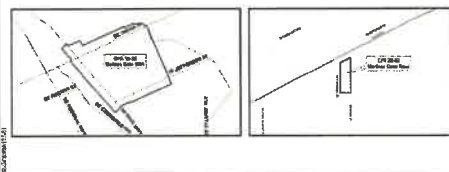
In conjunction with:

4. A RESOLUTION OF MARTIN COUNTY, FLORIDA, REGARDING AN APPLICATION TO CHANGE THE ZONING DISTRICT FROM A-1, SMALL FARMS DISTRICT TO RE-12 A, RESIDENTIAL ESTATE DISTRICT OR THE MOST APPROPRIATE ZONING DISTRICT ON 2.38 ACRES AT 1500 S.E. COVE ROAD, WEST OF S.E. GRACE LANE.

All interested persons are invited to attend and be heard. 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: Paul Schilling, 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.

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.



The Stuart News  
TREASURE COAST NEWSPAPERS PART OF THE USA TODAY NETWORK

Friday, October 9, 2020

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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 A-1, SMALL FARMS DISTRICT TO RE-1/2A, RESIDENTIAL ESTATE DISTRICT OR THE MOST APPROPRIATE ZONING DISTRICT ON 2.38 ACRES AT 1500 S.E. COVE ROAD, WEST OF S.E. GRACE LANE.**

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

1. Steven M. Martinez and Nicholas Martinez Jr., the owners of the land that is the subject of this resolution, submitted an application to change the zoning district on  $\pm$ 2.38 acres of land, described in Exhibit A, attached hereto.
2. The Local Planning Agency heard the application at a public hearing on September 17, 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 October 27, 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) to RE-1/2A (Residential Estate District).

- B. Pursuant to Section 5.32.B.3.f., Land Development Regulations, Martin County Code, this rezoning action is hereby determined to meet the requirements for a Certificate of Public Facilities Exemption.
- C. Pursuant to Section 14.1C.5.(2), Comprehensive Growth Management Plan, Martin County Code, regarding preliminary development approvals, the property described in Exhibit A is subject to a determination of level of service capacity at final site plan approval and no rights to obtain final development orders, nor any other rights to develop the subject property have been granted or implied by this Board.
- D. If Comprehensive Plan Amendment 20-02, Martinez Cove Road is not timely challenged, this resolution shall become effective 31 days after adoption by the Board of County Commissioners. If CPA 20-02 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 20-02 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 27<sup>th</sup> DAY OF OCTOBER, 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

34-38-41-001-000-00080-5

### Legal Description:

LOT 8, WA-CO FIELD PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 62, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; LESS AND EXCEPT THE FOLLOWING: KNOWN AS THE SOUTHERLY PORTION OF LOT 8, WA-CO FIELD PLACE, AS RECORDED IN PLAT BOOK 5, PAGE 62, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8, THENCE NORTH 8°18'3 L" WEST ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 626.67 FEET TO A POINT; THENCE NORTH 89°40'23" EAST, A DISTANCE OF 186.61 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8; THENCE SOUTH 0°19'53" EAST ALONG SAID EAST LINE, A DISTANCE OF 545.30 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 8; THENCE SOUTH 66°08'23" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 203.80 FEET TO THE POINT AND PLACE OF BEGINNING.



Clyde H. Dulin, AICP

PHQJ-1  
COUNTY  
EXHIBIT #2

**Employment:**

**Comprehensive Planning Administrator 5/2017 to Present**

Supervise Comprehensive Planning staff in the review applications to amend the Martin County Comprehensive Growth Management Plan, the Land Development Regulations and the Codes of Laws and Ordinances. Supervise staff responding to zoning questions and staff conducting site compliance inspections. Provide assistance, both internally and to the public, in matters of Plan implementation and development of regulatory codes and ordinances.

**Principal Planner**

**12/2013 to 5/2017**

Comprehensive Planning Division, Martin County Growth Management Department, Stuart, Florida. Review applications to amend the Martin County Comprehensive Growth Management Plan, the Land Development Regulations and the Codes of Laws and Ordinances. Prepare ordinances and reports for the Board of County Commissioners. Provide assistance, both internally and to the public, in matters of Plan implementation and development of regulatory codes and ordinances. Review Development Applications for Comprehensive Plan compliance.

**Senior Planner**

**12/2000 to 12/2013**

Comprehensive Planning Division, Martin County Growth Management Department, Stuart, Florida. Review applications to amend the Martin County Comprehensive Growth Management Plan, the Land Development Regulations and the Codes of Laws and Ordinances. Prepare ordinances and reports for the Board of County Commissioners.

**Planner II**

**9/1998 to 12/2000**

Environmental Division, Martin County Growth Management Department, Stuart, Florida. Reviewed Major and Minor Site Plans, both residential and non-residential development applications, for compliance with the Martin County Comprehensive Growth Management Plan and the Land Development Regulations.

**Building Inspector II**

**10/1996 to 9/1998**

Building Division, Martin County Growth Management Department, Stuart, Florida. Inspected commercial and residential construction for compliance with Building, Plumbing, Electrical, Mechanical, Energy Efficiency, Coastal Construction codes and the Americans with Disabilities Act.

**Education:**

Bachelor of Arts, Political Science, Florida Atlantic University, Boca Raton, Florida; 1988.  
Associate of Arts, Pre-Business Administration, Indian River Community College, Fort Pierce, Florida; 1986.  
American Institute of Certified Planners, November 2015.

