

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Stacey Hetherington

Name of Board/Agency:

Board of County Commissioners

Item/Issue: January 12, 2021 PHQJ-1 PUBLIC HEARING TO CONSIDER AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS FOR THE PROPERTY WHICH IS THE SUBJECT OF COMPREHENSIVE PLAN AMENDMENT 19-6, KL WATERSIDE, LLC, FUTURE LAND USE MAP AMENDMENT

Name of person, group or entity with which communication took place: Morris Crady, Jim Harvey, Michael Caputo, Ted Elam, Nancy Neill, Joan Goodrich, David Blount, Ford Gibson

Subject matter of communication: Waterside LLC – CPA 19-6

Describe investigations, site visits and provide any expert opinions received: n/a

List and attach any written communication received: attached

Rosemarie Zummo

Subject: FW: KL Waterside CPA 19-5, 19-6
Location: <https://us02web.zoom.us/j/82320764740?pwd=Nzh6MDFITUdhVVRNMndkbHg1WUQzd09>
Start: Thu 10/22/2020 10:00 AM
End: Thu 10/22/2020 11:00 AM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Morris Crady

-----Original Appointment-----

From: Morris Crady <mcrady@lucidodesign.com>
Sent: Thursday, October 15, 2020 12:19 PM
To: Morris Crady; Rosemarie Zummo; Jim Harvey; Michael Caputo; Ted Elam; Nancy Neill; Joan Goodrich; David Blount; Ford Gibson
Subject: KL Waterside CPA 19-5, 19-6
When: Thursday, October 22, 2020 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: <https://us02web.zoom.us/j/82320764740?pwd=Nzh6MDFITUdhVVRNMndkbHg1WUQzd09>

**Think Before You Click: This Email Originated
Outside of your organization.**

Morris Crady is inviting you to a scheduled Zoom meeting.

Topic: KL Waterside LLC CPA 19-5, 19-6
Time: Oct 22, 2020 10:00 AM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/82320764740?pwd=Nzh6MDFITUdhVVRNMndkbHg1WUQzd09>

Meeting ID: 823 2076 4740
Passcode: vad182

Morris A. Crady, AICP
Senior Vice President
Lucido & Associates
701 S.E. Ocean Blvd
Stuart, Florida 34994
Tel: 772.220.2100
Fax: 772.223.0220
mcrady@lucidodesign.com

From: dgregbraun@aol.com
To: [Commissioners](#)
Cc: [Paul Schilling](#); [Samantha Lovelady](#)
Subject: KL Waterside
Date: Monday, October 12, 2020 3:28:00 PM



Dear Commissioners:

The Guardians of Martin County have reviewed the requests by KL Waterside to amend the County's Comprehensive Growth Management Plan through a Text Amendment and an amendment to the Future Land Use Map. We oppose any Comp Plan changes that would waive the existing 40' height restriction and/or establish a free-standing Urban Services District.

Greg Braun
Executive Director
The Guardians of Martin County
(561)-758-3417

From: [Carol Ann](#)
To: [Comish](#)
Subject: BOCC meeting Oct. 27
Date: Monday, October 26, 2020 10:04:52 PM
Attachments: [BOCC Oct. 27, KW Waterside and more.docx](#)



I am attaching my comments. Thankyou for your consideration of them.
Carol Ann Leonard
Stuart

Agenda Item PH-4, PH-5 continued from Oct. 13, 2020. Also two Comp Plan Amendments, (CPA-19-5) and a Future Land Use Map Amendment (CPA 19-6)

Commissioners,

I'm writing out of concern for the changes being asked for by KW Waterside. I wrote before protesting the changing of the 40 ft. height of a building to 47 feet. They claim the building can be more profitable with the extra foot. It will only open the door to other hopefuls who want to change the Comp Plan. I have read that "staff" has not approved this change but has approved others that the company wants.

This leads me to the second issue that I do not want allowed. I've read that Kolter wants to establish a "free-standing industrial urban services district" on this property. **This will allow the owner to create and operate its own water and sewer plant. This is lunacy.** We don't need privatization of a sewer and water facility. In the past I was told this led to ones that were poorly maintained and resulted in significant pollution of local and regional bodies of water.

I know it's the goal of many Republicans to privatize things. To not have so much government. However, privatizing things has led to mis management and greater expense. In this case it can mean a greater detrimental expense to the environment. We only need Martin County to run sewer and water facilities. There are certain things only governments should run.

We already have an issue of what to do with bio material that comes from sewage treatment plants that people want to put on agricultural crops, etc. A horrible example happened at a farm near Blue Cypress Recreation area that did this. The bio matter leached into the water of the Rec area resulting in the formation of Blue Green Algae that we are all familiar with in Lake O and in Stuart via the St Lucie River. I don't want this bio matter on my food crops.

I haven't looked at the location of this land that they want to develop. I suspect that it is outside the Service Boundary in the Comprehensive Plan. Hence the private sewer and water facility. Again, we don't need to change the Comp Plan. We need to keep Stuart and Martin County the non, over developed areas they have been. We don't need to keep up with St Lucie County. We should be proud of our environmental accomplishments thus far as well as our innovative Comp Plan.

Kolter wants to re-locate the industrially zoned property from the rear of the 500-acre site to 250 acres adjacent to SW Kanner Highway. The rear 250 acres will be re-designated as agricultural property. What is being planned for building with the switch? I'm not totally opposed, as I assume for business it is better to be along Kanner. However, don't let the agricultural area be developed later on.

I'm not familiar with the Golden Gate CRA Agenda PH-1. I hope you will choose wisely.

Item PH-2. That allows 2 units per acre in stead of 1 per acre, I think is OK. Don't let it go any higher in density. Cove Road is already highly developed and heavily trafficked.

I'm not a golfer. I do want to have a public option for golfers to use. Everyone can't afford the ridiculously high fees of a gated community private golf course! I see the benefit of having a lighted practice driving range and hitting bays. I don't know if having more 9 hole courses vs. 18 holes is a benefit or not. I don't know anything about the present facilities. If there's

already a clubhouse and near the pro shop, why can't it be refurbished instead of building a 4,000 sq ft new clubhouse and then moving the pro shop? If people have golf carts why do they need a restroom on 3 new courses. **Please be frugal in spending.** Also, we've seen the reduction of close dining during the Covid 19 pandemic. It's going to be quite some time in my opinion before things get back to "normal". We need to consider what could happen if some other pandemic comes in the future. We don't need to overbuild.

Although I am very concerned over the Lake Okeechobee System Operations Manual and National Environmental Policy Act, why does our county have to pay **outside consultants \$232,000 to analyze and participate in their works?** Many environmental groups locally including the Rivers Coalition, The Martin County Democratic Environmental Caucus, Friends of the Everglades, 1000 Friends of Florida, The Guardians, Nature Conservancy, and many others, are all informed and keep track of what's going on. The Florida Oceanographic Society and all the other businesses in the Rivers Coalition keep tabs as well. The South Florida Water Management District is involved. The City of Stuart is involved. The Army Corp of Engineers is involved with these. What is to be accomplished by the outside consultants that can't already be handled by those mentioned above? We can spend that money on a better project.

Agenda Item DEPT-2 seeks approval of nearly \$8 million in contracts. The only one I would question is the \$1.17 million for Old Palm City Neighborhood restoration. I don't know what is planned. Is that amount really needed?

Lastly, I'm very disappointed that the mask mandate was change to "encouraged". I haven't been to any stores yet to see if they will still ask their patrons to wear a mask. I feel less safe now.

Also, Cleveland Clinic as of last week is only doing Covid tests on those with a fever of 100.4, have been in contact with someone who has Covid or have travelled. **Not a good way to keep up with the real number of infections.** I had to ask my Dr. where to go. Luckily I was told someone could go to the walk in 365 medical facility in Palm City.

Maybe Commissioner Jenkins who made a comment about how it couldn't be enforced should ask Sherriff Snyder how much "enforcing" he did. I saw his comment the first time the mask ordinance was in place. Although I agreed with him that "education" was important, he didn't convey to me that he seemed very enthused about proceeding further.

Meanwhile, counts are going up in many, many states as well as in nearby St Lucie and Palm Beach County.

Of course, we all are tired of doing things that are shown to keep us safer. We want the normal lifestyle we had. The virus isn't gone. Until we get a safe and effective vaccine, and some additional drugs that can help but still not cure the virus, we have to do what we know keeps us safer. EVERYONE with few exceptions, should be wearing masks, and keeping social distance. I'm very upset with Commissioners, Heatherington, Smith and Jenkins on this issue.

Carol Ann Leonard
Stuart

From: [PATRICIA & JOHN HUDNALL](#)
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: Commercial building on 96th Street, Stuart
Date: Friday, October 9, 2020 2:31:41 PM



WE OPPOSE #CPA 19.5 AND CPA # 19-6.

John and Patricia Hudnall

From: [Catherine Spata](#)
To: [Stacey Hetherington](#)
Subject: CPA
Date: Monday, October 12, 2020 3:31:11 PM

This Email Sent From External Sender

We oppose #19.5 and CPA#19-6

Thank you

Sent from my iPad

From: [John Spata](#)
To: [Stacey Hetherington](#)
Subject: CPA
Date: Monday, October 12, 2020 3:45:50 PM

This Email Sent From External Sender

We oppose CPA 19.5 and CPA # 19-6
Thank you
Sent from my iPad

From: [Tenille McLeod](#)
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: CPA 19.5 and CPA 19.6
Date: Thursday, October 1, 2020 8:15:24 PM



Good evening,

We are very concerned about project CPA 19.5 and CPA 19.6 and completely oppose this project in our neighborhood. Please reject this proposed plan!!

Sincerely,

Tenille McLeod
3045 SW Porpoise Cr. Stuart, 34997

From: rerelam@hotmail.com
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: CPA 19.5 and CPA 19.6
Date: Saturday, October 10, 2020 8:01:45 AM



We oppose #CPA 19.5 and CPA #19.6.

Thank you,
Marie LaMonica
Luis Reteguiz-Denizard

From: [irene Wilson](#)
To: [Doug Smith](#)
Cc: [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: Current future land map
Date: Sunday, October 11, 2020 12:17:27 PM

This Email Sent From External Sender

I oppose #CPA19.5 and CPA#19.6

I prefer the current future land map for the industrial section ORD 876. This current future land use map would put the industrial section of this land "out of site" from Kanner highway. And would save us taxpayers from more taxes. And we would not have to have Kanner highway torn up again for access to water & sewer for this petitioner trying to rezone, this piece of land, which land owners along Kanner would not be allowed to have access to!! But we would get taxed for.

Your support to protect all of us is greatly appreciated!

Sent from my iPhone

From: [Barbara Hayes](#)
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: We SUPPORT CPA # 19.5 and CPA # 19.6
Date: Monday, October 12, 2020 9:55:01 PM



Dear Martin County Commissioners -

As area land/homeowners, we have been unable to attend meetings regarding the rezoning of the 499 acre parcel near Kanner Highway and 96th Street. However, we want to let you know that we DO support the proposed changes to the future land use map as it makes a lot of sense.

Instead of a future industrial area entrance located near the base of the tall, vision-obstructing 96th Street bridge (as the current map shows), the industrial entrance would be better moved as proposed to face Kanner Highway, which has better safety and visibility, is already mainly commercial, and has only a few neighboring residences. (We do agree that those few residences should be able to have access to any new water and sewer services however.)

Conversely, 96th Street is mainly residential, with several established developments and hundreds of family homes as well as a church accessing the two lane road. Most important, Crystal Lake Elementary School is on 96th Street, and neighborhood safety and traffic patterns there are of concern.

All things considered, we believe that the proposed changes to the future land use map in the cases of 19.5 and 19.6 are beneficial ones.

Sincerely,

D. Lee and Barbara Hayes

D. Lee and Barbara Hayes
10075 SW Green Ridge Lane
Palm City, FL 34990

(917) 400-3164 (cell)
bghayes@comcast.net

From: [James Ross](#)
To: [Doug Smith](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#); [Stacey Hetherington](#)
Cc: wrkarpinia@yahoo.com
Subject: .Subject #CPA 19.5 and #CPA 19.6
Date: Tuesday, October 20, 2020 9:11:49 AM



My wife and I strongly oppose proposed projects #CPA 19.5 and #CPA 19.6 that are near our residence in St. Lucie Falls off 96th Street.

We most certainly do not need a large Amazon Distribution Center nearby that is part of this project. Thank you, commissioners, for your

cooperation in, hopefully, opposing these proposals.

Respectfully,
James and Diane Ross

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(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Stacey Hetherington

Name of Board/Agency:

Board of County Commissioners

Item/Issue: January 12, 2021 PHQJ-2 REQUEST FOR APPROVAL OF SEAWARD BOAT STORAGE FINAL SITE PLAN

Name of person, group or entity with which communication took place: n/a

Subject matter of communication: n/a

Describe investigations, site visits and provide any expert opinions received: n/a

List and attach any written communication received: n/a

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Harold Jenkins

Name of Board/Agency:

BOCC Meeting Tuesday, January 12, 2021

Item/Issue: Item # 21-0274 PHQJ-1 Public Hearing to Consider Amendment to the Martin County Zoning Atlas for the Property Which is the Subject of Comprehensive Plan Amendment 19-6, KL Waterside, LLC Future Land Use Map Amendment

Name of person, group or entity with which communication took place:

Morris Crady (Lucido and Associates), Jim Harvey (Landowner), Ted Elam (Foundry Group, warehouse/distribution developer) 10/21/2020

Morris Crady (Lucido and Associates) 10/26/2020

Greg Braun (Guardians) and Jack Cox (Attorney) – 01/06/2021

Subject matter of communication:

KL Waterside – 10/21/2020

KL Waterside – 10/26/2020

KL Waterside – 01/06/2020

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

See attached

From: [James Ross](#)
To: [Doug Smith](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#); [Stacey Hetherington](#)
Cc: wrkarpinia@yahoo.com
Subject: .Subject #CPA 19.5 and #CPA 19.6
Date: Tuesday, October 20, 2020 9:11:48 AM



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From: [Carol Ann](#)
To: [Comish](#)
Subject: BOCC meeting Oct. 27
Date: Monday, October 26, 2020 10:04:52 PM
Attachments: [BOCC Oct. 27, KW Waterside and more.docx](#)



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Stuart

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Also, Cleveland Clinic as of last week is only doing Covid tests on those with a fever of 100.4, have been in contact with someone who has Covid or have travelled. **Not a good way to keep up with the real number of infections.** I had to ask my Dr. where to go. Luckily I was told someone could go to the walk in 365 medical facility in Palm City.

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Meanwhile, counts are going up in many, many states as well as in nearby St Lucie and Palm Beach County.

Of course, we all are tired of doing things that are shown to keep us safer. We want the normal lifestyle we had. The virus isn't gone. Until we get a safe and effective vaccine, and some additional drugs that can help but still not cure the virus, we have to do what we know keeps us safer. EVERYONE with few exceptions, should be wearing masks, and keeping social distance. I'm very upset with Commissioners, Heatherington, Smith and Jenkins on this issue.

Carol Ann Leonard
Stuart

From: [PATRICIA & JOHN HUDNALL](#)
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: Commercial building on 96th Street, Stuart
Date: Friday, October 9, 2020 2:31:40 PM



WE OPPOSE #CPA 19.5 AND CPA # 19-6.

John and Patricia Hudnall

From: [Michelle Hartman](#)
To: [Harold Jenkins](#)
Subject: Cpa 19.5 & cpa 19.6
Date: Wednesday, September 30, 2020 3:32:24 PM



I oppose #CPA 19.5 & CPA 19.6.
THANK YOU, MICHELLE HARTMAN

From: rerelam@hotmail.com
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: CPA 19.5 and CPA 19.6
Date: Saturday, October 10, 2020 8:01:45 AM



We oppose #CPA 19.5 and CPA #19.6.

Thank you,
Marie LaMonica
Luis Reteguiz-Denizard

From: [Tenille McLeod](#)
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: CPA 19.5 and CPA 19.6
Date: Thursday, October 1, 2020 8:15:24 PM



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Sincerely,

Tenille McLeod
3045 SW Porpoise Cr. Stuart, 34997

From: [John Spata](#)
To: [Harold Jenkins](#)
Subject: CPA
Date: Monday, October 12, 2020 3:47:17 PM

This Email Sent From External Sender

We oppose # CPA 19.5 and CPA # 19-6
Thank you
Sent from my iPad

From: [Catherine Spata](#)
To: [Harold Jenkins](#)
Subject: CPA
Date: Monday, October 12, 2020 3:32:58 PM

This Email Sent From External Sender

We oppose #CPA 19.5 and CPA #19-6
Thank you
Sent from my iPad

From: [irene Wilson](#)
To: [Doug Smith](#)
Cc: [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: Current future land map
Date: Sunday, October 11, 2020 12:17:27 PM

This Email Sent From External Sender

I oppose #CPA19.5 and CPA#19.6

I prefer the current future land map for the industrial section ORD 876. This current future land use map would put the industrial section of this land "out of site" from Kanner highway. And would save us taxpayers from more taxes. And we would not have to have Kanner highway torn up again for access to water & sewer for this petitioner trying to rezone, this piece of land, which land owners along Kanner would not be allowed to have access to!! But we would get taxed for.

Your support to protect all of us is greatly appreciated!

Sent from my iPhone

From: [Dad Kay](#)
To: [Harold Jenkins](#)
Subject: Kanner project 19.5
Date: Friday, September 18, 2020 11:36:03 AM

This Email Sent From External Sender

Good Morning Comm. Jenkins,

I'm writing because I recently became aware of a project which is proposed very near my home. It has the potential to severely impact myself and my neighbors and would like more specifics on how we are protected. My understanding is no air quality or traffic generated noise/hazards/air quality impact baselines are accounted for in the planning documents. Some 1000 cars and trucks are being added in front of my home every morning? How can that not affect us? Additionally, the balance of traffic over the remaining 23 hours every day are not even mentioned. I'm going to assume those vehicles don't just disappear so what is the real number of trips per day being generated? Kanner Hwy where this project is proposed is a 2 lane rd., this proposed project has a significant impact on traffic alone. I would like to know your position regarding this project and your input regarding the effects on the homeowners nearby.

Thank you

Walter Karpinia.

Sent from my iPhone

From: dgregbraun@aol.com
To: [Commissioners](#)
Cc: [Paul Schilling](#); [Samantha Lovelady](#)
Subject: KL Waterside
Date: Monday, October 12, 2020 3:28:00 PM



Dear Commissioners:

The Guardians of Martin County have reviewed the requests by KL Waterside to amend the County's Comprehensive Growth Management Plan through a Text Amendment and an amendment to the Future Land Use Map. We oppose any Comp Plan changes that would waive the existing 40' height restriction and/or establish a free-standing Urban Services District.

Greg Braun
Executive Director
The Guardians of Martin County
(561)-758-3417

From: [Carol Ann](#)
To: [Harold Jenkins](#)
Subject: please see the attachment
Date: Monday, October 12, 2020 9:36:00 PM
Attachments: [Comments on the Oct.13, 2020 Agenda.docx](#)



Commissioner Jenkins,

I am hoping that you will go along with Commissioners, Heard and Ciampi and leave the mask (face covering) mandate in place as it was written, passed and put in place. If you change it to "encourage or recommend" you will undo the progress that has been made to keep the people of Martin County safer.

The citizens of Hobe Sound, which is your district, have been through so much lately. The flooding in Hobe Heights in particular. Some were forced out of their homes. Now by not keeping the mask ordinance in place as is, you will be increasing their stress. Now they don't have the safety of their home.

You must have heard how wearing a mask by EVERY person and maintaining social distance is still the best way to try and control the spread of Covid 19.

Please don't listen to the anti mask people. From what I've heard myself in the past and worse now, comments/threats that I was told they are making to Comm. Heard and Ciampi, are wrong. They are ill informed. They mistake patriotism as not wearing a mask when it is patriotic to wear one and protect ourselves. It's not a Constitutional right to infect other people.

Thank you,
Carol Ann Leonard
Stuart

Commissioners, I'm writing my comments for the Oct.13 meeting. Carol Ann Leonard, Stuart

You no longer read our comments, those of us who don't want to put ourselves at risk to be among the **loud, ill-informed crowd** that usually attends the mask ordinance meetings. I attended one meeting on Zoom and waited from early PM until well after 5 PM before being able to speak. All the anti-mask people got to speak first and for many hours. I was there at the start of that part of the meeting just like they were. The few of us on Zoom should have been allowed to speak sooner.

The anti-mask people aren't patriots. Their civil and Constitutional rights aren't being taken away by wearing a mask and keeping a social distance. It's patriotic to wear a mask and help keep everyone safer.

I've also been told that the crowd is not asked to be civil and have hurled insults and threats to Commissioners Sarah Heard and Ed Ciampi who are staunch mask mandate supporters. **It's shameful to allow the mask haters to do that.**

Agenda Item PH-6

Please hear my plea to keep the mask (face covering) ordinance in place as is. We still know that by every person wearing a mask (unless they meet the exceptions) and keeping a social distance of at least 6 ft. when possible, it is the best way to prevent the spread of Covid 19. The antibody cocktail that Pres. Trump took isn't "a cure" as he says. The co. says they only have 50,000 doses on hand. They say it can help but it isn't a cure. There is no vaccine for sure yet.

Cases are on the rise in the US and in the World. When other states start closing windows, having people congregate in close quarters, cases may rise even more. Luckily here winter takes a long time to start closing in people.

Still if all people are not wearing masks the virus will spread. If it isn't required, many people won't wear a mask in any buildings and places that they can get away with not wearing one. "Encouraged and recommended" won't help keep the majority of people who do want a mask to be worn, to be kept safer.

I've seen some people now who don't adhere to the mandate. I shudder to think what will happen if they are not mandated to wear a mask properly. Fines should still be given. We just got the majority of people to wear masks from what I can see on my occasional outings. If not mandated that progress will be undermined and put more people at risk.

Agenda Item PH-1

Why don't you listen to the 700 residents who have expressed opposition, signing a petition to reject the amendment? They say the proposed change is "totally inconsistent with the surrounding neighborhoods". It's to be another proposal to transmit a Comprehensive Plan Amendment to change the future land use? Keep the Comp Plan.

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Agenda Item DEPT-1

You say give an additional \$246,003.00 to the Parks and Rec to start up and operate the Seaside Cafe.

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Agenda Item DPQJ-1

How do the neighbors, if any, like the idea of a shooting range?

Consent Agenda-once again I really don't approve of money being spent without any public comment. Also, without identifying the purpose of the payments or the payees.

From: [Chris Fountain](#)
To: wrkarpinia@yahoo.com; [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); sheardeciami@martin.fl.us
Subject: Proposed Development Dilemma URGENT
Date: Sunday, October 11, 2020 9:47:36 AM



Dear Mr. and Mrs. Walter and Diane Karpinia -

Thank you for the very important postal mail concerning proposed development along SW 96th Street and Kanner Highway.

The very reason I moved to Martin County was to avoid the concrete jungle lifestyle of South Florida. Martin County preserves are already being penetrated or destroyed by County Commissioners **who might** have their status and wallets in mind.

Please keep in mind that we do not need an elementary school (Crystal Lake) in the middle of commercialization and industrial development. Although I'm 61 years of age, I respect the right of children and parents to travel with no fear to school and back on their bicycles.

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Let's not turn Martin county into another Miamish suburb.

Very Respectively,

Chris Fountain (A constitutionalist)

From: [Al Robinson](#)
To: [Harold Jenkins](#)
Subject: proposed rezoning
Date: Monday, October 12, 2020 8:50:47 PM



Mr. Jenkins, we want to go on record as opposing CPA19.5 and CPA19.6. We live in the St Lucie Falls subdivision and we feel any industrial zoning will adversely affect our residential area. Furthermore, the improvements to Kanner Hwy will likely cause greater future residential growth in our area.

Thank you for your work as a commissioner.

Al & Anitarae Robinson
2823 SW Marquis Terrace, Stuart

From: [realsquack](#)
To: [Taryn Kryzda](#); [Harold Jenkins](#)
Subject: Question
Date: Monday, October 26, 2020 11:43:09 AM



Taryn and Harold,

Are Ph-4 and PH-5 on the agenda for the BOCC meeting tomorrow.?

Just curious..

Jackie Trancynger.

PH-4LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT 19-6, KL WATERSIDE, LLC FLUMAn application for a Comprehensive Growth Management Plan (CGMP) Future Land Use Map amendment (FLUM) from Agricultural, Industrial and Marine Waterfront Commercial to Industrial and Agricultural within a 499.4-acre parcel.Agenda Item:21-0051PH-5LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT (CPA) 19-5, KL WATERSIDE, LLC, A TEXT AMENDMENTThis is a request for text amendments to Chapter 4, Future Land Use Element. The application also includes amendments to Figure 4-2 Urban Service Districts retracting the Primary Urban Service District (PUSD); creating a Freestanding Industrial Urban Service District; and changing Figures 11-1, Areas Currently Served by Regional Utilities and 11-2, Potential Service Areas. The changes to Figures 11-1 and 11-2 are considered text amendments to Chapter 11, Potable Water Services Element.Agenda Item:21-0052Supplemental MemorandumPH-6REQUEST APPROVAL FOR A R

From: [Barbara Hayes](#)
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: We SUPPORT CPA # 19.5 and CPA # 19.6
Date: Monday, October 12, 2020 9:55:01 PM



Dear Martin County Commissioners -

As area land/homeowners, we have been unable to attend meetings regarding the rezoning of the 499 acre parcel near Kanner Highway and 96th Street. However, we want to let you know that we DO support the proposed changes to the future land use map as it makes a lot of sense.

Instead of a future industrial area entrance located near the base of the tall, vision-obstructing 96th Street bridge (as the current map shows), the industrial entrance would be better moved as proposed to face Kanner Highway, which has better safety and visibility, is already mainly commercial, and has only a few neighboring residences. (We do agree that those few residences should be able to have access to any new water and sewer services however.)

Conversely, 96th Street is mainly residential, with several established developments and hundreds of family homes as well as a church accessing the two lane road. Most important, Crystal Lake Elementary School is on 96th Street, and neighborhood safety and traffic patterns there are of concern.

All things considered, we believe that the proposed changes to the future land use map in the cases of 19.5 and 19.6 are beneficial ones.

Sincerely,

D. Lee and Barbara Hayes

D. Lee and Barbara Hayes
10075 SW Green Ridge Lane
Palm City, FL 34990

(917) 400-3164 (cell)
bghayes@comcast.net

Colleen Pachowicz

Subject: KL Waterside, LLC (formerly Neal or Neil Property) Discussion with Morris Crady, Jim Harvey (Land Owner/Applicant) and Ted Elam (Foundry Group)
Location: Blake Library - Trustees Conference Room
Start: Wed 10/21/2020 1:00 PM
End: Wed 10/21/2020 2:00 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Harold Jenkins
Required Attendees: Colleen Pachowicz; Clyde Dulin

Thanks Colleen...the two others will be...

Jim Harvey, KL Waterside LLC (land owner/applicant)
Ted Elam, Foundry Group (warehouse/distribution developer)

RE: CPA #19-5, 19-6

Morris A. Crady, AICP
Senior Vice President
Lucido & Associates
701 S.E. Ocean Blvd
Stuart, Florida 34994
Tel: 772.220.2100
Fax: 772.223.0220
mcrady@lucidodesign.com

Landscape Architecture - Land Planning - Land Entitlement

Colleen Pachowicz

Subject: Phone Call - Len Sucky (Waterside)

Start: Thu 11/19/2020 12:00 PM

End: Thu 11/19/2020 12:30 PM

Recurrence: (none)

Organizer: Harold Jenkins

Colleen Pachowicz

Subject: Phone call w/ Morris Crady re: Waterside

Start: Mon 10/26/2020 3:00 PM

End: Mon 10/26/2020 3:30 PM

Recurrence: (none)

Organizer: Harold Jenkins

From: [James Ross](#)
To: [Doug Smith](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#); [Stacey Hetherington](#)
Cc: wrkarpinia@yahoo.com
Subject: .Subject #CPA 19.5 and #CPA 19.6
Date: Tuesday, October 20, 2020 9:11:48 AM



My wife and I strongly oppose proposed projects #CPA 19.5 and #CPA 19.6 that are near our residence in St. Lucie Falls off 96th Street.

We most certainly do not need a large Amazon Distribution Center nearby that is part of this project. Thank you, commissioners, for your

cooperation in, hopefully, opposing these proposals.

Respectfully,
James and Diane Ross

From: [Carol Ann](#)
To: [Comish](#)
Subject: BOCC meeting Oct. 27
Date: Monday, October 26, 2020 10:04:52 PM
Attachments: [BOCC Oct. 27, KW Waterside and more.docx](#)



I am attaching my comments. Thankyou for your consideration of them.
Carol Ann Leonard
Stuart

Agenda Item PH-4, PH-5 continued from Oct. 13, 2020. Also two Comp Plan Amendments, (CPA-19-5) and a Future Land Use Map Amendment (CPA 19-6)

Commissioners,

I'm writing out of concern for the changes being asked for by KW Waterside. I wrote before protesting the changing of the 40 ft. height of a building to 47 feet. They claim the building can be more profitable with the extra foot. It will only open the door to other hopefuls who want to change the Comp Plan. I have read that "staff" has not approved this change but has approved others that the company wants.

This leads me to the second issue that I do not want allowed. I've read that Kolter wants to establish a "free-standing industrial urban services district" on this property. **This will allow the owner to create and operate its own water and sewer plant. This is lunacy.** We don't need privatization of a sewer and water facility. In the past I was told this led to ones that were poorly maintained and resulted in significant pollution of local and regional bodies of water.

I know it's the goal of many Republicans to privatize things. To not have so much government. However, privatizing things has led to mis management and greater expense. In this case it can mean a greater detrimental expense to the environment. We only need Martin County to run sewer and water facilities. There are certain things only governments should run.

We already have an issue of what to do with bio material that comes from sewage treatment plants that people want to put on agricultural crops, etc. A horrible example happened at a farm near Blue Cypress Recreation area that did this. The bio matter leached into the water of the Rec area resulting in the formation of Blue Green Algae that we are all familiar with in Lake O and in Stuart via the St Lucie River. I don't want this bio matter on my food crops.

I haven't looked at the location of this land that they want to develop. I suspect that it is outside the Service Boundary in the Comprehensive Plan. Hence the private sewer and water facility. Again, we don't need to change the Comp Plan. We need to keep Stuart and Martin County the non, over developed areas they have been. We don't need to keep up with St Lucie County. We should be proud of our environmental accomplishments thus far as well as our innovative Comp Plan.

Kolter wants to re-locate the industrially zoned property from the rear of the 500-acre site to 250 acres adjacent to SW Kanner Highway. The rear 250 acres will be re-designated as agricultural property. What is being planned for building with the switch? I'm not totally opposed, as I assume for business it is better to be along Kanner. However, don't let the agricultural area be developed later on.

I'm not familiar with the Golden Gate CRA Agenda PH-1. I hope you will choose wisely.

Item PH-2. That allows 2 units per acre in stead of 1 per acre, I think is OK. Don't let it go any higher in density. Cove Road is already highly developed and heavily trafficked.

I'm not a golfer. I do want to have a public option for golfers to use. Everyone can't afford the ridiculously high fees of a gated community private golf course! I see the benefit of having a lighted practice driving range and hitting bays. I don't know if having more 9 hole courses vs. 18 holes is a benefit or not. I don't know anything about the present facilities. If there's

already a clubhouse and near the pro shop, why can't it be refurbished instead of building a 4,000 sq ft new clubhouse and then moving the pro shop? If people have golf carts why do they need a restroom on 3 new courses. **Please be frugal in spending.** Also, we've seen the reduction of close dining during the Covid 19 pandemic. It's going to be quite some time in my opinion before things get back to "normal". We need to consider what could happen if some other pandemic comes in the future. We don't need to overbuild.

Although I am very concerned over the Lake Okeechobee System Operations Manual and National Environmental Policy Act, why does our county have to pay **outside consultants \$232,000 to analyze and participate in their works?** Many environmental groups locally including the Rivers Coalition, The Martin County Democratic Environmental Caucus, Friends of the Everglades, 1000 Friends of Florida, The Guardians, Nature Conservancy, and many others, are all informed and keep track of what's going on. The Florida Oceanographic Society and all the other businesses in the Rivers Coalition keep tabs as well. The South Florida Water Management District is involved. The City of Stuart is involved. The Army Corp of Engineers is involved with these. What is to be accomplished by the outside consultants that can't already be handled by those mentioned above? We can spend that money on a better project.

Agenda Item DEPT-2 seeks approval of nearly \$8 million in contracts. The only one I would question is the \$1.17 million for Old Palm City Neighborhood restoration. I don't know what is planned. Is that amount really needed?

Lastly, I'm very disappointed that the mask mandate was change to "encouraged". I haven't been to any stores yet to see if they will still ask their patrons to wear a mask. I feel less safe now.

Also, Cleveland Clinic as of last week is only doing Covid tests on those with a fever of 100.4, have been in contact with someone who has Covid or have travelled. **Not a good way to keep up with the real number of infections.** I had to ask my Dr. where to go. Luckily I was told someone could go to the walk in 365 medical facility in Palm City.

Maybe Commissioner Jenkins who made a comment about how it couldn't be enforced should ask Sherriff Snyder how much "enforcing" he did. I saw his comment the first time the mask ordinance was in place. Although I agreed with him that "education" was important, he didn't convey to me that he seemed very enthused about proceeding further.

Meanwhile, counts are going up in many, many states as well as in nearby St Lucie and Palm Beach County.

Of course, we all are tired of doing things that are shown to keep us safer. We want the normal lifestyle we had. The virus isn't gone. Until we get a safe and effective vaccine, and some additional drugs that can help but still not cure the virus, we have to do what we know keeps us safer. EVERYONE with few exceptions, should be wearing masks, and keeping social distance. I'm very upset with Commissioners, Heatherington, Smith and Jenkins on this issue.

Carol Ann Leonard
Stuart

From: [PATRICIA & JOHN HUDNALL](#)
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: Commercial building on 96th Street, Stuart
Date: Friday, October 9, 2020 2:31:40 PM



WE OPPOSE #CPA 19.5 AND CPA # 19-6.

John and Patricia Hudnall

From: [Michelle Hartman](#)
To: [Harold Jenkins](#)
Subject: Cpa 19.5 & cpa 19.6
Date: Wednesday, September 30, 2020 3:32:24 PM



I oppose #CPA 19.5 & CPA 19.6.
THANK YOU, MICHELLE HARTMAN

From: rerelam@hotmail.com
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: CPA 19.5 and CPA 19.6
Date: Saturday, October 10, 2020 8:01:45 AM



We oppose #CPA 19.5 and CPA #19.6.

Thank you,
Marie LaMonica
Luis Reteguiz-Denizard

From: [Tenille McLeod](#)
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: CPA 19.5 and CPA 19.6
Date: Thursday, October 1, 2020 8:15:24 PM



Good evening,

We are very concerned about project CPA 19.5 and CPA 19.6 and completely oppose this project in our neighborhood. Please reject this proposed plan!!

Sincerely,

Tenille McLeod
3045 SW Porpoise Cr. Stuart, 34997

From: [John Spata](#)
To: [Harold Jenkins](#)
Subject: CPA
Date: Monday, October 12, 2020 3:47:17 PM

This Email Sent From External Sender

We oppose # CPA 19.5 and CPA # 19-6

Thank you

Sent from my iPad

From: [Catherine Spata](#)
To: [Harold Jenkins](#)
Subject: CPA
Date: Monday, October 12, 2020 3:32:58 PM

This Email Sent From External Sender

We oppose #CPA 19.5 and CPA #19-6
Thank you
Sent from my iPad

From: [irene Wilson](#)
To: [Doug Smith](#)
Cc: [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: Current future land map
Date: Sunday, October 11, 2020 12:17:27 PM

This Email Sent From External Sender

I oppose #CPA19.5 and CPA#19.6

I prefer the current future land map for the industrial section ORD 876. This current future land use map would put the industrial section of this land "out of site" from Kanner highway. And would save us taxpayers from more taxes. And we would not have to have Kanner highway torn up again for access to water & sewer for this petitioner trying to rezone, this piece of land, which land owners along Kanner would not be allowed to have access to!! But we would get taxed for.

Your support to protect all of us is greatly appreciated!

Sent from my iPhone

From: [Dad Kay](#)
To: [Harold Jenkins](#)
Subject: Kanner project 19.5
Date: Friday, September 18, 2020 11:36:03 AM

This Email Sent From External Sender

Good Morning Comm. Jenkins,

I'm writing because I recently became aware of a project which is proposed very near my home. It has the potential to severely impact myself and my neighbors and would like more specifics on how we are protected. My understanding is no air quality or traffic generated noise/hazards/air quality impact baselines are accounted for in the planning documents. Some 1000 cars and trucks are being added in front of my home every morning? How can that not affect us? Additionally, the balance of traffic over the remaining 23 hours every day are not even mentioned. I'm going to assume those vehicles don't just disappear so what is the real number of trips per day being generated? Kanner Hwy where this project is proposed is a 2 lane rd., this proposed project has a significant impact on traffic alone. I would like to know your position regarding this project and your input regarding the effects on the homeowners nearby.

Thank you

Walter Karpinia.

Sent from my iPhone

From: dgregbraun@aol.com
To: [Commissioners](#)
Cc: [Paul Schilling](#); [Samantha Lovelady](#)
Subject: KL Waterside
Date: Monday, October 12, 2020 3:28:00 PM



Dear Commissioners:

The Guardians of Martin County have reviewed the requests by KL Waterside to amend the County's Comprehensive Growth Management Plan through a Text Amendment and an amendment to the Future Land Use Map. We oppose any Comp Plan changes that would waive the existing 40' height restriction and/or establish a free-standing Urban Services District.

Greg Braun
Executive Director
The Guardians of Martin County
(561)-758-3417

From: [Carol Ann](#)
To: [Harold Jenkins](#)
Subject: please see the attachment
Date: Monday, October 12, 2020 9:36:00 PM
Attachments: [Comments on the Oct.13, 2020 Agenda.docx](#)



Commissioner Jenkins,

I am hoping that you will go along with Commissioners, Heard and Ciampi and leave the mask (face covering) mandate in place as it was written, passed and put in place. If you change it to "encourage or recommend" you will undo the progress that has been made to keep the people of Martin County safer.

The citizens of Hobe Sound, which is your district, have been through so much lately. The flooding in Hobe Heights in particular. Some were forced out of their homes. Now by not keeping the mask ordinance in place as is, you will be increasing their stress. Now they don't have the safety of their home.

You must have heard how wearing a mask by EVERY person and maintaining social distance is still the best way to try and control the spread of Covid 19.

Please don't listen to the anti mask people. From what I've heard myself in the past and worse now, comments/threats that I was told they are making to Comm. Heard and Ciampi, are wrong. They are ill informed. They mistake patriotism as not wearing a mask when it is patriotic to wear one and protect ourselves. It's not a Constitutional right to infect other people.

Thank you,
Carol Ann Leonard
Stuart

Commissioners, I'm writing my comments for the Oct.13 meeting. Carol Ann Leonard, Stuart

You no longer read our comments, those of us who don't want to put ourselves at risk to be among the **loud, ill-informed crowd** that usually attends the mask ordinance meetings. I attended one meeting on Zoom and waited from early PM until well after 5 PM before being able to speak. All the anti-mask people got to speak first and for many hours. I was there at the start of that part of the meeting just like they were. The few of us on Zoom should have been allowed to speak sooner.

The anti-mask people aren't patriots. Their civil and Constitutional rights aren't being taken away by wearing a mask and keeping a social distance. It's patriotic to wear a mask and help keep everyone safer.

I've also been told that the crowd is not asked to be civil and have hurled insults and threats to Commissioners Sarah Heard and Ed Ciampi who are staunch mask mandate supporters. **It's shameful to allow the mask haters to do that.**

Agenda Item PH-6

Please hear my plea to keep the mask (face covering) ordinance in place as is. We still know that by every person wearing a mask (unless they meet the exceptions) and keeping a social distance of at least 6 ft. when possible, it is the best way to prevent the spread of Covid 19. The antibody cocktail that Pres. Trump took isn't "a cure" as he says. The co. says they only have 50,000 doses on hand. They say it can help but it isn't a cure. There is no vaccine for sure yet.

Cases are on the rise in the US and in the World. When other states start closing windows, having people congregate in close quarters, cases may rise even more. Luckily here winter takes a long time to start closing in people.

Still if all people are not wearing masks the virus will spread. If it isn't required, many people won't wear a mask in any buildings and places that they can get away with not wearing one. "Encouraged and recommended" won't help keep the majority of people who do want a mask to be worn, to be kept safer.

I've seen some people now who don't adhere to the mandate. I shudder to think what will happen if they are not mandated to wear a mask properly. Fines should still be given. We just got the majority of people to wear masks from what I can see on my occasional outings. If not mandated that progress will be undermined and put more people at risk.

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I just went through the same thing with the Stuart Springtree Project that was passed by the City of Stuart. Residents, all along Harrison St in Coral Gardens, Natalie Estates, Springtree and Coral Lakes that surround the property were all opposed. Now six 4 story buildings and one 3 story building with apartments are approved. The developers went against Martin County and asked to be annexed into the City in order to build this. **It's extremely upsetting that a few commissioners in both the County and the City, can override hundreds of residents.**

Agenda Item PH-4

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The Comp Plan has served Martin County well. It keeps the development under control for the most part and keeps the county the size that the majority of citizens want and not the size of Palm Beach and Broward Counties. I've heard many comments about that, from people back when we could safely voice our opinions at a BOCC meeting.

Agenda Item DEPT-3

We do not need to be selling alcohol drinks at the Seaside Café at Stuart Beach.

There's no way to control who will buy an alcoholic beverage, get in their car and drive off. Whose to say how many they've had already and how many they will possibly buy at the Seaside Café. We don't need to contribute to drunk driving.

Secondly the people drinking them could be inclined to litter instead of putting the empty containers in a waste bin. Also, if they are in their car drinking, they won't want to have the empty alcohol container in their car. So, it gets dropped in the parking lot.

People who might become drunk could possibly drown. There could be fights with those who don't handle alcohol well. There could be sexual assaults.

There are too many reasons to not allow alcohol sales. What about potential lawsuits toward the county?

Agenda Item DEPT-2

We don't need to spend an additional \$48,000 for renovations at the Seaside Café which would bring the total contract price to \$1,446,291.26. Why is relocating the existing bathroom necessary? Upgrading the outdoor bar sounds like it would be to sell the alcoholic drinks they want to sell. Not necessary. Upgrading the kitchen equipment. If needed, OK .

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You say give an additional \$246,003.00 to the Parks and Rec to start up and operate the Seaside Cafe.

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If you add \$48,000 in the DEPT-2 to \$246,003, you get \$294,003. This not \$1,446,291.26. Why the difference?

Agenda Item DPQJ-1

How do the neighbors, if any, like the idea of a shooting range?

Consent Agenda-once again I really don't approve of money being spent without any public comment. Also, without identifying the purpose of the payments or the payees.

From: [Chris Fountain](#)
To: wrkarpinia@yahoo.com; [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); sheardeciami@martin.fl.us
Subject: Proposed Development Dilemma URGENT
Date: Sunday, October 11, 2020 9:47:36 AM



Dear Mr. and Mrs. Walter and Diane Karpinia -

Thank you for the very important postal mail concerning proposed development along SW 96th Street and Kanner Highway.

The very reason I moved to Martin County was to avoid the concrete jungle lifestyle of South Florida. Martin County preserves are already being penetrated or destroyed by County Commissioners **who might** have their status and wallets in mind.

Please keep in mind that we do not need an elementary school (Crystal Lake) in the middle of commercialization and industrial development. Although I'm 61 years of age, I respect the right of children and parents to travel with no fear to school and back on their bicycles.

Publix and some other housing development in the quadrant across Sunoco have been approved. This is where development t needs to STOP. The last thing we need is congestion and crime.

Let's not turn Martin county into another Miamish suburb.

Very Respectively,

Chris Fountain (A constitutionalist)

From: [Al Robinson](#)
To: [Harold Jenkins](#)
Subject: proposed rezoning
Date: Monday, October 12, 2020 8:50:47 PM



Mr. Jenkins, we want to go on record as opposing CPA19.5 and CPA19.6. We live in the St Lucie Falls subdivision and we feel any industrial zoning will adversely affect our residential area. Furthermore, the improvements to Kanner Hwy will likely cause greater future residential growth in our area.

Thank you for your work as a commissioner.

Al & Anitarae Robinson
2823 SW Marquis Terrace, Stuart

From: [realsquack](#)
To: [Taryn Kryzda](#); [Harold Jenkins](#)
Subject: Question
Date: Monday, October 26, 2020 11:43:09 AM



Taryn and Harold,

Are Ph-4 and PH-5 on the agenda for the BOCC meeting tomorrow.?

Just curious..

Jackie Trancynger.

PH-4LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT 19-6, KL WATERSIDE, LLC FLUMAn application for a Comprehensive Growth Management Plan (CGMP) Future Land Use Map amendment (FLUM) from Agricultural, Industrial and Marine Waterfront Commercial to Industrial and Agricultural within a 499.4-acre parcel.Agenda Item:21-0051PH-5LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT (CPA) 19-5, KL WATERSIDE, LLC, A TEXT AMENDMENTThis is a request for text amendments to Chapter 4, Future Land Use Element. The application also includes amendments to Figure 4-2 Urban Service Districts retracting the Primary Urban Service District (PUSD); creating a Freestanding Industrial Urban Service District; and changing Figures 11-1, Areas Currently Served by Regional Utilities and 11-2, Potential Service Areas. The changes to Figures 11-1 and 11-2 are considered text amendments to Chapter 11, Potable Water Services Element.Agenda Item:21-0052Supplemental MemorandumPH-6REQUEST APPROVAL FOR A R

From: [Barbara Hayes](#)
To: [Doug Smith](#); [Stacey Hetherington](#); [Harold Jenkins](#); [Sarah Heard](#); [Edward Ciampi](#)
Subject: We SUPPORT CPA # 19.5 and CPA # 19.6
Date: Monday, October 12, 2020 9:55:01 PM



Dear Martin County Commissioners -

As area land/homeowners, we have been unable to attend meetings regarding the rezoning of the 499 acre parcel near Kanner Highway and 96th Street. However, we want to let you know that we DO support the proposed changes to the future land use map as it makes a lot of sense.

Instead of a future industrial area entrance located near the base of the tall, vision-obstructing 96th Street bridge (as the current map shows), the industrial entrance would be better moved as proposed to face Kanner Highway, which has better safety and visibility, is already mainly commercial, and has only a few neighboring residences. (We do agree that those few residences should be able to have access to any new water and sewer services however.)

Conversely, 96th Street is mainly residential, with several established developments and hundreds of family homes as well as a church accessing the two lane road. Most important, Crystal Lake Elementary School is on 96th Street, and neighborhood safety and traffic patterns there are of concern.

All things considered, we believe that the proposed changes to the future land use map in the cases of 19.5 and 19.6 are beneficial ones.

Sincerely,

D. Lee and Barbara Hayes

D. Lee and Barbara Hayes
10075 SW Green Ridge Lane
Palm City, FL 34990

(917) 400-3164 (cell)
bghayes@comcast.net

Colleen Pachowicz

Subject: KL Waterside, LLC (formerly Neal or Neil Property) Discussion with Morris Crady, Jim Harvey (Land Owner/Applicant) and Ted Elam (Foundry Group)
Location: Blake Library - Trustees Conference Room
Start: Wed 10/21/2020 1:00 PM
End: Wed 10/21/2020 2:00 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Harold Jenkins
Required Attendees: Colleen Pachowicz; Clyde Dulin

Thanks Colleen...the two others will be...

Jim Harvey, KL Waterside LLC (land owner/applicant)
Ted Elam, Foundry Group (warehouse/distribution developer)

RE: CPA #19-5, 19-6

Morris A. Crady, AICP
Senior Vice President
Lucido & Associates
701 S.E. Ocean Blvd
Stuart, Florida 34994
Tel: 772.220.2100
Fax: 772.223.0220
mcrady@lucidodesign.com

Landscape Architecture - Land Planning - Land Entitlement

Colleen Pachowicz

Subject: Phone Call - Len Sucky (Waterside)

Start: Thu 11/19/2020 12:00 PM
End: Thu 11/19/2020 12:30 PM

Recurrence: (none)

Organizer: Harold Jenkins

Colleen Pachowicz

Subject: Phone call w/ Morris Crady re: Waterside

Start: Mon 10/26/2020 3:00 PM

End: Mon 10/26/2020 3:30 PM

Recurrence: (none)

Organizer: Harold Jenkins

Colleen Pachowicz

Subject: Meeting w/ Jack Cox and Greg Braun re: Waterside LLC

Start: Wed 1/6/2021 3:00 PM

End: Wed 1/6/2021 4:00 PM

Show Time As: Out of Office

Recurrence: (none)

Organizer: Harold Jenkins

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Harold Jenkins

Name of Board/Agency:

BOCC Meeting Tuesday, January 12, 2021

Item/Issue: Item # 21-0828 PHQJ-2 Request for Approval of Seaward Boat Storage

Final Site Plan

Name of person, group or entity with which communication took place:

N/A

Subject matter of communication:

N/A

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

None

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Sarah Heard

Name of Board/Agency:

Board of County Commissioners

Item/Issue: January 12, 2021

PHQJ-1 PUBLIC HEARING TO CONSIDER AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS FOR THE PROPERTY WHICH IS THE SUBJECT OF COMPREHENSIVE PLAN AMENDMENT 19-6, KL WATERSIDE, LLC, FUTURELANDUSEMAP AMENDMENT

This application is a request for a zoning district change on approximately 499.4 acres located south of SW 96th Street and west of Kanner Highway (SR 76). It is being considered concurrent with a proposed amendment to the Future Land Use Map (FLUM), CPA 19-6, KL Waterside. The request is to rezone portions of the property from WGC, (Waterfront General Commercial) and GI to AG-20A (Agricultural) and from A-2

Describe investigations, site visits and provide any expert opinions received:

Meetings and emails below if applicable

List and attach any written communication received:

See attached if applicable

From: [Robert Hess](#)
To: [Sarah Heard](#)
Subject: FW: Covid, carnations and cocktails on Tuesday's BCC agenda
Date: Sunday, October 11, 2020 3:42:32 PM



Sarah – I suppose you see Ginny's emails...

I absolutely can't make Tuesday's meeting. Is there some other way I can make an impact with the commissioners about the masking issue, or is it somewhat a done deal. I was flabbergasted when the last measure was enacted. Any chance of a repeat of that?

Thanks for your guidance.

Bob Hess

Robert Hess, PhD, RN, FAAN
Founder & CEO, Forum for Shared Governance
(610) 805-8635 (cell)
bobhess@sharedgovernance.org
www.sharedgovernance.org



From: Virginia Sherlock <vsherlock@lshlaw.net>
Date: Saturday, October 10, 2020 at 3:59 PM
To: Virginia Sherlock <vsherlock@lshlaw.net>
Cc: Virginia Sherlock <vsherlock@lshlaw.net>
Subject: Covid, carnations and cocktails on Tuesday's BCC agenda

At Tuesday's Martin County Board of County Commissioners meeting, Commissioners will consider repealing the county-wide mask mandate, with Harold Jenkins, Stacey Hetherington and Doug Smith likely caving in to the vitriolic comments of anti-maskers.

At the same meeting, the Commission will consider a proposed land use change for the Sunshine State Carnations property in Hobe Sound that has generated massive opposition from local residents as well as an item seeking Commission approval of a menu for alcoholic cocktails to be offered at the Seaside Café at Stuart Beach.

Jenkins, Hetherington and Smith voted at the last meeting to direct staff to present an item on Tuesday to repeal the mandatory mask ordinance and instead “encourage” residents to wear masks in public. Hetherington and Jenkins have generally ignored or rejected the advice of local and national medical providers to enhance the safety of all residents by requiring most to wear masks during the COVID-19 pandemic. Smith has been all over the place, rejecting a mandate, then supporting it, then rejecting it, then supporting it, then throwing up his hands and joining Jenkins and Hetherington in bowing to residents who have leveled angry demands and threats to Commissioners during nearly every BCC meeting held in the absence of residents who are staying home to protect themselves from the virus.

NOTE TO COMMISSIONER JENKINS: Your campaign for “civility” at Commission meetings has been trampled into non-existence by anti-mask speakers, who have shouted the most vicious, untempered comments from the podium that I have heard in more than 30 years of monitoring public meetings. As Chair, Jenkins has made no effort to insist on civility from those who hurl insults and threats at Commissioners Sarah Heard and Ed Ciampi, who have been staunch mask-mandate supporters, and speakers who support the mandate.

The mask-encouragement ordinance will be heard as Agenda Item PH-6. The item has not been set for a specific time to be heard, apparently to encourage some speakers to hang around all day while discouraging attendance by those who are concerned about protecting themselves from exposure at poorly distanced gatherings.

The current ordinance requires face coverings in any indoor public place, business or establishment where others are present and in outdoor public places, businesses and establishments where social distancing is not possible or not practiced. There are exceptions for children under the age of six (6), persons with medical conditions or disabilities, and other specified circumstances, and penalties include a \$50.00 fine for the first offense, \$100.00 fine for a second offense, and \$250.00 fine for a third and

all subsequent offenses.

Staff on Tuesday will propose an ordinance which is similar to the existing ordinance except that masks will be “encouraged” or “recommended” rather than required and there will be no fines or penalties.

Mask mandates remain in effect in St. Lucie County to our north and Palm Beach County to our south.

The first public hearing scheduled for Tuesday’s meeting, Agenda Item PH-1, is a proposal to transmit a Comprehensive Plan Amendment to change the future land use designation on the 19.44-acre Sunshine State Carnations property on SE Gomez Avenue in Hobe Sound to increase density from a maximum of 2 units per acre (Residential Estate Density) to a maximum of 5 units per acre (Low Density Residential). The current designation allows construction of 38 residential units on the property; the new designation would authorize construction of 97 units. More than 700 residents have expressed opposition, signing a petition urging rejection of the amendment. Staff has inexplicably determined that the proposed change is compatible with surrounding development, despite the complaint of those who live there that the proposed change is “totally inconsistent with the surrounding neighborhoods.”

The Sunshine State Carnations amendment is one of a host of amendments currently pending or being processed to change our Comprehensive Plan in the midst of the COVID pandemic which has forced so many residents to stay away from BCC meetings. Staff no longer reads aloud citizen e-mails that are sent in advance of Commission meetings, further restricting the ability of residents to be heard when changes are being made to the County’s once respected growth management plan. In adopting changes at nearly every Commission meeting while residents are unable to assemble, the current Commission majority disrespects not only the Comp Plan but all citizens who cherish the Martin County difference.

Three other proposed Comp Plan Amendments are on Tuesday’s Agenda:

– Item PH-2 seeks transmittal of a text amendment to allow certain uses on the 35-acre Aquarius Land Holdings property on the north side of SE Cove Road and west side of SE Willoughby Boulevard;

– Item PH-3 requests a change in the future land use designations on the 499-acre KL Waterside, LLC, parcel near SW 96th Street between SW Kanner Highway and the St. Lucie Canal from agricultural, industrial and marine waterfront commercial to industrial and agricultural designations; and

– Item PH-4 seeks transmittal of a text amendment to create a free-standing Urban Services District for the KL Waterside property, which is owned by the Kolter Group.

WARNING: An agent for KL Waterside, LLC is requesting an exception to allow the project to exceed Martin County's 40-foot height limit so that it can "compete with other nearby municipalities, namely the City of Port St. Lucie's Tradition Commerce Center, which is not subject to the 40' height restriction."

If the manner in which the Commission is operating during the pandemic tends to drive you to drink, you're in luck. Agenda Item DEPT-3 seeks Commission approval of a proposed "Cocktail Menu" for the Seaside Café at Stuart Beach. The Commission is being asked to approve a menu which includes Margaritas, Rum Runners, Pina Coladas, Daiquiris and a rum drink called Miami Vice as well as pre-mixed drinks featuring vodka, tequila and rum called Electric Lemonade, Cherry Limeade, Sangria, Madras, Bloody Mary, Screw Driver, and Mojita. Also available are Gin and Tonic and Bourbon Old Fashioned, wine, beer, and champagne.

The Commission earlier approved the questionable concept of local government operating a bar and selling alcoholic drinks to the public on public property. With so many beach-goers driving to and from Stuart Beach, stopping by the café to pick up a Bacardi in a can before heading home, what could go wrong?

In other matters on Tuesday's agenda:

- Agenda Item DEPT-2 contains a request for approval to spend an additional \$48,000.00 for renovations at the Seaside Café, including relocating the existing bathroom, partial parking lot reconfiguration, and upgrading outdoor bar/kitchen equipment, raising the total contract price to \$1,446,291.26.
- The Consent Agenda includes approval of the Clerk’s Warrant disclosing \$10,174,790.23 in expenditures of taxpayer funds between September 12, 2020, and September 25, 2020, without identifying the purpose of the payments or the payees (Item CNST-2).
- Agenda Item DEPT-1 includes a request to transfer \$94,059.00 to the Parks and Recreation Department to start up and operate the Jensen Beach Mooring Field and an additional \$246,003.00 to Parks and Rec to start up and operate the Seaside Café.
- Agenda Item PH-5 is a request for approval of a resolution to include a Neighborhood Enhancement Project in each Community Redevelopment Area to allow for small capital improvements such as additional lighting, landscaping, signage, or pavers.
- A request for approval of a Revised Major Final Site Plan for the South Florida Shooting Grounds on SW Long Drive in Palm City west of Interstate 95 will be heard as Agenda Item DPQJ-1 to add a sporting clay course, a 20,000-square-foot equipment pole barn, additions to the existing club house and trap shooting range as well as additional on-site sewage disposal systems and infrastructure.

Tuesday’s meeting will begin at 9:00 a.m. in the Blake Library’s Armstrong Auditorium. You can attend by Zoom if you wish to remain home to protect your health and safety. Follow the instructions on the County’s website at: <https://www.martin.fl.us/PublicComment>

You can also watch the meeting on MCTV or livestream it from the County website at http://martin.granicus.com/ViewPublisher.php?view_id=24.

Although you can submit comments by e-mail, your comments will not be read aloud and may not be included in the meeting record. Check <https://www.martin.fl.us/BCCPublicComment> for the public comment form.

Download or view Tuesday's agenda items at:

<https://martin.legistar.com/DepartmentDetail.aspx?ID=35023&GUID=98D7CC54-EF7D-4C4C-8084-1AF34C623D6E>

E-mail commissioners directly about agenda items and other matters that interest you at sheard@martin.fl.us, eciampi@martin.fl.us, dsmith@martin.fl.us, hjenkins@martin.fl.us, shetherington@martin.fl.us with copies to the County Administrator and County Attorney at tkryzda@martin.fl.us and swoods@martin.fl.us.

Stay safe. Wear your mask. And wash your hands.

Ginny Sherlock

LITTMAN, SHERLOCK & HEIMS, P.A.

P.O. Box 1197

Stuart, FL 34995

Phone: (772) 287-0200

Fax: (772) 872-5152

www.LSHLaw.net

From: [sarah heard](#)
To: [Sarah Heard](#)
Subject: Fwd: Developer asks Martin BCC to toss 4-story height limit
Date: Monday, October 26, 2020 8:54:58 AM



----- Forwarded message -----

From: **Virginia Sherlock** <vsherlock@lshlaw.net>
Date: Sat, Oct 24, 2020 at 1:00 PM
Subject: Developer asks Martin BCC to toss 4-story height limit
To: Virginia Sherlock <vsherlock@lshlaw.net>
CC: Virginia Sherlock <vsherlock@lshlaw.net>

The Kolter development organization is asking the Martin County Board of County Commissioners on Tuesday to change the Comprehensive Plan to eliminate the 4-story height limit and bust the Urban Services Boundary for the KL Waterside property it recently acquired along SW Kanner Highway.

Kolter is lobbying this double-whammy at our Comp Plan for the very reason Martin County residents cherish our growth management plan: Because it's different from what other counties allow.

In Agenda Item PH-4 and PH-5, which were continued from the October 13, 2020, BCC meeting, Commissioners will vote on two Comp Plan amendments – a text amendment (CPA 19-5) and a Future Land Use Map Amendment (CPA 19-6) for a 500-acre site between SW Kanner Highway and the St. Lucie Canal that is currently designated for agricultural, commercial waterfront and industrial use.

Kolter wants to re-locate the industrially zoned property from the rear of the parcel to 250 acres adjacent to SW Kanner Highway. The rear 250 acres would be re-designated as agricultural property.

The proposed text amendment to the Comp Plan would increase the height limit from the current maximum of 40 feet to 47 feet for an industrial building that will cover more than 1 million square feet along Kanner Highway.

Kolter also wants to establish a “free-standing industrial urban services district” on the property which will allow the owner to create and operate its own water and sewer plant.

The County’s Urban Services District establishes boundaries for property where public water and sewer services are available. Strict rules apply to development of properties outside the USD, which are served by wells and on-site sewage disposal (septic) systems.

A proliferation of private sewage disposal systems which are extremely expensive and were poorly maintained by the owners added to significant pollution of local and regional waterbodies years ago, prompting a move to eliminate so-called free-standing (private) urban services districts. The KL Waterside proposal revives this ill-advised concept.

Kolter representatives say they need to eliminate the 4-story height limit to allow maximum use of the industrial project and make it competitive with similar projects in St. Lucie and Palm Beach Counties which do not restrict building heights.

Approval of this proposal would be a dangerous foot in the door for county-wide elimination of the 4-story height limit.

Kolter’s argument is not that the particular location, shape, or condition of the property make it impossible to develop without a waiver of the height limit. Kolter’s argument is that the development will be more economically successful if it can offer more profit-generating space by providing greater height. After all, a 5-story hotel can offer more rooms than a 4-story hotel; a 6-story warehouse can offer more storage space than a 4-story warehouse.

Arguments for the excessive height allowance sought by Delray Beach- and New York City-based Kolter owners are presented by consultants from Boca Raton. Morris Crady of Stuart-based Lucido & Associates – which routinely advocates for busting the 4-story height limit, the USB and other

critical components of the Martin County Comp Plan – is the local representative.

Martin County staff is recommending approval of all of the changes except the 4-story height limit waiver. Residents of the nearby St. Lucie Falls residential community have expressed opposition to the KL Waterside proposals, as have the Guardians of Martin County.

The Commission will continue its unrelenting march toward destroying the unique and special qualities of the Martin County Comp Plan by considering two additional amendments on Tuesday.

Agenda Item PH-1 seeks a Future Land Use Map amendment to change land use designations for property in the Golden Gate Community Redevelopment Area from medium density residential, high density residential and general commercial to CRA Center, CRA Neighborhood, industrial, recreational and general institutional. A companion measure, PHQJ-2, will re-zone the property in the Land Development Regulations.

Agenda Item PH-2 will change the future land use designation for 2.38 acres at [1500 SE Cove Road](#) from rural density residential (up to 1 unit per 2 acres) to residential estate density (up to 2 units per acre), allowing four homes to be built on property that currently can accommodate only one single-family home. Agenda Item PHQJ-1 will re-zone the Martinez Cove Road property from A-1 to RE-1/2A to authorize the increased density in the Zoning Atlas.

Also on Tuesday's agenda is a presentation by the Parks and Recreation Department to update the Commission on the status of County golf course renovations. Item DEPT-3 features a slick presentation describing the Sailfish Sands Golf Course development, including:

- Reducing the red and white courses from 18 holes to 9 holes and creating an executive walkable 9-hole course with three new restrooms for the new courses;

- Constructing a 4,000-square-foot clubhouse with food, beverage and seating service;
- Re-locating the existing pro shop near the new clubhouse;
- Adding a lighted practice driving range and hitting bays; and
- Removing exotic plants from the courses and improving golf cart pathways.

The only special set item is a 10:30 a.m. public hearing to consider adoption of an ordinance raising the minimum age to purchase tobacco products from 18 to 21. Agenda Item PH-3 also creates a Tobacco Distribution License which will have to be obtained by all tobacco retailers in order to sell tobacco products within Martin County.

In other matters on Tuesday's agenda:

- Items CNST-7, CNST-8 and CNST-9 on the Consent Agenda will approve a reduction in code enforcement fines totaling \$412,875.00 to a total of \$23,060.00, without public discussion.
- The Consent Agenda also includes approval of the Clerk's Warrant disclosing \$20,047,941.81 in expenditures of taxpayer funds between September 26, 2020, and October 9, 2020, without identifying the purpose of the payments or the payees (Item CNST-2).
- A new \$190,000.00 Treasure Coast Sports Commission contract will also be approved on the Consent Agenda as Item CNST-4 with no public discussion about how the COVID-19 pandemic may impact sporting events scheduled to be held in Martin County during the 2020-2021 fiscal year.
- Agenda Item DEPT-2 seeks approval of nearly \$8 million in contracts for Old Palm City Neighborhood restoration (\$1.17 million), guardrail improvements on a 2.5-mile stretch of road in Indiantown (\$2.7 million) and replacement of the SW Murphy Road bridge over the C-23 canal in

Palm City (\$4.125 million).

- Agenda Item PH-6 is a request for approval of a resolution to include a neighborhood enhancement project in each of the Community Redevelopment Areas to allow for small capital improvements such as additional lighting, landscaping, signage, or pavers.
- Item DEPT-1 will authorize a transfer of \$232,000.00 from the general fund to pay outside consultants to analyze and participate in ongoing Lake Okeechobee System Operations Manual and National Environmental Policy Act work.

Tuesday's meeting will begin at 9:00 a.m. in the Blake Library's Armstrong Auditorium. Attend by Zoom if you wish to remain home to protect your health and safety. Follow instructions on the County's website at:
<https://www.martin.fl.us/PublicComment>

You can also watch the meeting on MCTV or livestream it from the County website at http://martin.granicus.com/ViewPublisher.php?view_id=24.

Although you can submit comments by e-mail, your comments will not be read aloud and may or may not be included in the meeting record. Check <https://www.martin.fl.us/BCCPublicComment> for the public comment form.

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At the last BCC meeting, Commissioners Harold Jenkins, Stacey Hetherington and Doug Smith , increased the risk of infection that accompanies attendance of indoor events by repealing the mask mandate that helped to protect residents from the spread of COVID-19. COVID infections are on the rise in Martin County and throughout Florida since Jenkins, Hetherington and Smith told residents they don't care about our health, voting down Commissioners Sarah Heard and Ed Ciampi who tried to keep the mask mandate in place.

Please do what Smith, Jenkins and Hetherington refused to do. Protect yourself by staying home, wearing your mask, and washing your hands.

Ginny Sherlock

LITTMAN, SHERLOCK & HEIMS, P.A.

P.O. Box 1197

Stuart, FL 34995

Phone: (772) 287-0200

Fax: (772) 872-5152

www.LSHLaw.net

From: [sarah heard](#)
To: [Sarah Heard](#)
Subject: Fwd: Project conditioned on height restriction waiver
Date: Wednesday, October 28, 2020 8:45:25 AM



----- Forwarded message -----

From: Virginia Sherlock <vsherlock@lshlaw.net>
Date: Tue, Oct 27, 2020 at 8:48 AM
Subject: Project conditioned on height restriction waiver
To: Virginia Sherlock <vsherlock@lshlaw.net>
CC: Virginia Sherlock <vsherlock@lshlaw.net>

Will Martin County bring in a 1 million-square-foot distribution center, and hundreds of jobs, or let it go?

By Joshua Solomon
Treasure Coast Newspapers
Oct. 26, 2020

MARTIN COUNTY — An "e-commerce" distribution center wants to come to a rural western portion of the county, St. Lucie Falls, but it already is facing an uphill battle against a slow- or no-growth crowd.

The potential development — which some residents believe to be an Amazon facility — could bring hundreds of jobs, according to county documents. But first, commissioners on Tuesday must approve a myriad of zoning changes for "KL Waterside," including allowing the 1 million-square-foot distribution center to be at least 47 feet high.

The proposal is slated for 500 acres off of former farmland south of Southwest 96th Street, between the St. Lucie Canal and Kanner Highway. Rezoning needed for the distribution center would represent a "substantial policy change," county staff said in a report.

The development could add \$100 million in taxable value to Martin County and 200-400 "high-wage" jobs, according to KL Waterside's local attorney, Morris Crady. The project is not embraced by the county growth-management staff, which has cautioned county commissioners against approving the height increases.

In order to "seriously consider" a distribution center in Martin County, the commission would have to approve a height increase, Matthew McAllister, director of industrial brokerage with Cushman & Wakefield of Florida, said in a letter to Chair Harold Jenkins last week. Without an increase, the "clear-height," or ceiling height, of the building likely would be capped at around 33 feet, meaning total building height would be 40 feet; the developer wants a 40-foot ceiling-height for a 47-foot-tall building.

The taller the building, the developer said, the more it can store in the warehouse. The company would go to St. Lucie or Palm Beach County if it doesn't get the approvals it wants from Martin County, according to the letter.

"If there is concern that they will not be able to get the type of building that they need, they will eliminate the site from consideration altogether and focus on competitive sites that can offer 40-feet clear heights, like Legacy at Tradition in St. Lucie County or Palm Beach Park of Commerce in Palm Beach County," McAllister said in his letter.

Besides height increases, often a third-rail in Martin County politics, the project faces opposition and concerns from local residents and officials over increased traffic, storm water drainage and utilities access.

The Local Planning Agency deadlocked on the project, 2-2, at its September meeting. The town of Jupiter Island — which owns the South Martin Regional Utility, that extends into western Martin County — already has expressed opposition, partly on a lack of apparent communication from the county in the first place. The county's "continuing refusal" to recognize its utility is causing several issues, Jupiter Island attorney Jones Foster said in a September letter to the county. It also cited "conflict between the

town and the county."

Residents in the St. Lucie Falls area, which neighbors South Fork High School, also are on record opposing the project. They cited many of the same concerns — greater residential growth, traffic, work on utilities and general distaste for anything labeled "industrial."

"We most certainly do not need a large Amazon distribution center nearby," resident James Ross told the commission.

Barbara Hayes, of Palm City, said she and area land- and homeowners in neighboring Palm City do, in fact, support certain zoning changes, as long as traffic is rerouted to Kanner Highway and off of more residential 96th Street.

The Guardians of Martin County group opposes the project, its executive director Greg Braun said in a letter to the commission.

There's urgency to get the project approved, according to Foundry Commercial, the developer. Similar distribution centers, it pointed out, are already underway: 1 million square foot Amazon distribution centers in Homestead and Jupiter, set for 2021; a "confidential" 500,000-square-foot tenant in Port St. Lucie in 2021; a 617,000-square-foot Amazon facility in Ocala in 2020; and a 715,00-square-foot Home Depot facility in Hialeah Gardens by the end of this year.

The Walmart Distribution Center in Fort Pierce is a similar size, also around 1 million square feet. The distribution center on Jenkins Road is valued at \$48 million, according to the St. Lucie County Property Appraiser's Office. An Amazon spokesperson declined to comment.

"We must act now," Foundry Commercial wrote in its submission to Martin County officials. Without height restrictions in neighboring St. Lucie and Palm Beach counties, plus a lack of a dense comprehensive plan that can take months to work through, Foundry said, it is much more attractive for a logistics company to take its business — and hundreds, if not thousands

of jobs — outside of Martin County.

"If we are unable to increase the maximum height to 47 feet to allow for a 40-foot clear ceiling height," Ford Gibson, managing director for Foundry said in a letter to the commission, "we will not be able to compete with other nearby municipalities, namely Port St. Lucie's Tradition Commerce Center."

<https://www.tcpalm.com/story/news/local/shaping-our-future/2020/10/26/e-commerce-distribution-center-proposed-martin-county/6038955002/>

From: dgregbraun@aol.com
To: [Commissioners](#)
Cc: [Paul Schilling](#); [Samantha Lovelady](#)
Subject: KL Waterside
Date: Monday, October 12, 2020 3:28:00 PM



Dear Commissioners:

The Guardians of Martin County have reviewed the requests by KL Waterside to amend the County's Comprehensive Growth Management Plan through a Text Amendment and an amendment to the Future Land Use Map. We oppose any Comp Plan changes that would waive the existing 40' height restriction and/or establish a free-standing Urban Services District.

Greg Braun
Executive Director
The Guardians of Martin County
(561)-758-3417

From: dgregbraun@aol.com
To: [Sarah Heard](#)
Subject: Re: Community Updates from Commissioner Heard 10/26/2020
Date: Thursday, October 29, 2020 3:35:58 PM



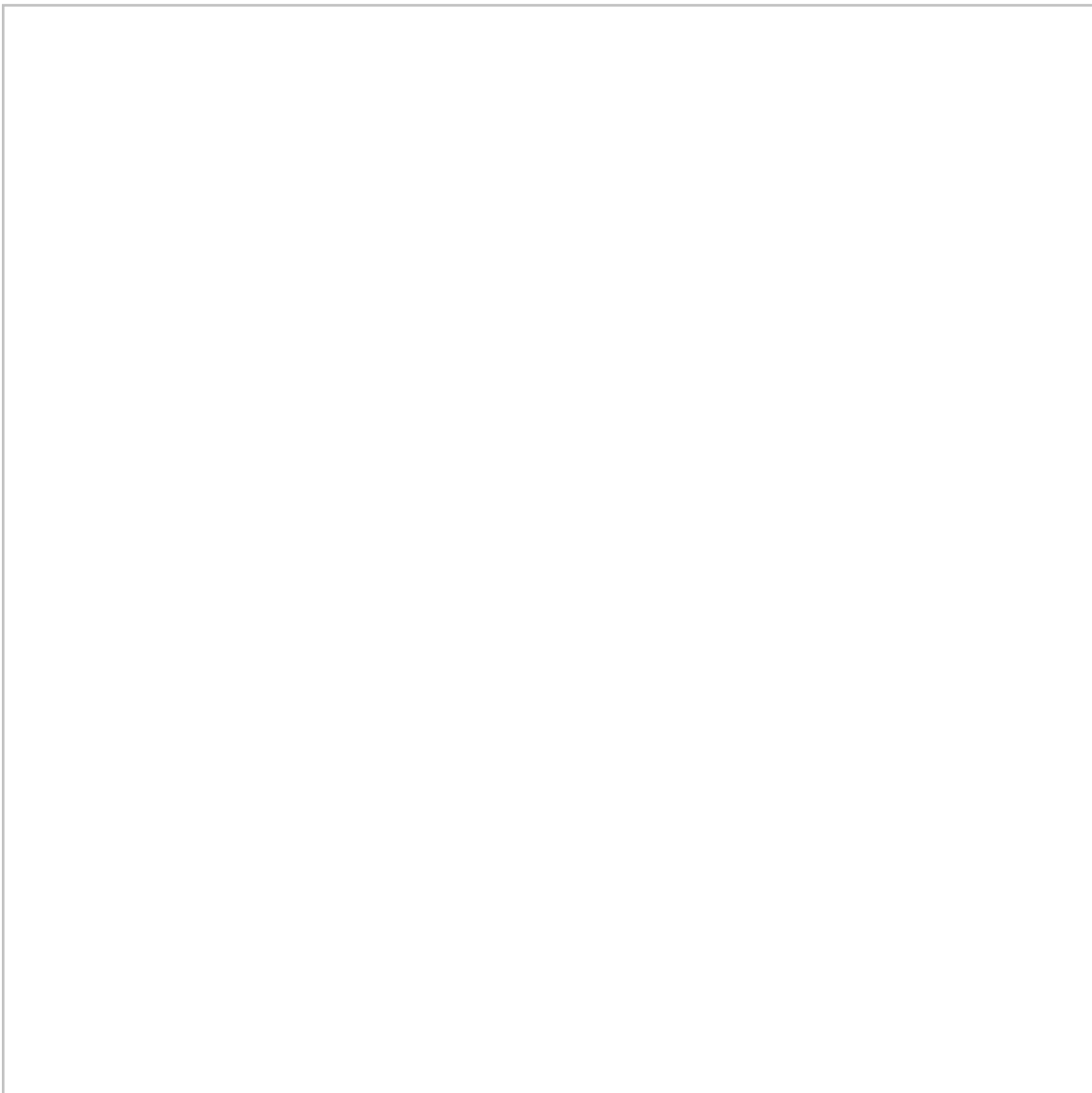
Thanks for the update, Commissioner Heard, and for your conscientious votes, most notably those against Pulte, revoking the mask ordinance and the KL Waterside project.

Greg Braun

In a message dated 10/26/2020 4:00:27 PM Eastern Standard Time, sheard@martin.fl.us writes:



**A Message from
Commissioner Heard
District 4 Newsletter 10/26/2020**



	Contact Information
	Commissioner Sarah Heard sheard@martin.fl.us
	Executive Aide: Teresa Wortman comaide4@martin.fl.us
	(772) 221-2358

Dear Friends,

Seasonal changes are subtle in south Florida but if you have lived here throughout the summer, the transition to fall is clear and welcome. Temperatures are inching down a few

critical degrees. The humidity doesn't knock you out as you leave the building. Your dog actually wants to join you for a walk. We are so fortunate that this marks the beginning of the season when we want to spend more time outside, enjoying our good nature.

We continue to regularly hold our County Commission meetings in the Armstrong Room of the Blake Library. As in all of our county buildings, we continue to follow protocols for mask wearing, social distancing, and sanitizing surfaces.

Please know that we always strive to protect the residents and resources of Martin County, and it is our pleasure and privilege to serve you and our community. If you ever have any questions, concerns, or need assistance please don't hesitate to contact my office.

Sincerely,

Sarah Heard

MARTIN VOTES

**** Important Voter Information ****

[Early Voting Locations - Click Here](#)

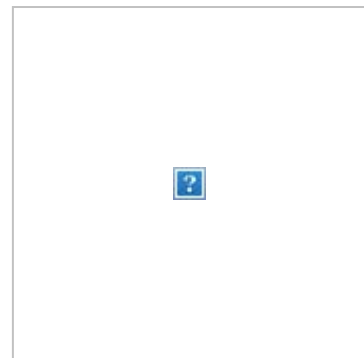
[All Martin County Precincts-Click Here](#)



[Precinct Locator](#)



[Sample Ballot](#)



[Precinct Vote By Mail](#)

[Nov. 3 is the final \(last\) day to vote, an important date to remember!](#)

Early voting is from 8 a.m. to 5 p.m. Oct. 19-31. Excluding the Blake Library in Stuart, five Martin County libraries—in Hobe Sound, Indiantown, Jensen Beach, Palm City and Stuart—serve as early-voting sites.

Whether voting early or on Election Day, the same safety measures are in place: Frequent cleaning and hand-sanitizers onsite, social-distancing enforced, poll workers wearing masks. (We request, but not require, that voters wear masks to cast their ballots.) We recommend bringing

your own pen and encourage anyone who feels vulnerable to vote in off-peak hours around mid-morning and early afternoon.

Requests for vote-by-mail ballots have poured in by the tens of thousands. Still, many voters prefer to drop their ballots off in-person; we have specially designed ballot boxes for just that. At each early-voting site there is one located inside and under the supervisor of poll workers, and therefore only available during the listed hours and dates of early voting.

The Elections Center at 135 S.E. Martin Luther King, Jr. Blvd., in Stuart offers one as well and you can drop off your vote-by-mail ballot up until 7 p.m. Nov. 3.

Board of County Commission Actions

On September, 29, 2020 the majority Board (Ciampi, Heatherington, Jenkins, and Smith) voted to approve transmittal of Comprehensive Plan Amendment (CPA)19-19, Pulte at Christ Fellowship. Heard opposed.

This property is accessed off of Pratt Whitney Road and shares a border with South Fork High School. This parcel is 321 acres. This amendment approval doubles the number of allowable residential units.

On May 5, 2020 Ciampi, Hetherington, Jenkins and Smith approved the Comprehensive Plan Amendments that changed the land use & zoning of the property on the southwest corner of Kanner Highway and Pratt Whitney Road from Agriculture to General Commercial in order to allow Publix to build a 48,387 square foot store on the site.

In other action, on September 29, Heatherington, Jenkins and Smith approved a motion to consider rescinding our mandatory mask requirement at our October 13, 2020 meeting. Ciampi and Heard dissented.

The majority Board (Ciampi, Hetherington, Jenkins and Smith) voted to approve the 2020/2021 budget. Heard opposed.

On October 13, the Board unanimously approved the initial operating budget and one-time start-up expenses in order to open the Jensen Beach Mooring Field. It will be operated by Martin County.

The Board also unanimously approved the final expenses required to open the newly constructed Stuart Beach Seaside Café' and Restrooms. The Board unanimously approved the sale of beer, wine, wine coolers, hard ciders and limited frozen alcoholic beverages at the Seaside Café'. The café' hours will be daylight only.

After lengthy discussions and public comment, the applicant for CPA 19-26, Sunshine State Carnations asked to have the item continued to a future uncertain date. This nearly 20 acre site on Gomez in residential Hobe Sound was for 50 years the home of a flower growing farm. This proposal seeks to increase the allowable residential units from 2 units per acre to 5 units per acre. The Board received over 700 petitions from Hobe Sound residents opposed to the density increase.

The majority of the Board (Hetherington, Jenkins and Smith) voted to repeal our mandatory mask mandate. Ciampi and Heard opposed.

Martin County Historic Preservation Tour



Begin the Martin County Historic Preservation Tour!

Welcome to the Martin County Preservation Tour. Click on the link to explore the unique, public sites with local or national historic designation located in Martin County, Florida. Once on the website select the arrow to begin the tour!

[Click Here to begin tour!](#)

Martin County Library Systems (MCLS)

Visit Martin County Libraries

Martin County Library Systems offers a variety of classes, programs and events such as: Idea Lab/Technology, various classes, eBooks, kids/teens/parent activities and programs. If you haven't explored the MCLS take a moment to see what's new!

IDEA LAB — WE TEACH TECH

From Android Basics to Virtual Reality, the idea labs @ MCLS offer a variety of classes and programs, as well as ways to collaborate on technology. Select "idea lab class calendar" to view our schedule and reserve your seat today! Registration for classes opens the 15th of the preceding month. Don't see a tech topic you're

interested in? Let us know by taking the "idea lab event survey" today!

We Teach Tech - Click Here

Kids * Teens * Parents



Kids



Teens



Parents

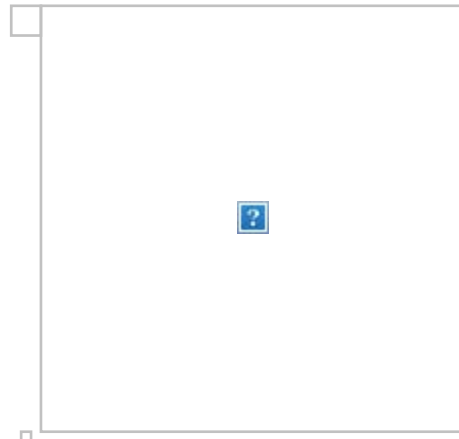
Corona Virus 19 Update Information and links

Martin County Corona Virus-19 Updates

If you have been affected by Corona Virus 19 and need CARES assistance, Please click here for more information on CARES Act:
<https://www.unitedwaymartin.org/cares>

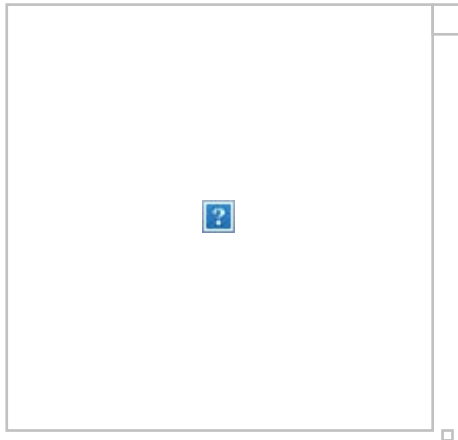
Businesses affected by Corona Virus 19 click here for more information:
<https://www.martin.fl.us/BusinessRenewal>

The daily snapshot is shareable with the community and interactive at:
www.martin.fl.us/Coronavirus#numbers



Mask Mandate / Face Coverings Info - Click Here

Hurricane Season is here - Stay Prepared!



Hurricane Season is here, are you ready?
Don't let your guard down!

To learn more about hurricane preparedness, knowing your zone, emergency shelters, evacuation assistance and more. Please click the link below.

[Click here for Hurricane Information](#)

Upcoming Martin County Board Meetings

Temporary Location

Blake Library, Armstrong Room
2351 SE Monterey Rd, Stuart, FL 34996

October 27th, 2020 @ 9:00 AM
November 10th, 2020 @ 9:00 AM
November 17th, 2020 @ 9:00 AM
December 8th, 2020, @ 9:00 AM
December 15th, 2020 @ 9:00 AM (Final BOCC meeting of 2020)

MCTV Television Information - [MCTV Links and Info](#)
Martin County YouTube Chanel: [YouTube Channel Click Here](#)

[Newsletter- Click Here to Sign Up Now!](#)



Martin County BOCC | 2401 SE Monterey Road, Stuart, FL 34996

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EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Edward V. Ciampi

Name of Board/Agency:

Board of County Commissioners

Item/Issue:

January 12, 2021

PUBLIC HEARING TO CONSIDER AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS FOR THE PROPERTY WHICH IS THE SUBJECT OF COMPREHENSIVE PLAN AMENDMENT 19-6, KL WATERSIDE, LLC, FUTURELANDUSEMAP AMENDMENT

This application is a request for a zoning district change on approximately 499.4 acres located south of SW 96th Street and west of Kanner Highway (SR 76). It is being considered concurrent with a proposed amendment to the Future Land Use Map (FLUM), CPA 19-6, KL Waterside. The request is to rezone portions of the property from WGC, (Waterfront General Commercial) and GI to AG-20A (Agricultural) and from A-2 (Agricultural) to LI, (Limited Industrial).

Agenda Item: 21-0274

Name of person, group or entity with which communication took place: Morris Crady, Nancy Neil

Subject matter of communication: Question/Answer

Describe investigations, site visits and provide any expert opinions received: N/A

List and attach any written communication received: Emails attached



MARTIN COUNTY

BOARD OF COUNTY COMMISSIONERS

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

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

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

TARYN KRYZDA, CPM County Administrator
SARAH W. WOODS County Attorney

TELEPHONE (772) 288-5400
WEBSITE www.martin.fl.us

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November 23, 2020

VIA EMAIL ONLY

Thomas J. Baird
Jones Foster PA
4741 Military Trail, Ste. 200
Jupiter, FL 33458
tbaird@jonesfoster.com

Re: September 16, 2020 letter re: CPA 19-5 Waterside LLC

Dear Mr. Baird,

This letter responds to the above referenced letter you sent Martin County's LPA via Samantha Lovelady, who provided me a copy. In your letter you made numerous assertions and legal conclusions to which we have the following responses:

1. *Paragraph 1 of the letter asserts that: "The failure to coordinate with Town did not enable the Town to review the staff report with the Department before it was prepared was not consistent with Policy 3.1E.4 of the Martin County Growth Management Plan (the Plan)."*

Response: Policy 3.1E.4 is found within Objective 3.1E regarding the requirement to maintain a concurrency management system, including coordination with other entities. Martin County has a concurrency management system which has been/is coordinated with other entities. Neither Objective 3.1E or Policy 3.1E.4 require coordination with other entities during the review of a proposed Plan amendment submitted by a private property owner nor do they require submittal of the staff report to the Town of Jupiter Island for its review/comment/approval.

- **Objective 3.1E.** To maintain a concurrency management system consistent with Florida Statutes that includes coordination procedures for establishing and maintaining level-of-service standards for public facilities operated by federal, state, regional or local entities other than Martin County.

Policy 3.1E.1. Coordination of public services. The County shall coordinate the timing, location and capacity of public facilities to ensure that

required services will be available when needed and are economically feasible.

Policy 3.1E.2. Participation in transportation planning. Through its membership in the MPO, the County shall participate in development of the MPO's Unified Planning Work Program, Transportation Improvement Plan and Long Range Transportation Plan.

Policy 3.1E.3. Coordination on concurrency management for public facilities. The County shall continue to coordinate with municipalities regarding concurrency management for public facilities. Levels of service must be coordinated at all levels of government.

Policy 3.1E.4. Coordination on utilities services. The County shall coordinate with both privately owned and government-owned utilities in and adjacent to Martin County (i.e., South Martin Regional Utilities, Indiantown Company, City of Stuart Water and Sewer Department, Village of Tequesta Water Department, Loxahatchee River District and Town of Jupiter Island). On December 7, 2004, Martin County and the Town of Jupiter Island formally adopted an interlocal agreement concerning a joint planning area for South Martin Regional Utilities and the Martin County Consolidated Water System.

Policy 3.1E.5. Collaboration with FDOT on state roads. The County shall continue to work with the FDOT on maintaining and improving levels of service for state roads.

Policy 3.1E.6. Monitoring for surface water management. As an ongoing program and in conjunction with the SFWMD, the County shall monitor the performance of off-site drainage facilities, evaluate existing and potential future problems or issues, and pursue the funding of necessary structural and nonstructural system improvements for effective surface water management. New developments must make all improvements as required in Section 13.4 of the CGMP.

Policy 3.1E.7. Provision of public services. Martin County shall continue to maintain and improve its provision of public services, including water and wastewater service; road and drainage maintenance; recreation; library; fire and emergency medical service; and police protection. The departments responsible for individual county services shall provide information, as requested, to other agencies and the public to assure that services are meeting the needs of Martin County residents and visitors.

Policy 3.1E.8. Coordination with SFWMD on water conservation. County staff shall coordinate with the SFWMD to develop an appropriate strategy for coordinating and/or jointly sponsoring potable water conservation activities.

Policy 3.1E.9. Maintenance of 10-year water plan. Martin County shall maintain a 10-year Water Supply Facilities Work Plan to provide a linkage between growth management and the SFWMD's Upper East Coast Water Supply Plan. Amendments to the Water Supply Facilities Work Plan shall be due within 18 months after the SFWMD adopts, updates or amends the Upper East Coast Water Supply Plan.

Policy 3.1E.10. Coordination on potable water. Martin County shall coordinate with SFWMD, all suppliers of potable water, and municipalities within Martin County on issues of potable water supply. The County shall make available information regarding changes in land use, population and demand projections, Level of Service, and other information relevant to the provision of potable water.

2. Paragraph 2 asserts that the KL Waterside property is within the SMRU service territory, that the staff report fails to recognize that, and that the staff report does not indicate whether SMRU has the capacity to serve the property. (Martin County does not agree that the property is within the SMRU service territory.) The paragraph continues saying that *"In this respect, the application and the staff analysis of the same, are not consistent with the concurrency mandate of § 163.3180(1) and (2), Fla. Stat. and concurrency policies of the County's Plan."*

Response: §163.3180(1) establishes which public facilities may be subject to concurrency requirements on a statewide basis and specifies what must be included within a local comprehensive plan if concurrency is applied. This statutory provision does not address application requirements for proposed Plan amendments or establish requirements for staff analysis of proposed Plan amendments.

§163.3180(2) requires that public facilities be in place and available to serve new development no later than the issuance of a certificate of occupancy or its functional equivalent. In addition, local governments are directed to consult with the applicable water supplier prior to approval of a building permit to determine whether adequate water supplies will be in place. CPA 19-5 does not propose any development; if approved it would not authorize either building permits or certificates of occupancy. CPA 19-5 is a text amendment.

There is no basis for the assertion that the application and the staff analysis are not consistent with the two referenced sections.

3. Paragraph 3 asserts that *"Because the County did not coordinate the proposed amendment with the Town, the application and staff analysis is not consistent with the intergovernmental coordination requirements of the Town and County's respective Comprehensive Plans."*

Response: No citations were provided to either the Martin County or Town Plan to support the assertion that the application and staff analysis were inconsistent with the intergovernmental coordination requirements. Intergovernmental coordination appears to focus on the process, not substantive requirements; so I am not sure how that would render the “application” and staff analysis inconsistent with the respective Comprehensive Plans.

Although no citations were provided in the letter, following are some potentially relevant provisions of the Martin County Comprehensive Plan.

Policy 3.1D.2. Notification to adjacent local governments on development applications. The County shall require that applicants notify, in writing, the Town of Ocean Breeze Park, Sewall's Point, Jupiter Island, the City of Stuart and adjacent counties and cities of all applications for rezonings, land use amendments and large-scale site plan approvals on lands that abut their borders.

The KL Waterside property is located approximately ten miles from the Town of Jupiter Island’s borders. Accordingly, Policy 3.1D.2 is not applicable.

Policy 3.1E.4 has been addressed in #1 above.

4. Paragraph 3 also asserts that “*Additionally, this lack of coordination is inconsistent with §§ 163.3177(6)(c) and 163.3177(6)(h), Fla. Stat. “*

Response: §163.3177 is entitled “Required and optional elements of comprehensive plan; studies and surveys”. §163.3177(6) states that “*In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:*”

§§163.3177(6)(c) and (6)(h) establish the criteria for certain required elements of a comprehensive plan, including the sanitary sewer, potable water, and intergovernmental coordination elements. These provisions do not establish the process for intergovernmental coordination during the review of a proposed plan amendment; they speak to the substantive requirements of a comprehensive plan.

5. Paragraph 3 goes on to argue that “The existing Joint Planning Area established by the Town and County through an Interlocal Agreement, does not address the area which is the subject of the proposed plan amendment. Accordingly, the County’s Plan and the staff report on the proposed plan amendment fail to comply with §163.3177(6)(h) because there are no policies in the Plan and no discussion in the staff report to address the potential for the joint delivery utility services to the property, which must occur because of the Town’s approved utility service area.”

Response: The Joint Planning Area established by the Interlocal Agreement was one of the outcomes of the 2005 Compliance Agreement between Martin County, the Town of Jupiter

Island and the Department of Community Affairs. Paragraph 9. Inclusion within Comprehensive Plans of the two Jurisdictions, of the Interlocal Agreement, required that the Interlocal Agreement be referenced in the Intergovernmental Coordination Element of the Comprehensive Plans of the two jurisdictions. The amendments were completed and found to be in compliance by the Department of Community Affairs. Accordingly, there is no basis for the assertion that the County's Plan fails to comply with §163.3177(6)(h). In addition, §163.3177(6)(h) does not establish requirements for staff reports.

6. Finally, Paragraph 3 asserts that that the proposed plan amendment is not consistent with Policy 3.1E.4 which requires the County to coordinate utility services with other government owned utilities, such as SMRU.

Response: As set forth in Response 1 above, *Policy 3.1E.4 is found within Objective 3.1E regarding the requirement to maintain a concurrency management system, including coordination with other entities. Martin County has a concurrency management system which has been/is coordinated with other entities.*

7. Paragraph 4 of the letter asserts facts that are in dispute regarding the SMRU service area and the utility provider in certain areas of unincorporated Martin County, far removed from the boundaries of Jupiter Island.

Response: The validity of the Town's SMRU service area is not recognized by the County due to a failure to comply with the requirements of the 2005 Compliance Agreement between the Town, the County and the Florida Department of Community Affairs, the 2005 Joint Planning Area Interlocal Agreement and Chapter 180, Florida Statutes. It's clear the Town does not have the present ability to serve its entire "service area." Florida law is clear that the Town cannot claim a service area it's not able to serve and prevent those lands from being served by a different provider. Where a municipality establishes a service area pursuant to Chapter 180 that city then bears a concomitant obligation to "promptly and efficiently" provide those services. See Lake Utility Services, Inc. v. City of Clermont, 727 So.2d 984 (Fla. 5th DCA 1999). If a municipality fails to meet this obligation, the judiciary will deem the right to serve that area waived. Id.; see also City of Winter Park v. Southern States Util., Inc., 540 So.2d 178, 179 (Fla. 5th DCA 1989) (upholding a private utility company's right to service an area pursuant to certification by the PSC where the municipality attempted to "extend its service franchise beyond an area it is able to serve ... thereby prevent[ing] the public from being served by anyone else.").

Your assertion that recognition of the SMRU service area "will demonstrate the County's interest in meaningful intergovernmental cooperation based upon the County and Town's resolution of the Town's administrative petition challenging the County's fairgrounds comprehensive" is factually inaccurate. Please note that Paragraph 2 of the Joint Stipulation and Dismissal of such petition provides:

"The County acknowledges that the Town and ICI have executed the Letter. Provided, however, that by acknowledging the existence of the Letter, the County makes no concession related to the Town's South Martin Regional Utility's service territory." (emphasis supplied)

The facts in this matter are clear, the Waterside LLC site is within a few thousand feet of the County's Tropical Farms Water and Wastewater Plant and existing Martin County Utilities water and wastewater force mains are adjacent. SMRU's water and wastewater facilities are approximately 11.5 miles from the subject property. At a meeting last month with the Town Manager and SMRU director we were advised the Town has no plans for plant expansion nor plans to extend lines. Is it your contention that SMRU can "promptly and efficiently" provide water and wastewater services to the Waterside LLC site in light of these facts? For your convenience, I have attached maps which depict the Waterside LLC site, the location of Martin County Utilities force mains and the location of the nearest SMRU Utilities. I have also attached an August 18, 2018 letter from Martin County's Utility Director to SMRU outlining the County's objection to the expansion of SMRU's utility service territory.

The County has and is demonstrating its commitment to intergovernmental coordination by continuing to schedule meetings with the Town and SMRU representatives to discuss the utility service area issues. We look forward to our November 30 meeting with the Town, the City of Stuart and the Village of Indiantown to begin a comprehensive countywide discussion of utility service areas.

Sincerely,



Sarah W. Woods
County Attorney

cc: Skip Randolph, Town Attorney
Phillip Gildan, SMRU Counsel
Michael Ventura, Town Manager
Taryn Kryzda, County Administrator
Don Donaldson, Deputy County Administrator

KL Waterside

Existing Martin
County Utilities
Water and Force
mains

Existing Martin
County Utilities
Service Area

KL Waterside

0 2,100 Feet

Date: 11/18/2020

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

Author: Martin County GIS
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KL Waterside

Existing Martin
County Utilities
Water and Force
mains

Approximate
location of nearest
SMRU Utilities
(11.5 miles +/-)

0 16,000 Feet

Date: 11/18/2020

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

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MARTIN COUNTY

BOARD OF COUNTY COMMISSIONERS

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Commissioner, District 1

ED FIELDING
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Commissioner, District 3

SARAH HEARD
Commissioner, District 4

EDWARD V. CIAMPI
Commissioner, District 5

TARYN KRYZDA, CPM
County Administrator

SARAH W. WOODS
County Attorney

**UTILITIES & SOLID WASTE
DEPARTMENT**
PO Box 9000 Stuart, FL 34995-9000

Samuel Amerson, P.E.
Director
Phone (772) 221-1442
Fax (772) 221-1447

August 7, 2018

Mr. Mario E. Loaiza, P.E.
South Martin Regional Utility
P.O. Box 395
Hobe Sound, Florida 33475

Dear Mr. Loaiza:

We have received a copy of the Town of Jupiter Island Resolution No. 801 amending the Town's water, wastewater and reclaimed water utility service area for South Martin Regional Utility (SMRU) adopted on February 21, 2018. This amendment expands SMRU's service area beyond the bounds of the 2005 Joint Planning Area Interlocal Agreement between the Town of Jupiter and the Martin County Board of County Commissioners (attached) and the Martin County Potential Service Areas map (Figure 11-2) as adopted in the Martin County Comprehensive Growth Management Plan (CGMP). As stated in the Agreement "The Town endorses and agrees to abide by the Martin County Urban Service District boundaries insomuch as the Town shall not provide urban services outside the Martin County urban services boundary." The Agreement further underscores that "proposals for extension of utilities shall be mutually communicated through proactive cooperation." Through the Agreement, the Town has agreed to support the terms of the comprehensive plan.

The amendment expands the service areas boundary beyond the County's Urban Service District as shown in Martin County Urban Service District Map Figure 4-2 of the CGMP. In addition, the CGMP Plan Policy 11.1C states "The extension of potable water lines and expansion of treatment plant capacity will be based on the projected demand for service as established in the Future Land Use Maps (Chapter 4 of the CGMP)... (2) Extension of public potable water facilities shall be limited to areas identified in the Future Land Use Element as an established urban service district including the exceptions identified in Chapter 4, Policy 4.7A.3 of the CGMP."

Sincerely,

Samuel Amerson, P.E.
Utilities and Solid Waste Director

SA/cb

cc: Gene Rauth, Town of Jupiter
Don Donaldson, Martin County
Clyde Dulin, Martin County
Anne Murray, Martin County

Sarah Woods, Martin County
Nicki van Vonno, Martin County
Samantha Lovelady, Martin County

TELEPHONE
772-288-5400

WEB ADDRESS
<http://www.martin.fl.us>

usd2018L572_2.docx

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT made by and between the Town Commission of the Town of Jupiter Island (Town) and the Martin County Board of County Commissioners (County).

WHEREAS, the parties are authorized to enter into interlocal agreements pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Martin County Comprehensive Growth Management Plan and the Town of Jupiter Island Comprehensive Plan call for coordination of planning; and

WHEREAS, the unincorporated area in south Martin County, as shown on attached Map #1, Martin County/Jupiter Island Joint Planning Area, is an area where development will impact the Town; and is an area in which both jurisdictions are desirous of jointly planning and coordinating planning efforts; and

WHEREAS, the Joint Planning Area is an area where future development will impact both the Town of Jupiter Island and Martin County in ways including, but not limited to the Town-owned South Martin Regional Utility (SMRU), beach access, recreation facilities, road impacts (including bike and golf cart use, stormwater planning, emergency evacuation and landscaping);

NOW THEREFORE, in consideration of the mutual covenants contained in this Interlocal Agreement, the parties agree as follows:

1. **Authority.** This Interlocal Agreement is entered into pursuant to Section 163.01, Florida Statutes, the Florida Interlocal Cooperation Act.

2. **Area.** The County and the Town hereby designate the area shown on attached Map #1 as the "Martin County-Jupiter Island Joint Planning Area.

3. **Joint Planning.**

- A. The County and the Town agree that proposals affecting this "Martin County-Jupiter Island Joint Planning Area," including but not limited to future land use amendments (text or map), amendments to zoning regulations and zoning map, annexations, significant development applications, road improvements, beach improvements or developments, and proposals for extension of utilities shall be mutually communicated through proactive cooperation.
- B. Hobe - St. Lucie Conservancy District is an independent special district created pursuant to Chapter 298, Florida Statutes, and the provisions of Chapter 88-514, Laws of Florida. It has the specific right to provide public facilities or services, including utilities, within its geographical area, as set forth in the provisions of applicable law. The County and the Town agree to communicate with each other and with the Hobe - St. Lucie Conservancy District with regards to any provision of services impacting the geographical area of the Hobe - St. Lucie Conservancy District.

4. Proactive Cooperation. Each jurisdiction shall notify the other of any and all planning processes as enumerated in Item 3, **Joint Planning** above. Significant development applications shall include all applications for more than 25 residential units or more than 50,000 square feet of non-residential use in any project. Each jurisdiction shall follow the procedure outlined in 6.E regarding significant developments.

5. Notice and Comments. The Town and the County shall each provide notice of any proposals for items enumerated in item 3 above. The receiving body shall respond to a notice of a planning process (as enumerated in item 3 above) by the other within 30 days of receipt of such notice. Comments shall be in writing. The Town and the County shall give consideration to the comments received from the other party in regard to any planning process.

6. Further Considerations.

A. Martin County Primary and Secondary Urban Services Boundaries (USB). The Town endorses and agrees to abide by the Martin County Urban Service District boundaries inasmuch as the Town shall not provide urban services outside the Martin County urban services boundary. In the event of a change in the County's urban services boundary within the Martin County / Jupiter Island Joint Planning Area (JPA) and that applies to any undesignated utility service area within the JPA boundaries, the provision of utility services shall be determined by the following formula:

Step 1: Calculate the distance from the center of the proposed development to the point(s) in each utility system where there exists water and wastewater lines of a diameter size and available hydraulic capacity sufficient to provide service to the proposed development (the "Available Lines").

Step 2: Calculate for each utility system, using identical costs of construction, material and equipment, the cost of extending water and wastewater lines, lift stations, pump stations, and storage facilities (as needed) from each utility system's Available Lines to the center of the proposed development of a size and hydraulic capacity sufficient to serve the proposed development (the "Line Costs").

Step 3: Calculate for each utility system the published, prevailing water and wastewater impact fees without "credits, deductions or deferrals" that would be due for the number of equivalent residential connections projected for the proposed property (the "Impact Fees").

Step 4: Add the Line Costs and the Impact Fees for each utility system (the "Total Cost").

The utility system with the lowest Total Cost shall have the first option to provide utility service to the proposed development. If the utility system does not exercise its option to provide service within ninety (90) days, then any provider may provide the service. Notwithstanding the foregoing formula, the Town shall retain all rights it has pursuant to Chapter 180.02 Florida Statutes.

B. Roads. The County and the Town agree to proactively cooperate on all matters regarding South Beach Road and in particular 1) any requests for the sale of right-of-way by the County to any party other than the Town, 2) the landscaping of rights-of-way, 3) special use by bicycles and golf carts, 4) storm water planning, 5) emergency evacuation and 6) road maintenance.

C. Beaches. The County and the Town agree to proactively cooperate toward the goal of substantially increasing the availability of beach access to the St. Lucie Inlet State Park by investigating alternative implementation techniques such as special districts, assessments or impact fees.

D. Annexation and Municipal Incorporation of Lands Within the Joint Planning Area. The County and the Town agree to provide notification beyond that currently required in Florida Statutes 171 regarding any proposed annexations of unincorporated lands in Martin County, contractions of municipal land in Jupiter Island, or incorporations. Notification of the pending annexation or contraction shall be provided to the other jurisdiction 30 days prior to the publishing or posting of the annexation ordinance notice required by 171.042, Florida Statutes or the contraction ordinance notice required by 171.051, Florida Statutes. Notification shall include copies of the annexation report required by Section 171.043 (2), Florida Statutes. Notification of any incorporation shall be provided to the Town by the County within five days of the County receiving such notice. Both parties agree to consult on any proposed annexations of unincorporated lands in Martin County, or contractions of municipal land in Jupiter Island via a meeting of the County Administrator and the Town Manager prior to the public hearings on the annexation or contraction ordinance.

E. Review of Development Applications. Martin County shall require pre-application meetings with the Development Review Committee on all applications for significant development applications located within the joint planning area. Martin County shall require the applicant to notify the Town of Jupiter Island of the pre-application meeting and invite a representative of the Town to attend the pre-application meeting. Jupiter Island shall provide comments, or send a representative to the pre-application meeting.

7. Dispute Resolution and Judicial Review. The County and the Town shall utilize the Treasure Coast Regional Planning Council for informal mediation when the two parties cannot resolve disputes under this agreement.

8. Effective Date and Duration. This Interlocal Agreement shall become effective upon its respective approval by both parties at their scheduled public meetings and execution by their respective Chairman and recording in the Public Records of Martin County, Florida. This Agreement shall be enforced for a term of twenty (20) years. Thereafter, the Agreement shall extend from year to year unless terminated by any party upon ninety (90) days written notice to all other parties.

9. Inclusion within Comprehensive Plans of the two Jurisdictions. This Interlocal Agreement shall be referenced in the Intergovernmental Coordination Element of the Comprehensive Plans of the two jurisdictions. Amendments to include such language to this effect shall be accomplished within two years of the date of this agreement.

DR BK 01983 PG 0125

DULY ADOPTED this 7th day of December, 2004.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

Marsha Ewing By: Lee Weberman
Marsha Ewing, Clerk Lee Weberman, Chairman

(SEAL)

APPROVED AS TO FORM AND CORRECTNESS

David A. Peton
for Stephen Fry, County Attorney

DULY ADOPTED this 12th day of January, 2004⁵.

ATTEST:

TOWN OF JUPITER ISLAND COMMISSION

Antonia M. Wickes By: Joseph E. Connolly
Antonia M. Wickes, Clerk Joseph E. Connolly, Mayor

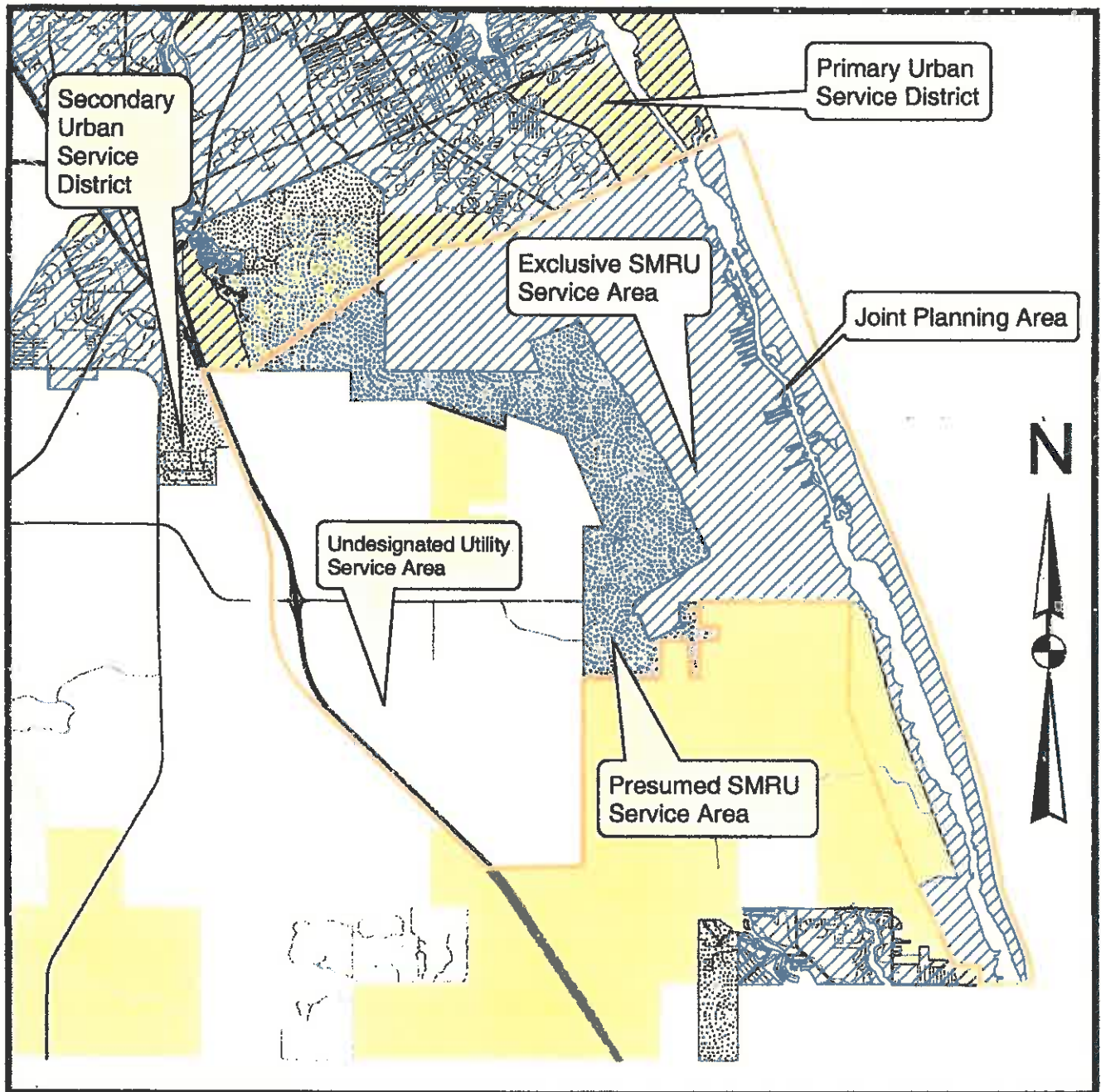
(SEAL)

APPROVED AS TO FORM AND CORRECTNESS

John C. Randolph
John C. Randolph, Town Attorney

DR BK 01983 PG 0186

Martin County / Jupiter Island Joint Planning Area



Project Name: Joint Planning Area
 Plot Location: T:\gmd\gmp\special_studies\3_intergov\J\utility\interlocal\JPA10.25.04.pdf
 Created By: C. Dulin GMD
 Plot Date: Oct. 25 2004

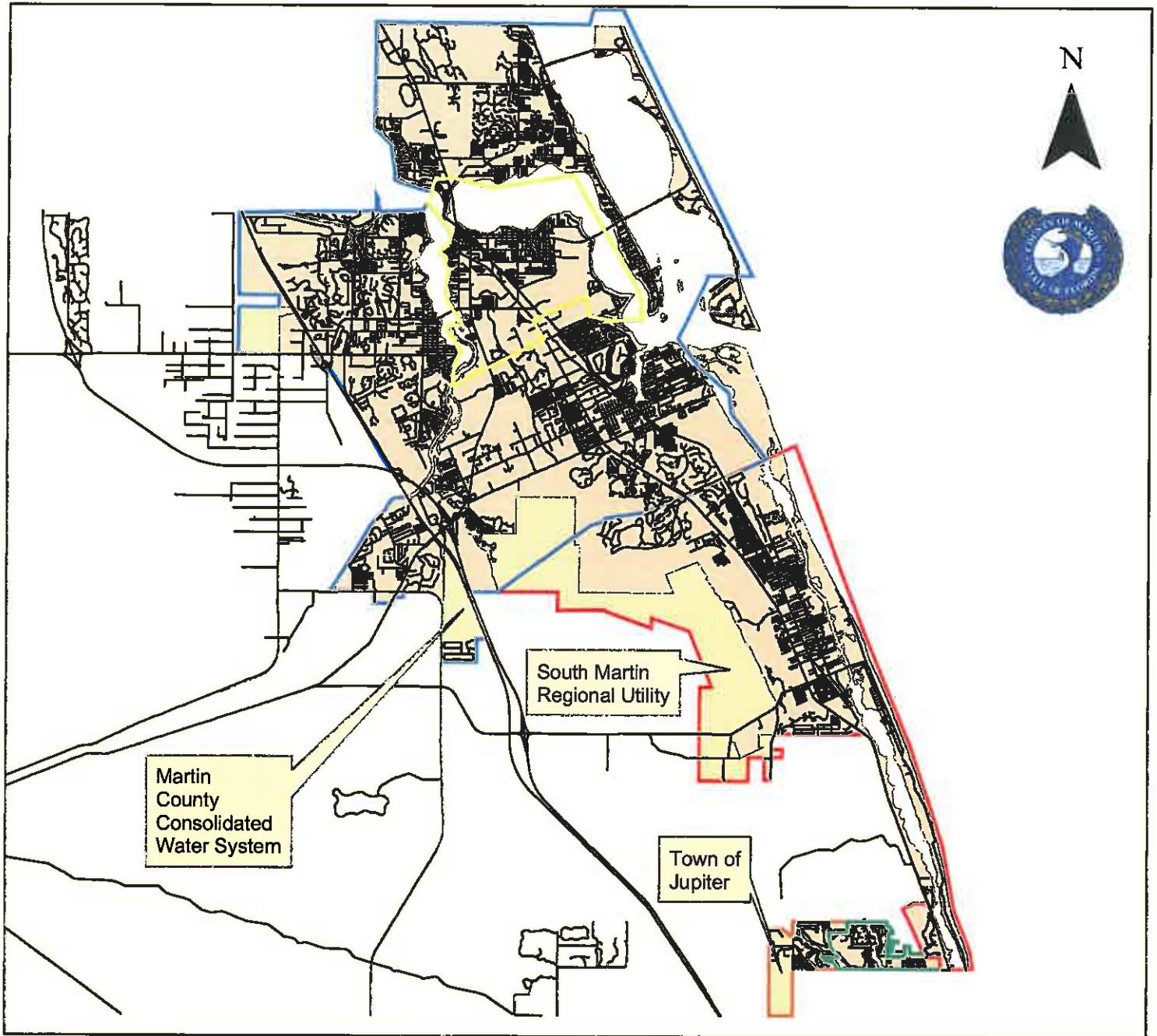
Disclaimer
 "This Geographic Information System Map Product, received from Martin County ("COUNTY") in fulfillment of a public records request is provided "as is" without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied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

Legend

- JPA
- Primary
- Secondary
- Exclusive
- Presumed
- Conservation Lands

Martin County

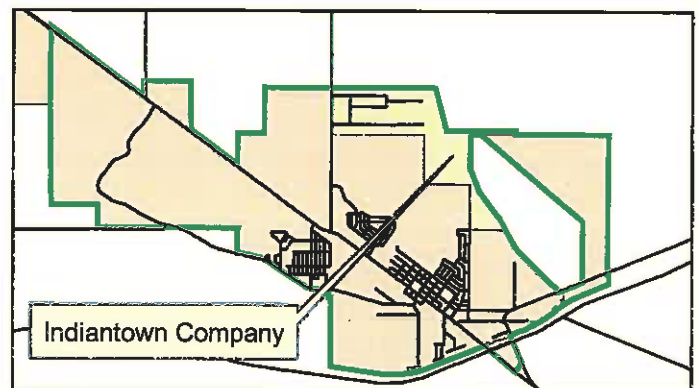
Figure 11-2, Potential Service Areas



Legend

0 6,500 13,000 26,000 39,000 52,000 Feet

- | | |
|--------------------|-----------------|
| StuartServArea | Jupiter_Polygon |
| Indiantown_Polygon | Primary USD |
| MCSerArea_Polygon | Secondary USD |
| SMRU_Polygon | |



Created by: C.Dulin
 Plot Date: July 12, 2007
 Project File T:\gmd\div_comp_plan\cpas\cpa03.04\cpa04-11

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Martin County

PLC
Created by: ARIY 10/01 (1981)
Revised: AUG 11/01

Urban Service District - Figure 4-2

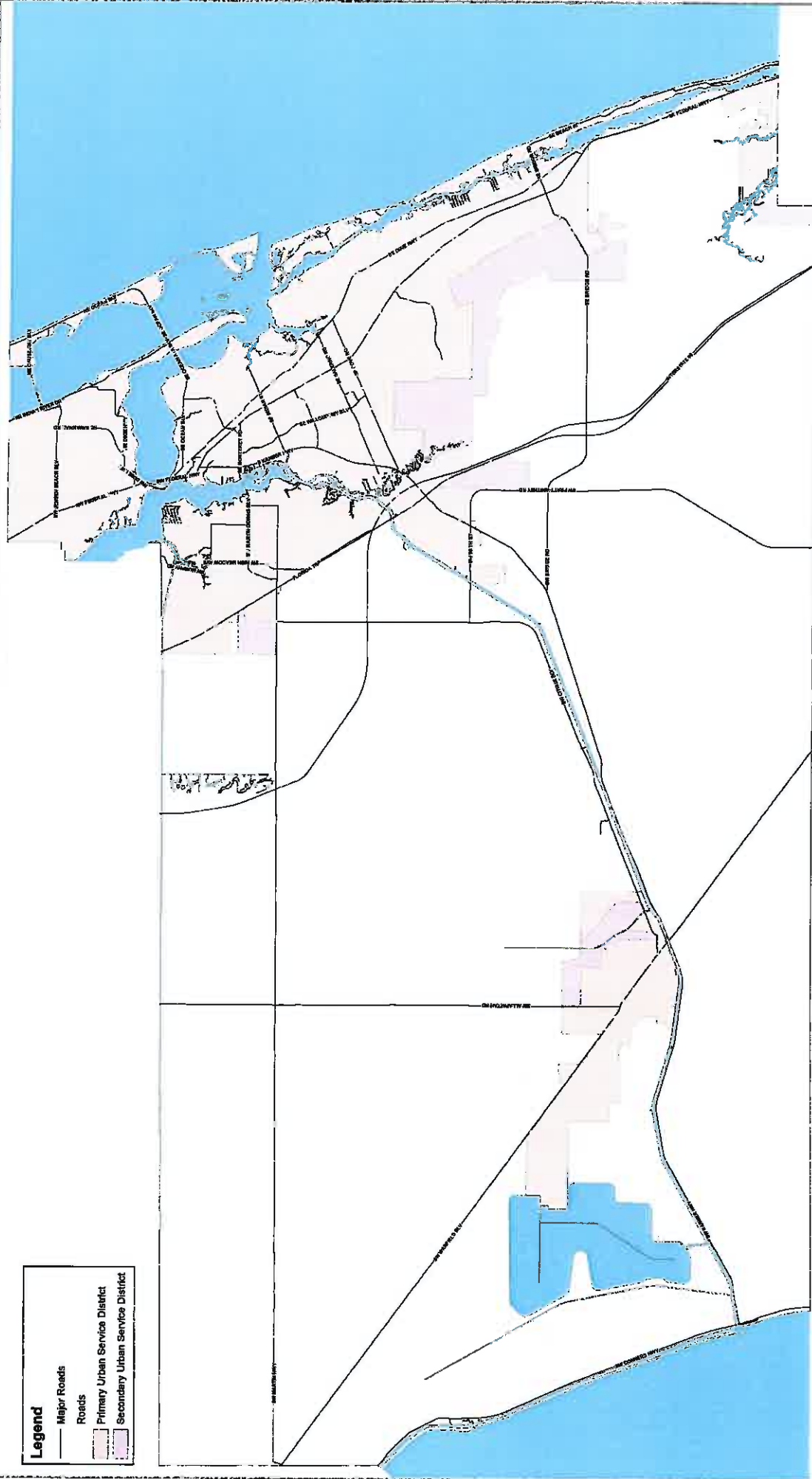


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Location Map



- Legend**
- Major Roads
 - Roads
 - Primary Urban Service District
 - Secondary Urban Service District



From: [Stacey McKindles](#)
To: [Edward Ciampi](#)
Subject: Phone-KL Waterside updates
Start: Thursday, October 8, 2020 3:00:00 PM
End: Thursday, October 8, 2020 3:30:00 PM
Location: Phone

From: [Stacey McKindles](#)
To: [Nancy Neill](#); [Morris Crady](#)
Subject: Re: Zoom meeting request
Date: Tuesday, October 6, 2020 12:17:45 PM

Hi Nancy,

I am waiting for confirmation from Commissioner Ciampi . He's not available today, so after I have an opportunity to speak with him in the morning I will send you the available dates and times to set up the meeting.

Stacey

From: Nancy Neill <nancyneill@strategicmfo.com>
Sent: Tuesday, October 6, 2020 12:07:29 PM
To: Morris Crady <mcrady@lucidodesign.com>; Stacey McKindles <comaide5@martin.fl.us>
Subject: RE: Zoom meeting request



I haven't heard from Ed, so if Stacey can schedule that is great.

*Intelligent Financial Decisions . . .
Identified, Implemented, and Beneficial to the Family AND Company*
Ann Mason Neill, Esquire ("Nancy")
StrategicMFO, a collection of single-family offices for business owners
Charlotte NC 28207 USA
Tel: 980.236.8527 (direct)
Fax: 704.394.7469
Cell: 980.406.8189

From: Morris Crady <mcrady@lucidodesign.com>
Sent: Tuesday, October 6, 2020 11:58 AM
To: Stacey McKindles <comaide5@martin.fl.us>
Cc: Nancy Neill <nancyneill@strategicmfo.com>
Subject: RE: Zoom meeting request

Hi Stacey...I believe Nancy is trying to schedule the same meeting directly with Commissioner Ciampi.
Morris

From: Stacey McKindles <comaide5@martin.fl.us>
Sent: Thursday, October 1, 2020 8:40 AM
To: Morris Crady <mcrady@lucidodesign.com>
Subject: RE: Zoom meeting request

Hi Morris,

I have received your email and will forward dates/times after I confirm with Commissioner Ciampi.

Stacey

From: Morris Crady <mcrady@lucidodesign.com>

Sent: Tuesday, September 29, 2020 5:24 PM

To: Stacey McKindles <comaide5@martin.fl.us>

Subject: FW: Zoom meeting request

Hi Stacey,

I hope all is well. I'd like to set up a zoom meeting with Commissioner Ciampi sometime next week.

The meeting is regarding KL Waterside, LLC (CPA 19-5 and 19-6), which is scheduled for October 13th BCC.

Please give some dates and times when he is available.

Thanks!

Morris A. Crady, AICP

Senior Vice President

Lucido & Associates

701 S.E. Ocean Blvd

Stuart, Florida 34994

Tel: 772.220.2100

Fax: 772.223.0220

mcrady@lucidodesign.com

Landscape Architecture - Land Planning - Land Entitlement



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From: [Sarah Woods](#)
To: [Samuel Amerson](#); [Paul Schilling](#); [Clyde Dulin](#); [Stacey McKindles](#); [Kathleen Boden](#); [Rosemarie Zummo](#); [Colleen Pachowicz](#); [Teresa Wortman](#)
Subject: FW: CPA 19-5 Waterside LLC
Date: Monday, November 23, 2020 8:57:35 AM
Attachments: [11232020 Ltr Thomas Baird re CPA 19-5 Waterside LLC.pdf](#)

FYI

Sarah W. Woods

County Attorney
Martin County Attorney's Office
Martin County Board of County Commissioners
2401 SE Monterey Road
Stuart, FL 34996
772-288-5446 (o) 772-288-5439 (f)

From: Rebecca Ramey <rramey@martin.fl.us>
Sent: Monday, November 23, 2020 8:53 AM
To: 'tbaird@jonesfoster.com' <tbaird@jonesfoster.com>
Cc: Sarah Woods <swoods@martin.fl.us>; 'jrandolph@jonesfoster.com' <jrandolph@jonesfoster.com>; 'gildanp@gtlaw.com' <gildanp@gtlaw.com>; mventura@tji.martin.fl.us; Taryn Kryzda <tkryzda@martin.fl.us>; Don Donaldson <ddonalds@martin.fl.us>
Subject: CPA 19-5 Waterside LLC

Please see the attached correspondence.

Rebecca Ramey

Legal Office Administrator
Martin County Attorney's Office
Martin County Board of County Commissioners
2401 SE Monterey Road, Stuart, FL 34996
772-288-5442 (o) 772-288-5439 (f)

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Edward V. Ciampi

Name of Board/Agency:

Board of County Commissioners

Item/Issue:

January 12, 2021

REQUEST FOR APPROVAL OF SEAWARD BOAT STORAGE FINAL SITE PLAN

Genie Investment Company is requesting approval of a major development final site plan to develop an approximate 25,210 square foot stabilized boat storage area and associated infrastructure. The 0.91-acre undeveloped site is located on the east side of SE Dixie Highway at the intersection of SE Seaward Street and SE Dixie Highway in Port Salerno. Included in this application is a request for a Certificate of Public Facilities Reservation.

Agenda Item: 21-0282

Name of person, group or entity with which communication took place: N/A

Subject matter of communication: N/A

Describe investigations, site visits and provide any expert opinions received: N/A

List and attach any written communication received: N/A