

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

**MEETING MINUTES- January 3, 2019**

**Present:**

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

School Board Liaison ..... Kimberly Everman

**Staff Present:**

**Growth Management Department:**

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

**1. CALL TO ORDER**

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

**2. CONSENT AGENDA**

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

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

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

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

**3. UNFINISHED BUSINESS – None**

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**B. Requests and Presentations – None**

**4. NEW BUSINESS**

**A. Public Hearings**

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

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

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

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

\*\*\* Interveners – None

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

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

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

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

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

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

The Applicant:

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

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

LPA Comments:

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

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

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

Public Comments: - None

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

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

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

**CARRIED - UNANIMOUSLY**

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

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

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

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

\*\*\* Interveners – None

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

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

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

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

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

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

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

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

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

**LPA Questions:**

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

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

**The Applicant:**

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

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

The following individuals spoke in opposition of the request.

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

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

LPA Comments:

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

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

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

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

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

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

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

\*\* **SECONDED** – by Ms. Hall

**CARRIED UNANIMOUSLY**

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

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

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

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

\*\*\* Interveners – None

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

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

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

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

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

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

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

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

The Applicant:

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

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

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

**PUBLIC COMMENT:** - None

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

\*\* **SECONDED** – by Mr. Watson

**CARRIED UNANIMOUSLY**

**5. COMMENTS**

**a. Public** - None

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

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

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

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

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

**c. Members -**

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

**6. ADJOURN**

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

Recorded and Prepared by:

Approved by:

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

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

\_\_\_\_\_  
Date