

CPA 19-24, Old Palm City FLUM Minutes

Dec. 5, 2019 Local Planning Agency

Dec. 17, 2019 BOCC Summary of Actions Taken



**LOCAL PLANNING AGENCY
MINUTES**

December 5, 2019

Commission Chambers

2401 SE Monterey Road, Stuart, FL 34996

Cindy Hall, District 1, November 2022

William J. Flanagan, District 2, November 2022

Donald Foley, III, District 3, November 2020

James Moir, Chair, District 4, November 2020

Scott Watson, Vice Chair, District 5, November 2020

Kimberly Everman, School Board Liaison, December 2019

DECEMBER 5, 2019

CALL TO ORDER

LPA Members Present, Thursday, December 5, 2019: (3) Three: Vice Chairman, Scott Watson, William Flanagan and Cindy Hall. Not Present: Chairman, Jim Moir, and Don Foley III. School Board Liaison, (1) Kimberly Everman, was present.

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

Present:

Senior Assistant County Attorney Krista Storey
Director, Growth Management Department Nicki van Vonno
Comprehensive Planning Administrator Clyde Dulin
Senior Planner Irene Szedlmayer
Office of Community Development Susan Kores
Agency Recorder/Notary Mary Holleran

TCRPC:

Urban Design Director..... Dana Little
Regional PlannerJessica Cortor Seymour

MINU APPROVAL OF MINUTES

MINU-1 OCTOBER 17, 2019

The LPA is asked to approve the minutes from October 17, 2019 LPA Meeting
Agenda Item 20-0139

MOTION: A Motion was made by Ms. Hall, SECONDED by Mr. Flanagan to approve the minutes of the LPA Meeting of October 17, 2019. The motion CARRIED 3-0.

QJP QUASI - JUDICIAL PROCEDURES

QJP – 1 QUASI – JUDICIAL PROCEDURES

Quasi-Judicial procedures apply when a request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings parties are entitled – as a matter of due process – to cross-examine witnesses, present evidence, demand that the witnesses testify under oath, and demand a decision that is based on a correct application of the law and competent substantial evidence in the record.

Agenda Item: 20-0140

All persons wishing to speak on a Quasi Judicial agenda item will be sworn in.

NEW BUSINESS

NPH-1 COMPREHENSIVE PLANAMENDMENT 19-24, OLD PALM CITY

Public Hearing to consider an amendment to the Future Land Use Map regarding the Old Palm City Community Redevelopment Area.

Requested by: Susan Kores, Office of Community Development, Manager

Presented by: Irene Szedlmayer, AICP, Sr. Planner, Growth Management Department

Agenda Item 20-0130

*** For the Record:**

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

STAFF: Ms. Szedlmayer provided NPH-1, Exhibit 1, A copy of her work experience and qualifications, Public Notices, and Certification of Surrounding Property Owners mailing, and NPH-1, Exhibit 2, a copy of the agenda and staff report. Exhibit 3 – Copy of a letter from Mr. Mike O’Leary.

Ms. Szedlmayer provided a presentation of the Old Palm City CRA. The general intent of the request is to amend the FLUM regarding the Old Palm City CRA to change the future land use designation from Low Density Residential, Medium Density Residential, Commercial/Office Residential, Limited Commercial, General Commercial and General Institutional future land use designations to CRA Center and the CRA Neighborhood. Color coded displays of the areas were provided. Also proposed is the elimination of the Old Palm City Mixed Use Land Use Overlay (displayed). Proposed is a request to change the Land Use of several properties owned by Martin County for consistency with the proposed amendments to the Future Land Use Map (FLUM). A copy of the proposed Land Use Map was displayed. Ms. Szedlmayer indicated 69% of Old Palm City will be in the CRA Neighborhood, and 13% of the land area will be in the CRA Center. The locations of the CRA Neighborhood and CRA Center were explained.

Criteria for compliance with Martin County’s Growth Management Plan and compliance with applicable regulations was provided.

STAFF: Ms. Szedlmayer noted a letter just received from Mr. Michael O’Leary, a Palm City (Oakbrooke) resident who was unable to attend the meeting.

PUBLIC: Mr. O’Leary’s letter was provided to the LPA. Mr. O’Leary’s concern was for the proposed rules in effect for Corridor designation of the CRA that will limit entry into the community. Although their neighborhood is not in the CRA, their entrance passes through the CRA new rules. He requested the proposed rules be modified to specify how their neighborhood’s easement will be factored into density and allowed intensity of development with the access road going through the property.

LPA: Mr. Flanagan read the letter and questioned what the plan was to allow a direct ROW through that area.

STAFF: Ms. Szedlmayer indicated since the letter was just received it has not yet been evaluated. The land has the same property rights as it did before the property was developed, and access easements were discussed. Nothing in this letter would change Ms. Szedlmayer’s opinion of the recommendation of the FLUM.

COUNTY: Senior Assistant County Attorney Ms. Storey explained tonight’s hearing is a discussion of the Future Land Use Map and nothing has been proposed that will effect or have an impact on the FLUM. She provided information on property and development rights. She agreed there may be property issues on that piece of property that staff has to look at.

STAFF: Staff recommended approval of the transmittal of CPA 19-24, Old Palm City FLUM.

PUBLIC:

Mr. Brian Flynn, 1323 Thelma St. Palm City, indicated the location of his commercial property on Thelma St., which was built in 1979. What has been proposed would take away his business, make it useless and take away the value of the land. He would like to see a designation on that property to allow it to have value. Currently there are four commercial buildings and four residential buildings.

COUNTY: Ms. Storey explained it is the practice of the LPA to hear public comments, and the LPA has the opportunity to ask staff questions regarding the public comments.

PUBLIC: Brian Bols, 5020 Landing Creek Dr., Palm City, Fl., provided the location of the property on the corner of Danforth, an industrial parcel on Palm City School Road. He had no problem with the zoning, it is still industrial, but the parcel is hard to use, it has a 220 ft. ROW, a four lane highway with no alleyways for connectivity. He thought the building placement might take away the value of the land.

Jennifer Field, 1334 SW 29th St, Palm City. She attended the NAC and indicated the Map looked different there. At that time there were four streets proposed that would allow Multi-Family and she wanted to confirm the change and that area will stay as

residential. The residents of that area wanted to make sure that it was not aa changed to Multi-Family, as the lots are small.

STAFF: Ms. Szedlmayer addressed Ms. Field's concern and indicated changes have been made in response to comments made at the NAC meeting and will be addressed in the next agenda item. That area remains in the CRA Neighborhood.

LPA: Mr. Watson addressed Mr. Flynn's comment and the Land Use Designation. The location of Thelma St. was displayed.

STAFF: Ms. Szedlmayer explained that a warehouse was constructed on the property in 1977, with a non-conforming use in 1982 and it received a low density future land use designation. Not being in the zoning overlay, it was assigned to the CRA Neighborhood Future Land Use designation. Other land use designations were indicated on the map location.

LPA: Mr. Watson said that made sense but it is a 40 year old commercial building structure that could not be changed in any way, with a non-conforming use, in a residential neighborhood.

Discussion ensued on a structure with a non-conforming use, if use is discontinued for 12 months it is considered abandoned. If it stays in use it is grandfathered in. If the property is sold the same use is maintained and the property rights run with the land if use is continued.

PUBLIC: Mr. Flynn stated the land was developed under HB-1, limited business, and was changed in 1982. The area zoning was commercial, 50% of the properties are already commercial and others may want to go to commercial.

The public speakers were invited to speak about their concerns at the next public meeting. There were no further comments at this time.

LPA: MOTION was made by Mr. Flanagan to accept staff's recommendation; SECONDED by Ms. Hall. CARRIED 3-0.

NPH-2 PUBLIC HEARING TO CONSIDER THE CREATION OF DIVISION 4, OLD PALM CITY COMMUNITY REDEVELOPMENT CODE OF ARTICLE 12, REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS AND AMENDING THE ZONING ATLAS TO ASSIGN THE OLD PALM CITY REDEVELOPMENT ZONING DISTRICT. (QUASI-JUDICIAL)

Requested by: Susan Kores, Office of Community Development Manager
Presented by: Dana Little, Urban Design Director, Treasure Coast Regional Planning Council (TCRPC), and Jessica Cortor Seymour

Agenda Item: 20-0131

All persons wishing to speak on this item are to be sworn in.

*** For the Record:**

LPA: There were no ex parte communication disclosures. No interveners were present.

COUNTY: Staff and individuals speaking on this matter were sworn in.

STAFF: Ms. Kores provided NPH-2, Exhibit 1, her Resume and Work Experience, and NPH-2, Exhibit 2, Agenda Item and Public communications. Usually the adoption of an amendment to the LDRs and the Zoning Atlas to re-zone property are subjects of two separate staff reports, plus an ordinance and a resolution. However, tonight's staff report reviews both the proposed adoption of Division 4, Old Palm City Redevelopment Code, Article 12, LDR and the proposed amendment of the Zoning Atlas, and staff has recommended the adoption of a single ordinance to amend both the LDR and the Zoning Atlas.

STAFF: Ms. Kores introduced Mr. Dana Little, Urban Design Director, TCRPC to provide an update of current activity,

APPLICANT: Mr. Little reviewed a schedule of public meetings held, overall projects and the adoption schedule. Old Palm City will go to the BoCC on 12/17/19 and a final meeting is scheduled before the BoCC on 12/21/19. Two key components of regulations included the creation of a new Chapter 18 specific to the CRA, and the creation of Article 12, the new LDRs Chapter. We have been rezoning existing zoning and the overlays, and rezoning entire CRAs into sub districts into an existing regulating plan. The structure is important because while we are adopting some of the CRAs LDRs, there are others that are not yet developed and we must keep the old rules in place while adopting new rules. The process to address this was provided.

The Land Use Map was displayed. Mr. Little addressed issues brought up earlier, with the regulating plan. He met with Mr. Bols and discussed Industrial concerns and providing flexibility. Ms. Field's comments were to keep single-family and Multi-Family was discussed. Building heights, including recommending three-story (40 ft. height) for Mapp Road, densities, boundaries, future land use categories and adjustments made to provide future land use designations were reviewed. Building Type and Frontage Type standards were highlighted.

Mr. Little sought a Motion of approval to move forward with these new LDRs and Amendment to the Zoning Atlas for Old Palm City.

LPA: Mr. Flanagan commented on the feasibility of going wide on Mapp Road at the north end down by the Texaco Station, and if it was doable for the full length of Mapp Road.

APPLICANT: Ms. Seymour displayed sections of Mapp Road with additional ROW showing illustrative drawings and designs.

PUBLIC: Mr. Bols spoke of the parking lot setback Code and asked if it would limit the size of building on the property.

Mr. Little addressed the parking lot setback code and the minimum setback that was appropriate and if more flexibility should be provided. Mr. Bols concerns, Mr. Flynn, and Ms. Field's issues were topics for further discussion. Mr. Little offered to meet with them.

MOTION: A Motion was moved by Ms. Hall to accept Staff's recommendation to consider creation of the New Land Development Regulations and amending the Zoning Atlas to assign the Old Palm City Redevelopment Zoning District.

SECONDED: by Mr. Flanagan. CARRIED – 3-0.

NPH-3 PUBLIC HEARING TO CONSIDER AMENDING SECTION 12.1.01, PURPOSE AND INTENT, ARTICLE 12, LAND REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS

Requested by: Krista Storey, Sr. Assistant County Attorney

Presented by: Krista Storey, Sr. Assistant County Attorney

Agenda Item 20-0192

COUNTY: Ms. Storey reviewed the proposed minor amendment to Sections, 12.1.01, the Purpose and Intent of Article 12, Redevelopment Code of the Land Development Regulations. Ms. Storey provided background information on provisions and applicability of the Redevelopment Code. Upon further review staff believed it was necessary to revise Sections 12.1.01.C. and 12.1.01.D to clarify how Comprehensive Plan Amendment 18-10 and Article 12, Land Development Regulations will be implemented. The Intent here is, you will have Codes that address the CRAs and people will be able go to those documents -- the CGMP and Article 12, and understand what they can do and how to proceed with development.

Staff thought it important to clarify Article 12 and took a look at a couple of provisions within the existing Article 12, that needed to be clarified to determine how they would apply. We believe this affectates the Board of County Commissioners desire to move forward in our CRAs. Some examples and decisions were made for certain protected zones that are in the CGMP, when the CGMP would apply. At any other time, when other parts of the LDRs might be amended, we now have a mechanism and vehicle to go to, and make it clear that Article 12, shall control. (Draft Ordinance **12.1.D.C.**)

The draft ordinance was attached and recommended for approval.

PUBLIC: None

LPA: MOTION: Mr. Flanagan made a MOTION to move approval of Amending Section 12.1.01, Purpose and Intent Article 12, Land Development Code, Land Development Regulations; SECONDED: by Ms. Hall. CARRIED; 3-0.

COMMENTS:

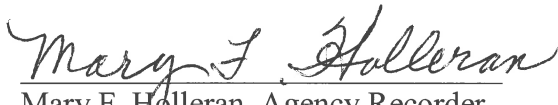
1. PUBLIC - None
2. MEMBERS - None
3. STAFF – Reminded the LPA was scheduled to meet on Thursday, December 19, 2019 At 7:00 pm. Ms. Cindy Hall will not be attending.

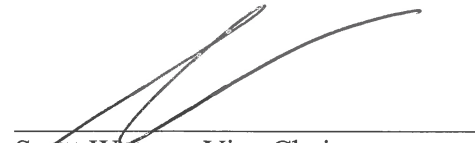
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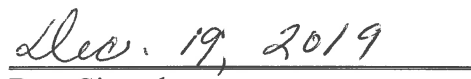
The LPA Meeting of December 5, 2019 was adjourned at 8:50 pm.

Respectfully Submitted:

Approved by:


Mary F. Holleran, Agency Recorder
Notary Public


Scott Watson, Vice Chairman


Date Signed:

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BOARD OF COUNTY COMMISSIONERS

ACTION SUMMARY

DECEMBER 17, 2019 ~ 9:00 AM

COMMISSION CHAMBERS

2401 SE MONTEREY ROAD, STUART, FLORIDA 34996

COUNTY COMMISSIONERS

Harold E. Jenkins II, Chairman
Stacey Hetherington, Vice Chair
Doug Smith
Sarah Heard
Edward V. Ciampi

Taryn Kryzda, County Administrator
Sarah W. Woods, County Attorney
Carolyn Timmann, Clerk of the Circuit
Court and Comptroller

PRESETS

9:05 AM Public Comment
9:30 AM Approve an Option to Lease and Public Purpose Lease Agreement with the
Martin County Fair Association, Inc. DEPT-5
10:30 AM Landscape Presentation by the Florida Department of Transportation for SW
Kanner Highway from I-95 to SW Monterey Road DEPT-3
5:05 PM Public Comment

CALL TO ORDER AT 9:02 AM

1. INVOCATION - Pastor James L. Brocious, Stuart Alliance Church
2. PLEDGE OF ALLEGIANCE
3. ADDITIONAL ITEMS – *There were no Additional Items.*
4. APPROVAL OF AGENDA – *The Agenda was approved with DPQJ-1 being withdrawn.*
5. APPROVAL OF CONSENT AGENDA – *The Consent Agenda was approved minus CNST-6.*

Consent Agenda items are considered routine and are enacted by one motion and will have no action noted, but the "Recommendation" as it appears on the Board item is the approved action.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

PROC-1 PRESENT A PROCLAMATION PREVIOUSLY APPROVED VIA THE CONSENT AGENDA

The Chairman will present the proclamation to the recipient.

Agenda Item: 20-0177

ACTION TAKEN: The Board presented a proclamation commending Scout Bryan Weiksnar upon the occasion of achieving the rank of Eagle Scout.

PH-4

LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF COMPREHENSIVE PLAN AMENDMENT 19-23, RIO FUTURE LAND USE MAP

CPA 19-23, Rio FLUM, proposes to amend the Future Land Use Map regarding most of the 542 acres in the Rio Community Redevelopment Area (CRA). Seven future land use designations will be changed to the CRA Center or CRA Neighborhood future land use designation. The Marine Waterfront Commercial, Industrial, Public Conservation and Recreational future land use designations will be retained. The four Rio Mixed-Use Future Land Use Overlays will be eliminated. Also, the eastern boundary of the CRA is modified slightly for consistency with boundaries of lots created after the designation of the CRA.

Agenda Item: 20-0110 **Supplemental Memorandum** **ORDINANCE NO. 1120**

ACTION TAKEN: The Board approved the adoption of CPA 19-23, changing the Estate Density Residential, Low Density Residential, Medium Density Residential, Mobile Home Density, Commercial Office/Residential, Limited Commercial, and General Commercial future land use designations to the CRA Center or CRA Neighborhood future land use designations and eliminating the Rio Industrial, Western, Town Center, and Eastern Mixed-Use Future Land Use Overlays.

PH-5

LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT 19-24, OLD PALM CITY FUTURE LAND USE MAP

This agenda item concerns the transmittal of the amendment of the Future Land Use Map regarding the Old Palm City Community Redevelopment Area (609 acres). The proposed amendment will change the Low Density Residential, Medium Density Residential, Commercial Office/Residential, Limited Commercial, General Commercial or General Institutional future land use designations to CRA Center, CRA Neighborhood, Public Conservation, Recreational, or General Institutional future land use designations, and eliminate the Old Palm City Mixed-Use Future Land Use Overlay.

Agenda Item: 20-0182

ACTION TAKEN: The Board approved transmittal to the state land planning agency of an amendment of the Future Land Use Map regarding the Old Palm City CRA to change the Low Density Residential, Medium Density Residential, Commercial Office/Residential, Limited Commercial, General Commercial or General Institutional future land use designations to CRA Center, CRA Neighborhood, Public Conservation, Recreational, or General Institutional future land use designations, and to eliminate the Old Palm City Mixed-Use Future Land Use Overlay.

PUBLIC HEARING QUASI-JUDICIAL

PHQJ-1 FIRST PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING DIVISION 4, OLD PALM CITY COMMUNITY REDEVELOPMENT CODE, IN ARTICLE 12, LDR, AND AMENDING THE ZONING ATLAS

This is the first public hearing before the Board on a proposed ordinance to amend the Land Development Regulations (LDRs) to: (1) create Division 4, Old Palm City Community Redevelopment Code, of Article 12; (2) amend the Zoning Atlas to assign the Old Palm City Redevelopment Zoning District and other zoning districts for consistency with the Future Land Use Map; and (3) repeal Section 3.265, Old Palm City Community Redevelopment Area, LDR. The proposed amendment of the LDRs and Zoning Atlas is a companion to CPA 19-24, Old Palm City FLUM.

Agenda Item: 20-0184

ACTION TAKEN: The Board received and filed the Agenda Item Summary and all attachments as an exhibit; considered the ordinance that (A) creates Division 4, Old Palm City Community Redevelopment Code, in Article 12, of the LDR; (B) amends the Zoning Atlas to assign the Old Palm City Redevelopment Zoning District and other zoning districts for consistency with the Future Land Use Map; and (C) repeals Section 3.265, Old Palm City Community Redevelopment Area, LDR; and scheduled the second public hearing for February 18, 2020 prior to 5:00 PM in order to coincide with the hearing date for other related matters.

PHQJ-2 SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE THAT ESTABLISHES DIVISION 3, THE RIO COMMUNITY REDEVELOPMENT CODE, AND AMENDS THE ZONING ATLAS

This is the second public hearing on a proposed ordinance to amend the Land Development Regulations (LDR) that will (1) establish Division 3, Rio Community Redevelopment Code, of Article 12, (2) amend the Zoning Atlas to assign the Rio Redevelopment Zoning District, and (3) repeal Section 3.264, Rio Community Redevelopment Area, LDR. The adoption of the Rio Community Redevelopment Code will implement Chapter 18, Community Redevelopment Element of the Comprehensive Growth Management Plan, and CPA 19-23, the amendment of Future Land Use Map regarding the Rio CRA.

Agenda Item: 20-0112 **Supplemental Memorandum** **ORDINANCE NO. 1121**

ACTION TAKEN: The Board received and filed the Agenda Item Summary and all attachments as an exhibit and adopted the Ordinance (1) creating Division 3, Rio Community Redevelopment Code, of Article 12, Land Development Regulations, (2) repealing Section 3.265, Rio Community Redevelopment Area, Land Development Regulations, and (3) amend the Zoning Atlas to assign the Rio Redevelopment Zoning District.

**DEPARTMENTAL
ADMINISTRATION**

DEPT-1 OFFICE OF MANAGEMENT AND BUDGET ITEMS WHICH REQUIRE BOARD APPROVAL

This is a placeholder on all Board meeting agendas to streamline the process for grant applications, awards, budget resolutions, budget transfers from reserves, and CIP amendments. Specific items requiring approval, if any, will be provided by Supplemental Memorandum.

Agenda Item: 19-0850 Supplemental Memorandum (2 items)

ACTION TAKEN:

1. PERMISSION TO ACCEPT THE FY2018-2019 LAND AND WATER CONSERVATION FUND (LWCF) GRANT FOR THE GOLDEN GATE RECREATIONAL TRAIL AT LAMAR HOWARD PARK (AGREEMENT #LW703) - The Board authorized the Chairman and/or designee to execute the FDEP agreement as well as any non-monetary grant related documents upon review and concurrence of the County Attorney's Office; authorized the Chairman and/or designee to execute the Federal Funding and Transparency Act Form; and adopted the Budget Resolution. RESOLUTION NO. 19-12.18
2. CONTRACT BETWEEN SENIOR RESOURCE ASSOCIATION AND THE BOARD OF COUNTY TO PROVIDE 10% LOCAL MATCH TO THE TRANSPORTATION DISADVANTAGED INNOVATION AND SERVICE DEVELOPMENT GRANT - The Board approved the Agreement to provide the local match to the Senior Resource Association's Innovation and Service Development Grant.

DEPT-2 CONTRACTS THAT MEET THE THRESHOLD FOR BOARD APPROVAL

This item is a placeholder on all Board meeting agendas to streamline the process for items that meet the Board approval threshold. Specific items requiring approval, if any, will be provided by Supplemental Memorandum. If there are no items, a Supplemental Memorandum will not be attached.

Agenda Item: 19-0916 (no items)

ACTION TAKEN: n/a

PUBLIC WORKS

DEPT-3 LANDSCAPE PRESENTATION BY THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR SW KANNER HIGHWAY FROM I-95 TO SW MONTEREY ROAD

On August 13, 2019, the Martin County Board of County Commissioners (BOCC) directed staff to request a presentation by the Department of Transportation (DOT) regarding the proposed landscaping on SW Kanner Highway from I-95 to SW Monterey Road. They asked that DOT provide a presentation to the Metropolitan Planning Organization (MPO) Board first then again to the BOCC. The presentation to the MPO Board is scheduled for December 9, 2019.

Agenda Item: 20-0172 RESOLUTION NOS. 19-12.12 and 19-12.13

ACTION TAKEN: The Board adopted the Resolution approving the new Landscape Maintenance Memorandum of Agreement (MMA) and adopted the Resolution approving the MMA Terminations. The Board directed staff to come back with a corridor/gateway plan discussion Agenda Item looking at prioritizing.