



LOCAL PLANNING AGENCY MINUTES

February 6, 2020

Commission Chambers

2401 SE Monterey Road, Stuart, FL 34996

Cindy Hall, District 1, November 2022

William J. Flanagan, District 2, November 2022

Donald Foley, III, District 3, November 2020

James Moir, Chair, District 4, November 2020

Scott Watson, Vice Chair, District 5, November 2020

Kimberly Everman, School Board Liaison, December 2020

CALL TO ORDER

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

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

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

Present:

Senior Assistant County Attorney Krista Storey

Comprehensive Planning Administrator Clyde Dulin

Development Review Administrator Paul Schilling

Principal Planner Maria Jose

Senior Planner Matthew Stahley

Agency Recorder/Notary Mary Holleran

MINU APPROVAL OF MINUTES

MINU-1 DECEMBER 19, 2019

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

Agenda Item 20-0351

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

QJP – QUASI - JUDICIAL PROCEDURES

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

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: 20-0350

COUNTY: Senior Assistant County Attorney Krista Storey explained the process and Swearing-in for Quasi-Judicial procedures by which the LPA, Staff and the Applicant would be addressing items on the agenda tonight.

DEPT DEPARTMENTAL

DEPT-1 ANNUAL ELECTION OF NEW OFFICERS

The LPA is asked to elect a new Chairman and a new Vice Chairman.

Ms. Storey indicated the Election of New Officers could be deferred to the end of the next LPA meeting when all members are present and to accommodate tonight's missing LPA member, Don Foley III. The LPA Members agreed.

Requested by: Nicki van Vonno, AICP, Growth Management Director

Presented by: Nicki van Vonno, AICP, Growth Management Director

NEW BUSINESS

NPH-1 IMPEDANCE BAILE, LLC REZONING (I059-002) (QUASI-JUDICIAL)

Application for a zoning district change from current B-1, Business District to the COR- 1, Commercial Office/Residential District, or the most appropriate zoning district. The undeveloped property is approximately 1.10 acres, located on the east side of South Kanner Highway, approximately 1,200 feet north of the SE Salerno Road and South Kanner Highway intersection. Included in this application is a request for a certificate of Public Facilities Exemption.

Requested by: Emily O'Mahoney, Gentile Glas Holloway O'Mahoney & Associates, Inc.

Presented by: Matthew Stahley, Sr. Planner, Growth Management Department

Agenda Item: 20-0356

*** For the Record:**

LPA: Ex parte communication disclosures - None: No Intervenors were present.

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

STAFF: Mr. Stahley (s/i) provided NPH-1, Exhibit 1, Certification of required notification to surrounding homeowners; Exhibit 2, Mr. Stahley's Resume, a copy of staff's report and the Agenda.

STAFF: Mr. Stahley presented NPH-1, a request for an amendment to the Zoning District Atlas for a zoning district change from the current B-1, Business District to the COR-1 Commercial

Office/Residential District, or the most appropriate zoning district, for the approximately 1.10 acre undeveloped property. The applicant includes a request for a Certificate of Public Facilities Exemption.

The requested zoning change to COR-1, Commercial Office/Residential District is classified as a mandatory rezoning because the current category C, B-1 Business District is inconsistent with the Commercial Office/Residential land use designation. The applicant requested the COR-1 Zoning District to allow the construction of a professional office on the vacant property. The Future Land Use designation for the entire property on the County's CGMP is Commercial Residential.

The Location Map was displayed (Staff report pg. 13/17) showing an aerial map, along with the zoning map and future land use map (pg. 14/17). Options available include three straight zoning districts CO (Commercial Office), COR-1 (Commercial Office/Residential and COR-2 (Commercial Office/Residential Districts). Mr. Stahley explained the uses of the CO Districts (pg. 2/17).

Staff's review indicates the findings and conclusions relating to the request are identified "F" through 1 of the report (pg. 12/17). The request is considered in compliance and qualifies for a recommendation of approval for a zoning change to the requested COR-1. A review and recommendation is required for this application from the LPA and final action on this application is required by the BOCC, and advertised as public hearings.

LPA: Mr. Moir questioned the selection of COR-1 over COR-2. Mr. Stahley indicated that it was the applicant's request and it meets the Code.

APPLICANT:

Mr. Daniel Siensen, (s/i) Gentile, Glas, Holloway, O'Mahoney, represented the Applicant. He provided required Notification to surrounding homeowners, NPH-1, Exhibit-2. Mr. Siensen commented this was a house-keeping item, and consistent with the land use. They chose COR-1 over COR-2 for setback relief, it doesn't require any other relief, it provides for more flexibility, and the uses are the same.

PUBLIC: There were no comments from the public.

LPA: A MOTION was made by Ms. Hall to approve the applicant's request for a zoning district change from the B-1, Business District to the COR-1, Commercial Office/Residential District; SECONDED by Mr. Watson. The MOTION CARRIED 4-0.

*Recorder's Note: The Agenda Item format was changed to hear text amendments first NPH-2 replaced NPH-4 on the agenda.

Public hearing to consider a proposed request to amend the text of Chapter 4, Future Land Use Element and to amend Figure 4-2, Urban Service Districts and Figure 11-1, Areas Currently Served by Regional Utilities of the Martin County Growth Management Plan.

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

Presented by: Maria Jose, Planner, Growth Management Department

Agenda Item: 20-0352

STAFF: Maria Jose (s/i) presented information for the application requesting a text amendment to Figure 4-2 and 11-1 of the CGMP, extending the Primary Urban Service District (PUSD) line approximately 599 feet east in order to cover the entire 16.72 acre subject property. The property is located at the southeast corner of SW Kanner Hwy. and Pratt Whitney Road. Figure 4-2 Urban Service Districts and Figure 11-1, Areas Currently Served by regional Utilities, currently include 9.15 acres of the 16.72-acre site. The proposed text amendments to Figure 4-2 and 11-1 will include 7.57 additional acres. A display of the proposed amendment to Figure 4-2 showing the area of the PUSD expansion was displayed, along with a map of the proposed amendment to Figure 11-1 showing the expansion of areas currently served by regional utilities. (Staff report, pg. 4/11). A map of the subject property was displayed.

According to the CGMP Commercial Land Use designations belong in the PUSD, not outside of it; therefore, it is necessary to pair the concurrent proposed FLUM change with a proposal to extend the PUSD so that both will be consistent. Additionally, a text amendment to Chapter 4 of the CGMP is also proposed, where site-specific language is added to Policy 4.1B.2, establishing sub-area development restrictions for the subject property, limiting the maximum intensity to 63,810 sq. ft. of non-residential use. The text amendment to Policy 4.1B.2 will be applicable to the entire 16.72 –acre site.

Staff recommends approval based on the Staff Report Analysis, consistency and compliance with the CGMP, extending the PUSD line approximately 599 feet east in order to cover the entire 16.72-acre property, and the conclusion the proposed amendments to Figure 4-2 and 11-1 will include 7.57 additional acres. The text amendment limiting building square footage, 68,810 sq. ft. will be applicable to the entire 16.72-acre property. The proposed amendments will have a small impact on the edge of the existing PUSD.

LPA: Mr. Moir commented on a portion of the property not within the USB.

APPLICANT: Robert S. Raynes, Jr., Esq., Gunster Yoakley & Stewart P.A., representing the applicant, provided the required notices to surrounding homeowners as Exhibit 2, NPH-2. He provided an explanation of the portion that is 1.57 acres. This was a self-imposed restriction making their CPA more attractive, it was what they needed, and it worked for them and other uses could not come in there.

LPA & COUNTY: Mr. Moir and Ms. Storey discussed leaving this item and going on to the next presentation to address the Text and Future Land Use Map in their entirety. CPA 19-22 was listed as NPH-2 on the Agenda and is now NPH-3.

NPH-3 COMPREHENSIVE PLAN AMENDMENT 19-22 PUBLIX SUPERMARKET

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

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

Presented by: Maria Jose, Planner, Growth Management Department

Agenda Item: 20-0353

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

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

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

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

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

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

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

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

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

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

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

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

The LPA CONTINUED WITH CPA 19-21

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

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

The LPA CONTINUED WITH CPA 19-22

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

PUBLIC COMMENTS: None

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

NPH-4 PUBLIX SUPERMARKET REZONING (QUASI-JUDICIAL)

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

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

Presented by: Maria Jose, Planner, Growth Management Department

Agenda Item: 20-0354

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMENTS:

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

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

Respectfully Submitted:

Approved by:

Mary F. Holleran, Agency Recorder
Notary Public

Jim Moir, Chairman

Date Signed:

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