

# Agency Correspondence



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER NICOLE "NIKKI" FRIED

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March 18<sup>th</sup>, 2020

VIA /EMAIL (nikkiv@martin.fl.us)

Martin County  
Nicki Van Vonmo  
2401 SE Monterey Road  
Stuart, Florida 34996

Re: DACS Docket # 20200312 – 223 - Martin  
Martin County  
March 9<sup>th</sup>, 2020

Dear, Ms. Nicki Van Vonmo

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on **March 12<sup>th</sup>, 2020** and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes, to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2282.

Sincerely,

*Thomas Poucher*

Thomas Poucher  
Budget Director  
Office of Policy and Budget

cc: Florida Department of Economic Opportunity  
(SLPA #: Martin County 20-01 ESR)

**From:** [Clyde Dulin](#)  
**To:** [Maria Jose](#)  
**Subject:** FW: Martin County 20-1ESR - FDOT District Four Review  
**Date:** Thursday, April 2, 2020 1:43:09 PM

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Publix

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**From:** Nicki vanVonno <[nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)>  
**Sent:** Thursday, April 2, 2020 1:31 PM  
**To:** Clyde Dulin <[cdulin@martin.fl.us](mailto:cdulin@martin.fl.us)>; Joan Seaman <[jseaman@martin.fl.us](mailto:jseaman@martin.fl.us)>  
**Subject:** FW: Martin County 20-1ESR - FDOT District Four Review

Nicki B. van Vonno, AICP  
Growth Management Department Director  
Martin County Board of County Commissioners  
772-288-5520  
[nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)

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**From:** Hymowitz, Larry <[Larry.Hymowitz@dot.state.fl.us](mailto:Larry.Hymowitz@dot.state.fl.us)>  
**Sent:** Thursday, April 2, 2020 1:14 PM  
**To:** 'DCPexternalagencycomments' <[DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)>; Nicki vanVonno <[nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)>  
**Cc:** Gardner-Young, Caryn <[Caryn.Gardner-Young@dot.state.fl.us](mailto:Caryn.Gardner-Young@dot.state.fl.us)>; Joan Seaman <[jseaman@martin.fl.us](mailto:jseaman@martin.fl.us)>  
**Subject:** Martin County 20-1ESR - FDOT District Four Review



I am writing to advise you that the Department will not be issuing comments for the proposed Martin County comprehensive plan amendment with DEO reference number 20-1ESR.

The Department requests an electronic copy in Portable Document Format (PDF), of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents.

Thank you.

Larry Hymowitz  
Planning Specialist – Policy Planning & Growth Management  
Planning & Environmental Management - FDOT District Four  
3400 West Commercial Boulevard  
Fort Lauderdale, Florida 33309-3421  
Phone: (954) 777-4663; Fax: (954) 677-7892  
[larry.hymowitz@dot.state.fl.us](mailto:larry.hymowitz@dot.state.fl.us)



**From:** [Clyde Dulin](#)  
**To:** [Maria Jose](#)  
**Subject:** FW: Martin County 20-1ESR (CPA 19-21, CPA 19-22 Publix Supermarket)  
**Date:** Monday, March 23, 2020 3:57:31 PM

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**From:** Nicki vanVonno <[nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)>  
**Sent:** Monday, March 23, 2020 3:56 PM  
**To:** Clyde Dulin <[cdulin@martin.fl.us](mailto:cdulin@martin.fl.us)>  
**Subject:** FW: Martin County 20-1ESR (CPA 19-21, CPA 19-22 Publix Supermarket)

Sent from [Mail](#) for Windows 10

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**From:** Hight, Jason <[Jason.Hight@MyFWC.com](mailto:Jason.Hight@MyFWC.com)>  
**Sent:** Monday, March 23, 2020 3:18:53 PM  
**To:** Nicki vanVonno <[nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)>; [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)  
<[DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)>  
**Cc:** Conservation Planning Services <[conservationplanningservices@MyFWC.com](mailto:conservationplanningservices@MyFWC.com)>; Raininger, Christine <[Christine.Raininger@MyFWC.com](mailto:Christine.Raininger@MyFWC.com)>  
**Subject:** Martin County 20-1ESR (CPA 19-21, CPA 19-22 Publix Supermarket)



Ms. Van Vonno:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment.

If you need any further assistance, please do not hesitate to contact our office by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions, please contact Christine Raininger at (561) 882-5811 or by email at [Christine.Raininger@myfwc.com](mailto:Christine.Raininger@myfwc.com).

Sincerely,

Jason Hight  
Land Use Planning Program Administrator  
Office of Conservation Planning Services  
Florida Fish and Wildlife Conservation Commission  
620 South Meridian MS5B5  
Tallahassee, FL 32399  
850-413-6966

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 4B\_\_

From: Staff

Date: March 31, 2020

Subject: Local Government Comprehensive Plan Review  
Draft Amendment to the Martin County Comprehensive Plan  
Amendment No. 20-01ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from Martin County was received on March 10, 2020 and contains one text amendment to the Future Land Use Element, updates to figures, and one change to the Future Land Use Map (FLUM) of the comprehensive plan. The amendments are being requested to accommodate the development of a 48,387 square foot Publix Supermarket with 9,600 square feet of attached retail. This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendments

The proposed FLUM amendment changes a 6-acre portion of a 16.72-acre parcel from Agricultural to General Commercial to be consistent with the 10.72 acres of the site (western portion) already designated as General Commercial (shown in Exhibit 3). The subject site is located at the southeast corner of SW Kanner Highway and SW Pratt Whitney Road. Adjacent future land use designations are Residential Estate Density, up to 2 dwelling units per acre to the north; Agricultural to the south and east; and General Commercial, Limited Commercial, and Residential Estate Density, up to 2 dwelling units per acre to the west.

The text amendment adds language to Policy 4.1B.2. to establish development restrictions for the entire 16.72-acre site and limit the maximum intensity to 63,810 square feet of non-residential

use (shown in Exhibit 4). The request also proposes to amend Figure 4-2, *Urban Service Districts*, and Figure 11-1, *Areas Currently Served by Regional Utilities* of the comprehensive plan to extend the Primary Urban Service District line approximately 599 feet east in order to cover the entire subject site (shown in Exhibit 5). Currently, 9.15 acres of the site is located within the Primary Urban Service District (PUSD). The changes would result in the entire 16.72-acre property having a unified and consistent status related to the provision of water and sewer rather than two separate ones, where the western portion is within the PUSD and the eastern portion is outside of the PUSD.

Since the 6-acre portion of the 16.72-acre overall subject property is currently designated as Agricultural, the standards detailed in Policy 4.13.1.(2) of the comprehensive plan for the conversion of agricultural lands must be met. The staff reports indicates this amendment meets the conditions of this policy citing that the proposed conversion from Agricultural to General Commercial is a logical and timely extension of the existing 10.72 acres, which mostly lies within the PUSD. Additionally, the proposed amendments consider the existing and anticipated urban future land use to the north and the west of the subject site, which are served by improved roads, recreation amenities, satisfactory allocations of water and wastewater facilities, and other needed supportive facilities. The staff report states that there is available roadway capacity to accommodate the proposed amendment, and the level of service for fire rescue/public safety/emergency medical services will not be diminished to below capacity. Additionally, the staff reports states that the proposed amendment can help to meet the needs of the area by providing commercial services that can be accessed within a walking distance from the residential communities of the area.

### Regional Impacts

No adverse effects on regional resources or facilities have been identified.

### Extrajurisdictional Impacts

Council requested comments from local governments and organizations expressing an interest in reviewing the proposed amendment on March 13, 2020. No extrajurisdictional impacts have been identified.

### Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified. With respect to the conversion of agricultural lands, Council offers the following for consideration: Although the direct impact of the proposed amendment on the potential for agricultural production is small, the approval of this amendment could create a “domino effect” for the adjacent properties in the area whereby it will be very difficult to deny their conversion to intense residential or commercial use also. Reduction of agricultural uses is of concern, because the conversions result in the net loss of a regional resource that may never be recovered. Council encourages the County to continue to take a strong position in protecting current agricultural lands and uses.

Recommendation

Council should approve this report and authorize its transmittal to Martin County and the Florida Department of Economic Opportunity.

Council Action – May 15, 2020 (anticipated)

Attachments

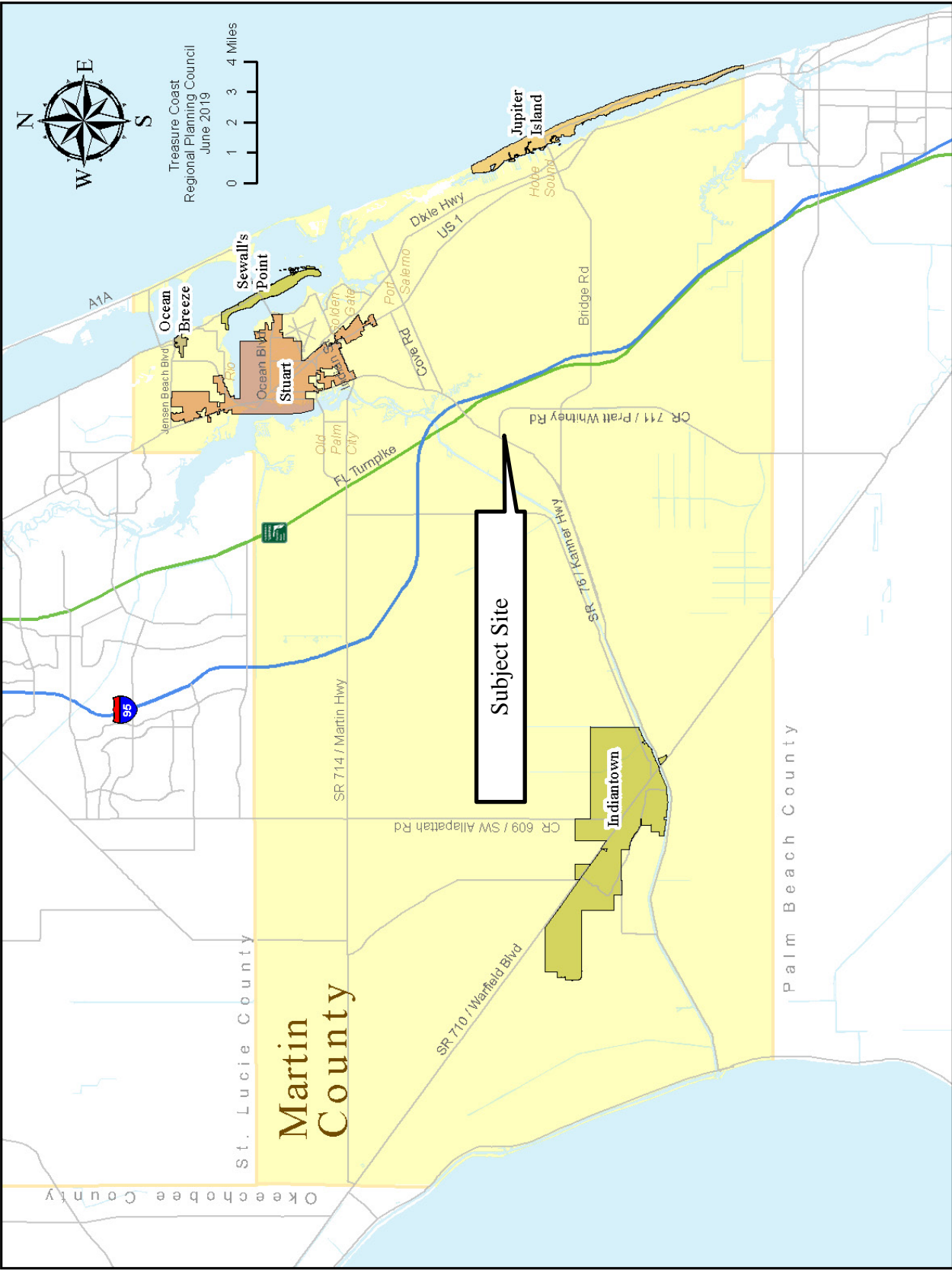


## List of Exhibits

### Exhibit

- 1 General Location Map
- 2 Aerial Map
- 3 Location and Existing Future Land Use Map
- 4 Text Change to Policy 4.1B.2 Shown in ~~Strikeout~~ and Underline Format
- 5 Proposed Changes to Figure 4-2, *Urban Service Districts* and  
Figure 11-1, *Areas Currently Served by Regional Utilities*

**Exhibit 1**  
**General Location Map**



## Exhibit 2 Aerial Map





### Exhibit 3

## Location and Existing Future Land Use Map

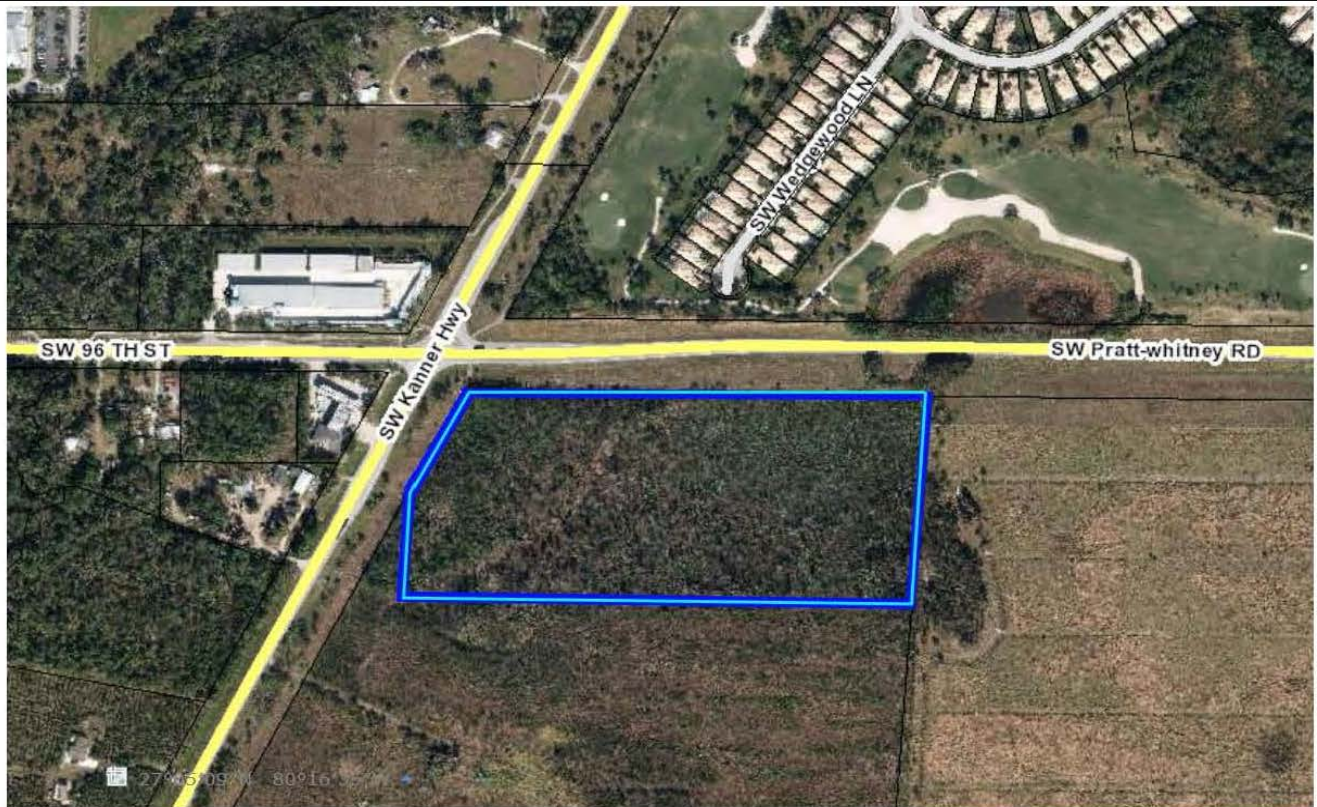


Figure 1, a location map that shows the subject site, highlighted in blue.



Figure 2, the current FLUM, showing the Agricultural portion, highlighted in black hatching.

## Exhibit 4

### Text Change to Policy 4.1B.2 Shown in ~~Strikeout~~ and Underline Format

*Policy 4.1B.2. Analysis of availability of public facilities.* All requests for amendments to the FLUMs shall include a general analysis of (1) the availability and adequacy of public facilities and (2) the level of services required for public facilities in the proposed land uses. This analysis shall address, at a minimum, the availability of category A and category C service facilities as defined in the Capital Improvements Element. No amendment shall be approved unless present or planned public facilities and services will be capable of meeting the adopted LOS standards of this Plan for the proposed land uses. The Capital Improvements Element or other relevant plan provisions and the FLUMs may be amended concurrently to satisfy this criterion. The intent of this provision is to ensure that the elements of the CGMP remain internally consistent.

Compliance with this provision is in addition to, not in lieu of, compliance with the provisions of Martin County's Concurrency Management System. When a map amendment is granted under this provision, it does not confer any vested rights and will not stop the County from denying subsequent requests for development orders based on the application of a concurrency review at the time such orders are sought.

Martin County may adopt sub-area development restrictions for a particular site where public facilities and services, such as arterial and collector roads, regional water supply, regional wastewater treatment/disposal, surface water management, solid waste collection/disposal, parks and recreational facilities, and schools, are constrained and incapable of meeting the needs of the site if developed to the fullest capacity allowed under Goal 4.13 of this Growth Management Plan. The master or final site plan for a site that is subject to such sub-area development restrictions shall specify the maximum amount and type of development allowed. Sub-area development restrictions apply to the following sites:

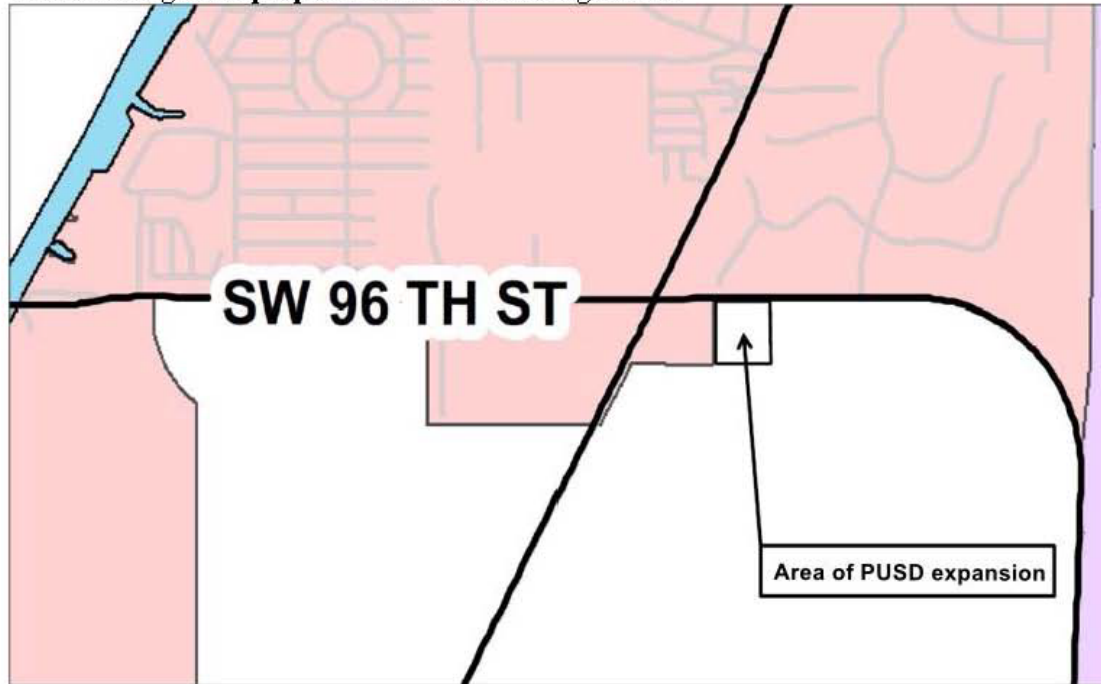
- (1) The tract of real property described in the Warranty Deed recorded at OR Book 2157, Page 2403, of the Public Records of Martin County, which is limited to 365,904 square feet of nonresidential use, consistent with the assigned future land use designation, and on which residential uses shall not be allowed.
- (2) The development of the tract of real property described in the Warranty Deed recorded in OR Book 2239, Page 2498, Public Records of Martin County, Florida, shall be restricted and managed as follows:
  - (a) Uses on the subject property shall be limited to nonresidential uses. Residential uses shall not be permitted.
  - (b) Uses on the property shall be consistent with the future land use designations for the property and the applicable land use policies of the Martin County Comprehensive Growth Management Plan (CGMP).
  - (c) The maximum intensities of uses on the subject property contained within a building or buildings shall not exceed 1,600,000 square feet.
  - (d) All future applications for development approval shall be processed as a Planned Unit Development (PUD).
  - (e) The maximum intensities of all uses contained within a building or buildings shall not exceed 500,000 square feet on the subject property (of which up to 25,000 square feet may be in marina uses) prior to December 1, 2015.
- (3) This sub-area policy applies only to lands within the boundaries of Florida state parks within Martin County, Florida. Recreation facilities allowed in the state parks shall be limited to those supporting resource-based outdoor recreation activities specifically identified in the park's approved management plan which has been developed according to F.S. sections 253.034 and 259.032, and F.A.C. 18-2 including, but not limited to, hiking, biking and equestrian trails, swimming areas, interpretive visitor centers, resource-based camping accommodations for use by tents, pop-up campers and other recreational vehicles, and cabins. All uses within the state parks must conform to the park's management plan. Activities which are normally allowed in this land use category but are prohibited under this sub-area policy include fairgrounds, commercial marinas, ball fields, dredge spoil facilities and other user-based (active) recreation facilities.
- (4) The tract of real property described in the Special Warranty Deeds recorded at OR Book 3020, Page 2321, and OR Book 3020, Page 2328 of the Public Records of Martin County that is limited to an 18-hole private golf course utilizing an on-site sewage treatment and disposal system with a maximum cumulative flow of 5,000 gallons per day for the clubhouse, maintenance area, guardhouse and golf course shelters; and up to four (4) golf cottages, which may be permitted as an accessory use to the golf course utilizing an on-site sewage treatment and disposal system with a maximum cumulative flow of 2,000 gallons per day subject to State Health Department regulations.
- (5) The development of the tract of real property described in the Warranty Deed recorded in OR Book 3022, Page 766, Public Records of Martin County, Florida, shall be restricted and managed as follows:
  - (a) The maximum intensity of uses on the subject property contained within a building or buildings shall not exceed 63,810 square feet.

Staff note: subsection (4) was recently adopted by Ordinance 1118 and does not yet appear in the codified Chapter 4, published by MuniCode.

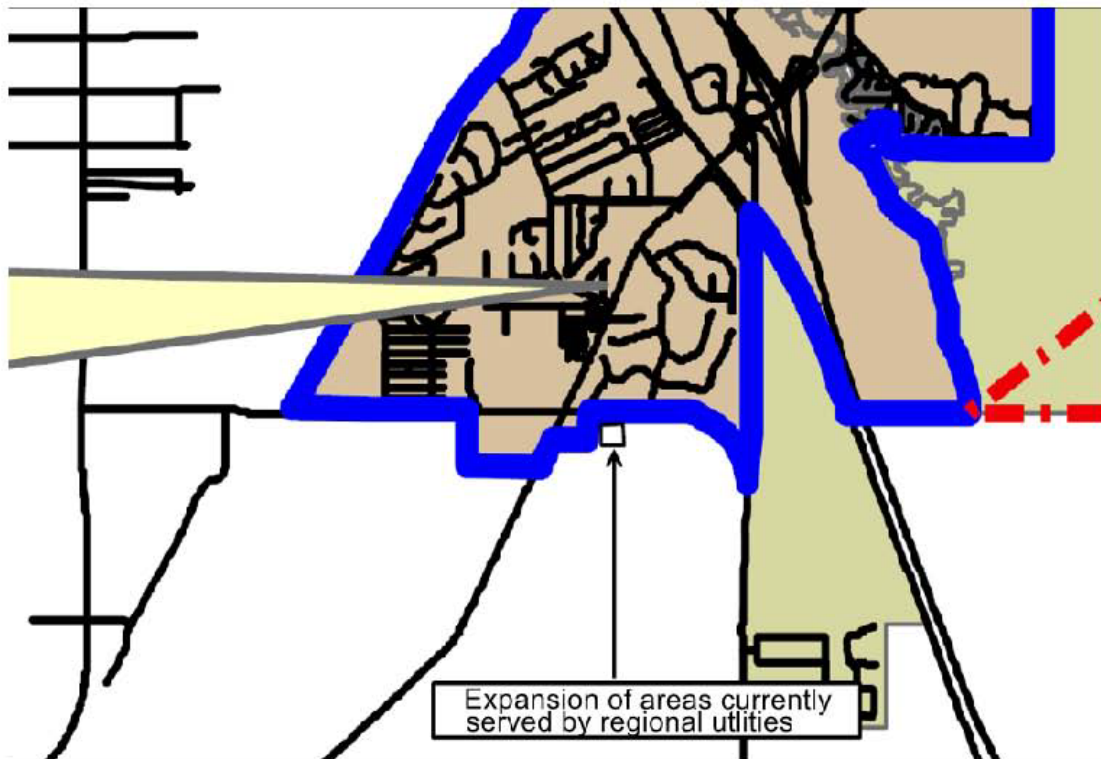


**Exhibit 5**  
**Proposed Changes to Figure 4-2, *Urban Service Districts* and**  
**Figure 11-1, *Areas Currently Served by Regional Utilities***

The following is the proposed amendment to Figure 4-2



The following is the proposed amendment to Figure 11-1



**From:** [Clyde Dulin](#)  
**To:** [Maria Jose](#)  
**Cc:** [Joan Seaman](#)  
**Subject:** FW: Martin County, DEO #20-1ESR Comments on Proposed Comprehensive Plan Amendment Package  
**Date:** Tuesday, March 31, 2020 9:54:10 AM

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FYI

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**From:** Nicki vanVonno <[nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)>  
**Sent:** Tuesday, March 31, 2020 9:48 AM  
**To:** Clyde Dulin <[cdulin@martin.fl.us](mailto:cdulin@martin.fl.us)>; Joan Seaman <[jseaman@martin.fl.us](mailto:jseaman@martin.fl.us)>  
**Subject:** FW: Martin County, DEO #20-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Sent from [Mail](#) for Windows 10

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**From:** Oblaczynski, Deborah <[doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)>  
**Sent:** Tuesday, March 31, 2020 9:45:14 AM  
**To:** Don Donaldson <[ddonalds@martin.fl.us](mailto:ddonalds@martin.fl.us)>  
**Cc:** 'kelly.corvin@deo.myflorida.com' <[kelly.corvin@deo.myflorida.com](mailto:kelly.corvin@deo.myflorida.com)>; Eubanks, Ray <[Ray.Eubanks@deo.myflorida.com](mailto:Ray.Eubanks@deo.myflorida.com)>; Stephanie Heidt ([sheidt@tcrpc.org](mailto:sheidt@tcrpc.org)) <[sheidt@tcrpc.org](mailto:sheidt@tcrpc.org)>; [tlanahan@tcrpc.org](mailto:tlanahan@tcrpc.org) <[tlanahan@tcrpc.org](mailto:tlanahan@tcrpc.org)>; Nicki vanVonno <[nikkiv@martin.fl.us](mailto:nikkiv@martin.fl.us)>; 'Ray Eubanks' <[DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)>  
**Subject:** Martin County, DEO #20-1ESR Comments on Proposed Comprehensive Plan Amendment Package



Dear Mr. Donaldson:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Martin County (County). The amendment proposes a text and a map amendment for a 16.72-acre property to allow the development of a Publix Supermarket. The proposed changes do not appear to adversely impact the water resources within the District; therefore, the District has no comments on the proposed amendment package.

The District offers its technical assistance to the County in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski  
Policy & Planning Analyst

Water Supply Implementation Unit

Please be advised I am working from home until further notice. I can be contacted at:

South Florida Water Management District

3301 Gun Club Road

West Palm Beach, FL 33406

**Email:** [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov) or

**Cell Phone:** 561-315-1474