



June 18, 2020

VIA HAND-DELIVERY AND E-MAIL

Paul Schilling, Director
Martin County Growth Management Department
2401 SE Monterey Road
Stuart, FL 34996

Re: Schulz's Marina (Parcel ID #52-38-41-009-003-00020-6) – Request for Letter of Zoning Determination to Affirm Existing Use & Operation of Marina and Request to Maintain Existing Use & Operation of Marina Under the Proposed Changes to the Port Salerno CRA Future Land Use and Zoning (Our ref. #20-290)

Dear Paul:

On behalf of the property owner, Richard Schulz, I am submitting the above-referenced requests in response to a site inspection conducted on June 11, 2020 with Assistant County Administrator, Don Donaldson, Richard Schulz, his legal counsel, Bob Raynes, and his environmental permitting specialist, Danna Small.

Specifically, Mr. Schulz is requesting a letter of zoning determination confirming the existing marina use is legal and conforming, and seeking changes to the proposed County-initiated amendments to the Port Salerno Community Redevelopment Area (CRA) future land use map and land development regulations to ensure the existing use and operation of the marina will continue to be legal and conforming.

It is our understanding that the proposed CRA amendments have been advertised for a Local Planning Agency public hearing on July 2, 2020 and a County Commission public hearing on July 28, 2020.

In support of the Letter of Zoning Determination (LOZD) request, I have enclosed the application fee check of \$158.00 made payable of the Martin County Commission.

Existing Use and Operation (LOZD):

As identified on the attached 2020 aerials, the approximately one-half acre subject property is located on SE Mulford Lane within the current Port Salerno CRA Town Center and Mixed Use Overlay. As shown on the aerials and the enclosed survey, existing improvements on the property include a concrete driveway with security gates, a stabilized rock parking area and a commercial boat dock with electric and water service. The site has lush landscaping and is meticulously maintained by Mr. Schulz.

According to research conducted by Danna Small, the original dock existed on the property since 1952 and was registered as a grandfathered structure in 1986 by the Florida Department of Environmental Protection (DEP). According to DEP, the existing dock is legally existing and has all of the appropriate authorizations to operate as a commercial docking facility or "marina".

The boats moored at the marina are mostly fishing vessels owned by individuals that employ many local tradesman to operate and maintain the vessels. No liveboards are allowed and all boat owners are required to have a hurricane action plan that ensures the boats are removed well in advance of any approaching hurricane event.

According to Mr. Schulz, he has operated the marina for the past 25 years and has never had one complaint from surrounding property owners. The County property appraiser's office designates the use on the property as a commercial marina and determines the tax assessment based on the property's improvements and a commercial profit/loss statement submitted annually by Mr. Schulz.

As per enclosed Figure 3.262.4, Town Center Zoning and Mixed-Use Overlay, and the corresponding permitted use table, the existing use and operation as a marina is a permitted use. The existing stabilized rock parking area, which can support approximately 8 vehicles, meets all setbacks and buffer requirements per the existing Town Center Zoning and Mixed-Use Overlay.

County-initiated Amendments to Port Salerno CRA Land Use and Zoning:

The proposed County-initiated amendments to the existing Future Land Use and zoning on the property changes the Future Land Use on the subject property to "CRA Center" with a "General" Regulating Plan (or zoning) district, which do not permit commercial marinas (see proposed CRA Future Land Use Map and proposed Regulating Plan enclosed).

According to the proposed permitted use table (see Table PS-4 enclosed), the appropriate Future Land Use and Regulating Plan district that will maintain the existing use and operation of the marina, is "Commercial Waterfront" and "Waterfront", respectively.

Therefore, we respectfully request the County to revise the proposed amendment as needed to maintain Mr. Schulz's existing property rights.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Morris A. Crady, AICP
Senior Vice President

Encl.

Copy to: Client and Team Members (w/o encl.)
Susan Kores, Community Development Manager
Joshua Mills, Port Salerno CRA Project Manager
Don Donaldson, Assistant County Administrator

Martin County, FL



Date: 6/17/2020

This Geographic Information System Map Product, received from Martin County (COUNTY) in fulfillment of a public record's request is provided "as is"

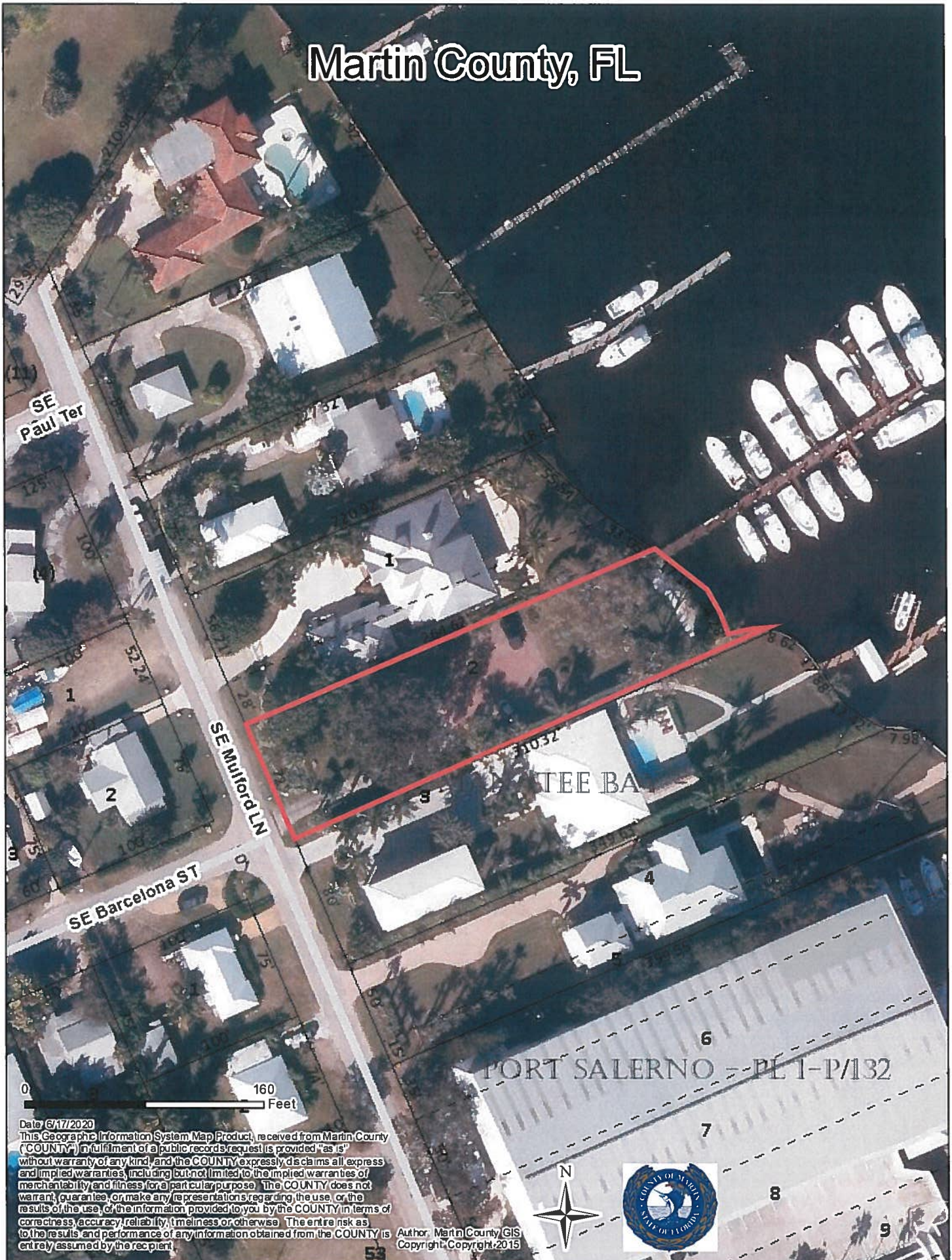
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Author: Martin County GIS
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Geor
Way



Martin County, FL

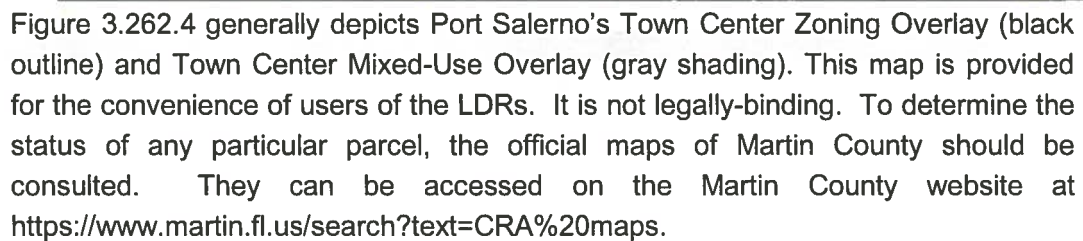


Date: 6/17/2020

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Figure 3.262.4. Town Center Zoning Overlay and Mixed-Use Overlay



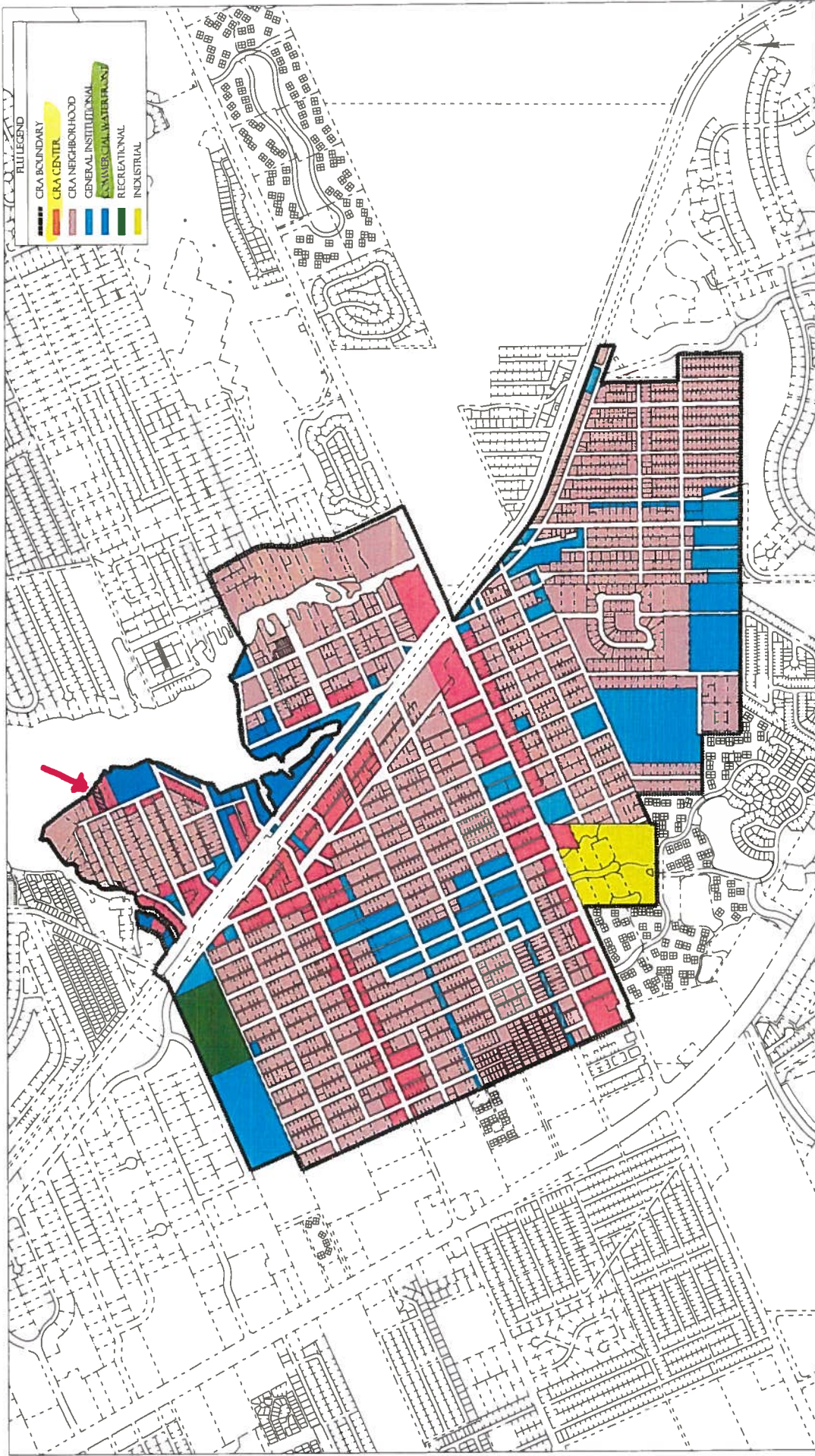
"EXISTING"

| | COVE ROAD | SALERNO ROAD | TOWN CENTER |
|--|-------------------|-----------------|----------------|
| <i>Commercial and Business Uses</i> | | | |
| Amusement, Commercial ⁽¹⁾ | X | X | X |
| Artisan, Art Studios, Galleries ⁽²⁾ | X | X | X |
| Business and Professional Uses | X | X | X |
| Funeral Home | X | X | |
| Health and Fitness Club | X | X | X |
| Hotel or Motel | X | | X |
| Kiosks ⁽³⁾ | X | X | X |
| Medical Offices | X | X | X |
| Office, Business or Professional | X | X | X |
| Parking, Commercial ⁽⁴⁾ | X | X | X |
| Pet Shop and Supplies ⁽²⁾ | X | X | X |
| Restaurant, General ⁽²⁾ | X | X | X |
| Retail Sales and Service, Limited ⁽²⁾ | X | X | X |
| Retail Sales and Service, General ⁽²⁾ | X | X | X |
| Service Station ⁽⁵⁾ | X | X | |
| Theater, Indoor | X | X | X |
| Trade and Skilled Services ⁽²⁾ | X | X | X |
| Veterinary Medical Services ⁽⁶⁾ | X | X | X |
| Waterfront General Commercial ⁽⁷⁾ | | | X |
| Waterfront Resort Commercial ⁽⁸⁾ | | | X |
| <i>Transportation, Communication & Utilities</i> | | | |
| <i>Utilities</i> ⁽⁹⁾ | X | X | X |
| <i>Industrial</i> | | | |
| Limited Impact Industry | X ⁽¹¹⁾ | | X |

"EXISTING"

Notes to Table 3.262.1:

- (1) Maximum of four coin-operated amusements are allowed. Commercial Amusements must comply with section 3.59.F., LDR.
- (2) The outdoor storage of goods or materials is prohibited, unless completely screened from view from the street and adjacent property. The display of retail merchandise and street side cafes shall be allowed in the pedestrian zone provided a clear sidewalk is maintained and no visual or physical obstacle to pedestrian or vehicular movement results. Use of the public right-of-way for dining, display of retail goods or any other private use requires a right-of-way use permit.
- (3) Kiosks in the public right-of-way shall be subject to the approval of the Neighborhood Advisory Committee, a right-of-way use permit, and payment of an annual fee. The fee shall be determined by the Board of County Commissioners and deposited into the Port Salerno CRA Redevelopment Trust Fund account. Kiosks shall be subject to the Port Salerno CRA design regulations.
- (4) Parking may occur in a structure or on surface lots.
- (5) No more than four gas pumps (4 hoses) shall be allowed. Each pump may include a range of grades of gasoline or diesel fuel.
- (6) No outdoor kennels shall be allowed.
- (7) Waterfront General Commercial Permitted Uses include all Waterfront Resort Commercial Uses plus Fish Hatcheries; Fish Farms; Boat Engine Repair; Commercial Fish Processing; Limited Impact Industry; and Watercraft Manufacture.
- (8) Waterfront Resort Commercial Permitted Uses include Outdoor Performing Arts Theaters; Public or Private Boardwalks and Piers; Boat Ramps; Boat Sales, Service and Repair; Sanitary Pump-out Facilities; Wet or Dry Boat Storage; Commercial Marinas; Marine Education and Research (not including primary, secondary or high schools); Marine Fuel Sales; and other consistent uses, Minor boat maintenance such as oil changes, engine tune-ups or rigging is permitted to occur outdoors. Other outdoor boat repairs are permitted if such use constitutes the continuation of a legal use established prior to August 21, 2001 (date of adoption of section 3.262.). Waterfront Resort Commercial Permitted Uses also include hotels, motels, restaurants and retail shops and similar uses related to water-related tourism and visitation.
- (9) All utilities shall be underground.
- (10) Detached single-family dwellings are not permitted within the Town Center Mixed-Use Future Land Use Overlay.
- (11) Limited industrial use that is consistent with the approved site plan for the Port Salerno Industrial Park is permitted.



PORT SALERNO FLORIDA
 C. R. A. DISTRICT PROPOSED
 FUTURE LAND USE

DRAFT MAY 11, 2020
 1" = 1000'
 Scale: 1" = 1000'



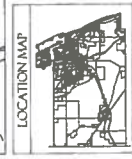
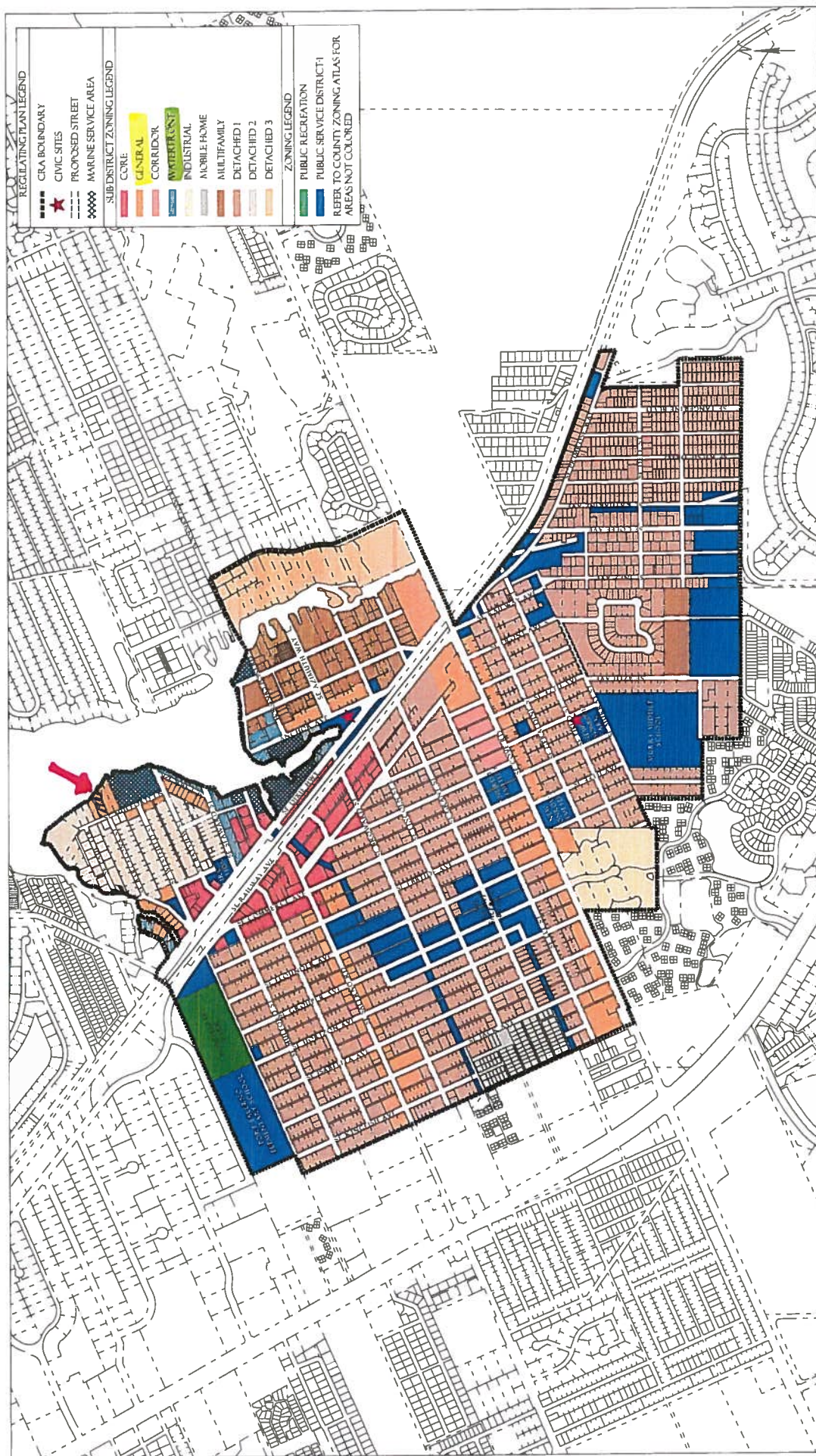


Table PS-4 Use Groups Permitted in Port Salerno Subdistricts

| | Core | General | Water-front | Corridor | Industrial | Multi-family | Mobile Home | De-tached 1 | De-tached 2 | De-tached 3 |
|---|----------------|----------------|------------------|----------------|------------|--------------|-------------|-------------|----------------|----------------|
| Residential Use Groups, see 12.1.03 | | | | | | | | | | |
| Accessory dwelling units | P | P | - | P | - | P | - | P | P | P |
| Mobile homes | - | - | - | - | - | - | P | - | - | - |
| Other dwelling types | P | P | P ^{1,2} | P | - | P | - | - | - | - |
| Single-family dwellings | - | P | P ^{1,2} | P | - | P | - | P | P ³ | P ³ |
| Bed and breakfast inns | P | P | P ^{1,2} | P | - | P | P | P | P | P |
| Agricultural Use Groups, see 12.1.03 | | | | | | | | | | |
| Urban farming | - | - | - | P | - | - | - | - | - | - |
| Commercial & Business Use Groups, see 12.1.03 | | | | | | | | | | |
| Business & professional offices | P | P | P ¹ | P | P | - | - | - | - | - |
| Construction services, limited | P | P | P ¹ | P | P | - | - | - | - | - |
| Construction services, extensive | - | - | - | - | P | - | - | - | - | - |
| Convenience store with fuel | - | - | - | P | - | - | - | - | - | - |
| Drive-through facility | - | - | - | - | - | - | - | - | - | - |
| Drive-through restaurant | - | - | - | - | - | - | - | - | - | - |
| Hotels, motels, resorts spas | P | P | P ¹ | P | - | - | - | - | - | - |
| Marinas | - | - | P | P | - | - | - | - | - | - |
| Medical offices | P | P | - | P | P | - | - | - | - | - |
| Parking lots and garages | P | P | - | P | - | - | - | - | - | - |
| Restaurants | P | P | P ¹ | P | P | - | - | - | - | - |
| Retail & services, limited impact | P | P | P ¹ | P | P | - | - | - | - | - |
| Retail & services, general impact | P ⁴ | P ⁴ | - | P ⁴ | P | - | - | - | - | - |
| Retail & services, extensive impact | - | - | - | - | - | - | - | - | - | - |
| Recreational vehicle parks | - | - | - | - | - | - | - | - | - | - |
| Vehicular service and maintenance | - | - | - | - | P | - | - | - | - | - |
| Wholesale trades and services | - | - | - | - | P | - | - | - | - | - |
| Working waterfront | - | - | P | - | - | - | - | - | - | - |
| Public & Institutional Use Groups, see 12.1.03 | | | | | | | | | | |
| Institutional uses, limited impact | P | P | P | P | - | P | P | P | P | P |
| Institutional uses, general impact | - | P | - | P | - | - | - | - | - | - |
| Industrial Use Groups, see 12.1.03 | | | | | | | | | | |
| Limited impact industries | - | - | P | - | P | - | - | - | - | - |
| Extensive impact industrial industries | - | - | - | - | - | - | - | - | - | - |
| Footnotes, see above | | | | | | | | | | |

¹ Development in the Waterfront Subdistrict shall be water-dependent or water-related. Development on land in the Waterfront Subdistrict may contain residential uses when other uses in a mixed-use project are water-dependent or water-related and not located within the Marine Service Area. Water-related development includes marine resort-type uses including transient accommodations, restaurants and retail shops.

² Residential uses established prior to the effective date of Art. 12, Div. 6 or within a mixed-use project are permitted.

³ No duplexes are permitted.

⁴ Excluding Residential storage facilities.

Art. 12, Div. 6,
Port Salerno Community Redevelopment Code
and
Amendment of the Zoning Atlas

Public Comment

From: [Evan Anderson](#)
To: ["Jessica Seymour"](#)
Cc: [Dana Little](#); [Irene Szedlmayer](#); [Susan Kores](#); [Joshua Mills](#)
Subject: RE: Port Salerno CRA LDRs Interview with Evan Anderson
Date: Wednesday, June 24, 2020 10:45:09 AM



Okay good news!

Thanks Jessica,

*Evan R. Anderson, COO
Onshore Construction and Development, Inc.
938 North Old Dixie Highway
Jupiter, FL 33458
evan@onshorejupiter.com
Cell (561) 537-0165
Ofc. (561) 744-8331
Fax (561) 743-0705*

Visit our web site at: www.onshorejupiter.com

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From: Jessica Seymour <jseymour@tcrpc.org>
Sent: Wednesday, June 24, 2020 10:26 AM
To: Evan Anderson <Evan@onshorejupiter.com>
Cc: Dana Little <dlittle@tcrpc.org>; Irene Szedlmayer <iszedlma@martin.fl.us>; Susan Kores <skores@martin.fl.us>; Joshua Mills <jmills@martin.fl.us>
Subject: RE: Port Salerno CRA LDRs Interview with Evan Anderson

Evan,

The recommended front setback for the Cottage and several other building types has been modified from a 10'-25' Build to Zone to a 5'-25' Build to Zone in Port Salerno. The revised front setback will be reflected in the draft to the LPA which is scheduled for the July 2nd agenda.

Thank you for your input and if you have any questions or concerns, please reach out.

Best,
Jessie

Jessica Cortor Seymour, RA, LEED AP
Regional Planner
Treasure Coast Regional Planning Council

From: Evan Anderson <Evan@onshorejupiter.com>
Sent: Wednesday, June 24, 2020 9:30 AM
To: Jessica Seymour <jseymour@tcrpc.org>
Cc: Dana Little <dlittle@tcrpc.org>
Subject: RE: Port Salerno CRA LDRs Interview with Evan Anderson

Thanks Jessica,

I appreciate your time on this.
Please keep me in the loop on the outcome of the front setback concern.

All the best,

Evan R. Anderson, COO
Onshore Construction and Development, Inc.
938 North Old Dixie Highway
Jupiter, FL 33458
evan@onshorejupiter.com
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Ofc. (561) 744-8331
Fax (561) 743-0705

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From: Jessica Seymour <jseymour@tcrpc.org>
Sent: Wednesday, June 24, 2020 9:24 AM
To: Evan Anderson <Evan@onshorejupiter.com>
Cc: Dana Little <dlittle@tcrpc.org>
Subject: RE: Port Salerno CRA LDRs Interview with Evan Anderson

Evan, thank you for providing your CAD file. Using the areas you've provided and the property appraiser's lot size, I compiled the take-offs into the attached excel sheet. I believe again, that you are very closely meeting the proposed open space requirement within your lot. This analysis of course relies on what is submitted with your final plans, confirmation of property area with a boundary survey, and the review from Growth Management at the County.

Best,
Jessie

Jessica Cortor Seymour, RA, LEED AP
Regional Planner
Treasure Coast Regional Planning Council

From: Evan Anderson <Evan@onshorejupiter.com>
Sent: Saturday, June 20, 2020 9:26 AM
To: Jessica Seymour <jseymour@tcrpc.org>; Dana Little <dlittle@tcrpc.org>
Subject: Re: Port Salerno CRA LDRs Interview with Evan Anderson

Jessica,

Please find my dumbed down CAD file attached for your review. There is a layer named AREA that will be helpful.

Thanks,

*Evan R. Anderson, COO
Onshore Construction and Development, Inc.
938 North Old Dixie Highway
Jupiter, FL 33458
evan@onshorejupiter.com
Cell (561) 537-0165
Ofc. (561) 744-8331*

From: Jessica Seymour <jseymour@tcrpc.org>
Sent: Tuesday, June 16, 2020 3:03 PM
To: Dana Little; Evan Anderson
Cc: Irene Szedlmayer; Susan Kores
Subject: Port Salerno CRA LDRs Interview with Evan Anderson
When: Friday, June 19, 2020 2:00 PM-3:00 PM.
Where: Go to Meeting

Mr. Anderson,
We look forward to discussing your property and input for the Port Salerno CRA Land Development Regulations.
Below you'll find the call-in information for Friday at 2pm.
Best,
Jessie
MC CRA Interviews

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/930994221>

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Access Code: 930-994-221

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<https://global.gotomeeting.com/install/930994221>

Note, I am working remotely and can be reached at 772-528-6847.

Jessica Cortor Seymour, RA, LEED AP

Regional Planner

Treasure Coast Regional Planning Council

421 SW Camden Avenue

Stuart, FL 34994

Tel. 772-221-4060

Fax. 772-221-4067

Website: www.tcrpc.org

--

This email was Anti Virus checked by Astaro Security Gateway.

<http://www.sophos.com>

From: [Evan Anderson](#)
To: [Dana Little](#); [Irene Szedlmayer](#)
Cc: ["Barbara Anderson"](#); ["Billhawkinslaw"](#); [Susan Kores](#); [Thomas Lanahan](#); [Jessica Seymour](#); [Krista Storey](#)
Subject: RE: Port Salerno CRA - Article 12
Date: Monday, June 15, 2020 7:01:15 PM



Dana,

In an effort to present an additional example and to confirm that a precedent has already been set, please see the attached photos of my neighbor's home directly to the south of mine. The detached Garage is 5 or 6' from the rear property line and the Entry is 5' from the front property line. This home although only few years old, built after my current home, would not comply with the proposed changes and certainly presents no visible obstacle or detracting features. They were not able to build a pool at all due to the larger footprint one story floor plan. Would a pool act as a detriment to the neighborhood or community? No.

Thanks,

Evan R. Anderson, COO
Onshore Construction and Development, Inc.
938 North Old Dixie Highway
Jupiter, FL 33458
evan@onshorejupiter.com
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Ofc. (561) 744-8331
Fax (561) 743-0705

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Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Dana Little <dlittle@tcrpc.org>
Date: 6/15/20 5:49 PM (GMT-05:00)
To: Evan Anderson <Evan@onshorejupiter.com>, 'Irene Szedlmayer' <iszedlma@martin.fl.us>
Cc: 'Barbara Anderson' <barbaraeanderson@gmail.com>, 'Billhawkinslaw' <bill@billhawkinslaw.com>, Susan Kores <skores@martin.fl.us>, Thomas Lanahan <tlanahan@tcrpc.org>, Jessica Seymour <jseymour@tcrpc.org>, Krista Storey <kstorey@martin.fl.us>
Subject: RE: Port Salerno CRA - Article 12

Thank you for your email Evan.

We are preparing for tomorrow's Board of County Commissioners meeting where we will be in attendance for the majority of the day.

I will review your email on Wednesday and consult with the team. In the meantime, I recommend your provide some dates and times when we might be able to meet via Go To Meeting to discuss your concerns further.

Dana

From: Evan Anderson <Evan@onshorejupiter.com>
Sent: Monday, June 15, 2020 4:34 PM
To: Dana Little <dlittle@tcrpc.org>; 'Irene Szedlmayer' <iszedlma@martin.fl.us>
Cc: 'Barbara Anderson' <barbaraeanderson@gmail.com>; 'Billhawkinslaw' <bill@billhawkinslaw.com>; Susan Kores <skores@martin.fl.us>; Thomas Lanahan <tlanahan@tcrpc.org>; Jessica Seymour <jseymour@tcrpc.org>
Subject: RE: Port Salerno CRA - Article 12

Dana,

Please find my schematic Site Plans attached in an effort to get the board to understand and appreciate my point and my concerns. Following the current zoning even at 50% required greenspace, the drawing Current Zoning relays to you that my design with some minor modifications is in compliance with current zoning requirements assuming the use of a stabilized sod driveway. Given much more drastic reductions in my usable space to provide a pool, driveway and access for my boat, the drawing Proposed Zoning shows you how ridiculous an attempt I have to make to try to comply with your proposal and even so, my driveway will put me under the minimum greenspace required given the new interpretation of Open Space. This is by NO MEANS an overambitious proposal and forcing me to

apply for relief based on subjective input from a planner is not acceptable to me.

I'm not exaggerating here. I have a genuine concern with a real life impact and will accept nothing less than a halt being placed on the proposed changes to both the additional setback requirements and the open space definition. There is no net benefit to the Community and only a hardship created for land owners.

I'm happy to share my CAD files as well so you can do your own analysis if necessary.

I would suggest you copy all the Commission members in addition to whoever you like as they seem to understand and appreciate owners' rights in the County.

Thank you for your time on this.,

Evan R. Anderson, COO

Onshore Construction and Development, Inc.

938 North Old Dixie Highway

Jupiter, FL 33458

evan@onshorejupiter.com

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Ofc. (561) 744-8331

Fax (561) 743-0705

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From: Dana Little <dlittle@tcrpc.org>

Sent: Monday, June 15, 2020 9:37 AM

To: Evan Anderson <Evan@onshorejupiter.com>; 'Irene Szedlmayer' <iszedlma@martin.fl.us>

Cc: 'Barbara Anderson' <barbaraeanderson@gmail.com>; 'Billhawkinslaw' <bill@billhawkinslaw.com>; Susan Kores <skores@martin.fl.us>; Thomas Lanahan <tlanahan@tcrpc.org>; Jessica Seymour <jseymour@tcrpc.org>

Subject: RE: Port Salerno CRA - Article 12

Good morning Irene.

I would respectfully request that you share this correspondence with Krista Storey, Assistant County Attorney so that she is aware of this exchange. As an essential member of our team from the beginning, I believe she should be part of this dialogue. If you think it would make a difference, we would be happy to develop a detailed development standards table illustrating what the current rules require, what the proposed rules are, and the delta between the two. Please let me know.

Thank you,

Dana

From: Evan Anderson <Evan@onshorejupiter.com>

Sent: Monday, June 15, 2020 8:23 AM

To: 'Irene Szedlmayer' <iszedlma@martin.fl.us>

Cc: Dana Little <dlittle@tcrpc.org>; 'Barbara Anderson' <barbaraeanderson@gmail.com>; 'Billhawkinslaw' <bill@billhawkinslaw.com>; Susan Kores <skores@martin.fl.us>

Subject: RE: Port Salerno CRA - Article 12

Irene,

I will work on a few options / ideas to see if I can make my design work with the new additional restrictions and will pass them along to you and Dana for input.

I do feel though that additionally restrictive setbacks are a violation of my rights as a homeowner / land owner and my objection needs to go on the record and also needs to be considered. **We would not have considered purchasing this property in 2009 with your proposed restrictions.** Even now, they are more restrictive than when my family bought the two lots. Again, this is a violation of my rights and a devaluation of my property as a buildable lot. There is no way that you can justify any increase in setback at this point. The cat's out of the bag and my rights must be preserved.

Creating a condition that requires "Alternative Compliance" requests is counterintuitive and frankly insulting. If you and the board agree to write me a letter preserving my rights to build up to the current setbacks via Alternative Compliance, I will have no issue but I'm guessing you're not going to do that. I would have spoken with you prior to the NAC meeting but as Dana had stated no less than six

times in the first meeting, “We are not going to take away any of what you have now”. Dana misspoke and frankly did the community injustice by creating a comfort level which is absolutely 100% completely false. If I hadn’t ready the entirety of the proposed changes, I would have been misled just like the rest of the neighbors who until, they received the mailer would have had no idea what was going to happen. The changes being proposed are substantial on a 7,500 square foot lot and unacceptable to me.

I will be in touch soon.
Thanks,

Evan R. Anderson, COO
Onshore Construction and Development, Inc.
938 North Old Dixie Highway
Jupiter, FL 33458
evan@onshorejupiter.com
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From: Irene Szedlmayer <iszedlma@martin.fl.us>
Sent: Friday, June 12, 2020 4:25 PM
To: Evan Anderson <Evan@onshorejupiter.com>
Cc: 'dlittle@tcrpc.org' <dlittle@tcrpc.org>; 'Barbara Anderson' <barbaraeanderson@gmail.com>; 'Billhawkinslaw' <bill@billhawkinslaw.com>; Susan Kores <skores@martin.fl.us>
Subject: RE: Port Salerno CRA - Article 12

Dear Evan:

Thank you for participating in the Port Salerno NAC meeting last evening. I hope you take the opportunity to meet with Dana Little, Urban Design Director of the Treasure Coast Regional Planning Council, as offered again last evening, to review how the proposed codes will apply to your property.

I wanted to follow-up on a couple details in our recent communications. My hope is that we can get to the same understanding regarding the standards that are currently applicable to your property, so conversations about proposed changes can be most productive. I also want to explain the availability of the “alternative compliance.”

Regarding the availability of alternative compliance, please take a look at Section 12.1.12.2, Martin County Community Redevelopment Code. A similar provision is in effect now, see. Section 3.260.D., LDR “An applicant for development approval may propose a site, landscape, or architectural plan which varies from the requirements of Article 12 in order to accommodate unique circumstances of the proposed development site or to propose a different but comparable design solution. Such alternative plan may include offers by the applicant to mitigate or offset the impacts of the alternative design. . . .” The minor modification of a setback, such as from 10 feet to 5 feet for a front setback, would be an appropriate item for consideration of alternative compliance, especially given the location of your front porch facing Binnacle Way on the adjacent Lot 1.

The intricacy of the analysis required to answer basic questions, such as, ‘what is the setback for a pool?’ or ‘how much open space am I required to have?’ with 1967 zoning districts, that may or may not be consistent with the future land use designations adopted in 1982, is one big reason a totally new code, Future Land Use Map and Zoning Atlas is being adopted for the CRAs. As explained by Mr. Little last evening, our overall goals include simplification of the codes so they are easier for property owners, investors and County staff to understand and implement. Figuring out the open space requirement for your property exemplifies the need for simplification. Another important goal is to avoid gifting significant new development rights or taking away development rights that now exist.

I am unsure of the basis for your conclusion that Lot 2 is currently subject to a 40% open space requirement. I want to explain what counts as open space and the conclusion that currently 50% open space must be maintained.

The Martin County Comprehensive Plan defines open space as “The portion of a development that is permeable and remains open and unobstructed from the ground to the sky, specifically excluding parking areas and sidewalks, whether permeable or impermeable.” That definition is repeated in the Article 3 glossary in effect now. It has also been incorporated into the Article 12 Community Redevelopment Code glossary. Section 12.1.14, “The portion of a development that is permeable and remains open and unobstructed from the ground to the sky, specifically excluding parking areas and sidewalks, whether permeable or impermeable.” The definition of open space in the Comprehensive Growth management Plan and in Article 12 supersedes the provision you cited from Article 4, Division 15. The currently

applicable Land Development Regulations expressly provide that in the event of a conflict between the LDR, the Martin County Comprehensive Growth Management Plan and the Code of Ordinances of Martin County, the more restrictive requirement governs. Going forward in Port Salerno, the issue of potential conflicts within the Martin County LDRS is addressed by Article 12:



With regard to the required open space under the current Port Salerno code, Section 3.263.F., Table 3.263.5. provides that the minimum amount of open space is determined by the zoning district. Your property on Binnacle Way Avenue is in the R-3 zoning district. Section 3.406.E., LDR, provides that “One- to four-story dwelling structures and accessory structures shall not occupy more than 30 percent of the building site required.” R-3 requires a minimum lot area of 7,500 sq. ft.. Section 3.406.E., limits **structures** on your lot to 30% of 7,500 sq. ft. For the County’s 1967 zoning districts, “structure” is defined as “Anything constructed or erected, the use of which requires, more or less, permanent location on the land or attachment to something having a permanent location on the land.” This appears to require 70% open space! Sometime after the adoption of the Comprehensive Plan in 1982, an interpretation was adopted to reduce the required minimum open space on lots subject to these 1967 zoning provisions to 50%.

Regarding the current setbacks applicable to a swimming pool, Section 3.201.B. provides “All accessory uses and structures shall comply with the standards of this article that are applicable to the principal use unless specifically exempted.” Section 3.406.C., requires 2-story structures to have a 10-ft rear and side setback. Therefore, a swimming pool on a lot with a 2-story structure is required to have 10-ft rear and side setbacks. Nonetheless, it is possible that a building permit reviewer might require only a 6-ft setback. Or a request for alternative compliance might be approved.

I hope this clarification is helpful and look forward to continued discussion with you about the proposed Port Salerno Community Redevelopment Code. Thank you.

Sincerely,

*Irene A. Szedlmayer, AICP
Principal Planner
Martin County Board of County Commissioners
Growth Management Department
Telephone: 772-288-5931 (my line); 772-288-5931 (Department)
Email: iszedlma@martin.fl.us*

From: Evan Anderson <Evan@onshorejupiter.com>
Sent: Wednesday, June 10, 2020 11:16 PM
To: Irene Szedlmayer <iszedlma@martin.fl.us>
Cc: 'dlittle@tcrpc.org' <dlittle@tcrpc.org>; 'Barbara Anderson' <barbaraanderson@gmail.com>; 'Billhawkinslaw' <bill@billhawkinslaw.com>; Susan Kores <skores@martin.fl.us>
Subject: Re: Port Salerno CRA - Article 12

Irene,

Thanks for your response. Apparently I had an old copy of the LDR. After looking the County is on supplement 47 which is different than when my current home was constructed. I should have consulted with you before starting a shi# storm, I appreciate your clarifications and apologize for you spending time on this in the evening. That was not my intention.

I can reduce the Garage to comply with the total footprint. 3.406.C calls for a minimum rear setback of 6' so I will comply with that requirement and assume pools have the same? The old open space requirement actually says 40% now unless I'm reading it incorrectly so obviously I would favor a reduction. I'm assuming my house would then qualify as a Rear Yard House currently which would still allow my layout to comply with the front setback of 5'. Any reduction in this is unacceptable. My front porch will be 2 stories so it would not be allowed into the front setback up to zero. My side yard setback with a rear yard house will be 5' and I can make the design comply.

Under Landscaping Currently - Open space is defined below:

Open space: Land open and unobstructed from the ground to the sky, excluding areas covered by excavated lakes, buildings, sidewalks, patios, parking and loading areas, **driveways** or other impermeable structures or manmade surfaces. Where pervious parking is provided only those pervious spaces which are in excess of the number required will qualify as open space.

Does this not imply that pervious driveways such as stabilized sod would comply with the open space requirement - especially since the parking requirement is satisfied inside the Garage? The new Code deletes this allowance of permeable parking which concerns me greatly as well. This would force Owners to bend rules and create stupid looking access to the rear Garages which the code encourages. People are not going to spend \$200, 300, 400 per square foot to build a 2,000 square foot house on an undersized lot if forced to comply with unreasonable requirements. This will surely cause a drop in property value and ability to sell.

Any further restrictions or reductions in my setbacks are unacceptable and Dana absolutely did not sell it that way at the NAC meeting. My first email was in response to expanding ability to build duplexes and now I'm having to fight for my ability to build what was previously allowed on my property. The sole reason my family purchased this property was because of the favorable zoning requirements and now the County is trying to further limit that. I designed and built our current home in 2010 - 2011 and it was the first new home to be constructed in the entire PS CRA community in many years. I followed the guidelines then and felt good about it. Several homes immediately adjacent to mine have been constructed since and I receive compliments on my home at least once a week. My goal here is to continue improving the neighborhood and I have the means to do so but that will not continue given any reduction in my ability to construct homes that are able to rise considerably in value. Further limiting the frontage and size of my home has absolutely no positive impact whatsoever.

I'll end with a photo of the design I intend to emulate which I feel is in keeping with the vision set forth and hope you will agree.

Your response was very helpful and I look forward to meeting you.

Sincerely,

*Evan R. Anderson, COO
Onshore Construction and Development, Inc.
938 North Old Dixie Highway
Jupiter, FL 33458
evan@onshorejupiter.com
Cell (561) 537-0165
Ofc. (561) 744-8331*

From: Irene Szedlmayer <iszedlma@martin.fl.us>
Sent: Wednesday, June 10, 2020 8:27 PM
To: Evan Anderson
Cc: 'dlittle@tcrpc.org'; 'Barbara Anderson'; 'Billhawkinslaw'; Susan Kores
Subject: RE: Port Salerno CRA - Article 12

Dear Mr. Anderson: Thank you for your email. Attached is a copy of Article 12, Division 1., LDR. It is on the County webpage but unfortunately not easy to find. We will make it easier to access.

I echo Dana Little's expression of appreciation for your interest in the CRA LDR revisions. It can be very helpful to review a proposed development on a particular property under current codes and proposed codes. This can reveal details that need attention.

With regard to the proposed site plan attached to your email, I can confirm that a detached single-family dwelling will be a permitted use on Lot 2, Block 6, Salerno Shores Plat (your vacant lot), pursuant to the proposed Art. 12, Div. 6., LDR.

It is less clear that the proposed site plan meets the development standards of either the current code or the proposed code. It may, but because the open space is not identified and dimensioned, compliance cannot be confirmed. The current code requires 50% open space and the proposed code requires 30% open space. Additionally, the proposed garage also appears to not comply with current or proposed standards. Accessory structures are limited to 850 sq. ft. (current: Sec. 3.262.C.2.c., LDR; proposed: Section 12.6.05., Figure PS-5.12.

Your Binnacle Avenue property and the surrounding neighborhood currently have the Medium Density Residential Future Land Use and R-3 zoning. Your property and the surrounding neighborhood are proposed to be placed in the CRA Neighborhood Future Land Use and the Multifamily zoning subdistrict. The Multifamily zoning subdistrict is believed to be the most appropriate because the current R-3 zoning district permits multi-family dwellings and many multifamily dwellings already exist in the neighborhood. One goal of the code re-write is to avoid taking away development rights that exist today.

You are correct that the current code permits a side yard house with a 0-ft. front setback or a rear yard house with a 5-ft. front setback, whereas the proposed code requires the side yard house and the cottage building types to have a 10-ft. front setback. Additionally, the current code allows front porches to encroach 100% into the minimum front setback, whereas the proposed code does not appear to permit front porches to encroach into the front setback.

The proposed design attached to your email does not appear to be a side-yard house under the current code or the proposed code. The current code limits the width of a side yard house to 24 feet, requires one side to maintain a 20-foot setback and requires a porch open to the side yard. The proposed code requires a side yard house to have an open space that runs from the front yard to the rear yard. A "pervious driveway" does not constitute open space. That is true under both existing and proposed codes.

Under the current code the proposed garage and pool would be subject to 10-ft. rear and 5-ft. side setbacks. Sections 3.262.F, 3.406.C. and 3.201.B.2., LDR. The proposed code provides 5-ft. rear and side setbacks for the garage. Under the proposed code, the swimming pool would be subject to the same side and rear setbacks as the principal structure. Section 12.1.04.7. and 3.201.B.2. This may be a standard to be tweaked.

You are also not the first resident to raise serious concerns about code enforcement and problems caused by some absentee landlords. Unfortunately, resolution of this problem is not nearly as simple as establishing a setback for a pool. It will require a long-term strategy and on-going commitment.

I hope this helps you understand both the current and proposed rules as they apply to construction of a house on Lot 2, Block 6, Salerno Shores Plat. I look forward to hearing your input at tomorrow's meeting.

Irene A. Szedlmayer, AICP

Principal Planner

Martin County Board of County Commissioners

Growth Management Department

Telephone: 772-288-5931 (my line); 772-288-5931 (Department)

Email: iszedlma@martin.fl.us

From: Evan Anderson <Evan@onshorejupiter.com>

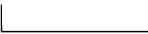
Sent: Wednesday, June 10, 2020 5:16 PM

To: Irene Szedlmayer <iszedlma@martin.fl.us>

Cc: 'dlittle@tcrcpc.org' <dlittle@tcrcpc.org>; 'Barbara Anderson' <barbaraeanderson@gmail.com>; 'Billhawkinslaw' <bill@billhawkinslaw.com>

Subject: Port Salerno CRA - Article 12

Importance: High


Irene,

I received a notice last week regarding the Article 12 changes being proposed. I had previously sent the attached email to Dana Little with **no response**. I'm now writing to inquire specifically how these changes will affect my ability to construct a home on my vacant lot next to my existing home. I have read the proposed amendments however there are references in the tabular data that is not included in the

downloadable pdf attachment (example multiple references to 12.1....). Also when searching the County's website, Article 12 in its entirety is nowhere to be found.

Specifically, I'm interested in how the County will address my concerns regarding the previously allowed "Rear Yard House" which allows a minimum front setback of 5 feet and should it be determined that my attached home design – LOT 2.pdf, would be interpreted as a "Side Yard House" my required minimum front setback would be 0'. The County is proposing to change these minimums to 10' which would render my lot unsuitable for the construction of my intended home which I have spent a great deal of time and consideration developing. I can adjust the side setback to conform to the 5' minimum **however the additional 5' front setback is unacceptable to me.** Additionally, unless I'm missing it the new code doesn't separate or describe setbacks affecting accessory structures. Am I to assume that these setbacks will not change from the previous code or do accessory structures such as my pool and garage have to comply with the much more stringent setbacks of 10' in the rear. This is totally unacceptable and will make my entire lot basically unbuildable for any type of current investment. This is exactly what the CRA is trying not to have happen as it's sole purpose is to increase property values and the tax base. This new code would take 15' of currently buildable land away from me.

I will be attending the upcoming meetings where I will voice my opposition to the changes unless I can get clarification that I will not be penalized by the changes.

Sincerely,

Evan R. Anderson, COO
Onshore Construction and Development, Inc.
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TIGER-TIGER, INC.
3211 SW Alexander Court, Palm City, Florida 34990
Telephone: (772) 919-9000; Fax: (772) 288-3578

June 11, 2020

Neighborhood Advisory Board—Port Salerno CRA
Blake Library Meeting Auditorium @ 6pm

Re: Proposed Modification to Port Salerno CRA Core and CRA General

Dear Board Members:

The Moreno Family has been committed to encouraging economic development in Martin County for several decades. Christine Moreno has served on the first CRA Board in Jensen Beach, and when the County disbanded the CRA board and named themselves CRA board members so that the CRA districts could expand across our county, the Moreno family through its commercial investment company, Tiger-Tiger, Inc., purchased the 7 lots along Cove Road at the commencement of the Port Salerno CRA District for the purpose of developing the neighborhood and supplying reasonably priced apartments. Throughout the process several plans have been drafted, drawn and submitted to the Growth Management Office for review and direction. Over the course of our ownership the CRA criteria have changed to the detriment of our original plans, resulting in reduced development, less economic stimulus and reduced usage, thus resulting in less demand for new development in Martin County. With that being stated, on behalf of Tiger-Tiger, Inc., and the Moreno family, we applaud your efforts to make the new proposed regulations more understandable and less confusing.

We have two proposed modifications to your Draft of 06-03-2020. Our proposed modifications would allow increased parking on the side of structures; and, it would also allow possible parking below structures; all of which would be hidden from street view. Hidden parking below the first floor would alleviate some of the historic flooding issues currently in the Port Salerno CRA District while utilizing the space for much needed parking. These are two modifications which we would strongly encourage you to incorporate into the current draft being discussed today.



First: Increase Height Limitations along Cove Road for CRA Core and CRA General, from 35 feet to 40 feet (leave the building height at 3 stories of living space).

See PS-5 at Page 9 of Draft 06-03-2020, (see 12.1.04.2) established in 12.6.05.

Second: Decrease Parking Front Setback from 30 feet minimum to 10 feet minimum but require such parking to not be seen directly from street view.

See PS-5.01 E starting at Page 11 thru Page 20, see 12.01.04.6 established in 12.6.05,

Sincerely,



Art Moreno and Christine Moreno
Tiger-Tiger, Inc.

From: [Dana Little](#)
To: [Mary C Dwan](#)
Cc: [Susan Kores](#); [Irene Szedlmayer](#); [Jana Cox](#)
Subject: RE: Port Salerno CRA
Date: Monday, February 17, 2020 2:42:58 PM



Good afternoon Mary and thank you for your email. I am copying Susan Kores, CRA Director, and Irene Szedlmayer, Principal Planner, so that they might be involved. I am also including Jana Cox from the CRA as she has been assisting with all of our scheduling. Unfortunately this Thursday or Friday I am not available but I am available early next week:

Monday 2/24: afternoon
Tuesday 2/25: before 2 pm
Wednesday 2/26: all day

Please let us know if any of these times work for you.

Thank you,

Dana

From: Mary C Dwan <marydwan@bellsouth.net>
Sent: Sunday, February 16, 2020 10:12 AM
To: Dana Little <dlittle@tcrpc.org>
Subject: Port Salerno CRA

Good morning Dana,

Thanks for the good presentation at the Port Salerno Civic center on 02/13/2020 which I attended. We own the property at 4796 SE Manatee Cove Road which is part of the CRA on the east side of Manatee Creek. Our property is unique in that there is an existing 561 square foot living area 1 bedroom cottage on the site which we have lived in for the last 20 years. We'd like to retain this cottage as an accessory dwelling unit at it's current location which the current rules appear to allow. We currently have nearly completed architectural drawings for a new single family house to be built at the rear of the property which we already have an alternate compliance approval (which requested that we be allowed to build the house further back on the site-the existing rules state the house should be built near the road which shouldn't be applicable to the deep lots on the east side of the creek).

I'm concerned that the new rules may interfere with our proposals to build the new house due to the location of the existing house which we aren't interested in moving or tearing down. Our lot is also unique as it has frontage on both Manatee Cove Road and the private Anchorage drive which runs perpendicular to the center of our lot. The historical address for our property was 4839 SE Anchorage Drive and we may be interested in changing the address back to this road. Based on current land use and zoning, our lot would likely allow a split due to a split meeting the required site size and density. It appears that the new proposed density of 1 unit per lot would reduce our current allowable use since density per acre is not outlined in the new rule. This has the potential to

decrease the functional utility and value of our property. I would like to set up a meeting to discuss other possible potential issues that may arise from the new regulations. I'm available next Thursday or Friday or most of the following week.

Thanks for your help.

Mary C Dwan
4796 SE Manatee Cove Rd
Stuart, FL 34997
(772) 219 9107

From: [Jessica Seymour](#)
To: [Dave Buckey](#)
Cc: [Dana Little](#); [Joshua Mills](#); [Susan Kores](#); [Irene Szedlmayer](#)
Subject: RE: Port Salerno Community Redevelopment Code Proposal
Date: Monday, March 2, 2020 9:03:06 AM



Dave, thank you for your detailed email. I hope you can make the April 16th meeting, and if not please look out for the revised draft about a week before the meeting.

Best,
Jessie

Jessica Cortor Seymour, RA, LEED AP
Regional Planner
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, FL 34994
Tel. 772-221-4060
Fax. 772-221-4067
Website: www.tcrpc.org

From: Dave Buckey <buckey285@gmail.com>
Sent: Thursday, February 20, 2020 2:48 PM
To: Jessica Seymour <jseymour@tcrpc.org>
Cc: Dana Little <dlittle@tcrpc.org>; Joshua Mills <jmills@martin.fl.us>
Subject: Port Salerno Community Redevelopment Code Proposal

Jessica,

Thank you for taking the time to meet with me on Wednesday regarding the Article 12 Port Salerno Community Development Code (Code) proposal. I think we had a good exchange of information. Of the items we discussed, these are the ones that I noted for follow-up.

A. Future Land Use (Use) and Regulating Plan (Plan) Change. The most important one. For the property located at SE MULFORD LN & WESST, STUART, MANATEE BAY, LOTS 52 & 53 BLK 1 (LESS E 10' R/W), parcel ID 52-38-41-009-001-00520-5 (Subject Parcel), the Use designation should be changed from CRA Center to CRA Neighborhood, with a corresponding change in the Plan from Core to Detached One.

1. The current primary zoning for the Subject Parcel is residential. With the elimination of the mixed use overlay, the starting point in land use should be the fundamental land use for the property, that being residential. This Subject Parcel should not have continued as Mixed Use when the Mixed Use Overlay was revised to remove the residential sections of Westfield and Barcelona from Mixed Use. With revisiting the Code, the inconsistencies of the past should be corrected and not continued. The Subject Parcel is across the street from commercial type property and the commercial type use should not jump the street to a residential block that does not provide a physical distance separation between parcels in the block.

2. Existing residential properties share lot lines with this Subject Parcel and my wife's trust owns one of those, at 4235 SE Westfield, the parcel immediately west of the Subject Parcel. Applying "CRA Center" and "Core" designations to the Subject Parcel is inappropriate and creates a loss in value to our property due to the expanded commercial type development potential and permitted use in the Code proposal for the Subject Parcel that shares a lot line with our residential property. The outcome in this situation should be to solve a problem, not perpetuate

and expand the scope of one. For example, the Subject Parcel can not be used under current zoning and mixed use solely for parking. With a Core Plan designation, the Subject Parcel next to my property can be used solely for parking, or any of the commercial type permitted uses in the Code draft for Core (offices, hotels, restaurants, retail).

The proposed Use of "CRA Center" and Plan of "Core" for the Subject Parcel is unacceptable to us. Please change the designations for the Subject Parcel to Neighborhood and Detached One.

B. Duplex Permitted Building Type. As we discussed and several others have mentioned, the Duplex building type should be removed from the Detached One parcels in the Use plan in the area east of AIA, starting with Seaward going north to Paul Terrace.

C. Lighting and Sound regulations. In the areas where commercial and residential have proximity, the requirements mentioned in our discussion that exist elsewhere in County regulations for lighting and sound intrusion on residential property from commercial operating use should be incorporated by reference in the CRA Development Code.

D. Parking. Parcels that have a permitted use for parking to support commercial operations should have landscape, setback, and infrastructure regulations to screen the areas from residential view, control ingress/egress, and manage storm water. These regulations may be in the plan, but we did not review them. The example where these attributes are not in place today are the two parcels owned by the operators of the Twisted Tuna restaurant on the south side of Seaward east and west of DeSoto.

Please feel free to contact me with any questions or comments you have about these issues. Regarding the first item with the requested use change, I view this item to be critically important to the value and quality of use of my adjacent property. Please make the requested change for the Subject Parcel to CRA Neighborhood and Detached One.

Thank you.

Dave Buckey
4197 SE Bayview St
Stuart, FL 34997
772-285-7233