

Agency Correspondence

Ron DeSantis
GOVERNOR



Dane Eagle
EXECUTIVE DIRECTOR

November 18, 2020

The Honorable Harold E. Jenkins II
Chairman, Martin County Board of County Commissioners
2401 S.E. Monterey Road
Stuart, Florida 34996

Dear Chairman Jenkins:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Martin County (Amendment No. 20-06ESR) received on October 19, 2020. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

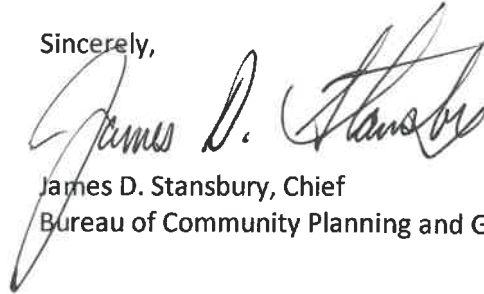
- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Ed Zeno, Planning Analyst, by telephone at (850) 717-8511 or by email at ed.zeno-gonzalez@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with the first name "James" being the most prominent.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/ez

Enclosure(s): Procedures for Adoption

cc: Paul Schilling, Growth Management Department Director, Martin County
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities.
(Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

From: [Paul Schilling](#)
To: [Maria Jose](#); [Clyde Dulin](#)
Subject: FW: Martin County 20-6ESR - FDOT District Four Review
Date: Thursday, November 12, 2020 4:12:36 PM
Attachments: [image001.png](#)

Paul Schilling
Director
Growth Management Department
Martin County Board of County Commissioners
772-288-5473

From: Hymowitz, Larry <Larry.Hymowitz@dot.state.fl.us>
Sent: Thursday, November 12, 2020 4:07 PM
To: 'DCPexternalagencycomments' <DCPexternalagencycomments@deo.myflorida.com>; Paul Schilling <pschilli@martin.fl.us>
Cc: Gardner-Young, Caryn <Caryn.Gardner-Young@dot.state.fl.us>
Subject: Martin County 20-6ESR - 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 (Aquarius Land Holdings FLUA) with DEO reference number 20-6ESR.

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 and Mobility Planning Section
Planning & Environmental Management - FDOT District Four
p: (954) 777-4663 f: (954) 677-7892
a: 3400 W. Commercial Boulevard, Ft. Lauderdale, FL 33309
e: lhymowitz@dot.state.fl.us w: www.DOT.state.fl.us



Teleworking, 8-4:45 Monday through Friday,
can be reached by e-mail or by phone (954-777-4663)

From: [Paul Schilling](#)
To: [Maria Jose](#); [Clyde Dulin](#)
Subject: FW: Martin County 20-06ESR Proposed
Date: Monday, November 16, 2020 8:03:14 AM
Attachments: [image001.png](#)

Paul Schilling
Director
Growth Management Department
Martin County Board of County Commissioners
772-288-5473

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Friday, November 13, 2020 12:13 PM
To: Paul Schilling <pschilli@martin.fl.us>; DCPexternalagencycomments@deo.myflorida.com
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Martin County 20-06ESR Proposed



To: Paul Schilling, Growth Management Department Director

Re: Martin County 20-06ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.

From: [Paul Schilling](#)
To: [Maria Jose](#); [Clyde Dulin](#)
Subject: FW: Martin County 20-06ESR (CPA 20-03)
Date: Tuesday, November 17, 2020 5:05:56 PM

Paul Schilling
Director
Growth Management Department
Martin County Board of County Commissioners
772-288-5473

From: Cucinella, Josh <Josh.Cucinella@MyFWC.com>
Sent: Tuesday, November 17, 2020 4:21 PM
To: Paul Schilling <pschilli@martin.fl.us>
Cc: DCPexternalagencycomments@deo.myflorida.com; Wagman, Jason <Jason.Wagman@MyFWC.com>; Conservation Planning Services <conservationplanningservices@MyFWC.com>
Subject: Martin County 20-06ESR (CPA 20-03)



Mr. Schilling:

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 have specific technical questions, please contact Jason Wagman at (863) 209-2688 or by email at Jason.Wagman@MyFWC.com. For all other inquiries, please contact our office by email at ConservationPlanningServices@MyFWC.com.

Sincerely,

Josh Cucinella
Biological Administrator II
Office of Conservation Planning Services
Florida Fish and Wildlife Conservation Commission
1239 SW 10th Street
Ocala, Florida 34471
(352) 620-7330

Martin County 20-06ESR_42650

From: [Maria Harrison](#)
To: [Joan Seaman](#)
Subject: FW: Martin County, DEO #20-6ESR Comments on Proposed Comprehensive Plan Amendment Package
Date: Friday, November 13, 2020 8:18:06 AM

From: Paul Schilling <pschilli@martin.fl.us>
Sent: Monday, November 9, 2020 7:57 AM
To: Maria Harrison <mharriso@martin.fl.us>; Clyde Dulin <cdulin@martin.fl.us>
Subject: FW: Martin County, DEO #20-6ESR Comments on Proposed Comprehensive Plan Amendment Package

Paul Schilling
Director
Growth Management Department
Martin County Board of County Commissioners
772-288-5473

From: Oblaczynski, Deborah <doblaczy@sfwmd.gov>
Sent: Friday, November 6, 2020 6:54 PM
To: Don Donaldson <ddonalds@martin.fl.us>
Cc: 'kelly.corvin@deo.myflorida.com' <kelly.corvin@deo.myflorida.com>; Ray Eubanks (<ray.eubanks@deo.myflorida.com> <ray.eubanks@deo.myflorida.com>; Stephanie Heidt (<sheidt@tcrpc.org> <sheidt@tcrpc.org>; tlanahan@tcrpc.org; Paul Schilling <pschilli@martin.fl.us>; DEO Planning Group Email (<DCPexternalagencycomments@deo.myflorida.com> <DCPexternalagencycomments@deo.myflorida.com>
Subject: Martin County, DEO #20-6ESR 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 package includes a map and text amendment change the land use designation on 321-acres from Rural Density Residential to Residential Estate Density. 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 requests that the County forward a copy of the adopted amendments to the District. Please contact me if you have any questions or need 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 or

Cell Phone: 561-315-1474

From: [Paul Schilling](#)
To: [Maria Jose](#); [Clyde Dulin](#)
Subject: FW: Martin County Comprehensive Plan Amendment No. 20-06ESR
Date: Monday, November 16, 2020 7:58:57 AM
Attachments: [Martin County 20-06ESR.pdf](#)

Paul Schilling
Director
Growth Management Department
Martin County Board of County Commissioners
772-288-5473

From: Stephanie Heidt <sheidt@tcrpc.org>
Sent: Friday, November 13, 2020 9:11 AM
To: 'DEO CPA Reports (DCPexternalagencycomments@deo.myflorida.com)'
<DCPexternalagencycomments@deo.myflorida.com>; Paul Schilling <pschilli@martin.fl.us>
Cc: Eubanks, Ray <Ray.Eubanks@deo.myflorida.com>; Kelly Corvin (Kelly.corvin@deo.myflorida.com)
<Kelly.corvin@deo.myflorida.com>; Ed Zeno (ed.zeno-Gonzalez@deo.myflorida.com) <ed.zeno-Gonzalez@deo.myflorida.com>
Subject: Martin County Comprehensive Plan Amendment No. 20-06ESR



Council staff has reviewed the above-referenced amendments in accordance with the requirements of Chapter 163, *Florida Statutes*. The next scheduled Council meeting is December 11, 2020. In order to avoid unnecessary delay and meet the 30 day agency review deadline, Council's Executive Director, Thomas J. Lanahan, approves the attached report and authorizes its transmittal to the County and the Florida Department of Economic Opportunity.

Please send one copy of all materials related to these amendments directly to our office once they are adopted by your governing body.

If you have any questions, please feel free to contact me.

Stephanie Heidt, AICP
*Economic Development and
Intergovernmental Programs Director*
TREASURE COAST REGIONAL PLANNING COUNCIL
cell: 772.475.3863
sheidt@tcrpc.org

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Martin County

From: Staff

Date: November 10, 2020

Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Martin County Comprehensive Plan
Amendment No. 20-06ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, authorizes the regional planning council to 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 October 16, 2020 and contains one text amendment to the Future land Use Element of the Comprehensive Growth Management Plan. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

The site-specific text amendment proposes to revise Policy 4.1B.2(1) of the Future Land Use Element to permit residential development on a 34.96 acre property located on the north side of SE Cove Road and the west side of SE Willoughby Boulevard. The property has a Commercial Office/Residential future land use designation.

In 2008, the subject property was changed from Rural Density Residential (up to 1 unit per 2 acres) to the current Commercial/Office/Residential (COR) future land use designation. At that time, the Florida Department of Community Affairs (DCA) found that the amendment was not in compliance because the amendment "...was not supported by data and analysis to demonstrate that an adequate water supply is available, that the water and wastewater treatment facilities, and transportation facilities have available capacity over the next 5 years to serve the maximum development potential of the site and maintain the County's adopted level of service standards."

A settlement agreement was adopted in May of 2009 to limit development of the site to 365,904 square feet of non-residential use. The following, shown in ~~strikeout~~ and underline format, is the applicant's proposed amendment:

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,~~ shall be developed consistent with the assigned future land use designation, and on which residential uses shall not be allowed. provided, however, the net outbound PM peak hour trips generated by all uses shall be limited to 340 trips, trip generation shall be determined at final site plan for any use based on the then current ITE Trip Generation Manual rates.

Since DCA's concerns in 2008 were with potential impacts on public facilities, specifically water, wastewater, and transportation, the County staff proposed the following amendment, which was approved for transmittal by the Board of County Commissioners:

(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 non-residential use, shall be developed~~ consistent with the assigned future land use designation, ~~and on which residential uses shall not be allowed.~~ The net outbound PM peak hour trips generated by all uses on the subject property shall be limited to 340 trips, as demonstrated during the review of final site plans consistent with Article 5, Adequate Public Facilities, Division 3, Traffic Impact Analysis, Land Development Regulations.

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 October 8, 2020. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Council Action – November 13, 2020

The next scheduled Council meeting is December 11, 2020. In order to avoid unnecessary delay and meet the 30 day agency review deadline, Council's Executive Director, Thomas J. Lanahan, approves this report and authorizes its transmittal to Martin County and the Florida Department of Economic Opportunity.

Attachments

List of Exhibits

Exhibit

- | | |
|---|------------------------|
| 1 | General Location Map |
| 2 | Amendment Location Map |
| 3 | Aerial Location Map |

Exhibit 1

General Location Map

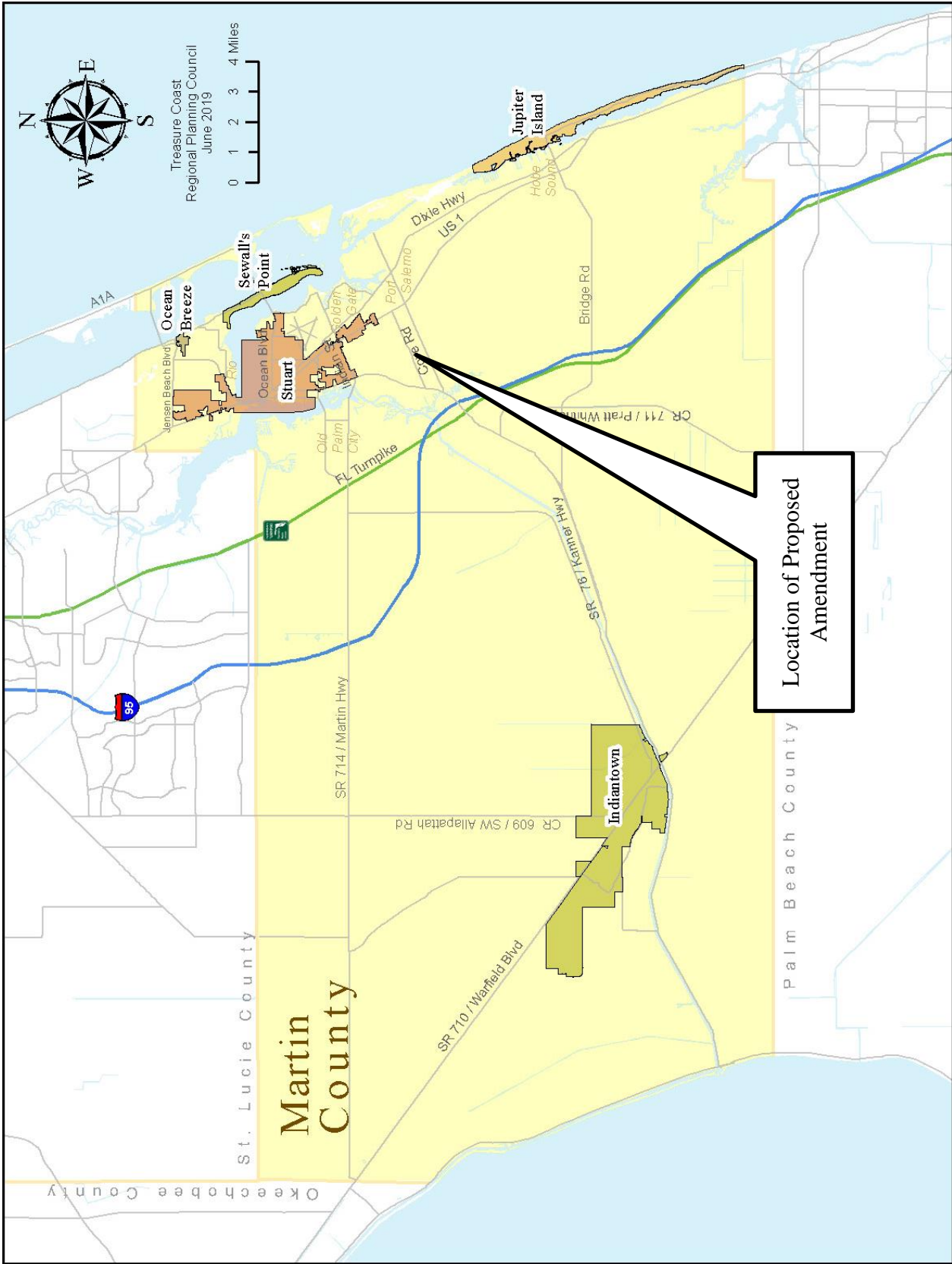


Exhibit 3 Aerial Map

Aquarius Holdings, LLC

Aerial Map
Martin County, FL



Prepared by:



North
Date: 01/20/20
Project # : 19039