



Our Client No: 51859.00002  
Writer's Direct No.: (772) 288-1980  
Writer's E-mail Address: jlong@gunster.com

January 29, 2021

Paul Schilling, AICP  
Martin County Growth Management Director  
2401 S.E. Monterey Road  
Stuart, Florida 34996

**Re: Future Land Use Map w/ concurrent Zoning Change  
Completeness Review Cover Letter  
SE Federal Highway and SE Ridgeway Terrace**

Dear Paul:

It is our pleasure to submit on behalf of our client, Grove Bluff, LLC, a Future Land Use Map Amendment with concurrent Zoning Change application. The property is approximately 1.38 acres in size and is located at 8530 SE Federal Highway, Hobe Sound Florida, Parcel ID: 34-38-42-021-000-00160-2.

Enclosed you will find one (1) paper copy of our Future Land Use Map Amendment Application and one copy of our Zoning Change application along with a disk which contains an electronic version of both applications. Each application checklist item which is not included with our submittal is identified below. For ease of review we use the same numbering system found on the County Checklist.

**Future Land Use Map Amendment Application**

- 10. Proposed Text Amendment – Not included with this FLUM application, a separate Comp Plan Text Amendment application has been submitted.
- 13. School Impact Worksheet - Not Applicable, no residential proposed.

**Zoning Change Application**

- 15. School Impact Worksheet - Not Applicable, no residential proposed.

If you have any questions or need further information, please do not hesitate to contact me at 772-288-1980.

Best regards,

*Joshua I. Long*

Joshua I. Long, AICP

cc: Client  
Robert S. Raynes, Jr., Esq.  
Enclosures



Martin County, Florida  
Growth Management Department  
DEVELOPMENT REVIEW DIVISION  
2401 SE Monterey Road, Stuart, FL 34996 772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)

**DEVELOPMENT REVIEW APPLICATION**

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**A. GENERAL INFORMATION**

Type of Application: Zoning Change



Name or Title of Proposed Project: SE Federal Hwy & SE Ridgeway Terrace FLUM & Rezoning

**Brief Project Description:**

A Future Land Use Map Amendment with concurrent Rezoning request for vacant 1.38 acre parcel located on the northwest corner of SE Federal Hwy & SE Ridgeway Terrace in Hobe Sound, Florida.

Was a Pre-Application Held? ☐ YES/NO ☒ Pre-Application Meeting Date: \_\_\_\_\_

Is there Previous Project Information? ☐ YES/NO ☒

Previous Project Number if applicable: N/A

Previous Project Name if applicable: N/A

**Parcel Control Number(s)**

34-38-42-021-000-00160-2



**B. PROPERTY OWNER INFORMATION**

Owner (Name or Company): TMHOWARD ENTERPRISES INC

Company Representative: Elizabeth Proce & Tom Howard

Address: 1377 N. Killian Drive

City: Lake Park, State: FL Zip: 33403

Phone: 561-389-9180 & 561-578-9957 Email: teamproce@gmail.com

### C. PROJECT PROFESSIONALS

**Applicant (Name or Company):** Grove Bluff, LLC

Company Representative: Bert Pascual

Address: 900 SW 80th CT

City: Miami, State: FL Zip: 33144

Phone: 305-992-6928 Email: egnbpascual@gmail.com

**Agent (Name or Company):** Gunster Law Firm

Company Representative: Robert S. Raynes, Jr. Esq.

Address: 800 SE Monterey Commons Blvd., Suite 200

City: Stuart, State: FL Zip: 34996

Phone: 772-288-1980 Email: r-raynes@gunster.com

**Contract Purchaser (Name or Company):** Same as Applicant

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Land Planner (Name or Company):** Same as Agent

Company Representative: Joshua I. Long, AICP

Address: 800 SE Monterey Commons Blvd., Suite 200

City: Stuart, State: FL Zip: 34996

Phone: 561-650-0719 Email: jlong@gunster.com

**Landscape Architect (Name or Company):** N/A

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Surveyor (Name or Company):** R.L. Vaught & Associates, Inc

Company Representative: Marisa Vaught

Address: 9075 SE Bridge Road

City: Hobe Sound, State: FL Zip: 33455

Phone: 772-546-8086 Email: vaught@bellsouth.net

**Civil Engineer (Name or Company):** N/A

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## PROJECT PROFESSIONALS CONTINUED

**Traffic Engineer (Name or Company):** Susan E. O'Rourke, P.E., Inc.

Company Representative: Susan O'Rourke

Address: 428 SW Akron Ave., Suite 1A

City: Stuart, State: FL Zip: 34994

Phone: 772-781-7918 Email: SEORourke@comcast.net

**Architect (Name or Company):** N/A

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Attorney (Name or Company):** Same as Agent

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Environmental Planner (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Other Professional (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### D. Certification by Professionals

Section 10.2.D.7., Article 10, Development Review Procedures, Land Development Regulations (LDR), Martin County Code (MCC) provides the following:

When reviewing an application for a development permit that is certified by a professional listed in s. 403.0877, F.S., the County shall not request additional information from the application more than three times, unless the applicant waives the limitation in writing. If the applicant believes the request for additional information is not authorized by ordinance, rules, statute, or other legal authority, the County, at the applicant's request, shall proceed to process the application for approval or denial. (125.022(1), Fla. Stat.)



This box must be checked if the applicant waives the limitations.

### E. APPLICANT or AGENT CERTIFICATION

I have read this application, and to the extent that I participated in the application, I have answered each item fully and accurately.

Applicant Signature

Date \_\_\_\_\_

Printed Name \_\_\_\_\_

## NOTARY ACKNOWLEDGMENT

STATE OF: Florida COUNTY OF: Palm Beach

I hereby certify that the foregoing instrument was acknowledged before me this 7 day  
of JANUARY, 2021, by Thomas M. HOWARD.

**(He or She) \_\_\_\_\_ is personally known to me or ✓ has produced \_\_\_\_\_ as identification.**

**Notary Public Signature**

Printed name \_\_\_\_\_

STATE OF: Florida at-large



**TAMMY A. MURPHY**  
Commission # GG 928878  
Expires December 2, 2023  
Bonded Thru Budget Notary Services




Martin County County Florida Growth Management Department  
DEVELOPMENT REVIEW DIVISION  
2401 SE Monterey Road, Stuart, FL 34996  
772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)

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### Digital Submittal Affidavit

I, Josh Long, attest that the electronic version included for the project SE Federal Hwy & SE Ridgeway Ter is an exact copy of the documents that were submitted for sufficiency, excluding any requested modifications made by the sufficiency review team. All requested modifications, if any, have been completed and are included with the packet.

  
Applicant Signature

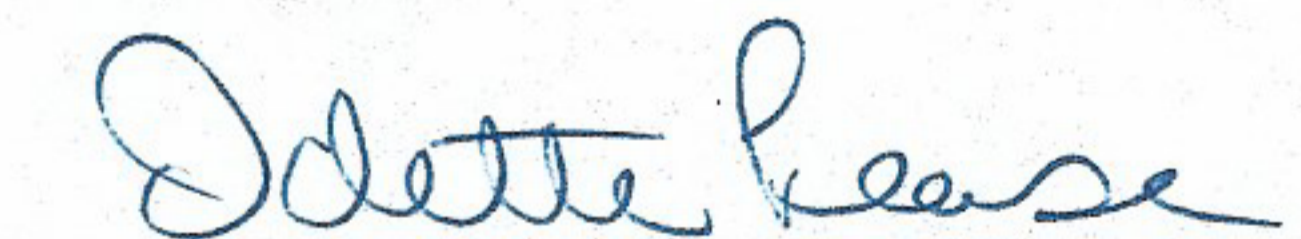
01-29-2021  
Date

### NOTARY ACKNOWLEDGMENT

STATE OF: FLORIDA COUNTY OF: PALM BEACH

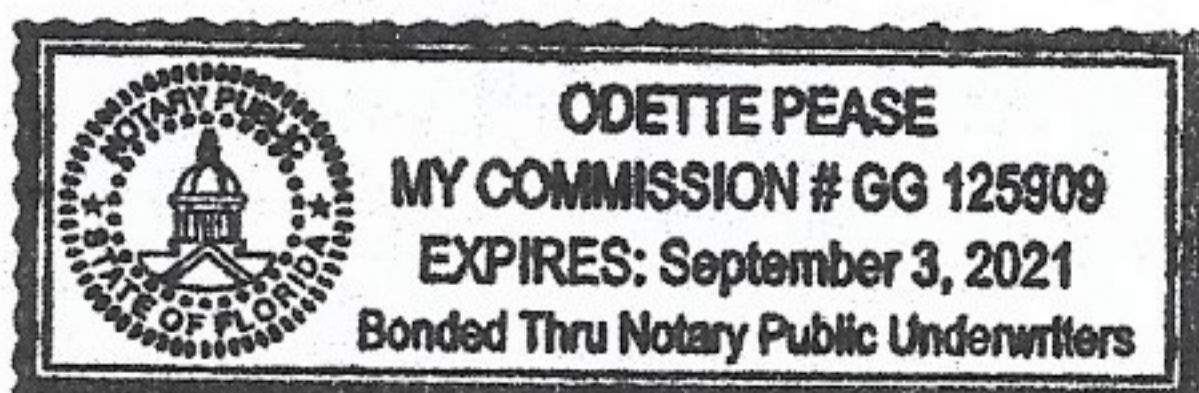
I hereby certify that the foregoing instrument was acknowledged before me this 29th day of January, 20 21, by Josh Long.

☒ He or She ☒ is personally known to me or \_\_\_ has produced \_\_\_ as identification.

  
Notary Public Signature

Odette Pease  
Printed name

STATE OF: FLORIDA at-large





January 29, 2021

Paul Schilling, AICP  
Martin County Growth Management Director  
2401 S.E. Monterey Road  
Stuart, Florida 34996

**Re: Justification Statement: Grove Bluff, LLC Future Land Use Map  
Amendment with concurrent Zoning Change Application**

Dear Paul:

It is our pleasure to submit on behalf of our client, Grove Bluff, LLC, a Future Land Use Map Amendment with concurrent Zoning Change application. Our client has a contract on the property located at 8530 SE Federal Highway, Hobe Sound Florida, Parcel ID: 34-38-42-021-000-00160-2, consisting of approximately 1.38 acres, more or less as identified on the Location Map, attached as **Exhibit “A”** (the “Property”).

***Background***

The Property is currently undeveloped. It has a land classification of Medium Density with a zoning designation of R-3A (Liberal Multi-Family District). Our client is proposing to change the future land use classification to Commercial General, and the zoning designation to GC (General Commercial).

The Property is located at the lighted intersection of SE Federal Highway and SE Ridgeway Terrace. SE Federal Highway is classified as a Major Arterial Road on the Martin County Functional Class and Evacuation Map.

The land use classification, zoning designation and developed uses for the properties surrounding the Property are identified below:

North: Land Use – Medium Density  
Zoning – RM-8 (Medium Density Residential District)  
Existing Use – Preservation Area for McArthur Golf Club

South: Land Use – Medium Density  
Zoning - R-3A (Liberal Multi-Family District)  
Existing Use – Comcast Maintenance Facility

West: Land Use – Low Density  
Zoning - RM-5 (Low Density Residential District).  
Existing Use – Preservation Area for McArthur Golf Club

East: Land Use – N/A  
Zoning – N/A  
Existing Use – SE Federal Highway

It should be noted that the portion of the McArthur Golf Club that borders the Property is depicted as preserve area on the approved McArthur site plan. Therefore, it will provide an adequate buffer for development of the Property thereby protecting any adverse impacts to the residential community of Poinciana Gardens located further to the west.

SE Federal Highway is predominantly non-residential in nature which is appropriate for major arterial roadways. The residential communities that are located along SE Federal Highway are generally located well back from SE Federal Highway.

The intersection of SE Federal Highway and SE Ridgeway Terrace currently support an Indian Motorcycle dealership on the northeast corner of the intersection and the Hobe Sound Fire Station on the southeast corner of the intersection. Further to the south immediately adjacent to the Hobe Sound Fire Station is the recently approved Publix, which is currently under construction. The property further to the east of SE Federal Highway has a land use classification of General Commercial and Mobile Home, with zoning designations of GC (General Commercial) and RT (Mobile Home Density).

General Commercial land use and the wide array of uses allowed with General Commercial are vital for the surrounding residential communities. An analysis of the properties adjacent to the south bound lanes on SE Federal Highway revealed that there are very few vacant, viable General Commercial properties within the area. Further, those few existing properties contain geographical (directly adjacent to residential) or regulatory (PUD) restrictions which restrict viable development of the properties. The closest south bound General Commercial site to the Property is approximately 1.9 miles to the north, this site is restricted to PUD-C: offices, ALF & sit-down restaurants. The next closest south bound General Commercial land, without a PUD restriction, on a lighted intersection is 3.6 miles north on Cove Road which is adjacent to the Hibiscus Park residential community. The next closest south bound General Commercial land that is not adjacent to an established residential community is in Stuart.

### ***Request***

The purpose of the requested land use amendment is to recognize the established development trends that have occurred in the area over the past few years, and to allow for the development of the Property to accommodate general retail sales and services and highway oriented sales and services that are unique to and required in the area.

### ***Evaluation and Analysis***

The General Commercial land use is designated to accommodate general retail sales and services; highway sales and services; commercial amusement; and trade and warehousing facilities. General Commercial land should be located on highly accessible parts of the urban service district that are compatible with the unique location and market requirements of these uses.

The Property meets the locational requirements of the General Commercial land use classification. It is located at an existing lighted intersection on a major arterial road in the heart of the Primary Service District. Changing the future land use classification to Commercial General and the zoning designation to GC (General Commercial) would be consistent with the existing development that has occurred in the area. A preservation area as part of the McArthur Golf Club, lies immediately adjacent to the west of the Property and would provide an appropriate buffer and transition to the existing residential neighborhood of Poinciana Gardens further to the west.

The land use classification of Medium Density and zoning designation of R-3A (Liberal Multi-Family District) is no longer appropriate for the Property. The current R-3A zoning designation is inconsistent with the current Medium Density land use classification. Therefore, a mandatory rezoning of the Property would be required prior to any development of the Property.

Furthermore, given the size and depth of the Property it would be impractical for it to be developed under a Medium Density land use and zoning designation adjacent to SE Federal Highway.

The most appropriate land use classification for the Property is General Commercial. It meets the locational requirements of the Commercial General land use classification and GC (General Commercial) zoning designation. The General Commercial land use and zoning will recognize the development trends that have occurred in the area. It will also provide for general retail sales and services as intended by the Comprehensive Plan for properties located in highly accessible parts of the Primary Urban Service District and for sites located on major arterial roads, such as SE Federal Highway.

The R-3A (Liberal Multi-Family District) is an old zoning designation that has been in existence since 1967, fifteen years prior to the existence of the Comprehensive Plan in 1982. The R-3A zoning designation allowed not only residential uses but also many commercial uses, including but not limited to restaurants, professional offices, retail stores and gasoline or other fuel motor stations. The zoning designation that would implement the Medium Density land use classification would not allow any of the commercial uses that are allowed under the R-3A zoning designation and that were historically intended for the Property.

### ***Compatibility with Surrounding Uses and Consistency with Comprehensive Growth Management Plan (CGMP)***

Significant changes have occurred in the area since the comprehensive plan was first adopted in 1982. The development trend along SE Federal Highway has seen a mix of uses that include commercial, industrial, institutional, office and residential. A General Commercial land use at the intersection of SE Federal Highway and SE Ridgeway Terrace will complement and support the existing uses surrounding the Property.

Any future development on the subject property will be required to comply with all land development regulations applicable to the General Commercial land use and zoning.

All required public facilities, including potable water, sanitary sewer, solid waste, stormwater management, public safety, parks and transportation, have adequate capacity to serve the proposed project. A concurrency evaluation will be required prior to the issuance of any site plan development order for the Property.

The proposed land use change does not create any internal inconsistencies with the elements of the Comprehensive Growth Management Plan, and the proposed amendment does not require additional urban expansion.

The Property is located within the existing Primary Urban Service District and is not adjacent to the Secondary Urban Service District.

The change from Medium Density to General Commercial will not increase the impacts to adjacent residential properties and results in a logical, timely and orderly development pattern that is compatible with the character of the existing land uses in the adjacent and surrounding areas.

The Property is not located in a community redevelopment area or in a major unincorporated community where an improved design would serve as a focal point.

The change in land use is compatible with existing land use patterns, does not impact natural resources, and is consistent with the capital improvements element and the implementation of adopted levels of service standards.

### ***Environmental Issues***

The Property will require further analysis as part of any type of proposed site plan application to ensure compliance with upland and wetland habitat protection requirements.

### ***Commercial/Industrial Lands***

Adequate buffering between the proposed retail sales and service use and the residential properties in the area will be provided in accordance with the Land Development Regulations. There are no residential properties which abut the Property. The Property is surrounded by a man-made buffer to the east with SE Federal Highway, and by a preservation area to the west and the north and a Comcast maintenance facility to the south.

The proposed retail sales and service use will not have a significant impact on existing or planned transportation facilities or other commercial activities in the area. All services are available to the Property so there will be no impact on existing and planned community services and utilities.

The proposed General Commercial use is strategically located on SE Federal Highway and will be able to accommodate the specific requirements of land area, site, public facilities and market location. The site will be able to promote efficient traffic flow along thoroughfares, achieve orderly development and will minimize adverse impacts on residential quality.

The proposed General Commercial use for the Property is accessible from a major arterial roadway and can accommodate general retail sales and services, highway-oriented sales and services, commercial amusement, and trade and warehousing facilities. The allowed uses for General Commercial at this location will not generate significant nuisance impacts, noise, vibration, major fire hazards or require extensive outside storage and display, especially given the small size of the Property.

### ***Urban Sprawl***

The proposed land use change does not encourage urban sprawl or trigger any of the 13 indicators and eight criteria for urban sprawl (see **Exhibit “B”** attached hereto).

### ***Proliferation of Urban Sprawl***

The proposed land use change from Medium Density to General Commercial discourages the proliferation of urban sprawl to a greater extent than the existing Medium Density land use because it does not allow for additional residential uses and it provides for retail sales and services in close proximity to existing residential neighborhoods and businesses (see Exhibit “B” attached hereto).

### ***School Impact Worksheet***

A school impact worksheet is not required because no residential units are permitted within the General Commercial land use being proposed.

### ***Water and Sewer Availability***

Based on a preliminary analysis of potable water and wastewater service, adequate capacity exists for required services and public facilities and is available to the site.

### ***Comprehensive Plan Amendment Procedures***

*“...In evaluating each Future Land Use Map amendment request, staff begins with the assumption that the Future Land Use Map, as amended, is generally an accurate representation of the intent of the Board of County Commissioners, and thus the community, for the future of Martin County. Based on this assumption, staff can recommend approval of a requested change providing that*

*consistency is maintained with all other elements of this Plan and at least one of the following four items is found to apply:*

- (a) Past changes in land use designations in the general area make the proposed use logical and consistent with these uses and adequate public services are available; or*
- (b) Growth in the area, in terms of development of vacant land, redevelopment and availability of public services, has altered the character of the area such that the proposed request is now reasonable and consistent with the area land use characteristics; or*
- (c) The proposed change would correct what would otherwise appear to be an inappropriately assigned land use designation; or*
- (d) The proposed change would fulfill a public service need that enhances the health, safety or general welfare of County residents.”*

Based on evaluation and analysis of the Property’s characteristics and the surrounding development trends that have occurred since 1982, when the original future land use maps were adopted, the proposed request clearly meets criteria (a), (b) & (c) and can therefore be recommended for approval by the Local Planning Agency and the Board of County Commissioners.

### ***Conclusion***

The land use amendment from Medium Density to General Commercial with the Concurrent Zoning change from R3-A to CG (Commercial General) is both appropriate and timely. The land use and zoning change will allow the development of the Property with commercial uses to serve the residents of Martin County and is justified for the following reasons:

- It is consistent with the Comprehensive Growth Management Plan land use policies;
- It is consistent with the procedural criteria for recommending approval of a land use map amendment;
- It has no measurable impact on the availability of public facilities and services;
- It is more appropriate with the surrounding uses than the existing land use designation;
- It will complement and help support residential uses, offices and small businesses within the area; and
- It is consistent with the development trend along the SE Federal Highway Commercial Corridor.
- It has no adverse impacts on any residential communities in the area.

If you have any questions or need additional information please do not hesitate to contact me any time at [r-raynes@gunster.com](mailto:r-raynes@gunster.com) or 772-288-1980.

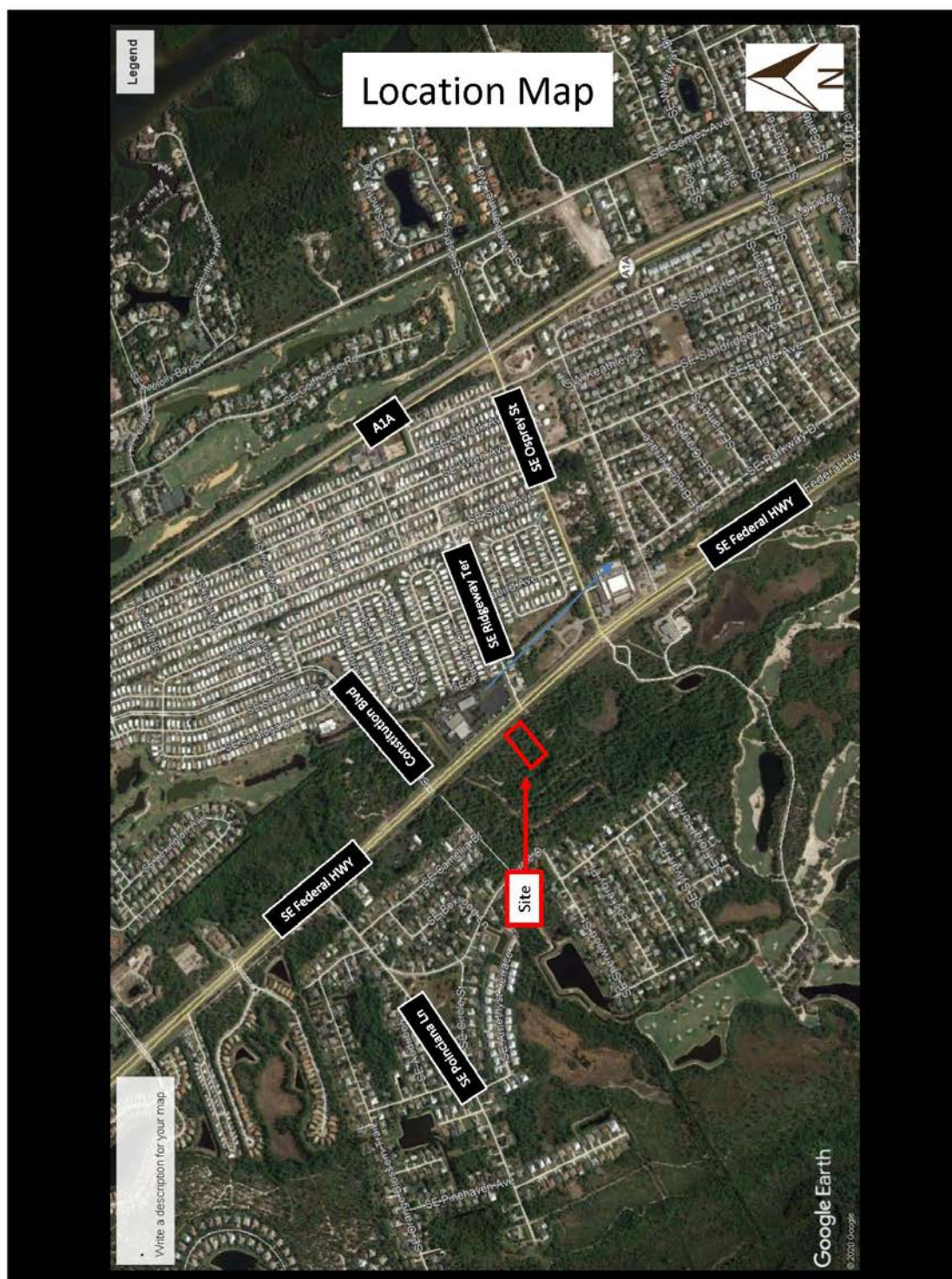
Sincerely,

*Robert S. Raynes, Jr.*

Robert S. Raynes, Jr.

cc: Client  
Joshua I. Long, AICP

**Exhibit “A”**



## EXHIBIT “B”

### Consistency with the CGMP:

**Section 1.11.C(2) – Procedures upon application: Staff can recommend approval of a requested change providing that consistency is maintained with all other elements of this Plan and at least if one of the following four items is found to apply:**

- (a) Past changes in land use designations in the general area make the proposed use logical and consistent with these uses and adequate public services are available; or**
- (b) Growth in the area, in terms of development of vacant land, redevelopment and availability of public services, has altered the character of the area such that the proposed request is now reasonable and consistent with area land use characteristics; or**
- (c) The proposed change would correct an inappropriately assigned land use designation; or**
- (d) The proposed change would fulfill a public service need that enhances the health, safety or general welfare of County residents.**

**Demonstration of compliance with Section 1.11.C(2)(a):** This application demonstrates that three (3) of the four (4) standards listed in Section 1.11.C(2) apply. Specifically, Section 1.11.(C)(2)(a) with the land use changes that have occurred in the area, Section 1.11.(C)(2)(b) with the development of SE Federal Highway as a major arterial road and commercial corridor, and Section 1.11.(C)(2)(c) with the existing inappropriate land use and zoning.

#### Section 1.11.(C)(2)(a)

The Property was platted in 1952 other properties within the area were platted at or around this time. Over the course the past 70 years several other properties along the section of the US Highway Corridor where the Property is located have adopted commercial land use designations. Commercial land use along major arterial roads is an appropriate use of land and supports the commercial designations which have occurred over the past 70 years for properties within this area. The Property’s location at a lighted intersection along a Major Arterial road makes it ideal for commercial development as opposed to the Medium Density land use classification currently assigned to the Property

#### Section 1.11.(C)(2)(b)

Population growth in the area warrants the addition of new commercial land use to provide the goods and services for the residents of the area. The portion of Martin County where the Property is located has experienced residential growth and providing more commercial is appropriate to serve the businesses and residents in the area. The

existence of residential homes and business in the area requires that commercial services be available

#### Section 1.11.(C)(2)(c)

The existing land use is inappropriate, the assignment of Medium Residential land use for properties which are only 300' in depth along major arterial roads is a failed planning practice of the past. You cannot develop a multi-family residential development on a long linear property. Multi-Family development needs greater depth to provide the required buffers from the noisy arterial road and you need more land for water treatment and storage, and you need more land for amenities for the residents of the community. These are just a few of the reasons why multi-residential properties are not developed on 300' deep properties.

This application also addresses the inappropriate land use and zoning designations by eliminating the inconsistency that exists with the Medium Density land use classification and the R-3A (Liberal Multi-Family District) zoning designation. The R-3A (Liberal Multi-Family District) is an old zoning designation that has been in existence since 1967, fifteen years prior to the existence of the Comprehensive Plan in 1982. The R-3A zoning designation allowed not only residential uses but also many commercial uses, including but not limited to restaurants, professional offices, retail stores and gasoline or other fuel motor stations. The zoning designation that would implement the Medium Density land use classification would not allow any of the commercial uses that are allowed under the R-3A zoning designation and that was historically intended for the Property.

### **Section 1.5. - Economic Principles**

**A principal goal of Martin County is to promote balanced, orderly, sustainable economic growth by creating and promoting an economic environment consistent with Sec. 1.1 above that will enhance prosperity for all communities and citizens of the County. .... Our environment and quality of life are the foundations for Martin County's economy. Protecting both, while providing for orderly growth and development, is fundamental to our success in maintaining a strong and vibrant economy that is free from over development.**

**Demonstration of compliance with Section 1.5:** The proposed amendment complies with the economic principles of Section 1.5 by implementing the intended plan for locating commercial services on highly accessible parts of the urban service district that are compatible with the unique location and market requirements of these uses at this intersection. Assigning a Commercial General land use designation to a Property located at a lighted intersection on a major arterial road will further the goals of the County by recognizing the use that has historically been intended at this intersection since 1967.

## Compatibility with surrounding uses

The CGMP provides that existing residential areas shall be protected from encroachment by incompatible development. This application outlines how the proposed amendment would result in a logical, timely and orderly development pattern which is compatible with the character of the existing land uses in the adjacent and surrounding area.

**Objective 2.1A.** Text amendments to the CGMP and amendments to the FLUM shall allocate land use to provide for compatibility with existing development and long term planning goals.

**Policy 2.1A.1:** No land uses, or development shall:

- (1) Exceed 15 units per acre.
- (2) Have more than four stories. Rebuilding of oceanfront structures on Hutchinson Island to the original building configuration shall not be considered inconsistent with this policy.
- (3) Be more than 40 feet high. Building height shall be measured as described in the Land Development Regulations.

**Demonstration of Compliance with Policy 2.1A.1** – Our application is consistent with Objective 2.1A and Policy 2.1A.1 by providing Commercial General land use at a highly accessible part of the urban service district that are compatible with the unique location and market requirements of property located on a major arterial road. The requested land use amendments will make possible the historically intended use of the Property for commercial purposes.

**Policy 2.1A.2.** Existing and future residential areas shall be protected from encroachment by commercial or industrial development or other non-residential uses, which would be incompatible with such residential uses.

**Demonstration of Compliance with Policy 2.1A.2** – No existing residential areas will be encroached by commercial development with this application. A preservation area on the McArthur Golf Club borders the Property. Therefore, it will provide an adequate buffer to the for development of the Property thereby protecting any adverse impacts to the residential community of Poinciana Gardens located further to the west.

**Goal 4.10 – To provide for adequate and appropriate sites for commercial land uses to serve the needs of the County’s anticipated residents and visitors.**

**Demonstration of Compliance with Goal 4.10** - As part of this application we evaluated the “retail cone of influence” for the US1/Federal Highway corridor. We analyzed 3.6 miles north of the Property to Cove Road and 1.6 miles south of the Property to SE Medalist Place. Our analysis found only two vacant General Commercial properties (SE Constitution Blvd. & PUD-Restricted SE Mariner Sands Dr.) along the 5.2 mile stretch of

US1/Federal Highway. Our application will add much needed General Commercial land along a very busy (31,000 vpd) commercial corridor.

The Property is located at a lighted intersection on a major arterial road which serves as a commercial node for the residents within the area. The Medium Density land use classification currently assigned to the Property is inappropriate for the Property given the size and location of the Property. Assigning a Commercial General land use classification to the Property will further the goals of the County by recognizing the use that has historically been intended at this intersection when the Property was given a zoning designation of R-3A (Liberal Multi-Family District). The addition of General Commercial land use for the Property will provide an opportunity for much needed General Commercial land along the US1/Federal Highway commercial corridor.

**Objective 4.10A. To continue using the Land Development Regulations to provide a variety of commercial zoning districts to implement future land use designations and provide sufficient space for a variety of activities.**

**Demonstration of Compliance with Objective 4.10A.** – The proposed amendment complies with Objective 4.10A by providing Commercial General land use and General Commercial zoning which is a very important commercial designation for an intersection on a major arterial road. Providing Commercial General land use at this intersection will provide a variety of commercial uses to the surrounding area.

## **Environmental Protection**

**Section 1.5.D. Protection of the quality of life and the environment in Martin County** is a critical factor in economic growth and sustainability. Martin County shall maintain a long-term commitment to improve land and water management plans and practices and to protect and restore environmental resources.

**Demonstration of Compliance with Section 1.5.D:** The proposed amendments will allow development of the Property that is consistent with Section 1.5D.

**Section 2.1. - Martin County has endeavored to establish a Comprehensive Growth Management Plan** which broadens, enhances, and protects the quality of life for its residents. The overall goals for the Comprehensive Growth Management Plan are keyed to maintaining quality residential and nonresidential uses, natural resource conservation and preservation of beneficial and protective natural systems, enhanced economic development, and fiscal conservancy.

**Demonstration of Compliance with Section 2.1.** - The requested land use of General Commercial complies with the Comprehensive Plan by providing general commercial land uses for the residents and businesses in the area. Providing commercial services at the intersection of a major arterial road within proximity to residentially developed areas improves the quality of life for the residents of that area by reducing the drive time

associated with getting the common goods and services required for residential life within Martin County. The request avoids naturally sensitive areas and enhances economic development by providing space for commercial businesses to serve residents in the area.

**2.2A. Martin County shall preserve all wetlands regardless of size unless prohibited by state law.**

**Policy 2.2A.1. All wetlands shall be preserved except as set out in the exceptions listed below. "Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration enough to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.**

**Demonstration of Compliance with Objective 2.2A. and Policy 2.2A.1** – Any wetlands will be preserved in accordance with Objective 2.2A and Policy 2.2A.1.

**Policy 2.2B.1. Except as set forth in Policy 9.1G.11, Martin County shall assure that a minimum of 25% of existing upland native habitat will be preserved in all development where such habitat exists. Additional requirements for native upland habitat that is endangered or threatened, and for unique oak/cabbage palm hammocks are outlined in Chapter 9.**

**Demonstration of Compliance with Objective 2.2B. and Policy 2.2B.1.** – A minimum of 25% of existing native upland habitat will be preserved.

**Policy 2.2B.2. Upland preservation areas and PAMPs approved by the County to protect them shall be designed and maintained to ensure sustainability.**

**Demonstration of Compliance with Policy 2.2B.2.** – Any proposed development will incorporate the applicable PAMPS and ensure preservation areas are protected in such documentation in accordance with CGMP and Land Development Regulation policies as they pertain to environmental protections in place that govern the development parameters and protection measures of a property.

**Policy 2.2B.3. Martin County shall protect native habitats utilized by species that are designated by the federal government and the State of Florida as "Endangered" or "Threatened."**

**Demonstration of Compliance with Policy 2.2B.3.** – Any proposal for the Property will follow strict policy requirements regarding the protections of native habitats in accordance with federal, state and local policy protection measures and permitting in place.

## Concurrency

### **Policy 2.3B.1. Martin County shall enforce the concurrency standards**

**Demonstration of Compliance with Policy 2.3B.1.** – Infrastructure will be provided through the existing planned and funded infrastructure.

### **Policy 2.3B.4. No FLUM amendment or text amendments shall lessen the requirements of this Plan to provide an acceptable level of public services**

**Demonstration of Compliance with Policy 2.3B.4.** – The proposed amendment does not lessen the requirements of this Plan to provide an acceptable level of public services and will promote the use of existing utilities already located adjacent to the property.

### **Policy 4.1B.2. Analysis of availability of public facilities.**

**Demonstration of Compliance with Policy 4.1B.2.** The Property is located within the USB. Adequate water and sewer supplies exist to support the proposed development within the South Martin Regional Utilities service area. The traffic analysis indicates that adequate infrastructure exists.

### **Policy 4.7A.1. Designation of land uses to support urban services.**

**Demonstration of Compliance with Policy 4.7A.1.** – The Property is already located inside the USB. The development of the Property as a general commercial use will result in uses that support the existing USB and provide for efficient delivery of urban services.

### **Policy 4.7A.2. Development in Primary Urban Service District**

## Proposed Types of Use

**Policy 4.10A.1. Diverse commercial zoning districts. Appropriate zoning districts shall be provided, at a minimum, for research and development facilities; targeted industries; business and professional offices; general retail sales and services; limited commercial uses; wholesale trades and services; and marine waterfront commercial uses.**

**Demonstration of Compliance with Policy 4.10A.1.** The proposed application complies with this policy by providing needed General Commercial uses at a location well suited for, and historically intended for General Commercial uses. The Property is located at the intersection of a major arterial road that will serve the residents of that area. As part of this application we evaluated the “retail cone of influence” for the US1/Federal Highway corridor. We analyzed 3.6 miles north of the Property to Cove Road and 1.6 miles south of the Property to SE Medalist Place. Our analysis found only two vacant General Commercial properties (SE Constitution Blvd. & PUD-Restricted SE Mariner Sands Dr.) along the 5.2 mile stretch of US1/Federal Highway. Our application will add much needed General Commercial land along a very busy (31,000 vpd) commercial corridor.

**Objective 4.10B. To consider the space requirements and location of commercial development and its impact on a community when assigning commercial future land use designations.**

**Demonstration of Compliance with Objective 4.10B.-** The proposed commercial uses will provide services that compliment and support the community and that were intended to be located at intersections on major arterial roads prior to the creation of the Comprehensive Plan without negatively impacting existing residential communities. A preservation area on the McArthur Golf Club borders the Property. Therefore, it will provide an adequate buffer to the for development of the Property thereby protecting any adverse impacts to the residential community of Poinciana Gardens located further to the west.

**Policy 4.10B.1. Criteria for commercial land use designation. The following criteria, at a minimum, shall be used for assigning a commercial land use designation at a given location on the Future Land Use Map:**

- (1) Trip generation characteristics; impact on existing and planned transportation facilities; and ability to achieve functional internal circulation and a landscaped parking area.**
- (2) Specific needs of commercial activities, such as market area, anticipated employment generation and floor area requirements.**
- (3) Compatibility with and impact on other surrounding commercial activities.**
- (4) Relationship to surrounding land uses and natural systems.**
- (5) Impact on existing and planned community services and utilities.**

**Demonstration of Compliance with Policy 4.10B.1.** – The Property is located within the USB and utilities are already available. Our Traffic Analysis shows conformance with the Martin County Traffic Performance Standards and the proposed application meets the commercial needs of the residents within the immediate area. The Property is located at the intersection of a major arterial road. Commercial land uses currently exists at this intersection and are consistent with the intended uses for a major intersection.

**Policy 4.10B.2. Criteria for siting commercial development. Commercial development shall be strategically directed to areas best able to accommodate its specific requirements of land area, site, public facilities and market location. The aim is to promote efficient traffic flow along thoroughfares, achieve orderly development and minimize adverse impacts on residential quality.**

**Demonstration of Compliance with Policy 4.10B.2.** – The proposed General Commercial is strategically located at the intersection of a major arterial road in compliance with the Martin County Growth Management Policy on siting of commercial development. SE Federal Highway serves businesses and residents within area. The General Commercial land use will provide general retail sales and services; highway

sales and services; commercial amusement; and trade and warehousing facilities in highly accessible parts of the urban service district required by the Comprehensive Plan.

**Policy 4.10B.3. Avoidance of strip commercial development.** Changes in land use designation shall not be granted if the Board of County Commissioners finds (upon review by the Local Planning Agency) that the change will lead or contribute to a proliferation of strip commercial development. The existence of commercial areas on one corner shall not dictate development with the same or similar use on all corners. Nor shall the existence of commercial development on a major thoroughfare dictate similar use for all frontages. Mixed-use development shall not be considered strip commercial development.

**Demonstration of Compliance with Policy 4.10B.3.** The proposed application is not strip commercial development. This application follows the already established commercial siting pattern established by Martin County for commercial at this intersection.

### **The Urban Service District**

**Goal 4.1. To manage growth and development in a way that is fiscally efficient, consistent with the capabilities of the natural and manmade systems and maintains quality-of-life standards acceptable to Martin County's citizens.**

**Demonstration of Compliance with Goal 4.1.** The General Commercial land use will provide for fiscally efficient managed growth by providing for general retail sales and services; highway sales and services; commercial amusement; and trade and warehousing facilities in a highly accessible part of the urban service district.

**Policy 4.1B.2. Analysis of availability of public facilities.**

**Demonstration of Compliance with Policy 4.1B.2.** Adequate water and sewer services exist to support the proposed development within the South Martin Regional Utilities service area and are currently adjacent to the Property. The traffic analysis indicates that adequate infrastructure exists for the proposed project.

**Policy 4.7C.2. Orderly Expansion of the Primary or Secondary Urban Service District.** Martin County shall not establish new, isolated, Primary or Secondary Urban Service Districts. Orderly expansion shall be on land contiguous to an existing Primary or Secondary Urban Service District, if a determination of need is made consistent with policies supporting Objective 4.7A. or Objective 4.7B., respectively

**Demonstration of Compliance with Policy 4.7C.2** - The Property is already located within the USB and does not establish new isolated service districts.

### **Addressing Urban Sprawl**

In 2011 the Florida legislation adopted HB 7207 that amends the Growth Management Act, F.S. §163.3177(3)(a)9. Under HB 7207, requiring any amendment to the Future Land Use Element of the County's Comprehensive Plan to discourage urban sprawl. The statute defines "urban sprawl" as "a development pattern characterized by low density,

automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.” The statute provides a list of **thirteen “primary indicators”** that a plan amendment “does not discourage the proliferation of urban sprawl.” HB 7207 provides an additional eight criteria, of which four must be met, in order to judge whether an amendment can be determined to discourage the proliferation of urban sprawl.

The evaluation of presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

- (1) ***Promotes, allows, or designates for development substantial areas of the jurisdiction as low-intensity, low-density, or single-use development or uses.***

**Response:** No. The Property is only 1.38 acres in size. The General Commercial land use amendment would actually discourage the inappropriate development of the Property as a residential development by providing for general retail sales and services; highway sales and services; commercial amusement; and trade and warehousing facilities in a highly accessible part of the urban service district because it is located at an intersection on a major arterial road.

- (2) ***Promotes, allows, or designates significant amounts of urban development to occur in rural areas as substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.***

**Response:** No. The Property is already located within the USB and is an undeveloped parcel suitable for development.

- (3) ***Promotes, allows, or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.***

**Response:** No. The Property is located at an intersection of a major arterial road which is ideal for commercial development. The intersection serves as a commercial node for the residents that live in the area by providing goods and services at an intersection with other commercial services. Establishing commercial nodes at lighted intersections is an established planning principle.

- (4) ***Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.***

**Response:** No. The application will protect any wetlands and native habitats by providing development opportunities without impacting environmentally sensitive areas.

- (5) ***Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silviculture activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.***

**Response:** No. The subject property has never been used for agricultural purposes and is not adjacent to any agricultural lands.

- (6) ***Fails to maximize use of existing public facilities and services.***

**Response:** No. Water and Sanitary service will be provided to the site via existing South Martin Regional Utilities water and wastewater pipes already located adjacent to the Property.

- (7) ***Fails to maximize use of future public facilities and services.***

**Response:** No. The site will utilize existing public facilities and services which are already located directly adjacent to the Property.

- (8) ***Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.***

**Response:** No. The Property is located at the intersection of a major arterial road which is a very efficient and appropriate location which decreases the costs associated with providing services to the area. Utilities are already established and located at this commercial node.

- (9) ***Fails to provide a clear separation between rural and urban uses.***

**Response:** No. The requested Comprehensive Plan amendments does not affect the current separation between urban and rural uses.

- (10) ***Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.***

**Response:** No. The proposed amendment encourages infill development by providing for needed general commercial services in the area and by correcting an inappropriate land use designation on the Property, which if retained as Medium Density would be unlikely to be developed.

- (11) ***Fails to encourage a functional mix of uses.***

Response: No. The proposed amendment encourages a functional mix of uses. In fact, the proposed amendment encourages a mix of uses by providing for needed general commercial services in the area and by correcting an inappropriate land use designation on the Property, which if retained as Medium Density would be unlikely to be developed. As part of this application we evaluated the “retail cone of influence” for the US1/Federal Highway corridor. We analyzed 3.6 miles north of the Property to Cove Road and 1.6 miles south of the Property to SE Medalist Place. Our analysis found only two vacant General Commercial properties (SE Constitution Blvd. & PUD-Restricted SE Mariner Sands Dr.) along the 5.2 mile stretch of US1/Federal Highway. Our application will add much needed General Commercial land along a very busy (31,000 vpd) commercial corridor.

**(12) *Results in poor accessibility among linked or related land uses.***

**Response:** No. The proposed application does not create poor accessibility links between related land uses as it is located at the intersection of a major arterial road.

**(13) *Results in the loss of significant amounts of functional open space.***

**Response:** No. The proposed application will not result in the loss of any wetlands or upland habitat.

**Florida Statute provides an additional eight criteria in order to judge whether an amendment can be determined to discourage the proliferation of urban sprawl. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl, if it incorporates a development pattern or urban form that achieves four or more of the following eight factors:**

**(1) *Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.***

**Response:** Yes. The proposed application directs economic growth away from environmentally sensitive areas by providing for general retail sales and services; highway sales and services; commercial amusement; and trade and warehousing facilities in a highly accessible part of the urban service district, thereby reducing any adverse impact to the natural resources or the ecosystem.

**(2) *Promotes the efficient and cost-effective provision or extension of public infrastructure and services.***

**Response:** Yes. The Property is located inside the USB and will utilize existing utilities nearby to the Property.

- (3) *Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.***

**Response:** Yes. The proposed application will provide walkable access to nearby residents.

- (4) *Promotes conservation of water and energy.***

**Response:** Yes. The proposed General Commercial uses will promote energy conservation by provide goods and services to the businesses and residents in the area, thereby reducing greenhouse gas emissions by reducing travel times and distances.

- (5) *Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.***

**Response:** Not applicable. The Property has never been used for agricultural purposes and is not located adjacent to any agricultural lands.

- (6) *Preserves open space and natural lands and provides for public open space and recreation needs.***

**Response:** Not applicable. The Property is only 1.38 acres in size and is located at an intersection on a major arterial road.

- (7) *Creates a balance of land uses based upon demands of the residential population for the non-residential needs of an area.***

**Response:** Yes. The application will provide Commercial General land use which will serve the large residential population within the area and provide an enhanced mix of commercial uses for local residents

- (8) *Provides uses, densities, and intensities of use and urban form that would remediate an existing of planned development pattern such as transit-oriented developments or new towns.***

**Response:** Not applicable. Transit oriented development and urban development are not appropriate for this location.

## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, **TMHOWARD ENTERPRISES, INC.**, a Florida corporation (the "Owner"), intends to submit a applications to Martin County, Florida, for the land use amendment and rezoning and development of that certain real property located at northwest corner of SW Federal Highway and SE Ridgeway Terrace in Martin County, Florida. The parcel control number for the subject property is 34-38-42-021-000-00160-2 (the "Property").

WHEREAS, the submittal for the applications shall require preparation and execution of certain documents to be submitted to Martin County, Florida; and

WHEREAS, the Owner wishes to appoint the individuals hereinafter named as their Attorney-In-Fact, for the purposes hereinafter set forth.

NOW, THEREFORE, the Owner hereby appoints **ROBERT S. RAYNES, JR., ESQ., JOSHUA I. LONG, AICP AND GUNSTER, YOAKLEY & STEWART, P.A.**, jointly or severally, as their Attorney-In-Fact (collectively, the "Attorney"), to act, manage, conduct, do and perform any and all acts and deeds of whatsoever nature which shall or may be, in the reasonable judgment of the Attorney, proper and expedient in connection with the applications and approvals of the land use amendment, rezoning and development of the Property. This Power of Attorney shall extend to and include, but not be limited to, the execution by the Attorney of all documents necessary to accomplish the land use amendment, rezoning and development submittal and approval, and any and all other acts necessary for the submittal of the applications and approvals.

The Attorney shall have full power to accomplish the purposes of this Power of Attorney as fully and effectually in all respects as the Owner could do if personally present. The Attorney shall not be required to post bond of any nature in connection with this Power of Attorney.

No action by the Owner subsequent to the making of this instrument shall be considered or treated as a revocation of the actions taken by the Attorney pursuant hereto. The exercise by the Attorney at any time, or from time to time, of any of the rights or powers hereunder shall not exhaust the capacity and power of the Attorney thereafter from time to time to exercise such rights and powers, or any of them, but such capacity and power shall continue at all times so long as this instrument shall be in effect.

The Owner hereby ratifies and confirms, and agrees at all times to ratify and confirm, all that the Attorney shall lawfully do or cause to be done in and about the land use amendment and rezoning and development of the Property by virtue of this instrument.

The address of the Attorney is: Gunster, Yoakley & Stewart, P.A., 800 SE Monterey Commons Boulevard, Suite 200, Stuart, Florida 34996, Attention: Robert S. Raynes, Jr., Esquire.

This Limited Power of Attorney shall terminate upon approval of the land use amendment and rezoning and satisfaction of all conditions of approval.

IN WITNESS WHEREOF, the Owner has hereunto set their hand and seal this \_\_\_\_ day of January, 2021.

WITNESSES:

Thomas M Howard for  
Print Name TM Howard Ent.  
Elizabeth S Proc E  
Print Name [Signature]

**TMHOWARD ENTERPRISES, INC.,**  
a Florida corporation

By: [Signature]  
Thomas M. Howard, President

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 7 day of January, 2021, by Thomas M. Howard, as President of TMHOWARD ENTERPRISES, INC., a Florida corporation, on behalf of said corporation. Who has appeared by [ ] physical presence or [ ] on line notarization and is [ ] personally known to me or [X] has produced FL Drivers Lic. as identification.

(Notarial Seal)



TAMMY A. MURPHY  
Commission # GG 928878  
Expires December 2, 2023  
Bonded Thru Budget Notary Services

Tammy A Murphy  
Print Name: Tammy A Murphy  
Notary Public, State of Florida



Recorded in Martin County, FL 3/30/2017 1:24 PM  
Carolyn Timmann, Clerk of the Circuit Court & Comptroller  
Rec Fees: \$27.00 Deed Tax: \$2,275.00  
CFN#2627099 BK 2915 PG 1511 PAGE 1 of 3

Prepared by & Return to:

Assured Title Agency  
825 Parkway Street  
Suite 1  
Jupiter, FL 33477

W/C 217

17-9633

## WARRANTY DEED

**THIS INDENTURE**, made this **29<sup>th</sup>** day of **March, 2017**, between **P-4 Partners, Ltd, a Florida limited partnership**, whose post office address is **1482 E. Valley Road, #617, Montecito, CA 93108**, hereinafter called the Grantor\*, and **TMHoward Enterprises, Inc.** whose post office address is **1377 N. Killian Drive, Lake Park, FL 33403**, hereinafter called the grantee\*.

**WITNESSETH:** That said grantor, for and in consideration of the sum of **TEN AND NO/100 (\$10.00)** Dollars, and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Martin County, Florida**, to wit:

Property Folio No. : **34-38-42-021-000-00160-2**

**Plot 16, Lake Park Addition, a subdivision according to the plat thereof recorded at Plat Book 2, page 86 in the Public Records of Martin County, Florida.**

**SUBJECT TO** comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the plat or otherwise common to the subdivision; public utility easements of record; and taxes accruing subsequent to December 31, 2016.

**TOGETHER WITH** all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD**, the above granted, bargained and described premises in fee simple forever.

Said grantor does hereby fully warrant the title to said land, and will defend that same against the lawful claims of all persons whomsoever.

\*"Grantor" and "grantee" are used for singular or plural, as context requires.

**IN WITNESS WHEREOF**, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered  
in our presence.

P-4 Partners, Ltd., a Florida  
limited partnership

①  
WITNESS

Printed Name: Frank Ramirez

By: John H. Perry, III  
John H. Perry, III,  
General Partner

②  
WITNESS

Printed Name: Ty Gedrick

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March, 2017, by John H. Perry, III, General Partner of P-4 Partners, Ltd, a Florida limited partnership, who is/are personally known to me or who has/have produced \_\_\_\_\_ as identification and who did not take an oath.

see attached  
Notary Public:

Printed Notary Name

My Commission Expires: \_\_\_\_\_

(Notary Seal)

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of Santa Barbara )On March 27, 2017 before me, Mary L. Ortega Notary Public

Date

Here Insert Name and Title of the Officer

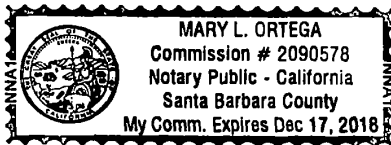
personally appeared John H. Perry III

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

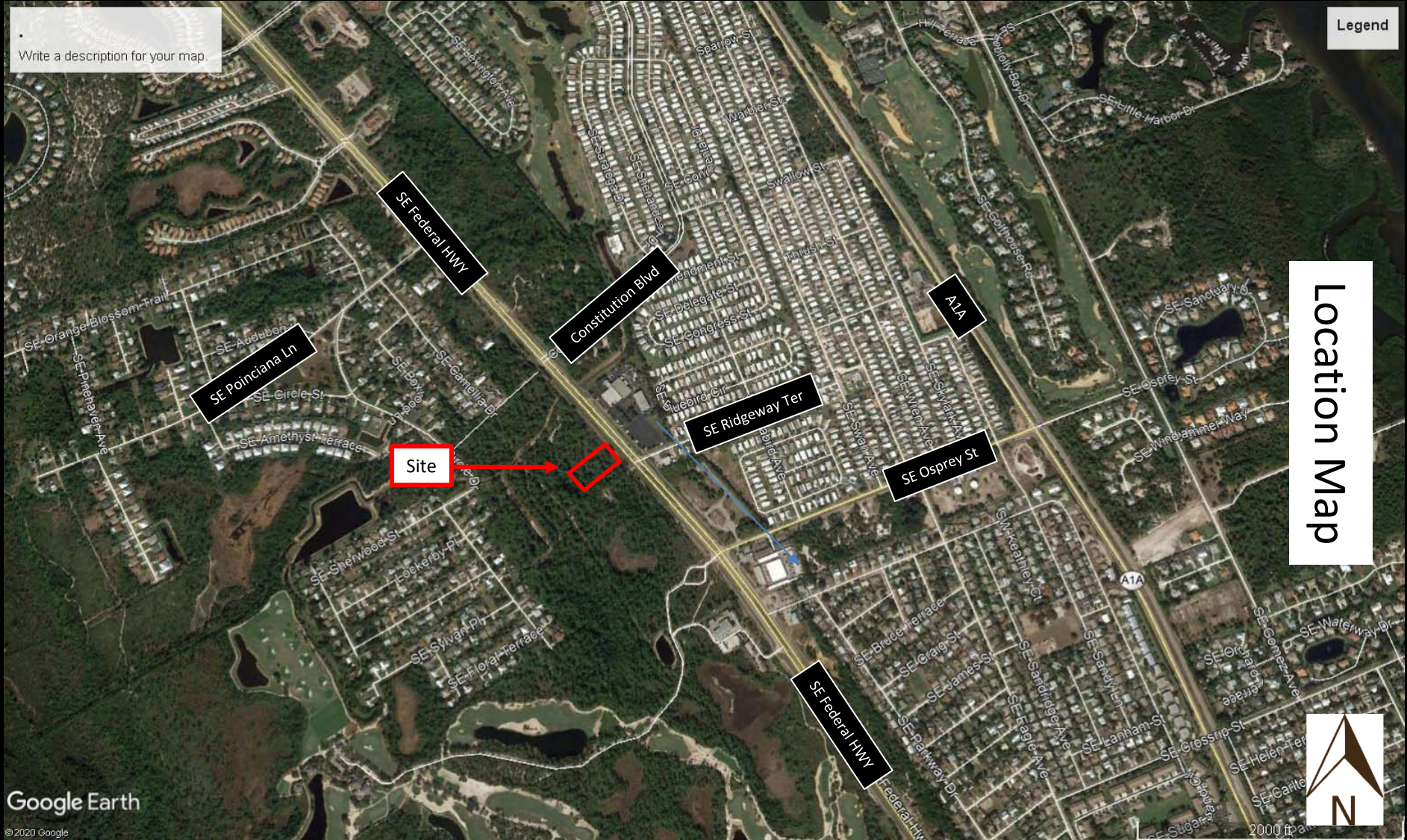
Signer Is Representing: \_\_\_\_\_

**Legal Description, Parcel Control Number and Acreage**

Plot 16, Lake Park Addition, a subdivision according to the plat thereof recorded at Plat Book 2, Page 86 in the Public Records of Martin County, Florida

Parcel Control Number: 34-38-42-021-000-00160-2

Acreage – 1.37534 (59,910 square feet)



- Write a description for your map.

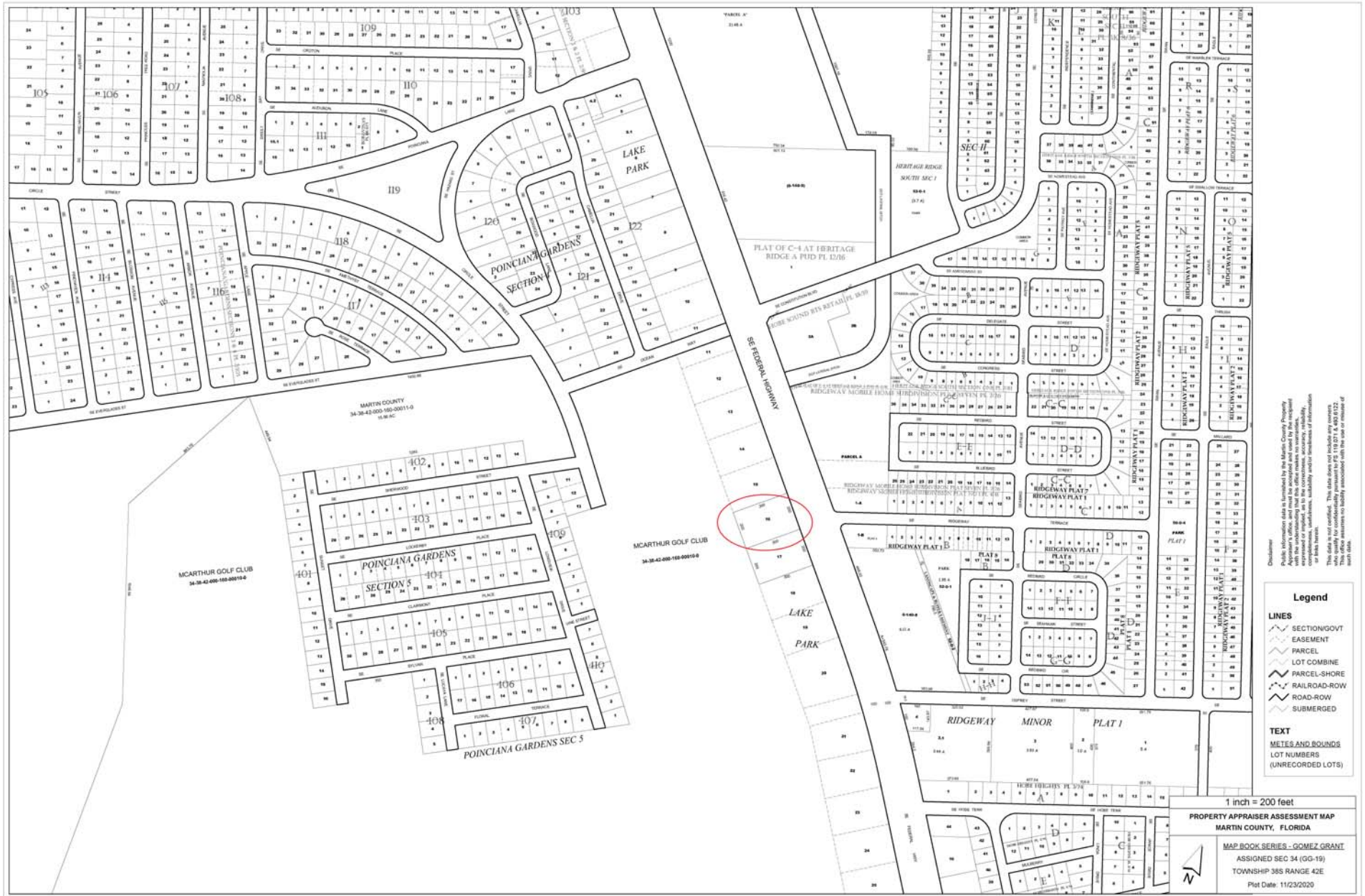
### Legend

# Aerial Photo

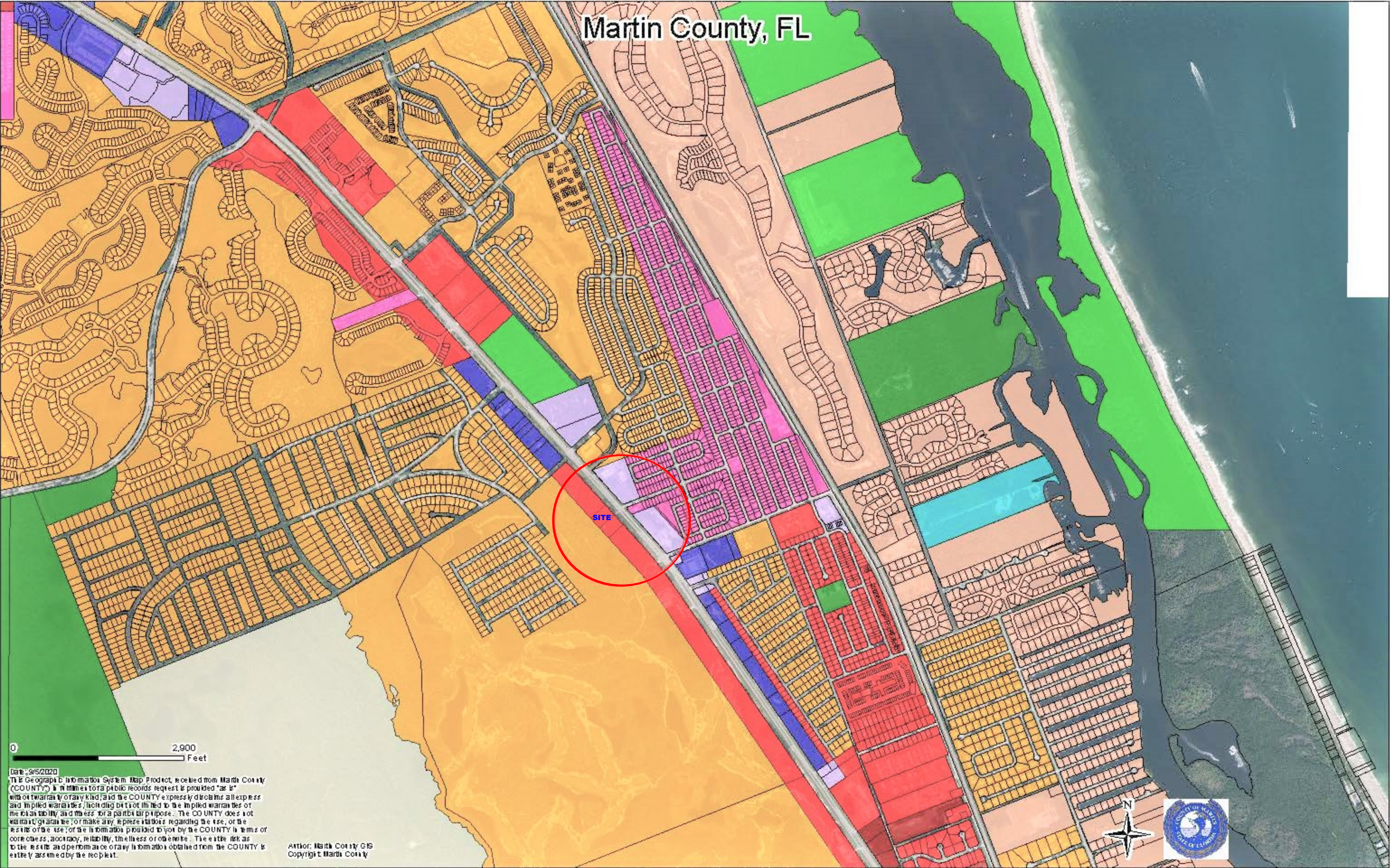
Site

© 2020 Google

© 2020 Google



LAND USE



Martin County, FL

SITE

0 2,900 Feet

Date: 9/5/2020  
This Geographic Information System Map Product, received from Martin County (COUNTY), is provided for public records request is provided "as is" without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee or make any representations regarding the use, or the results of the use, of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient.

Author: Martin County GIS  
Copyright: Martin County





736 colorado avenue, suite a, stuart, florida 34994 · phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

## OWNERSHIP REPORT

SEARCH NO. P20-11627/IC

THE ATTACHED REPORT IS ISSUED TO GUNSTER. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE AMOUNT PAID FOR THE REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 1,000-foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.

The land referred to herein is described as follows:

See Exhibit "A" attached hereto & made a part hereof.

PRESTIGE TITLE AGENCY, INC.

736 Colorado Ave. Ste. A

Stuart FL 34994

By: \_\_\_\_\_

  
Iris M. Crews



Exhibit A

Page 1 of 3

Prepared by & Return to:

Assured Title Agency  
825 Parkway Street  
Suite 1  
Jupiter, FL 33477

W/C 217

17-9633

WARRANTY DEED

**THIS INDENTURE**, made this **29<sup>th</sup>** day of **March, 2017**, between **P-4 Partners, Ltd, a Florida limited partnership**, whose post office address is **1482 E. Valley Road, #617, Montecito, CA 93108**, hereinafter called the Grantor\*, and **TMHoward Enterprises, Inc.** whose post office address is **1377 N. Killian Drive, Lake Park, FL 33403**, hereinafter called the grantee\*.

**WITNESSETH:** That said grantor, for and in consideration of the sum of **TEN AND NO/100 (\$10.00)** Dollars, and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Martin County, Florida**, to wit:

Property Folio No. : **34-38-42-021-000-00160-2**

**Plot 16, Lake Park Addition, a subdivision according to the plat thereof recorded at Plat Book 2, page 86 in the Public Records of Martin County, Florida.**

**SUBJECT TO** comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the plat or otherwise common to the subdivision; public utility easements of record; and taxes accruing subsequent to December 31, 2016.

**TOGETHER WITH** all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD**, the above granted, bargained and described

Exhibit 'A'  
Page 2 of 3

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal  
the day and year first above written.

Signed, sealed and delivered  
in our presence.

P-4 Partners, Ltd., a Florida  
limited partnership

①

[Signature]

WITNESS

Printed Name: Frank Ramirez

By: [Signature]

John H. Perry, III,  
General Partner

②

[Signature]

WITNESS

Printed Name: Ty Gedrick

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
March, 2017, by John H. Perry, III, General Partner of P-4 Partners, Ltd, a Florida  
limited partnership, who is/are personally known to me or who has/have produced \_\_\_\_\_  
as identification and who did not take an oath.

see attached  
Notary Public:

Printed Notary Name \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

(Notary Seal)

Exhibit A  
Page 3 of 3

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

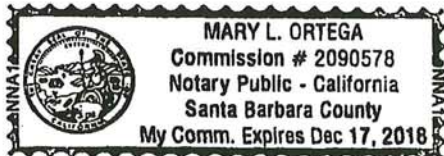
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Santa Barbara )  
On March 27, 2017 before me, Mary L. Ortega Notary Public,  
Date Here Insert Name and Title of the Officer  
personally appeared John H. Perry III  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

# Martin County, Florida - Laurel Kelly, C.F.A

generated on 1/14/2021 1:14:21 PM EST

## Summary

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
34-38-42-021-000-00160-2	49411	UNASSIGNED, HOBE SOUND	\$186,160	1/9/2021

### Owner Information

Owner(Current)	TMHOWARD ENTERPRISES INC
Owner/Mail Address	1377 N KILLIAN DR LAKE PARK FL 33403
Sale Date	3/29/2017
Document Book/Page	<a href="#">2915 1511</a>
Document No.	2627099
Sale Price	325000

### Location/Description

Account #	49411	Map Page No.	GG-23
Tax District	9009	Legal Description	LAKE PARK LOT 16
Parcel Address	UNASSIGNED, HOBE SOUND		
Acres	1.3800		

**NOTE: Legal description as shown is not to be used on legal documents. The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the legal description.**

### Parcel Type

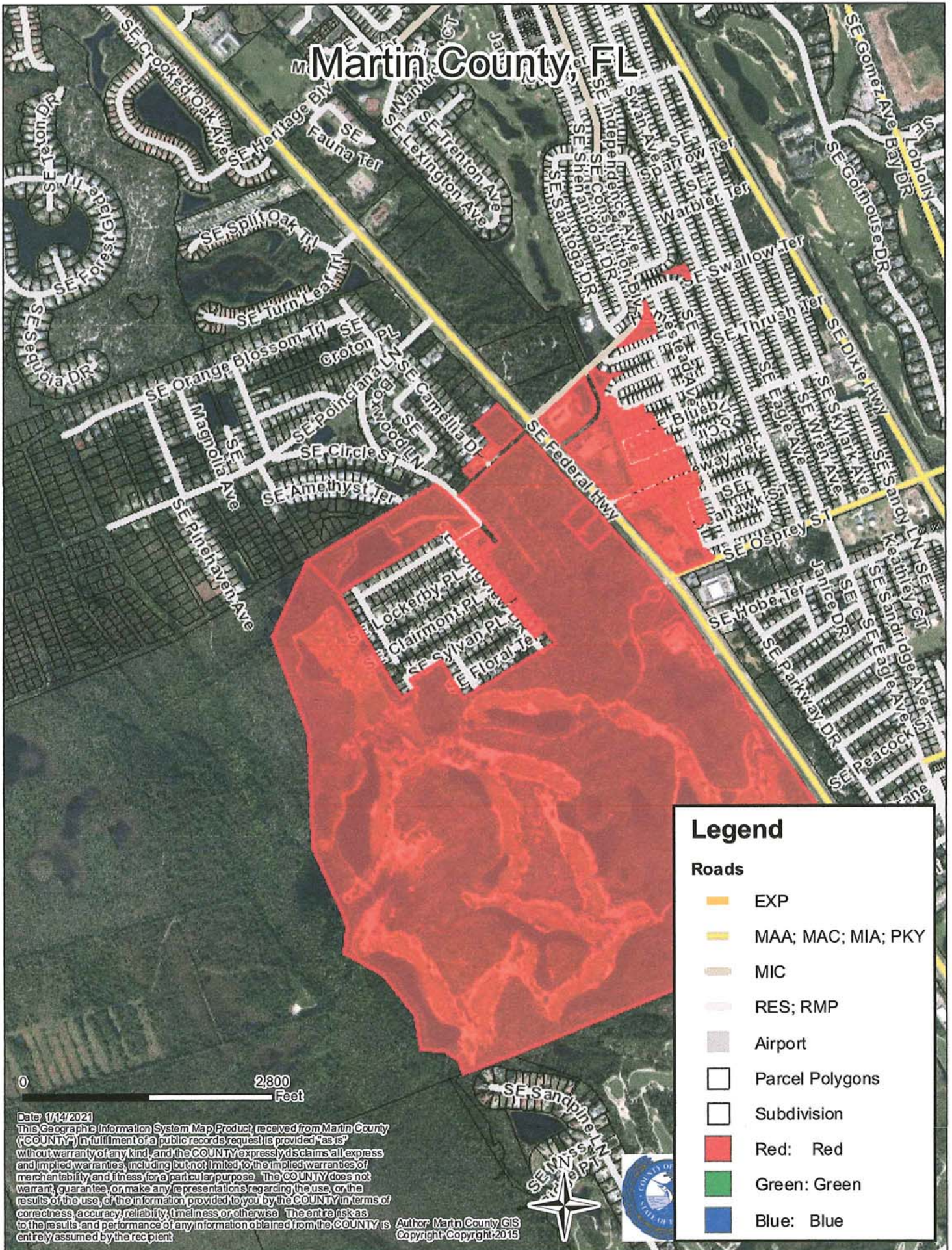
Use Code	9900 Vacant Acreage
Neighborhood	70000 Mkt Area 7 Res Muni Acreage

### Assessment Information

Market Land Value	\$186,160
Market Improvement Value	
Market Total Value	\$186,160

Exhibit 'B'

# Martin County, FL



## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned person on the date set forth below, who, first being duly sworn, deposes and says under penalties of perjury:

1. That the record property owner(s) of the Real Property described in **Exhibit "A"** to this Affidavit is (are) as follows:

Name	Address
TMHOWARD ENTERPRISES, INC.	1377 N. Killian Drive, Lake Park, FL 33403

(If more space is needed attach separate sheet)

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest
Thomas M. Howard	1377 N. Killian Drive, Lake Park, FL 33403	OWNER/ SELLER

(If more space is needed attach separate sheet)

# DISCLOSURE OF INTEREST AFFIDAVIT

3. That the following is a list of those, who have any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property:

Name	Address	Interest
Grove Bluff, LLC	900 SW 80th Court, Miami, FL 33144	Contract Purchaser
Elizabeth S Proce	33403 1377 N. Kellman Dr Lake Park FL	RE Broker BK665964

(If more space is needed attach separate sheet)

4. That the following is a list of all other applications for which the applicant has an interest as defined in subsection b. and c. of Section 10.2.B.3. Land Development Regulations, Martin County Code currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.

Application Name and/or Project Number	Names & Addresses of Parties involved	Date	Type of Application	Status of Application <sup>1*</sup>
	N/A			

(If more space is needed attach separate sheet)

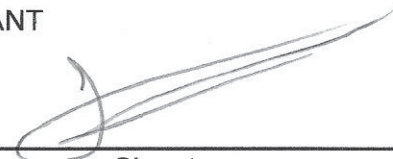
<sup>1</sup> Status defined as: A = Approved P = Pending D = Denied W = Withdrawn

# DISCLOSURE OF INTEREST AFFIDAVIT

This Affidavit is given for the purpose of establishing compliance with the provisions of Section 10.2.B.3 Land Development Regulations; Martin County Code.

FURTHER AFFIANT SAYETH NOT.

AFFIANT



Signature

Thomas M Howard for

Print name

TM Howard Ent.

STATE OF: Florida

COUNTY OF: Palm Bch

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 7 day of JAN 2021, by Thomas M-Howard, who is personally known to me or have produced FL Drivers license as identification.



TAMMY A. MURPHY  
Commission # GG 928878  
Expires December 2, 2023  
Bonded Thru Budget Notary Services



Signature

(Notary Seal)

Notary Public, State of Florida

Print Name: Tammy A. Murphy

My Commission Expires: 12-2-2023

# **DISCLOSURE OF INTEREST AFFIDAVIT**

## **Exhibit "A"** **(Disclosure of Interest and Affidavit) (Legal** **Description)**

Plot 16, Lake Park Addition, a subdivision according to the plat thereof recorded at Plat Book 2, page 86 in the Public Records of Martin County, Florida