



## Legislation Details (With Text)

**File #:** 19-0803

**Type:** Public Hearing Quasi Judicial **Status:** Passed

**In control:** Board of County Commissioners

**On agenda:** 8/27/2019 **Final action:** 8/27/2019

**Title:** CREATIVE LAND MANAGEMENT, MAJOR MASTER SITE PLAN, PHASING PLAN, PHASE 1 FINAL SITE PLAN (A040-015)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1-2019\_0710\_A040-015\_DRT\_Staff\_FINAL.pdf, 2. 2a-2019\_0724\_A040-015\_RESO\_MSP\_APPR\_Draft.pdf, 3. 2b-LegalDescr\_MasterSitePlan.pdf, 4. 2c-MSP&PP\_2019\_0408\_A040-015.pdf, 5. 3a-2019\_0726\_A040-015\_RESO\_FSP\_APPR\_Draft.pdf, 6. 3b-LegalDescr\_Phase1\_FSP.pdf, 7. 3c-Ph1\_FSP\_2019\_0709\_A040-015.pdf, 8. 4-Creative Land Management Land Dedication Resolution.pdf, 9. 5-Easement Release Agreement-FINAL 3-20-19.pdf, 10. 6a-2018\_0511\_A040-015\_APP\_excerpt.pdf, 11. 6b-2018-1005\_A040-015\_RESUB-BS.pdf, 12. 6c-2018\_1005\_A040-015\_RESUB\_BS\_Ph1.pdf, 13. 6d-2018\_1005\_A040-015\_RESUB\_excerpt.pdf, 14. 6e-2019\_0124\_A040-015\_RESUB\_excerpt.pdf, 15. 6f-2019\_0408\_A040-015\_RESUB\_excerpt.pdf, 16. 6g-2019\_0408\_A040-015\_RESUB\_LandscapePlan.pdf, 17. 7-Disclosure Pages from 2019\_0124\_A040-015\_RESUB.pdf, 18. 8-Stipulated Agreement 12-14-16.pdf, 19. 9-Amended Stipulation Agreement 03-20-19.pdf, 20. 10-UOT from stipulation 06-29-2017.pdf, 21. 11-A040-015\_Draft Commitment for Restoration.pdf, 22. 12-2018\_0329\_A040-015\_Noticing\_Sign.pdf, 23. 13-2019\_0625\_A040-015\_CertifiedPropertyOwnersList\_excerpt.pdf, 24. 14-2019\_0725\_A040-015\_NoticingLtrSurroundingOwners.pdf, 25. 15-2019\_0725\_A040-015\_RESO\_MSP\_DENY\_Draft.pdf, 26. 16-2019\_0726\_A040-015\_RESO\_FSP\_DENY\_Draft.pdf, 27. 17-2019\_0730\_A040-015\_LegalAd\_LPA\_BCC\_Affidavit.pdf

Date	Ver.	Action By	Action	Result
8/27/2019	1	Board of County Commissioners	denied	
8/27/2019	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Public Hearings - Quasi-Judicial

### TITLE:

**CREATIVE LAND MANAGEMENT, MAJOR MASTER SITE PLAN, PHASING PLAN, PHASE 1 FINAL SITE PLAN (A040-015)**

### EXECUTIVE SUMMARY:

Request by Creative Land Management, LLC, for approval of a major development, Master Site Plan, Phasing Plan, and Phase 1 Final Site Plan for the proposed filling of an existing approximately 51-acre lake to be completed in three (3) phases on approximately 121.92 acres located on the west side of I-95 approximately 1.5 miles south of the I-95/SW Martin highway interchange in Palm City. Fill material is proposed to consist of source separated clean roofing materials and clean concrete from demolition sites. Included in this application is a request for a Certificate of Public Facilities Reservation.

**DEPARTMENT:** Growth Management

**PREPARED BY:** Name: Paul Schilling  
Title: Growth Management Deputy Director

**REQUESTED BY:** Creative Land Management, LLC, Owner; Melissa Corbett, Agent

**PRESET:**

**PROCEDURES:** Quasi-Judicial

**BACKGROUND/RELATED STRATEGIC GOAL:**

The existing approximately 51-acre lake was constructed via approval of a mining project by the Board of County Commissioners on March 8, 2005, via Resolution 05-3.16. The project site has a future land use designation of Agricultural and a zoning district of A-2, Agricultural District. It is located outside the Urban Services District and this application includes a request for deferral of public facilities reservation for the master site plan approval and the issuance of a certificate of public facilities reservation for the phase 1 final site plan. This application is classified as a major development and was heard before the Local Planning Agency (LPA) on August 15, 2019. The recommendations of the LPA will be provided by staff to the Board of County Commissioners via testimony at the public hearing scheduled before the Board on August 27, 2019.

The applicant is proposing to fill the entire lake, in three phases, using source-separated clean roofing materials and clean concrete from demolition sites in conformance with the Florida Department of Environmental Protection's definition of "Clean Debris" as set forth in Fla. Admin. Code Chapter 62-701.200. The applicant proposes to restore the site to native agricultural pasture. The site is the subject of an existing Amended Stipulation and Agreed Final Order as described in the Issues section of this agenda summary and the applicant proposes to request apportioned releases of the existing bond for the lake littoral plantings as each phase is completed, as detailed within the attached Staff Report.

Creative Land Management, LLC, a Florida limited liability company (CLM), has agreed to convey an 11.09-acre parcel of land to Martin County to provide access to Hawk's Hammock Park as a condition of approval of the Creative Land Management Revised Master Site Plan, Phasing Plan and Phase 1 Final Site Plan. The property being conveyed to Martin County has access to SW Green Farms Lane. CLM has requested assurances from the County that it will not use an Access Easement located on CLM's property. The Easement Release Agreement prepared by CLM states that the County agrees that it will not use the access easement and releases the property being conveyed to Martin County from the Access Easement. Included in the draft resolution for approval of the master site plan is a related release of the existing Unity of Title to accommodate the land dedication and to record a new Unity of Title for the resultant project site.

The following supporting materials are provided attached to this Agenda Item:

- 1 - Staff Report
- 2a - Draft Resolution for Approval of the Master Site Plan
- 2b - Master Site Plan Legal Description (Exhibit A to resolution)
- 2c - Master Site Plan (Exhibit B to resolution)
- 3a - Draft Resolution for Approval of the Phase 1 Final Site Plan

- 3b - Phase 1 Final Site Plan Legal Description (Exhibit A to resolution)
- 3c - Phase 1 Final Site Plan (Exhibit B to resolution)
- 4 - Draft Resolution Accepting and Approving the Warranty Deed for an 11.09 Parcel
- 5 - Easement Release Agreement
- 6 - Application Materials
- 7 - Financial Disclosure Affidavit
- 8 - Stipulated Agreement, dated December 14, 2016
- 9 - Amended Stipulated Agreement, dated March 20, 2019
- 10 - Unity of Title for Release, from Stipulated Agreement
- 11 - Draft Commitment for Restoration
- 12 - Notice Sign Posting Certification
- 13 - Certified Surrounding Property Owners List
- 14 - Noticing Letter Template
- 15 - Draft Resolution for Denial of Master Site Plan
- 16 - Draft Resolution for Denial of Phase 1 Final Site Plan

## **ISSUES:**

### **PLACEHOLDER LEGAL**

The existing mine was over-excavated both vertically and horizontally and did not complete the required reclamation and certification. Code enforcement Case Number 16-0107262 was initiated and resolved through a Stipulation and Agreed Final Order that was executed December 14, 2016, and recorded in the Martin County Official Records Book 2896, Page 2800. The stipulated agreement required corrective actions to be completed by April 12, 2019, unless otherwise authorized by an approved development order. The applicant submitted the application being considered in this agenda item on February 27, 2018. This necessitated the amendment of the stipulation to accommodate the review of the application, which was approved on March 20, 2019, as recorded in Martin County Official Records Book 3048, Page 2871, extending the deadline of either site plan approval or completion of corrective actions by April 13, 2020. The site is currently in compliance with the order.

## **LEGAL SUFFICIENCY REVIEW:**

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision that is based on a correct application of the law and competent substantial evidence in the record. Suggested procedures to follow during consideration of this matter are attached.

## **RECOMMENDED ACTION:**

### **RECOMMENDATION**

1. Move that the Board receive and file the Agenda Item Summary and all of its attachments including the Staff Report for the record as Exhibit 1.
2. Move that the Board approve the Creative Land Management Master Site Plan and Phasing Plan and adopt the resolution of approval for the master site plan and phasing plan and releasing

the current Unity of Title.

3. Move that the Board approve the Creative Land Management Phase 1 Final Site Plan and adopt the resolution of approval.
4. Move that the Board adopt the Resolution accepting and approving the Warranty Deed for an 11.09 parcel from Creative Land Management, LLC, a Florida limited liability company, or its successors, to Martin County as a condition of approval of the Creative Land Management Revised Master Site Plan, Phasing Plan and Phase 1 Final Site Plan.
5. Move that the Board authorize the Chairman to sign the Easement Release Agreement.

### ALTERNATIVE RECOMMENDATIONS

- 2A. Move that the Board continue this matter to a date certain.
- 2B. Move that the Board deny the Creative Land Management Master Site Plan, Phasing Plan, and Phase 1 Final Site Plan, and adopt the resolutions of denial setting forth the reasons for the denials.

### FISCAL IMPACT:

### RECOMMENDATION

The applicant has paid \$290 in sufficiency review fees and \$12,000 in application review fees.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

### ALTERNATIVE RECOMMENDATIONS

As above.

### DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☒ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☒ Resolution  
☒ Other: 3 Resolutions for approval of Master site plan, Phase 1 Final site plan, and Acceptance of Land Dedication; 1 Agreement for Release of Easement

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