

9/21/2024

If you thought the Martin County Board of County Commissioners couldn't get any worse when it comes to lack of transparency and acting in the best interests of developers rather than citizens, think again.

Tuesday's agenda is actually worse than the last meeting agenda, cramming into a single meeting 10 Comprehensive Plan amendments, an ordinance eliminating development standards for Category C zoning, three development proposals for projects in Stuart and Palm City, and the final public hearing on the County budget for the fiscal year that begins October 1.

All of the items on the jam-packed agenda will be voted on without the participation of two new commissioners who will be seated in mid-November to replace retiring Commission Chair Harold Jenkins and defeated incumbent Doug Smith.

Staff has requested continuance of one of seven proposed Evaluation and Appraisal Report amendments to the Comp Plan, which will be presented with still more EAR amendments at the October 22 meeting. But six EAR amendments will be presented on Tuesday.

The amendments make changes to the Comp Plan which bear no relationship to the statutory requirement for periodic updates of local plans to comply with newly enacted state laws. And none of the amendments address issues identified as most important in workshops and a survey which citizens were told would guide the EAR process.

The EAR process usually produces minor changes to two or three chapters of the Comp Plan every seven years to ensure compliance with newly adopted state laws. This year, however, staff – working with the Treasure Coast Regional Planning Council as a paid consultant – is proposing changes to nearly every chapter of the Plan.

On Tuesday, Commissioners will be asked to continue the hearing on a proposed amendment to the Overall Goals and Definitions set out in Chapter 2 of the Comp Plan (Agenda Item PH-1) to October 22.

But staff will move forward Tuesday with requests to approve amendments that include revisions on virtually every page of Chapter 8, the 34-page Coastal Management Element (Agenda Item PH-2) and revisions to Chapter 9, the Conservation and Open Space Element (Agenda Item PH-3) that change “native habitat” references to the ambiguous term “special habitat” and which delete specific types of habit which must be preserved and protected from development.

Changes to Chapter 10, the Sanitary Sewer Services Element (Agenda Item PH-4), Chapter 11, the Potable Water Services Element (Item PH-5) and Chapter 12, the Solid and Hazardous Waste Element (Item PH-6) are mostly minor revisions that do not appear to be required by any newly adopted laws. Agenda Item PH-7 makes changes on nearly every page of Chapter 10, the 26-page Drainage and Natural Groundwater Aquifer Recharge Element, without explanation or justification provided by staff.

Virtually none of the proposed changes are mandated by the EAR review process.

EAR amendments should be limited to revisions which are necessary to ensure that our Comp Plan is in compliance with new state laws. Amendments which amount to nothing more than tinkering with the Comp Plan or meeting the demands of developers should not be rammed through under the pretext of the EAR process, especially when voters have selected new commissioners with clear direction to protect and preserve our environment, our Comp Plan and our quality of life.

The new commissioners can and should be given the opportunity to vote on proposed changes like most of those put forward by staff and the Treasure Coast Regional Planning Council. Action on the proposed amendments should be delayed until commissioners who were overwhelmingly chosen by voters can consider them.

As if dealing with the so-called EAR amendments were not challenging enough, staff will present three additional Comp Plan Amendments at Tuesday’s meeting which are contrary to the message sent by voters at the ballot box.

Agenda Item PH-8 is a site-specific text amendment that gives special favor to the 167-acre Martin Commerce Park project (formerly called Martingale Estates) off SW Martin Highway near the Stuart West and Cobblestone neighborhoods by authorizing a new free-standing Urban Services District to provide utilities to the development which is outside the urban boundary.

NOTE: Since the highly unpopular Rural Lifestyle land use designation is permitted on property more than a mile from an Urban Services District boundary, approval of the Martin Commerce Park amendment will open up still more property for Rural Lifestyle development by creating a new USD boundary.

Agenda Item PH-9 is a Future Land Use Map Amendment to change the Martin Commerce Park property land use designation from Agricultural and Agricultural Ranchette to Industrial.

Another Comp Plan amendment that is being rushed through approval before less developer-friendly commissioners take office is Item PH-10, which will increase the number of bedrooms allowed in “golf cottages” authorized in Rural Lifestyle projects. The agenda item calls the Amendment the Three Lakes Golf Club amendment; but it does not apply solely to Three Lakes Golf Club. It is a text amendment which applies to all Rural Lifestyle projects, allowing mini-hotels to be included in new developments by increasing the number of bedrooms from six to 12 allowed in each “golf cottage” constructed in a Rural Lifestyle community.

In Agenda Item PH-11, staff is proposing elimination of development standards for Category C zoning districts. The proposed amendments to Article 3, Zoning Districts, of the County’s Zoning Code will require re-zoning to a Category A District for any development that requires site plan approval on property currently zoned as a Category C District. The proposed ordinance is not carefully drafted, however, and may produce unintended (or perhaps intended) consequences. For instance, some definitions are changed and others (such as “guest house”) are eliminated. The definition of “owner” includes not only the actual owner of property but the legal holder of a lease when property is subject to a lease. Since out-of-state property owners frequently hire agents to manage properties under leases which identify the leasing agent as the landlord, by defining a lease holder as an “owner” of leased property, the proposed new ordinance may make a leasing agent the

“owner” of the property. Staff does not explain why this is a necessary or even appropriate change to the Zoning Code.

A proposed right-of-way width variance proposed for NE Mango Terrace in Jensen Beach (Agenda Item PH-12) is an application that was submitted earlier this year but was withdrawn after several Skyline Drive property owners objected. Factual errors in the proposed resolution remain uncorrected in the item submitted for a vote on Tuesday.

The Resolution presented for BOCC approval is entitled: “A RESOLUTION . . . APPROVING A RIGHT-OF-WAY VARIANCE FROM THE MINIMUM RIGHT-OF-WAY WIDTH FOR NE MANGO TERRACE IN THE AMENDED PLAT OF MANGO LANE INTO THE COUNTY ROAD INVENTORY.”

In addition to the fact that the title makes no sense, the resolution states that “a request was made to the Board of County Commissioners to accept into the Martin County Road Inventory 570 linear feet of NE Mango Terrace” and “after considering the request on April 09, 2024, the Board of County Commissioners determined that the conditions required by Division 19, Land Development Regulations, Martin County Code, have been met.”

The request before the BOCC is to approve a variance in the required 50-foot roadway width to allow a portion of NE Mango Terrace to be constructed at a 30-foot width. The BOCC is not being asked to accept the roadway into the County’s road inventory, which requires a separate application and approval by the County Engineer. The BOCC did not consider the request on April 9, 2024 (the request first appeared on the April 30, 2024, agenda but was withdrawn at the applicant's request), and the BOCC made no determination that the requirements of Division 19 (Roadway Design) of the LDRs were met.

These defects were communicated to staff prior to the April 30, 2024, BOCC meeting. The materials submitted for approval on Tuesday have not been corrected. This is sloppy, inaccurate, unacceptable work by staff members who are paid by taxpayers to professionally and properly evaluate development requests before making a recommendation for Commission approval.

NOTE: The property owners say they will be unable to develop the four lots they purchased absent approval of the variance and acceptance of the road

into the County's inventory (which requires all County taxpayers to pay for maintenance). But when they purchased the property, the owners knew or should have known that development options were limited by the County Code, which was in effect at the time the property was purchased. The BOCC is not obligated to change or grant a variance from the County Code to benefit a property owner who purchases property with a plan to profit which can be accomplished only if the rules are changed at their request, regardless of the negative impact to existing property owners.

Three other development proposals are on Tuesday's agenda:

- Item DPQJ-1 is a request for approval of an amendment to the 112-unit Preserve at Park Trace residential PUD on SE Cove Road near SE Willoughby Boulevard to remove a portion of wetlands and wetland buffer areas from the previously approved preserve area management plan;
- Item DPQJ-2 seeks approval of an amendment to the Cove Royale PUD agreement, which also removes a portion of wetlands and wetland buffer areas for a 117-unit development on 87 acres adjacent to the Preserve at Park Trace; and
- Item DPQJ-3 is a request to approve a plat for Loggerhead Estates, a 23-lot single family residential development and church on SW 34th Street near SW Mapp Road in Palm City.

To the extent that Commissioners and the public are still awake after far-too-many hearings and presentations on Tuesday's agenda, the final hearing will be conducted to discuss the County's 2024/2025 Fiscal Year budget.

In other items on Tuesday's agenda:

- Among the 19 items on the Consent Agenda to be approved in a single vote at the beginning of the meeting, Commissioners will approve the Clerk's warrant reflecting expenditures of \$12,045,259.12 in tax dollars between August 26 and September 8, 2024, without disclosing the payees or the purpose of the payments (Agenda Item CNST-2);
- Commissioners will approve a \$500,000.00 contract for purchase, maintenance, repair and installation of commercial refrigeration and cooling

systems in County facilities (five-year continuing services contract to be issued to A/C Doctors, Inc.) (Item CNST-1); and

– Consent Agenda Items CNST-10 and CNST-11 will authorize the County to accept \$8,573.00 to cancel \$89,050.00 in code enforcement liens for violations of the County Code by property owners in Jensen Beach and Golden Gate.

The meeting begins at 9:00 a.m. Tuesday in Commission Chambers at the Martin County Administration Center. Attend in person, watch on MCTV or livestream the meeting from the County website at http://martin.granicus.com/ViewPublisher.php?view_id=24.

Agenda items may be viewed and downloaded at <https://martin.legistar.com/DepartmentDetail.aspx?ID=35023&GUID=98D7CC54-EF7D-4C4C-8084-1AF34C623D6E>

E-mail commissioners about matters that interest you at sheard@martin.fl.us, eciampi@martin.fl.us, dsmith@martin.fl.us, hjenkins@martin.fl.us, shetherington@martin.fl.us with copies to the County Administrator and County Attorney at ddonalds@martin.fl.us and swoods@martin.fl.us.

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