



## APPLICATION FOR INTERVENOR STATUS

**RECEIVED**  
MAY 12 2021  
BY: M. Kindel - Clerk

INFORMATION ABOUT THE PETITIONER		For Office Use Only	
APPLICATION FEE: \$400.00 (LDR) 11.03.06		Check # 19356 \$400.00	
FILE NAME:			
FIRST NAME: Linda Kay		LAST NAME: RICHARDS	
MAILING ADDRESS			
STREET	CITY	STATE	ZIP
166 SW CABANA PT CIR	STUART	FL	34994
CONTACT INFORMATION			
WORK PHONE	EMAIL LINDAKAYRICHARDS@GMAIL.COM		
CELL PHONE 772-485-2323			
PETITIONER'S REPRESENTATIVE IF APPLICABLE			
FIRM/ORGANIZATION NAME:			
FIRST NAME:		LAST NAME:	
MAILING ADDRESS			
STREET	CITY	STATE	ZIP
CONTACT INFORMATION			
WORK PHONE	EMAIL		
CELL PHONE			
LIST OBJECTIONS TO BE INCLUDED IN AGENDA:			
① Amending the future land use map of the City's comprehensive plan, thereby assigning a Future Land Use Designation of "Neighborhood Special District."			
② Assigning "CPUD" ZONING TO SAID LAND ON THE CITY'S OFFICIAL zoning map; Establishing The Kanner CPUD			
③ The use of City STAFF to create loopholes using the Future Land use.			
Signature: <u>[Signature]</u>		Date: 5/12/2021	

## PROXIMITY ANALYSIS OF KANNER CPUD

Lee Harding, MA, GISP

MapsFlorida.com

Property parcels of CPUD project, buffered to 1 mile, were used to select addresses, which represent accurate locations of residential, other units (points of service).

These are in use via Martin County GIS, their REST service url is:

[https://geoweb.martin.fl.us/arcgis/rest/services/geocoding/address\\_points/MapServer/0](https://geoweb.martin.fl.us/arcgis/rest/services/geocoding/address_points/MapServer/0)

These were selected out via the 1 mile buffer, and joined to data regularly posted by Martin County Property Appraiser, in order to determine property use (residential, commercial, etc.), their url is:

<https://www.pa.martin.fl.us/tools-downloads/data-downloads>

We are looking at 6,452 addresses, units within one mile of project.

Although an additional sizable number of addresses (400+/-) over the bridges in Palm City fell within the 1 mile buffer, those were removed from analysis. Resulting in the 6,452 addresses studied herein.

Of these 6,452 addresses,

5,282 are residential units, single family homes, apartments, condos, etc. Households.

Within 1 mile of the project.

These 5282 residential units within 1 mile of the project represent 12,677 persons, as the County averages 2.4 Persons Per Household.

1155 residences, 2,772 persons, are what I consider, as a geographer, adjacent, within 1000 yards / 0.6 of a mile of, and directly affected by, the eventual land use of the project.

These are specifically within what I'll call the CORRIDOR,

from Indian St north to Monterey Rd, from the River east to Willoughby Blvd.

Commercial use, typically low intensity, is clustered at the major intersections and along Monterey Rd.

This type of proximity analysis is always used to notify residents of proposed changes, in my case I personally received a letter from the City to let me know of this project. Hence the further analysis. The nature of such notification is legislatively mandated and an intended courtesy to allow affected residents and business owners the opportunity to comment to decision makers about such projects.

A web application was made available to review data sources, and the url is:

<https://mapsflorida.maps.arcgis.com/apps/View/index.html?appid=49abe54221fb41c393374eb8ad1d5e9e>

Comment / Conclusions:

Aside from the adjacent High School, a plant nursery, some commercial like two gas stations on the corner, some marinas, a burger place, new health care facilities, the CHARACTER of this corridor is overwhelmingly RESIDENTIAL.

With 2.4 persons per household, that results in

2,772 residents, defacto adjacent, in the CORRIDOR affected directly,

NEGATIVELY affected, in a DIRECT MANNER, due to their proximity to this intense development.

The proposed Kanner CPUD does not fit the character of adjacent land use, a cornerstone of the ever-changing interpretations of land development code, the Local Government Comprehensive Planning and Land Development Act of 1985.

**STATEMENT TO BE DELIVERED TO THE CITY OF STUART CITY COMMISSION May 24,2021**  
**By Jim Snedeker, 4369 S.E. Frazier Court, Stuart**

Thank you for your service to our community.

My name is Jim Snedeker and my background is risk management and law enforcement. While in risk management I worked with a team whose focus was modeling windstorms and related weather issues.

When it comes to such modeling the industry best practices and standard is to always model on the basis of a 1 in one hundred year event. Anything less than this can create a bogus result.

All modeling today considers a 100 year event. But the developer in its application used a one in 25 year event.

This is a huge problem since it means they have intentionally designed retention ponds smaller than they should be.

That is, to calculate rainfall and the size of the retention ponds they have used a factor of 2.5 inches of rain per hour for a one in 25 year event. But, they should have used 4.8 inches which is the amount of rain for a one in one hundred year event..

Again, this means that the retention ponds are  $\frac{1}{2}$  the size of what they should be.

Since the ponds are  $\frac{1}{2}$  the size of what they should be, in the event of a large rain storm there will be significant overflow into the St. Lucie River.

If this overflow was clean water it would be OK but, here's where you have been given wrong information.

Now that I've carefully reviewed their written documents and listened to their verbal representations, I've identified one glaring problem that relates to this run off.

The developer contends that any run-off from impervious surfaces containing oil drippings, transmission fluid and other pollutants from trucks and cars will immediately sink to the bottom of the retention ponds. They have stated that the pollutants can not run into the St. Lucie river. .... Period full stop.

BUT, this is flat out wrong since oil and transmission fluids do not decompose and form into globs when they drip from a truck or car and gather on a parking lot. They only form such masses after an extended period of being in water and then only after, at the earliest, 5 days.

Oils and transmission fluids will form a slick that floats on top of the water and will dump into the St. Lucie River. They will not form globs that sink to the bottom of the retention ponds.

So the take-aways are:

Firstly, that the retention ponds are almost  $\frac{1}{2}$  the size of what they should be

And

Secondly, the oils, transmission fluids and other pollutants will flow into the St. Lucie River and make its water problems worse.

Due to the above, I urge you to reject this application and require the developer to properly account for the water run off by doubling the footprint of the retention ponds. Going deeper won't work since the site is only 4 to 5 feet above sea level and the ponds are already this deep so that's why the footprints must be expanded.

In the unlikely event that this project is approved the Commissioners of the City of Stuart, and considering the developers' representation that no pollutants will flow into the St. Lucie and other navigable waterways from the

projects impervious surfaces, that it is clear that such Commissioners have a Fiduciary responsibility to the citizens to require the developer to assume all liability for clean-up and damages caused by any pollutants including oil, transmission fluid etc that originate from this project's impervious surfaces and that such liability for all clean-up and damages should continue in perpetuity.

Thank you,

May 12, 2021

City Commission  
121 SW Flagler Avenue  
Stuart, FL 34994

SUBJECT: Proposed Costco, Retail and Residential Site on Kanner Highway

Dear Commission:

I am forwarding this letter to provide information to the Commission regarding the proposed CPUD development that will include a Costco Retail outlet, 398 apartments and a separate retail center on 48.99 Acres. I previously presented these facts at the LPA Meeting on April 29 and, like many others, believed that the LPA was dismissive of not only the facts and the violations presented, but also dismissive of the presenters that were residents of both the City of Stuart and of Martin County. Residents of Martin County have a vested interest in this project as the project, though technically located in a newly annexed area of the City of Stuart, will have an impact on Martin County in many areas including:

- Ingress and egress from the site onto both Kanner Highway and Willoughby Blvd
- The proposed internal roadway that impacts traffic patterns in the County and near MCHS
- The proximity of the project (bordering on) MCHS
- An increase of the population of Stuart by nearly one half percent with not a single dedication to the City or to the County to offset the negative externalities of the project, of which there are many
- An increase of traffic flow in the County on a major roadway with no provision for the traffic.

Some specific concerns, though there are many more:

1. The site, bordering Kanner Highway on approximately 1200 linear feet, plans for three entrances. The center entrance is planned to have a traffic light and has a deceleration lane of approximately 250'. The northern entrance which will serve only the residential community has a deceleration lane of approximately 250'. The southern entrance – the entrance that will serve the bulk haulers, tankers and up to 18 wheelers to serve Costco and the Costco 18, future to be 24, lane fuel facility does not have a deceleration lane. It can be fully expect that the right lane of Kanner Highway will be perpetually blocked. Always. Kanner Highway just 2 years ago was widened to make it a fully functioning 6 lane arterial to the City and to the County. The Costco site would end its full use and interrupt traffic.

2. The internal roadway in the site plan is a nightmare. All bulk haulers and tankers will have to exit via the traffic circle – as will all traffic leaving Costco. That traffic circle serves all traffic into the Costco site with the exception of a very small amount of the residential traffic that can use the northern entrance. There is only one right turn lane from the center entrance on to Kanner Highway to service all of Costco traffic, almost all of the residential traffic. There is no acceleration lane on a right turn to Kanner – meaning that due to the speed of traffic on Kanner highway, all traffic would necessarily be waiting for a green light. I understand that the internal roadway is “internal”, but the poor design of that roadway impacts the traffic flow of both Kanner Highway and Willoughby Blvd. Perhaps it is the best that could be done leading to the core issue of putting so much on such a small site – there is not sufficient area to support all that is planned including the 398 apartments.
3. As you I am sure know, the residential density exceeds the allowable limits by your own code. There are 398 housing units for this site. These housing units are planned on 14.70 acres of the site. This comes to 27 housing units per acre. The residential acreage and the number of units come directly from the site plan submitted. The City Ordinance and Commission approved as law that the residential density will be based on the Residential Acreage – yet the developer and planner based their calculation on total acreage. They say 8.1 units per acre. The City law says 27 units per acre. Allowable is 15 units per acre for a CPUD. This is not in question, it is the law.
4. The use of a PUD (in this case a CPUD) is in itself a variance to normal zoning criteria. The purpose of a PUD is to improve land use, not to abuse land use. There are a number of violations of the spirit and the intent of using a PUD for this project. In summary the use of a PUD is a violation because of the total lack of synergy between 398 high density residential apartments and a destination “big box” store. Section 2.07.00 of your code explains in significant detail that a PUD is used to improve land use and enhance the locale of the PUD involved. In the Costco site, the PUD is used to bypass zoning restrictions to “put a square peg in a round hole” and at the same time to grossly violate existing codes. It is an impossibility for the Commission to declare that both 398 residential units, a 24 pump gas station and a destination box store simultaneously “provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development and the protection of adjacent existing and future development” as demanded by your own code.
5. It is quite possible that the entire site design, particularly the residential area, does not meet NFPA criteria making it a fire hazard disaster. It is possible, though not certain, that the hose reach requirement may be met, but only marginally if at all. However, any review of the parking areas in the residential

area will substantiate that it will be impossible for Fire Rescue to respond to fires due to parked cars resulting in substandard turning radii and also an inability to actually access hydrants in real life. No Fire Marshall in his right mind would approve this site plan given the limited ingress and egress available for response and the inability to maneuver to respond due to parked vehicles. And this is without even considering the lack of places for trash dumpsters apparently conveniently left from the plan due to lack of space and access. The City will take on a huge fire liability if this site is approved according to this plan.

6. There is at this time no “Unified Control” of this PUD, in fact there is not even unified land ownership, and this is a violation of Florida State Law. The ability to accept deviations from normal zoning requirements is granted because there is legally unified control, meaning that one person or one entity has the requirement to enforce the provisions of the PUD which become a City Ordinance. The City has to hold one person or one entity responsible for the enforcement of the PUD provisions. To not do this is not only to violate the spirit of the State Law and the City Codes it is in legal violation of the law to approve this PUD. “Unified Control” documents were requested at the LPA meeting. That request was ignored.
7. It is normal that if a PUD is granted, there is a dedication of something to the granting entity, in this case the City, to overcome the negative externalities of the PUD. In this case, the developer is asking for the addition of 398 residential units. This results in an increase of approximately one half of a percent increase in the population of the City of Stuart. Yet not one square foot of land of this site or PUD is granted for public access or facilities. Not a square foot of parks, of usable open space, no trails not recreation facility – nothing for the City, only advantages to the developers. This is not only unusual for any form of PUD involving residential increases, it borders on disrespect that the Commission would be so dismissive of the City residents. One must certainly begin to wonder the motive behind supporting such a site.

It the City Commissioners were to approve this plan it is a signal to the City and the County residents that the Commissioners ca NOT be trusted with the future development of the land of the City, with the trust of the residents or with proper planning to insure that the desires of the community will be met. Approval of this plan says to all living in the City that the Commission will not hesitate to violate not only the spirit and the intent but also the codes and ordinances in order to provide ill planned growth.

Jerry Kyckelhahn

[jerry@traks.com](mailto:jerry@traks.com)

772-708-5627

We the undersigned are residents of Cabana Point Circle which will be directly affected by the Kanner CPUD development. We believe this development will adversely affect our quality life by increasing traffic, noise pollution, and light pollution and will compromise the safety and security of our children walking to school.

[illegible]

Application Review  
Proposed COSTCO CPUD  
Stuart, Florida



Prepared for  
The City of Stuart  
and  
Linda Kay Richards  
by  
D. Greg Braun  
Sustainable Ecosystems International  
July 28, 2021

## **I. Introduction and Background**

After receiving public comments and lengthy discussion at their meeting on May 25-26, 2021, the Stuart City Commission voted unanimously to transmit to the Florida Department of Economic Opportunity a proposal by M&M Realty Partners to develop a retail and 398-unit residential project on approximately 50 acres of undeveloped land near the City's southwestern boundary. The project, known as the COSTCO CPUD would include a 162,020-square-foot COSTCO warehouse store, an 18-pump gas station, an apartment complex with more than 375 units and retail and restaurant space.

The project site, which is bounded by SE Kanner Highway on the west and SE Willoughby Blvd on the east, is north of Indian Street and South of Martin County High School and the Lychee Tree Nursery.

In considering the application, City Commissioners and staff relied on information provided by the applicant, including an Environmental Assessment report dated March, 2021 developed by EW Consultants.

The State of Florida's Fish and Wildlife Conservation Commission (FWC) maintains, and routinely updates a list of animals that are protected pursuant to State and Federal regulations. The list, entitled "FLORIDA'S ENDANGERED AND THREATENED SPECIES" was most recently updated in June 2021 and is available on the web at: <https://myfwc.com/media/1945/threatened-endangered-species.pdf> Prior to this very recent revision, the version that had been in use while documents for the COSTCO CPUD project were being developed and being reviewed was a December 2018 version, which remains accessible on the web at: <https://myfwc.com/media/1945/threatend-endangered-species.pdf> Both versions identify animal species that are designated by the State of Florida as "Endangered" and "Threatened".

Conducting surveys for species on this list and determining the potential impact of a project on these species is typically the responsibility of the environmental consultant that is working for and with the development team. Strict protocols have been developed by FWC for conducting surveys for endangered and threatened species only for a few key species (e.g., scrub-jays, gopher tortoises etc.). In general, environmental consultants, who have been retained by the owner, developer or project team, have the autonomy to evaluate vegetative communities on a given project site, and then conduct property-specific surveys for endangered and threatened species based on the unique conditions on the subject property. Data are collected, analyzed, and integrated into a report that is provided to governmental entities for their analysis during the development review process. Governmental reviewers (e.g., City, County, Water Management Districts) rely on the information provided by or on behalf of the owner/developer to be accurate,

thorough and factually correct. It is not the responsibility of stakeholders, neighbors or third-party entities to conduct surveys or collect field data, but stakeholders do frequently become engaged when they have reason to believe that the information being considered by governmental reviewers may not be thorough, accurate or complete.

In the instance of the COSTCO CPUD project, interested members of the community, including neighboring property owners who have unique knowledge of the property, expressed concern about the extent to which the baseline environmental information being reviewed by the City of Stuart was thorough, accurate and complete. Wetlands, ten of which had been identified on the property were all disparaged as having such low environmental value that they could be destroyed and mitigated elsewhere. The dismissal of low wetland value for birds seemed inappropriate to people familiar with the property, who have frequently observed wading birds in the area, for years, some even for decades.

On a separate, but similar track, the State of Florida maintains a database of plant species that are thought to be in potential danger of extinction. The Florida Department of Agriculture and Consumer Services (FDACS) maintains a list of plants that are designated as Endangered, Threatened and Commercially Exploited. The list is codified in Section 5B.4.0055, of the Florida Administrative Code, and is available to environmental consultants and the general public at: <https://www.fdacs.gov/Forest-Wildfire/Our-Forests/Forest-Health/Florida-Statewide-Endangered-and-Threatened-Plant-Conservation-Program>

As described previously for the protection of animals that are protected pursuant federal and state endangered species regulations, conducting surveys for plant species that are on this list and determining the potential impact of a project on these species is typically the responsibility of the environmental consultant that is working with the development team. Environmental consultants, who have been retained by the owner, developer or project team, have the autonomy to evaluate vegetative communities on a given project site, and then conduct property-specific surveys for endangered and threatened plant species based on the unique conditions on the subject property. Data are collected, analyzed, and integrated into a report that is provided to governmental entities for their analysis during the development review process. Governmental reviewers (e.g., City, County, Water Management Districts) rely on the plant information provided by or on behalf of the owner/developer to be accurate, thorough and factually correct. It is not the responsibility of stakeholders, neighbors or third-party entities to conduct surveys or collect field data on the presence, absence and/or abundance of protected plants, but stakeholders can become engaged when they have reason to believe that the information being considered by governmental reviewers may not be thorough, accurate or complete.

Regarding the COSTCO CPUD project, concerned residents were aware that plant species that are designated as Threatened, Endangered and Commercially Exploited are known to be present in the vicinity, and in habitats that are present on the site of the proposed COSTCO CPUD

project. When they became aware that these “listed” (i.e., Endangered, Threatened and Commercially Exploited) species were known to be present on the nearby Kiplinger Preserve, a County-owned property located less than 0.6 miles from the COSTCO CPUD site, and on the Bridgeview property, less than 0.3 miles from the COSTCO CPUD site, and they reviewed the permitting files for the COSTCO CPUD project, they became concerned that these same species could be present on the COSTCO CPUD site, but that their presence had not been discovered or disclosed in project-related documents.

Sustainable Ecosystems International (SEI) was asked by a consortium of residents who are concerned about the environmental impacts of the proposed project to review the Environmental Assessment Report on the COSTCO CPUD and render opinions as to the extent that the report accurately describes conditions on the site related to threatened and endangered species and evaluations of wetlands.

SEI is an ecological consultancy with extensive experience in Martin County and the Treasure Coast. SEI’s owner, D. Greg Braun, is a Certified Environmental Professional, who was initially certified by the American Board of Certified Environmental Professionals in the area of Environmental Documentation in 2003. This certification has been renewed annually through the present. SEI specializes in avian and estuarine ecology and has extensive work experience with species of flora and fauna that are designated by the state of Florida and/or the federal government as Endangered and Threatened. Mr. Braun’s work in this regard has included surveys for endangered and threatened species at dozens of sites in Martin County, and included floristic surveys and threatened and endangered species surveys on 13 conservation parcels owned and managed by Martin County, development of management plans for conservation lands and participation on land management review committees for various state parks and wildlife management areas.

SEI’s ecological investigations often includes both a desk-top literature search and on-site field investigations. For this project, SEI’s desktop investigation included a query of the databases maintained by the Florida Natural Areas Inventory (FNAI) and other on-line publicly accessible information. Because the FNAI database indicates the potential presence of several additional threatened and endangered species in the vicinity, it is possible that detailed surveys for threatened and endangered species on the subject tract would reveal that populations of additional protected species are also present on the site.

SEI was also escorted on a cursory site visit by a neighboring property owner who has first-hand knowledge of the property, as it had previously been owned by a family member.

This report, therefore, uses information that was gathered during the literature search, the results of a cursory field visit and authentication of photographic records taken by a game camera that recorded the presence of various wildlife species, primarily birds, on the subject property.

## **II. Results of Literature Search**

### **II.a Threatened and Endangered Species**

SEI's desktop investigation included a query of the FNAI database. FNAI serves as a clearinghouse for protected species sightings that are reported to them by various state and federal agency personnel, and after reportings by private individuals are reviewed for accuracy by knowledgeable individuals. FNAI refers to their protected species database, which is separated into hundreds of one-mile-square blocks located throughout the State as their Biodiversity Matrix. The one-mile-square block that includes the site of the proposed COSTCO CPUD is Matrix # 67464, which extends west to the South Fork of the St. Lucie River and south into Martin County's Kiplinger Preserve tract. A map showing the boundaries of this Matrix Unit and the results are included as Appendix A. FNAI indicates the likely presence of five noteworthy species or habitats and the potential presence of 20 additional species, which include a variety of plants, birds, and reptiles.

Because FNAI's database does not include detailed positioning for observational sightings, it is typically used as a preliminary, reconnaissance-level tool which alerts scientists to the potential presence of species of note, which, in the case of environmental impact analyses, allows field biologists to develop species-specific protocols for surveying for threatened and endangered species.

One of the vegetative communities that FNAI tracks is "Scrub" - areas of dry sandy soils that provide habitat for a variety of endangered and threatened species. FNAI notes the presence of scrub within the one-mile-square block that includes the COSTCO CPUD site. FNAI's database also identifies several species of plants and animals that occur in scrub that are designated by the State of Florida or the federal government as endangered or threatened that potentially exist in the area. A thorough site investigation conducted at the COSTCO CPUD site would have included searches for these species, particularly when polygons of scrub were found to be present on the site.

The Environmental Assessment Report does identify the presence of gopher tortoises (*Gopherus polyphemus*) on the site. No mention is made in the Environmental Assessment report as to whether or not surveys for threatened and endangered plants were made.

## **III. Cursory Field Investigation**

A cursory field investigation conducted by SEI in June 2021 and analysis of photographs taken on the subject property by a game camera confirmed the presence of a population of gopher tortoises, revealed the presence of two species of birds that are designated by the State as

threatened, populations of at least four plant species that are designated by the State of Florida as Endangered or Threatened, and one plant species that is designated as “Commercially Exploited”. These species are identified and described hereafter, and photos taken on the subject site are included.

**Birds protected pursuant to the Florida Wildlife Code, Chapter 68, Florida Administrative Code.**

Little Blue Herons (*Egretta caerulea*) (Photo 1), which are designated by the State of Florida as a Threatened species, have been documented to forage in wetlands on the subject property.



Photo 1

Little Blue Heron on herbaceous islet surrounded by water at the site of the proposed  
COSTCO CPUD

Date of Photo: June 10, 2021

Little blue herons and other wading birds consume aquatic organisms (e.g., small fish, crayfish etc.). They forage in wetlands when the wetland has enough community structure to provide habitat for small fish and other prey items. Little blue herons often nest in locations near wetlands that provide reliable sources of prey.

Tricolored herons (*Egretta tricolor*) (Photo 2), which are designated by the State of Florida as a Threatened species, have been documented to forage in wetlands on the subject property.



Photo 2

Tricolored heron foraging in a wetland on the site of the proposed COSTCO CPUD that was described in the Environmental Assessment Report as being “degraded” and offering “minimal ecological functions for fish and wildlife”.

Date of Photo: July 18, 2021

Similar to little blue herons, tricolored blue herons also consume aquatic organisms (e.g., small fish, crayfish etc.). They forage in wetlands when the wetland has enough community structure to provide habitat for small fish and other prey items and they often nest in locations near wetlands that provide reliable sources of prey.

### **Plant species protected pursuant to the Section 5B-4.0055, of the Florida Administrative Code**

#### ***Tillandsia utriculata***

Populations of (Giant Airplant) (Photo 3) were observed in the portion of the site mapped as scrub. *Tillandsia utriculata* is designated by the State of Florida as Threatened (See 5B-40.0055 Florida Administrative Code). Its presence was not revealed to the City of Stuart, so when City planners and staff described the project to commissioners, and City Commissioners voted to recommend the project to DEO, they were relying on information that was inaccurate or incomplete.



Photo 3  
*Tillandsia utriculata* on the site of the proposed  
COSTCO CPUD  
Date of Photo: June 10, 2021

***Conradina grandiflora***

Populations of (Largeflower False rosemary) (Photo 4) were observed in the portion of the site mapped as scrub. *Conradina grandiflora* is designated by the State of Florida as Threatened (See 5B-40.0055 F.A.C.). Its presence was not revealed to the City of Stuart, so when City planners and staff described the project to commissioners, and City Commissioners voted to recommend the project to DEO, they were relying on information that was inaccurate or incomplete.



Photo 4  
*Conradina grandiflora* on the on the site of the proposed  
 COSTCO CPUD  
 Date of Photo: June 10, 2021

***Tillandsia balbisiana***

Populations of *Tillandsia balbisiana* (Northern Needleleaf) (Photo 5) were observed in the portion of the site mapped as scrub. *Tillandsia balbisiana* is designated by the State of Florida as Threatened (See 5B-40.0055 F.A.C.). Its presence was not revealed to the City of Stuart, so when City planners and staff described the project to commissioners, and City Commissioners voted to recommend the project to DEO, they were relying on information that was inaccurate or incomplete.



Photo 5  
*Tillandsia balbisiana* on the site of the proposed COSTCO CPUD  
 Date of Photo: June 10, 2021

***Lechea cernua***

Populations of *Lechea cernua* (Scrub Pinweed) (Photo 6) were observed in the portion of the site mapped as scrub. *Lechea cernua* is designated by the State of Florida as Threatened (See 5B-40.0055 F.A.C.). Its presence was not revealed to the City of Stuart, so when City planners and staff described the project to commissioners, and City Commissioners voted to recommend the project to DEO, they were relying on information that was inaccurate or incomplete.



Photo 6

*Lechea cernua* on the site of the proposed COSTCO CPUD

Date of Photo: June 10, 2021

FDACS regulations also include a list of plant species that are vulnerable to potential population reductions and extinction due to the unauthorized collection of specimens from the wild. Species on this list, which is included in Section 5B-40.0055(c) are designated as “Commercially Exploited”. A population of one plant species (*Osmunda regalis*) that is designated as commercially exploited has been determined to be present on the site of the COSTCO CPUD property.



Photo 7

*Osmunda regalis* on the site of the proposed COSTCO CPUD

Date of Photo: June 10, 2021

#### **IV. City Regulatory Protections for Endangered and Threatened Species and Native Vegetative Communities**

Policy 5.A6.1 of the City of Stuart's Comprehensive Growth Management Plan states that:

"All endangered and threatened plant and animal populations shall be protected. Of Special concern, are all species listed as endangered, threatened, of special concern or rare by the Federal government, the State of Florida or the Florida Committee on Rare and Endangered Plants and Animals."

By approving the COSTCO CPUD without requiring the protection of the aforementioned threatened and endangered species (and perhaps others whose presence was also not disclosed to the City) the City's action to approve the project without conditions that protect populations of endangered and threatened is not consistent with this Policy of the City's Comprehensive Plan.

Additionally, Policy 5.A5.8. states that:

"The City shall protect native vegetative communities by requiring that existing native vegetation constituting up to 25% of a development site shall be preserved."

The Site Plan, Figure 1, below, indicates that there will be 12.28 acres "of Native Vegetation Area". However, because the Environmental Assessment Report indicates that existing vegetative communities have been impacted by the colonization of pest plants, it appears that the 12.28 acres do not coincide with the location where the aforementioned endangered and threatened species on the site exist. Approval of the proposed project without the requirement that 25% of the portion of the site where endangered and threatened plants and animals are present would not be consistent with the intent of the City of Stuart's Comprehensive Plan, which is to preserve the portion of the property where the endangered and threatened species are known to exist.



“The developer shall ensure that site development activities do not degrade on-site or adjacent surface waters or wetlands. Wetlands shall not be used as primary sediment traps during development or for stormwater retention beyond historic hydrologic regime after development.”

The Environmental Assessment Report indicates that ten wetlands exist on the site (Figure 2), and that these areas include freshwater marshes (1.5 acres), wet prairies (1.2 acres), willow and elderberry (3.5 acres), exotic wetland hardwoods (0.3 acres), ditches (0.4 acres) and reservoirs less than 10 acres in size. The Environmental Assessment report suggests that because these wetlands have been degraded due to the establishment of invasive pest plant species, they are expendable and that the City should allow them to be mitigated through the purchase of credits at a mitigation site in St. Lucie County.

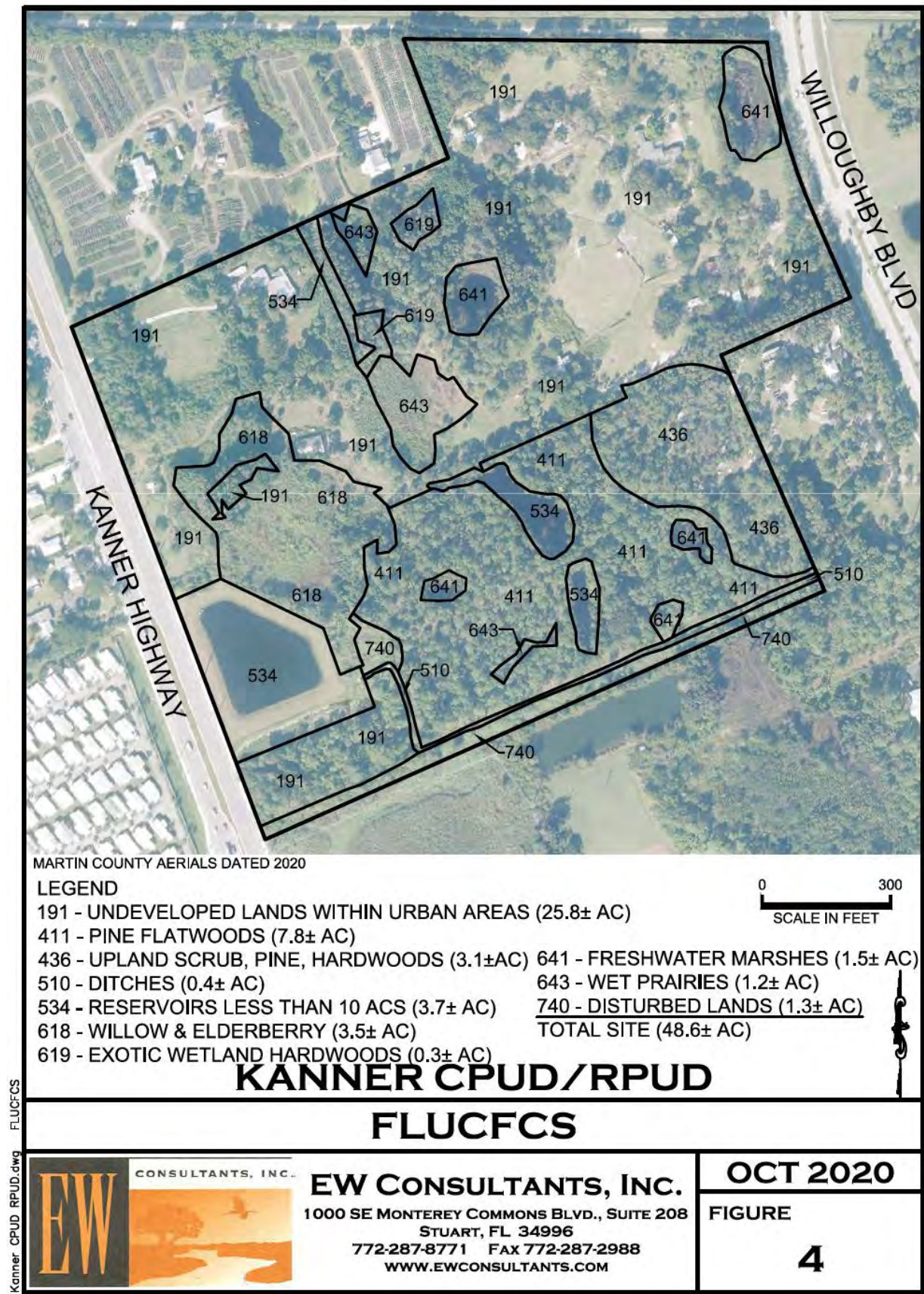


Figure 2 - FLUCFS Map  
 Source: EW Consultants – Environmental Assessment Report

In contradiction to this perspective, independent cursory inspections of these areas suggest that they are thriving, biologically productive habitats. This condition is evidenced by the presence of a variety of high trophic-level species, including foraging wading birds, including the little blue heron and tricolored heron previously described and shown in Photos 1 and 2, and great egrets (Photo 8), great blue herons (Photo 9) and black-crowned night herons (Photo 10).



Photo 8

Great Egret foraging at the site of the proposed COSTCO PUD  
Date of Photo: June 10, 2021



Photo 9

Great Blue Heron with caught fish at the site of the proposed COSTCO PUD  
Date of Photo: July 8, 2021



Photo 10  
Black-crowned night-heron at the site of the proposed COSTCO PUD  
Date of Photo: July 27, 2021

It is not surprising that no nesting sites were observed when the surveys were performed during the field work that led to the development of the Environmental Assessment Report, as they were conducted during the non-nesting season for most bird species. However, the presence of waterfowl and wading birds mentioned above during the nesting season, suggests that more comprehensive surveys that would be conducted during the nesting season may yield different results. While the results of a bird survey that is conducted during the non-nesting season does provide some insight into the habitats and condition of vegetative communities, it is the results of nesting season surveys that provide additional insight into avian use of a property. Unfortunately, a nesting season survey was apparently not conducted at the site of the proposed COSTCO CPUD, so City staff, decision-makers and stakeholders were unaware of the extent of use of the property by nesting birds at the time when the project was considered by the City Commission.

Recent game camera photos have also documented the presence of a pair of wood ducks (Photo 11) during that species' nesting season. The presence of these waterfowl provide further evidence that these wetlands provide habitat for the aquatic prey upon which these, and other wetland-dependent species rely, and is contradictory to the information relied on by the City. The Environmental Assessment Report states, incorrectly in my opinion, that:

“These wetlands are degraded by historic hydrologic alterations and invasive species encroachment and thus offer minimal ecological functions for fish and wildlife.”



Photo 11

Male and female wood ducks in a wetland on the COSTCO CPUD site that was described as offering “minimal ecological functions for fish and wildlife”.

Date of Photo: July 1, 2021

Additionally, the Environmental Assessment report suggests that other than gopher tortoises (which are proposed to be relocated offsite), “wading birds are the only other listed species that may potentially utilize portions of the property for foraging. Any such use by these species would be transient in nature and no roosting or nesting areas have been observed on the site.”

The presence of a male and a female wood duck during the nesting season suggests the likely nesting of this species, which offers further evidence that these wetlands are productive.

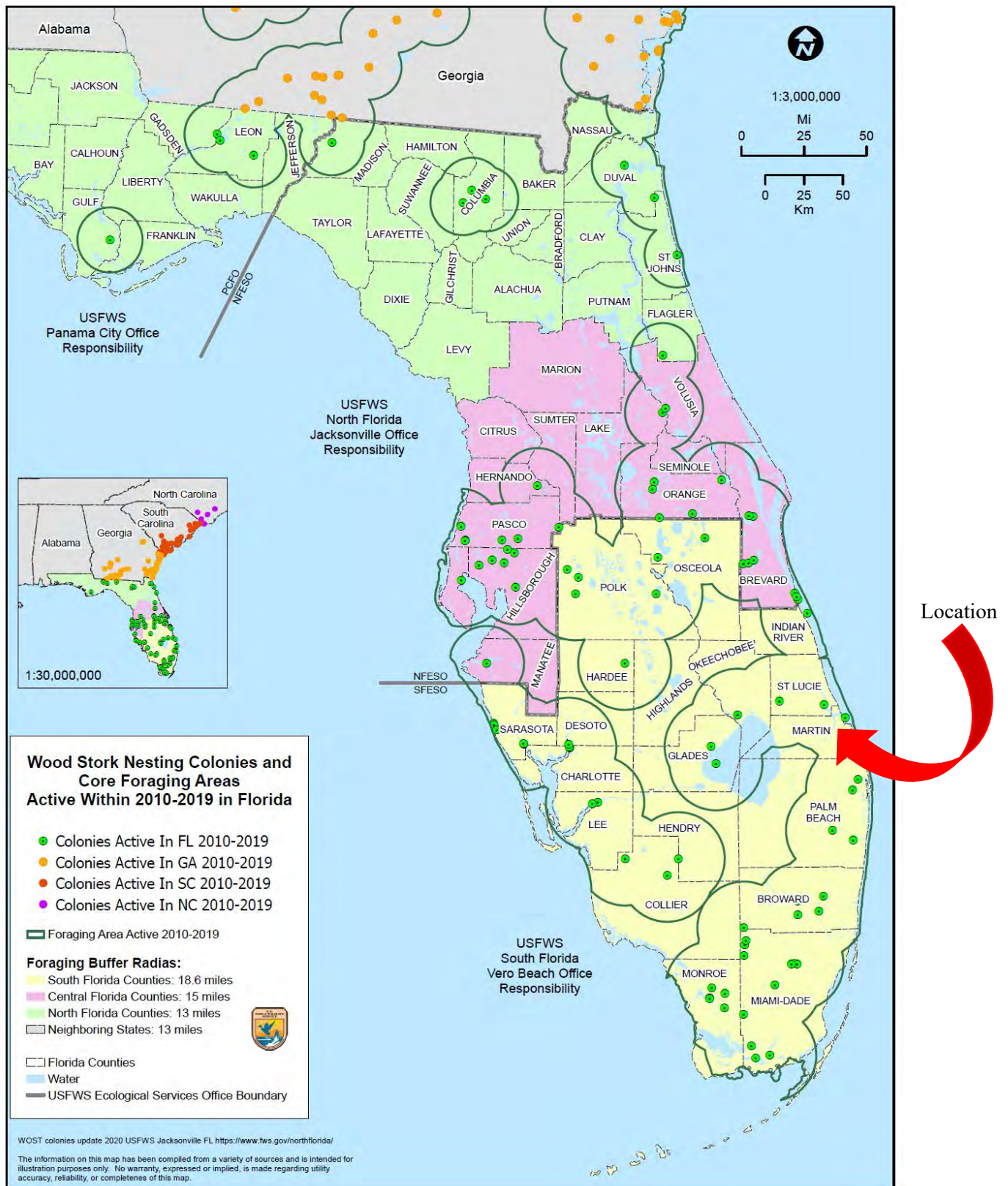
Short-hydroperiod wetlands are particularly important to wading birds in general and wood storks (*Mycteria americana*) in particular. Wood Storks are designated as a “threatened” species by the State of Florida and the Federal government (Endangered Species Act, as Amended). The U.S. Fish and Wildlife Service (FWS) has designated that nesting wood storks in south Florida have a “Core Foraging Area” (CFA) of 18.6 miles, which means that wetlands that provided suitable foraging habitat for wood storks are of comparatively higher value for wood storks if they are present within 18.6 miles of a nesting colony. The shallow, open-water wetlands on the COSTCO CPUD site are suitable foraging habitat for wood storks and are within the CFA on not one but two wood stork nesting colonies (Figures 3).

SEI found no evidence that the City was informed that wetlands on the site appear to be suitable foraging habitat for wood storks, that the on-site wetlands are within the Core Foraging area of

two wood stork colonies, and so members of the City Commission (and previously the Local Planning Agency) may not have considered these facts when they rendered an opinion on the project.

When City planners and staff analyzed application information and described the project to members of the Local Planning Agency and Commissioners, and when City Commissioners voted to recommend the project to DEO, they were relying on information that was inaccurate or incomplete. Allowing the destruction of these wetlands, even if they are mitigated for at some off-site location, is not consistent with the City's environmental ethos and the CGMP which states that all wetlands will be protected. The loss of wetlands within the City also deprives City residents of the ability to enjoy the bird life that the wetlands presently support.

The City's economic and environmental health are directly linked to the quality and condition of its wetlands, waters and waterways. The City is expending significant resources on surface water management projects to rectify long-standing water quality woes. Allowing the intentional destruction of viable wetlands whose value could be enhanced through the removal of pest plants is contradictory to the City's stated philosophy of stewardship of natural resources and protection of the environment.



Basemap Source: [https://www.fws.gov/northflorida/WoodStorks/WOST\\_Data/2020-WOST\\_colonies\\_map\\_2010-2019\\_update\\_20200410.pdf](https://www.fws.gov/northflorida/WoodStorks/WOST_Data/2020-WOST_colonies_map_2010-2019_update_20200410.pdf)

## VI. Summary of Findings

1. Prior to the consideration of M&M Partners application for approval of the COSTCO CPUD project by the Stuart City Commission, the City was not informed about the presence of populations of at least one species of bird and four species of plants that have been designated by the State of Florida as Endangered or Threatened species pursuant to the Florida Wildlife Code and Section 5B-4.0055 FA.C., which are administered by the Florida Department of Agriculture and Consumer Services, respectively. Populations of these species have been documented to be present in portions of the property that are proposed to be developed.

**The City's regulations require the protection of state-listed endangered and threatened species. Approval of the proposed project without conditions that would require that endangered and threatened species be protected would be inconsistent with the City's regulations.**

2. Objective A5. of the City of Stuart's Comprehensive Growth Management Plan and Land Development Regulations states that wetlands within the City shall be protected. The City does have the authority to determine that wetlands can be destroyed and mitigated elsewhere if the wetlands are determined to be of low quality. In general, lower quality wetlands that are not biologically productive are more likely to be sacrificed and mitigated elsewhere. Higher quality wetlands which support a diversity of wetland-dependent species, including high-trophic level species such as wading birds, are less likely to be allowed to be destroyed.

**The value of wetlands on the proposed COSTCO site appear to have been understated and/or mis-represented in the Environmental Assessment Report, so City staff, decision-makers and the public were unable to base their decision-making process on thorough, accurate and complete data.**

## **Information and Literature Cited**

Environmental Assessment Report, EW Consultants, March 2021

Florida Wildlife Code, Chapter 68, Florida Administrative Code.

Florida Fish and Wildlife Conservation Commission, Florida's Endangered and Threatened Species Version December, 2018

Florida Fish and Wildlife Conservation Commission, Florida's Endangered and Threatened Species Version June, 2021

Section 5B-4.0055, of the Florida Administrative Code, Rules of the Florida Department of Agriculture and Community Services

United States, Fish and Wildlife Service, Wood Stork Colonies Map, 20200410.pdf

## Florida Natural Areas Inventory

### Biodiversity Matrix Query Results

#### UNOFFICIAL REPORT

Created 7/26/2021

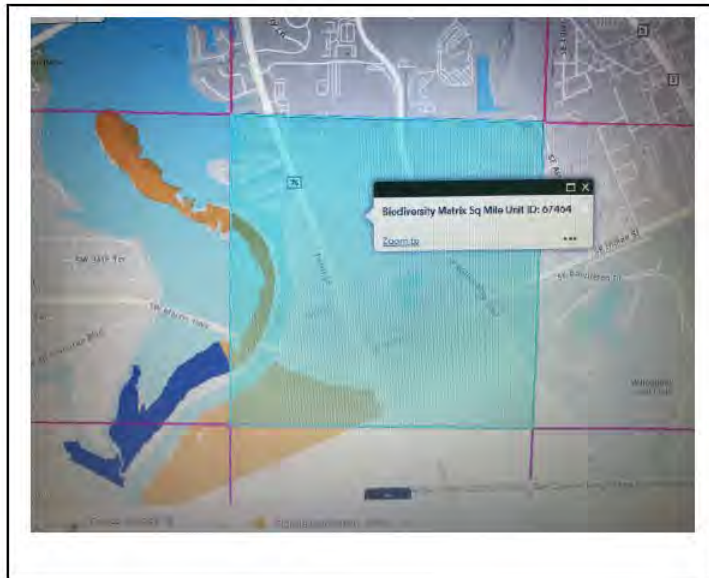
([Contact FNAI Data Services Coordinator](#)

for an official **Standard Data Report**)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

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#### Report for 1 Matrix Unit: 67464



#### Descriptions

**DOCUMENTED** - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

**DOCUMENTED-HISTORIC** - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

**LIKELY** - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; *or*
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

**POTENTIAL** - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

#### **Matrix Unit ID: 67464**

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found

5 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<a href="#"><i>Aphelocoma coerulescens</i></a> Florida Scrub-Jay	G2	S2	LT	FT
<i>Mesic flatwoods</i>	G4	S4	N	N
<a href="#"><i>Mycteria americana</i></a> Wood Stork	G4	S2	LT	FT
<i>Scrub</i>	G2	S2	N	N
<a href="#"><i>Trichechus manatus</i></a> West Indian Manatee	G2	S2	LE	FE

### Matrix Unit ID: 67464

20 **Potential** Elements for Matrix Unit 67464

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Acipenser oxyrinchus oxyrinchus</i> Atlantic Sturgeon	G3T3	S1	LE	FE
<i>Coelorachis tuberculosa</i> Piedmont Jointgrass	G3	S3	N	T
<i>Conradina grandiflora</i> Large-flowered Rosemary	G3	S3	N	T
<i>Ctenogobius stigmaturus</i> Spottail Goby	G2	S2	N	N
<i>Elytraria caroliniensis</i> var. <i>angustifolia</i> Narrow-leaved Carolina Scalystem	G4T2	S2	N	N
<a href="#"><i>Eretmochelys imbricata</i></a> Hawksbill Sea Turtle	G3	S1	LE	FE
<a href="#"><i>Eugenia confusa</i></a> Tropical Ironwood	G4G5	S2S3	N	E
<i>Forestiera segregata</i> var. <i>pinetorum</i> Florida Pinewood Privet	G4T2	S2	N	N
<a href="#"><i>Glandularia maritima</i></a> Coastal Vervain	G3	S3	N	E
<a href="#"><i>Gopherus polyphemus</i></a> Gopher Tortoise	G3	S3	C	ST
<a href="#"><i>Halophila johnsonii</i></a> Johnson's Seagrass	G2	S2	LT	E
<a href="#"><i>Jacquemontia reclinata</i></a> Beach Jacquemontia	G1	S1	LE	E
<i>Lechea cernua</i> Nodding Pinweed	G3	S3	N	T
<a href="#"><i>Linum carteri</i> var. <i>smallii</i></a> Small's Flax	G2T2	S2	N	E
<a href="#"><i>Polygala smallii</i></a> Tiny Polygala	G1	S1	LE	E
<i>Rallus longirostris scottii</i> Florida Clapper Rail	G5T3?	S3?	N	N
<i>Rivulus marmoratus</i> Mangrove Rivulus	G4G5	S3	SC	SSC
<a href="#"><i>Sceloporus woodi</i></a> Florida Scrub Lizard	G2G3	S2S3	N	N
<i>Setophaga discolor paludicola</i> Florida Prairie Warbler	G5T3	S3	N	N
<i>Trichomanes punctatum</i> ssp. <i>floridanum</i> Florida Filmy Fern	G4G5T1	S1	E	E

**Disclaimer**

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

**Unofficial Report**

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.

The Negative Health and Environmental Impacts of the Costco Development in  
Stuart, Florida

Dr. Roy M. Speiser

V.P. CWR, Environmental

Stuart, Florida

The Costco development will daily generate numerous toxic contaminants including volatile organic chemicals and ultrafine particles that will negatively impact the health of school children and residents in proximity to the site.

Exhausts from thousands of automobiles and trucks daily, will generate large amounts of Ultrafine particles PM 0.1 in size that are the main constituents of airborne particulate matter. UFP's have more serious health impacts than larger particles PM10 and PM2.5 size.

Because of their nanoparticle size, UFPs are easily able to enter the body's circulation system and distribute to various organs, including the lungs, brain -- causing inflammation and affecting the cardiovascular and central nervous system, wreaking havoc on your health. <sup>(1,2,3)</sup>

According to a study in **The Journal of Epidemiology** a one year increase in pollution exposure of ten thousand nano particles per cubic centimeter – the approximate difference between a quiet street and busy city streets increases brain cancer greater than 10%. <sup>(4)</sup>

“Microscopic particles generated by fossil fuels get into our body directly through the nose into the brain,” said University Professor Caleb Finch at the USC Leonard Davis School of Gerontology. “Cells in the brain treat these particles as invaders and react with inflammatory responses, which over the course of time, appear to exacerbate and promote Alzheimer's disease.” <sup>(5)</sup>

The Costco development jeopardizes the quality and quantity of the city's water resources for the community. Increased water usage will cause several negative health impacts because the increased use of hundreds of thousands of gallons of water per day for commercial and residential use creates more air stripping of VOCs into the air that will increase air pollution.

As stated in the 2020 Water Quality Report, there are 35 potential sources of contamination that can affect the City of Stuart water supply. Increasing pumping of water will draw in more contaminants to the well water requiring more treatment. The PFOS/ PFOA chemicals detected in the city water supply are the most toxic emerging unregulated chemicals listed by the EPA. This project along with other large residential projects planned for the City of Stuart will jeopardize the safety and availability of the future water supply

## References:

1. Osunsanya T., et al. 2001. "Acute Respiratory Effects of Particles: Mass or Number?" *Occupational & Environmental Medicine* 58 (3):459.  
doi:10.1136/oem.58.3.154. PMC 1740106. PMID 11171927.
2. Schraufnagel, Dean E. 2020. "The Health Effects of Ultrafine Particles." *Experimental and Molecular Medicine* 52:311-317.
3. Ostro B., Hu J., Goldberg D., et al. June 1, 2015. "Associations of Mortality with Long Term Exposures to Fine and Ultrafine Particles, Species and Sources: Results from the California Teachers Cohort Study." *Environmental Health Perspectives* Vol. 123, No. 6.
4. Weichenthal S., Olanyan T., et al. March 31, 2020. "Within-city Spatial Variations in Ambient Ultrafine Particle Concentration and Incident Brain Tumors in Adults." *Epidemiology* (2):177-18.
5. The air pollution study, the Women's Health Initiative and WHIMS are collectively supported by the National Institute on Aging of the National Institutes of Health; the Southern California Environmental Health Sciences Center funded by the National Institute of Environmental Health Sciences; the National Heart, Lung, and Blood Institute; the U.S. Department of Health and Human Services; Wyeth Pharmaceuticals Inc.; St. Davids, PA, and the Wake Forest School of Medicine; and the Cure Alzheimer's Fund.