

**IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY, FLORIDA**

Case No.:

**GREATER INDIANTOWN COMMUNITY
ALLIANCE, INC., a None for Profit Organization
CAROL S. McALLISTER an individual;
MYRTLE GREEN SLAY, an individual;
PHYLLIS JULIA ROBERTS, an individual;
and KELSY LEA-HING, an individual;**

Plaintiffs,

v.

**VILLAGE OF INDIANTOWN,
a Florida municipal corporation;
FLORIDA POWER &
LIGHT COMPANY;**

CIVIL DIVISION

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

COME NOW, the above styled Plaintiffs, GREATER INDIANTOWN COMMUNITY ALLIANCE, INC. (“GICA”), a None for Profit Organization; CAROL S. McALLISTER, an individual; MYRTLE GREEN SLAY, an individual; PHYLLIS JULIA ROBERTS, an individual; and KELSY LEA-HING, an individual (“Plaintiffs”). Plaintiffs are all residents of Martin County, Florida, and bring this action against Village of Indiantown (hereinafter “The Village”) and FLORIDA POWER & LIGHT COMPANY (hereinafter “FPL”), pursuant to Florida Statute § 163.3215, and seeking declaratory and injunctive relief to invalidate the Village’s approval of the Tesoro Groves Planned Unit Development (hereinafter “The PUD”).

The PUD is a 5,722-acre Light Industrial development that is fundamentally inconsistent with the Village's Comprehensive Plan, Land Development Regulations, and established zoning practices. It is also a violative of Florida Law in that it constitutes illegal spot zoning and creates an illegal land enclave.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to Florida Statutes § 163.3215. Venue is proper in Martin County, Florida, where the subject property and the Village of Indiantown are located.

III. STANDING

2. Each individual Plaintiff has standing as aggrieved and adversely affected party under Florida Statutes § 163.3215 as property owners of property neighboring the PUD. GICA has standing because it is comprised of members who are owners of property neighboring the PUD. The following facts establish standing:

- a. **Proximity and Particularized Harm:** Plaintiffs reside and/or own property one-eighth mile from the Village boundary and will suffer particularized harm including but not limited to, increased traffic on Kanner Highway, noise and light pollution from 24/7 industrial operations, permanent degradation of the rural character of the area, and potential negative impacts on property values.

- b. **Rural Character and Lifestyle:** Plaintiffs chose to live in Indiantown specifically because of its protected rural character and small-town lifestyle, as repeatedly

recognized in the Village's Comprehensive Plan. The PUD by its nature, threatens to completely destroy rural character of the Village.

c. **Multiple Residents:** Numerous other residents throughout the Village have expressed willingness to join this action or submit supporting affidavits, demonstrating widespread harm.

IV. **STATEMENT OF FACTS AND LEGAL ARGUMENT**

3. On April 30, 2026, the Village held a final meeting to vote on whether to annex and re-zone 5,722.3 acres of a total 8,000 acre parcel of land purchased by FPL (hereinafter “the Subject Parcel”) and located in the Village from agricultural to light industrial use. FPL’s application for the re-zoning of the subject parcel was unanimously approved by the Village board on said date.

Illegal Spot-Zoning

4. The applicant did not provide any evidence as to how the annexation and re-zoning of said parcel of land from farmland to light industrial use had a substantial relationship to the public welfare of the surrounding area, even though it is in direct conflict with all of the zoning for farmland use of the surrounding properties. No evidence as to how it would advance public welfare was considered at all.

5. The Village’s annexation and re-zoning of the subject property was a quintessential example of spot zoning without legal justification that is antithetical to and prohibited by Florida Law. *Under Dade County v. Inversions Rafamar*, 348 So.2d 1235 (Fla. 3rd DCA 1977) (the applicant for re-zoning of a parcel of land has the burden to show that the re-zoning has a substantial relationship to the public welfare).

Illegal Creation of Land Enclave

5. The re-zoning and annexation of the subject parcel by the Village resulted in the creation of land enclave because the subject property is now completely surrounded by unincorporated martin county farmland, with the exception of small, narrow strip of land that was left unannexed and not re-zoned (the remaining acres of the 8,000 acre parcel purchased by Tesoro Groves). These types of land annexations resulting in land enclaves are prohibited by Florida Law.

6. Although a small, keyhole access point was left by the annexation, these small key-hole/flagpole land enclaves have been found to be violative of the spirit of Florida Statutes §171.044 by creating practical enclaves. See *City of Largo v. Pinellas County*, 408 So. 2d 1035 (Fla. 2d DCA 1981); *Board of County Commissioners v. City of Cocoa*, 356 So. 2d 1305 (Fla. 1st DCA 1978); *Town of Palm Beach Sho. Palm Beach County*, 359 So. 2d 845 (Fla. 4th DCA 1978); *City of Hollywood v. Broward County*, 432 So. 2d 129 (Fla. 4th DCA 1983).

7. The fact that the annexation and re-zoning of the subject parcel is in direct contravention and antithetical to the Village's Comprehensive Plan (which is to maintain a small-town, rural character) and the Villages Policy L5.2.1 (Agricultural Land Preservation and Compatibility), makes evident that the Village's Public Welfare was not considered in the decision.

7. In fact, the Village's own future land use map, which was dated August 17, 2020, designates the subject parcel as zoned for heavy industrial use, suggesting that the Village had long decided to re-zone the subject parcel for heave industrial use long before the application was submitted by FPL and long before public input was considered on the issue.

8. The Village's failure to consider public welfare prior to approving the application was also made evident during the April 16, 2026, regarding FPL' application when the Village's Staff Planner, Deena Freeman, stated on the record the Village was at capacity with water without any industrial use of land in the Village. In spite of the Village's recognition that water was at capacity, FPL' application was approved without a cumulative aquifer impact analysis in violation of LDR Chapter 7 (Adequate Public Facilities).

9. The Kimley-Horn surficial aquifer modeling contract (\$23,866) was on the April 23 consent agenda and disappeared entirely from the April 30 agenda — it was never completed before final adoption.

COUNT I
DECLARATORY JUDGMENT

(all Defendants)

10. Plaintiffs re-allege all of the allegations set forth in paragraphs 1-9 above as though fully stated herein.

11. There is a Bonafide, actual, present practical need for the declaration.

12. The declaration deals with a present, ascertained or ascertainable state of facts or present controversy as to a state of facts.

13. some immunity, power, privilege or right of the complaining party is dependent upon the facts or the law applicable to the facts.

14. There are some person or persons that have, or reasonably may have an actual, present, adverse and antagonistic interest in the subject matter, either in fact or law.

15. The antagonistic or adverse interests are all before the court by proper process or class representation.

16. The relief sought is not merely giving of legal advice or to answer questions propounded from curiosity.

WHEREFORE, in light of the foregoing, the above styled Plaintiffs respectfully request that this Honorable Court enter a declaratory judgment, pursuant to Florida Statutes § 86.021,

- a. as to the legality of the annexation and rezoning of subject Parcel by the Village of Indiantown or whether same is impermissible as illegal spot-zoning or as an illegal land enclave pursuant to Florida law;
- b. and granting any and all other relief the court deems just and proper.

COUNT II
INJUNCTIVE RELIEF
(All Defendants)

17. Plaintiffs re-allege all of the allegations set forth in paragraphs 1-9 above as though fully stated herein.

18. Plaintiffs have suffered an irreparable injury as a result of FPL's application for re-zoning of the subject parcel and the resulting act of annexation and rezoning of the subject parcel by the Village.

19. The remedies available at law, such as monetary damages, are inadequate to compensate for that injury.

20. Considering the balance of hardships between the Plaintiff and Defendant, a remedy in equity is warranted.

21. The public interest would not be disserved by the entry of a permanent injunction against Defendants, prohibiting the allowance and use of the subject parcel for industrial purposes

WHEREFORE, in light of the foregoing, the above styled Plaintiffs request that this Honorable Court enter a permanent injunction against the allowance by the Villages and the industrial use by FPL of the subject parcel, and granting any and all other relief the court deems just and proper.

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