



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## STAFF REPORT

### *Application Information*

## HOBE SOUND STORAGE MAJOR FINAL SITE PLAN

Applicant:	Live Oak Capital Partners (Steve Tedder)
Property Owner:	Employees Money Purchase Pension Plan & Trust of Boca Cardiology Associates Babic & Vinci PA FBO Stephen Babic
Agent for Applicant:	Thomas Engineering Group, LLC (Brandon Ulmer)
County Project Coordinator:	Brian Elam, PMP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	H164-002
Record Number:	DEV2022110009
Report Number:	2024_1211_H164-002_DRT_STAFF_FINAL
Application Received:	01/09/2023
Transmitted:	01/11/2023
Date of Report:	03/02/2023
Application Received:	07/12/2023
Transmitted:	07/13/2023
Date of Report:	12/14/2023
Application Received:	05/08/2024
Transmitted:	05/08/2024
Date of Report:	07/16/2024
Application Received:	08/02/2024
Transmitted:	08/07/2024
Date of Report:	10/18/2024
Additional Materials Received:	11/18/2024
Date of Report:	12/11/2024

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**B. Project description and analysis**

This is a request by Thomas Engineering Group, LLC on behalf of Live Oak Capital Partners for approval of a Major Final Site Plan to construct a 3-story, approximately 94,132 square foot residential storage facility and associated infrastructure on an approximate 4-acre undeveloped property. The property is located east of SE Federal Highway approximately 0.28 miles south of SE Heritage Boulevard, south of the Bethel Lutheran Church in Hobe Sound. Included in this application is a request for a Certificate of Public Facilities Reservation.

The future land use designation for the subject property is Medium Density with a RS-6, Medium Density Residential District zoning. Access to the property is proposed from one location from SE Federal Highway. The property is abutting conservation land to the south and a church located on medium density land use to the north. The proposed use is not permitted in the existing zoning and requires approval of a separate application amending the Future Land Use Map (FLUM) to assign a Commercial General future land use and General Commercial zoning district.

**C. Staff recommendation**

The specific findings and conclusion of each review agency related to this request are identified in Section F through T of this report. The current review status for each agency is as follows:

<b>Section</b>	<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
F	Comprehensive Plan Review	Brian Elam	772-288-5501	Comply
F	ARDP Review	Brian Elam	772-288-5501	Comply
G	Site Design Review	Brian Elam	772-288-5501	N/A
H	Commercial Design Review	Brian Elam	772-288-5501	Comply
H	Community Redevelopment Review	Brian Elam	772-288-5501	N/A
I	Property Management Review	Ellen MacArthur	772-221-1334	N/A
J	Environmental Review	Shawn McCarthy	772-288-5508	Comply
J	Landscaping Review	Karen Sjöholm	772-288-5909	Comply
K	Transportation Review	James Hardee	772-288-5470	Comply
L	County Surveyor Review	Tom Walker	772-288-5928	N/A
M	Engineering Review	Matthew Hammond	772-288-5512	Comply
N	Addressing Review	Emily Kohler	772-288-5692	Comply
N	Electronic File Submission Review	Emily Kohler	772-288-5692	Comply
O	Water and Wastewater Review	Kim McLaughlin	772-546-6259	Comply
O	Wellfields Review	Jorge Vazquez	772-221-1448	N/A
P	Fire Prevention Review	Doug Killane	772-419-5396	Comply
P	Emergency Management Review	Sally Waite	772-219-4942	N/A
Q	ADA Review	Kaitlyn Zanello	772-288-5920	Comply
R	Health Department Review	Juan Lameda	772-219-1200	N/A
R	School Board Review	Nicholas Clifton	772-221-4090	N/A
S	County Attorney Review	Elysse A. Elder	772-288-5925	Ongoing
T	Adequate Public Facilities Review	Brian Elam	772-288-5501	Comply

**D. Review Board action**

This application meets the threshold requirements for processing as a major development MARTIN COUNTY, FLA., LDR, §10.2.C.1. (2024). Review of this application is required by the Local Planning Agency (LPA) and final action by the Board of County Commissioners (BCC). Both the LPA and the BCC meetings must be public hearings MARTIN COUNTY, FLA., LDR, §10.5.F.9. (2023).

Pursuant to Sections 10.1.E. and 10.2.B.2., Land Development Regulations, Martin County, Fla. (2024), it shall at all times be the applicant’s responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

The applicant addressed the non-compliance findings from the staff report dated, October 18, 2024 with the resubmittal dated November 18, 2024. The previous staff reports, and resubmittals are incorporated herein by reference. It shall at all times be the applicant’s responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

**E. Location and site information**

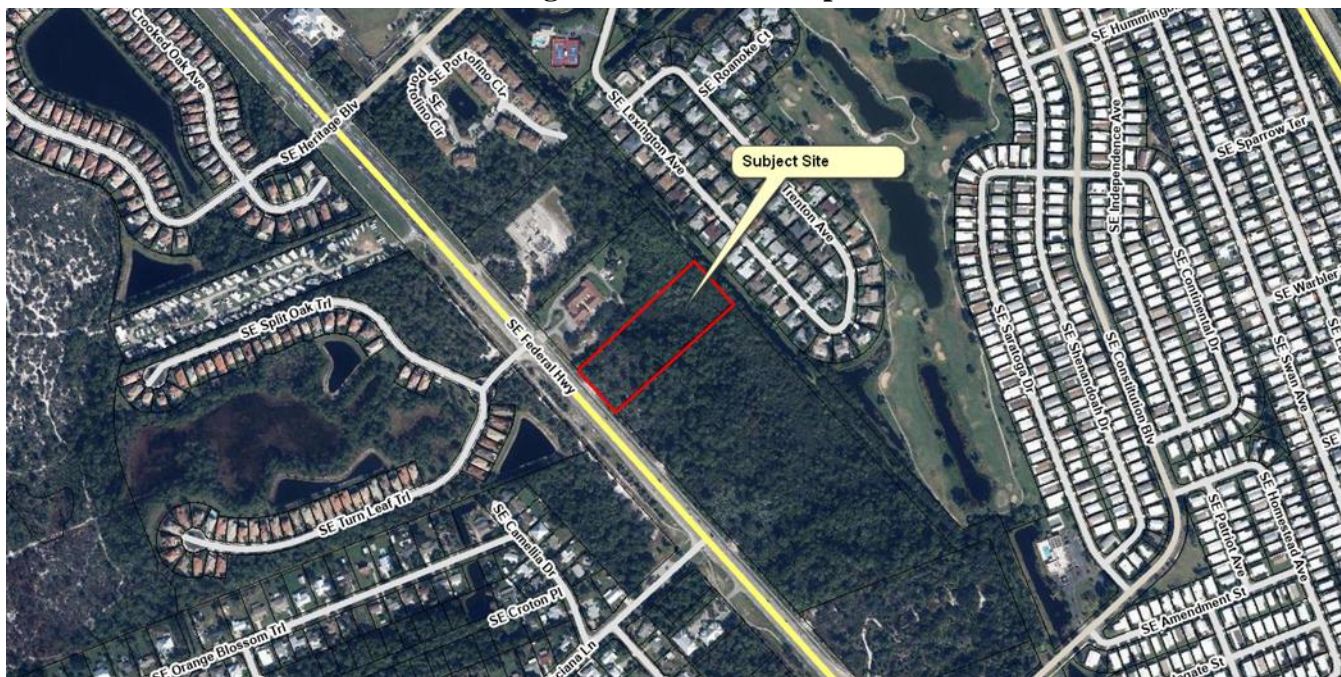
Parcel number:	343842000140001406
Address:	Unassigned
Existing zoning:	RS-6, Medium Density Residential District
Future land use:	Medium Density
Nearest major road:	SE Federal Highway
Gross area of site:	4.01 acres
Non-residential gross floor area:	30,655 square feet

**Table 1: Abutting Properties Details**

Direction	Development	Future Land Use	Zoning
Direction	Development	Future Land Use	Zoning
North	Church	Medium Density	RM-8 – Medium Density Residential
South	Undeveloped	Conservation	PC – Public Conservation District
East	ROW	N/A	N/A



**Figure 1: Location Map**



**Figure 2: Subject Site Aerial**





**Figure 3: Zoning Atlas**



**Figure 4: Future Land Use Map**



**F. Determination of compliance with Comprehensive Growth Management Plan requirements – Growth Management Department**

**CONTINGENCY ON FUTURE LAND USE CHANGE**

The proposed use is not permitted in the existing zoning and requires approval of a separate application amending the Future Land Use Map (FLUM) to assign a Commercial General future land use and General Commercial (GC) zoning district.

**Findings of Compliance:**

Staff has reviewed this application and finds that it complies with the LDR, as detailed within this report. Staff recommends approval of this development application as consistent with the guidelines and standards of the applicable Comprehensive Plan goals, objectives and policies, as implemented in the LDR.

***G. Determination of compliance with land use, site design standards, zoning and procedural requirements – Growth Management Department***

**Findings of Compliance:**

Staff has reviewed this application and finds that it complies with the LDR, as detailed within this report. Staff recommends approval of this development application as consistent with the guidelines and standards of the applicable Comprehensive Plan goals, objectives and policies, as implemented in the LDR.

**Information #1:**

**NOTICE OF A PUBLIC HEARING:**

The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days (seven calendar days if the application is being expedited pursuant to section 10.5.E.) prior to the public hearing by the applicant to all owners of real property located within a distance of 500 feet of the boundaries of the affected property. For development parcels which lie outside of or border the primary urban service district, the notification distance shall be increased to 1000 feet. In addition, notice shall be mailed to all homeowner associations, property owners associations, condominium associations and the owners of each condominium unit within the notice area MARTIN COUNTY, FLA., LDR §10.6.E.1. (2019).

**Information #2:**

**LAND CLEARING**

No land clearing is authorized prior to the pre-construction meeting for the project. Authorization for clearing to install erosion control devices and preserve barricades will be granted at the pre-construction meeting. No additional land clearing shall commence until a satisfactory inspection of the required control structures and barricades has been obtained. Authorization for the relocation of gopher tortoises within the development, as provided for by applicable state agency permits may be granted by the Growth Management Department MARTIN COUNTY, FLA., LDR SECTION 10.14.C. (2023).

**Information #3:**

**PARKING RATE ADJUSTMENT**

Applicant received approval for a parking rate adjustment pursuant MARTIN COUNTY, FLA., LDR SECTION 4.625. (2009).

***H. Determination of compliance with urban design and community redevelopment requirements – Community Redevelopment Department***

**Commercial Design**



**Findings of Compliance:**

Development review staff have reviewed the application and finds that it complies with Article 4, Division 20, Commercial Design Standards of the Martin County Land Development Regulations.

**Community Redevelopment Area**

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

***I. Determination of compliance with the property management requirements – Engineering Department***

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

***J. Determination of compliance with environmental and landscaping requirements – Growth Management Department***

**Environmental**

**Finding of Compliance:**

The Growth Management Department Environmental Division staff has reviewed the application and finds it in compliance with the applicable land development regulations. A Preserve Area Management Plan (PAMP) will be approved with the development order that will establish a 2.16-acre wetland preserve area, a wetland buffer (0.33 acres) comprised of rare, unique upland habitat (maritime hammock) and a upland preserve (0.14 acres) comprised of upland scrub. The total area under preservation for the site will be approximately 2.61 acres or about 65% of the site.

**INFORMATIONAL COMMENT:**

After a county development order is issued, the property owner and/or agent is responsible for obtaining a gopher tortoise relocation permit from Florida Fish and Wildlife Conservation Commission (FWC). All necessary permits, or a current 100% gopher tortoise survey showing no gopher tortoises exist onsite, shall be submitted to the growth management department, environmental division for review. The gopher tortoise survey shall be no greater than 90 days old at the time of review. No land clearing will be authorized until this information is received. No land clearing, including installation of erosion control barricades, can take place prior to the pre-construction meeting.

**Landscaping**

**Findings of Compliance**

The Growth Management Department staff has reviewed the application and finds it in compliance with the applicable Land Development Regulations regarding landscaping. The applicant has proposed construction of a residential storage facility. The applicant has submitted landscape plans that provide 30,146 s.f. of landscape area which equates to 33% of the 60,526 s.f. development area to document compliance with Section 4.663.A.1., Land Development Regulations, Martin County, Fla. (2013). Pursuant to this regulation a minimum of 20% of the total development area shall be landscaped.

Section 4.663.A.3.b. Land Development Regulations, Martin County, Fla. (2013) requires that all nonresidential development provide at least one tree per 2,500 sq. ft. of site area; a total of 25 trees for

this project. To demonstrate compliance the applicant has proposed the planting of 46 trees and preservation of 5 existing trees (equal to 13 tree credits) for this 60,526 sq. ft. site.

Landscaped bufferyards are required between differing land uses and along certain transportation corridors. Martin County, Fla Section 4.663.B.1.a, (2013). Surrounding land use on the north and south is institutional general so no land use buffer is required.

Section 4.663.A.4.b.1, 2, , and 3., Land Development Regulations, Martin County, Fla. (2013) requires one 500 s.f. landscape area with 2 trees (3" dbh or greater) for each 5000 s.f. of interior vehicular use area. This project has 8,875 sq.ft. of paving and the applicant is proposing the installation of 8 native trees within the vehicular use area of the site.

Alterations cannot be made to the plans after final site plan approval. Any alteration may require an application to amend the affected approved plans.

The applicant is cautioned to consider the placement of utilities and any underground or above ground site improvement that could cause a conflict with the landscaping and possibly cause a change or amendment.

As-built landscape plans submitted prior to the release of a certificate of occupancy will be checked against the approved drawings. Inconsistencies may block the issuance of the certificate of occupancy and cause the applicant to begin the application process for a change or an amendment to the development order.

Note: Tree Disposition and clearing plans indicate the removal of 4 dead trees within the preserve area. Dead trees provide important wildlife habitat. These trees do not appear will be a hazard for people or structures. Removal would likely cause disturbance of the preserve therefore these trees should not be removed.

#### ***K. Determination of compliance with transportation requirements – Engineering Department***

##### **Findings of Compliance:**

The Traffic Division of the Public Works Department finds this application in compliance.

##### **Compliance with Adequate Public Facilities Ordinance:**

This application satisfies the Adequate Public Facilities Standard; it has a De Minimis impact (an impact that would not affect more than one percent of the maximum volume at the adopted level of service of the affected road facility). [Martin County, Fla., LDR Article 5, Division 1, Section 5.3 (2009)]

#### ***L. Determination of compliance with county surveyor – Engineering Department***

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.



***M. Determination of compliance with engineering, storm water and flood management requirements  
– Engineering Services Division***

**Findings of Compliance**

COMPLIANCE WITH ADEQUATE PUBLIC FACILITIES ORDINANCE:

This project will provide the proposed development sufficient services based upon the adopted Level-of-Service for stormwater management facilities.

**Findings of Compliance:**

The application was reviewed for compliance with the following Divisions of the Land Development Regulations. Staff's finding is summarized after each:

Division 8- Excavation, Fill, and Mining: The applicant demonstrated in the Engineer's Opinion of Probable Excavation, Fill, and Hauling that the amount of proposed excavation balances with the amount of fill needed for the site; therefore, hauling material from the site is not approved with this Development Order. The applicant demonstrated compliance with Division 8.

Division 9- Stormwater Management: The applicant has demonstrated the proposed development will retain the 25-year, 3-day storm event prior to discharging into an adjacent wetland connected to the East Fork Creek drainage basin. The applicant proposed a stormwater system consisting of dry retention areas and supporting drainage infrastructure. The applicant demonstrated the water quality volume is being met in the proposed prior to discharging; thereby, the required attenuation and water quality treatment is in compliance with Division 9.

Division 10- Flood Protection: The site does not fall within a Special Flood Hazard Area. The applicant demonstrated that the minimum finished floor elevation of 17.75 feet NAVD is set at or above the maximum predicted stage of the 100-year 3-day storm event (16.72 feet NAVD); therefore, the applicant demonstrated compliance with Division 10.

Division 14- Parking and Loading: The applicant demonstrated compliance with the parking and loading requirements set forth in Division 14 with the design and layout of the proposed on-site parking facilities.

Division 19- Roadway Design: The applicant has demonstrated compliance with Division 19 with the design of the proposed turn land and connection to SE Federal Highway.

DEVELOPMENT ORDER CONDITIONS:

The Owner is not authorized to haul fill off the site and must coordinate with the County Engineer regarding the routes and timing of any fill to be hauled to the site. The Owner must comply with all County excavation and fill regulations.

***N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments***

**Addressing**

**Findings of Compliance**

The application has been reviewed for compliance with Division 17, Addressing, of the Martin County Land Development Regulations. Staff finds that the proposed site plan / plat complies with applicable addressing regulations. All street names are in compliance. They meet all street naming regulations in Article 4, Division 17, Land Development Regulations. Martin County, Fla. (2023).

**Electronic File Submittal**

**Findings of Compliance:**

The AutoCAD dwg file of the site plan was received and found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2024).

***O. Determination of compliance with utilities requirements – Utilities Department***

**Water and Wastewater Service**

South Martin Regional Utility (SMRU) is the water and sewer utility provider for this project. Developments served by SMRU must receive and submit a letter of capacity reservation directly from the Utility. Please contact SMRU to obtain a reservation letter to demonstrate utility compliance. [ref. South Martin Regional Utility, Regulations, Policies, and Procedures; Section 1.2 “Utility Capacity Reservation Process”]

**Wellfield and Groundwater Protection**

**Findings of Compliance:**

The application has been reviewed for compliance under the Wellfield Protection Program. The reviewer finds the application in compliance with the Wellfield Protection and Groundwater Protection Ordinances. [Martin County, Fla., LDR, Article 4, Division 5] (2016)

***P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department***

**Fire Prevention**

**Finding of Compliance**

The Fire Prevention Division finds this submittal to be in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code. This occupancy shall comply with all applicable provisions of governing codes whether implied or not in this review, in addition to all previous requirements of prior reviews.

Applicant agrees to comply with documented requests.

The drive aisle has limited staging capabilities for fire apparatus. A fire lane needs to be created beyond the roadway at the FDC location.

Standpipes will be required in the structure.

### **Emergency Management**

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

#### ***Q. Determination of compliance with Americans with Disability Act (ADA) requirements – General Services Department***

##### **Findings of Compliance:**

The Public Works Department staff has reviewed the application and finds it in compliance with the applicable Americans with Disability Act requirements. [2020 Florida Building Code, Accessibility, 7th Edition]

#### ***R. Determination of compliance with Martin County Health Department and Martin County School Board***

##### **Martin County Health Department**

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

##### **Martin County School Board**

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

#### ***S. Determination of compliance with legal requirements – County Attorney's Office***

Review ongoing.

#### ***T. Determination of compliance with adequate public facilities requirements – responsible departments***

The following is a summary of the review for compliance with the standards contained in Article 5.32.D of the Adequate Public Facilities LDR for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities service provider - SMRU

Findings - Positive Evaluation

Source – SMRU

Reference - see Section O of this staff report

Sanitary sewer facilities service provider - SMRU

Findings - Positive Evaluation

Source – SMRU

Reference - see Section O of this staff report

Solid waste facilities

Findings - In Place

Source - Growth Management Department

Stormwater management facilities



Findings - Positive Evaluation

Source - Engineering Services Department

Reference - see Section M of this staff report

Community park facilities

Findings - In Place

Source - Growth Management Department

Road's facilities

Findings - Positive Evaluation

Source – Engineering Services Department

Reference - see Section M of this staff report

Mass transit facilities

Findings - Positive Evaluation

Source - Engineering Services Department

Reference - see section K of this staff report

Public safety facilities

Findings – In Place

Source - Growth Management Department

Reference - see Section P of this staff report

Public school facilities

Findings – N/A

Source - Growth Management Department

Reference - see Section R of this staff report

A timetable for completion consistent with the valid duration of the development is to be included in the Certificate of Public Facilities Reservation. The development encompassed by Reservation Certificate must be completed within the timetable specified for the type of development.

***U. Post-approval requirements***

After approval of the development order, the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Please submit all of the following items in a single hard copy packet. Once submitted, a unique Sharebase link will be provided to the agent via email. CDs and Flash Drives are no longer accepted for post approval submittals. The 24" x 36" plans should be submitted rolled and in separate sets as

itemized below. Please note, the Public Works Department still requires a blank flash drive for the plans that will be stamped as part of post approval process. This flash drive will be distributed to the applicant/engineer of record at the pre-construction meeting. This blank flash drive now needs to be **brand new, unopened in the original package.**

Item	Description	Requirement
1.	Response to Post Approval Requirements List	The applicant will submit a response memo addressing the items on the Post Approval Requirements List.
2.	Post Approval Fees	The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.
3.	Recording Costs	The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.
4.	Warranty Deed	One (1) copy of the recorded warranty deed if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating that no title transfer has occurred.
5.	Unity of Title	Original executed version Unity of Title in standard County format or one (1) copy of the existing recorded Unity of Title for the subject property. <b>Please note the unity of title form has been updated to include witness addresses, please utilize updated form on County's website.</b>
6.	Construction Plans	One (1) 24" x 36" copy of the approved construction plans signed and sealed by the Engineer of Record licensed in the State of Florida. Rolled.
7.	Approved Final Site Plan	One (1) copy 24" x 36" of the approved final site plan.
8.	Approved Landscape Plan	One (1) 24" x 36" copy of the approved landscape plan signed and sealed by a landscape architect licensed in the State of Florida.

Item	Description	Requirement
9.	Approved Elevations	One (1) 24" x 36" copy of the approved elevation drawings signed and sealed by a licensed architect.
10.	Digital Copy of Site Plan	One (1) digital copy of site plan in AutoCAD 2010 – 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.
11.	Engineer's Design Certification	Original of the Engineer's Design Certification, on the County format, which is available on the Martin County website, signed and sealed by the Engineer of Record licensed in the State of Florida.
12.	South Martin Regional Utilities Reservation	Proof of capacity reservation and fees paid to South Martin Regional Utilities (SMRU). The original agreement and payment shall be coordinated directly with SMRU prior to submittal of the post approval package to Growth Management.
13.	Flash/Thumb Drive	One unopened (1) blank USB flash/thumb drive, in the original package, which will be utilized to provide the applicant with the approved stamped and signed project plans at the pre-construction meeting.

#### ***V. Local, State, and Federal Permits***

Approval of the development order is conditioned upon the applicant's submittal of all required applicable Local, State, and Federal Permits to Martin County prior to scheduling the pre-construction meeting.

#### ***W. Fees***

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$9,127		\$0.00
Inspection fees:	\$4,000		\$4,000
Advertising fees *:			
Recording fees **:			
Impact fees***:			

\* Advertising fees will be determined once the ads have been placed and billed to the County.

\*\* Recording fees will be identified after the post approval package has been submitted.

\*\*\*Impact fees are required at building permit.



## **X. General application information**

Applicant: Live Oak Capital Partners  
Steve Tedder  
430 Plasters Avenue NE, Suite 200  
Atlanta, Georgia 30324  
404-202-6121  
stedder@liveoakcp.com

Owner: Employees Money Purchase Pension Plan & Trust of BOCA Cardiology  
Associates Babic & Vinci PA FBO Stephen Babic  
Stephen Babic MD TTEE  
7155 Queenferry Circle  
Boca Raton, Florida 33496

Agent: Thomas Engineering Group, LLC  
Brandon Ulmer  
125 West Indiantown Road, Suite 206  
Jupiter, Florida 33458  
561-203-7503  
bulmer@thomaseg.com

Engineer of Record: Thomas Engineering Group, LLC  
Brandon Ulmer  
125 West Indiantown Road, Suite 206  
Jupiter, Florida 33458  
561-203-7503  
bulmer@thomaseg.com

## **Y. Acronyms**

ADA	Americans with Disability Act
AHJ	Authority Having Jurisdiction
ARDP	Active Residential Development Preference
BCC	Board of County Commissioners
CGMP	Comprehensive Growth Management Plan
CIE	Capital Improvements Element
CIP	Capital Improvements Plan
FACBC	Florida Accessibility Code for Building Construction
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
LDR	Land Development Regulations
LPA	Local Planning Agency

MCC	Martin County Code
MCHD	Martin County Health Department
NFPA	National Fire Protection Association
SFWMD	South Florida Water Management District
W/WWSA	Water/Wastewater Service Agreement

***Z. Attachments***