



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. *Application Information*

WEST JENSEN PUD PHASE 1B, PARCEL 12.7, PUD REVISED FINAL SITE PLAN (A/K/A Fifth Third Bank)

Applicant:	BW Jensen Federal LLC
Property Owner:	BW Jensen Federal LLC
Agent for the Applicant:	Bowman Consulting Group
County Project Coordinator:	John Sinnott, Senior Planner
Growth Management Director:	Paul Schilling
Project Number:	W038-110
Record Number:	DEV2023090007
Report Number:	2024_1031_W038-110_Staff_Report_Final
Application Received:	09/28/2023
Transmitted:	10/02/2023
Date of Report:	01/11/2024
Application Received:	02/27/2024
Transmitted:	02/29/2024
Date of Report:	04/26/2024
Application Received:	05/30/2024
Transmitted:	06/03/2024
Date of Report:	07/19/2024
Application Received:	08/22/2024
Transmitted:	08/27/2024
Date of Report:	10/31/2024

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback.

B. *Project description and analysis*

This is a request by Bowman Consulting Group on behalf of BW Jensen Federal LLC for a PUD revised

final site plan approval to develop an approximately 2,417 square-foot bank building with drive-through teller lanes. The 1.54-acre site contains a vacant restaurant building located at 4110 NW Federal Highway in Jensen Beach. The site is located at the southwest corner of NW Eugenia Street and NW Federal Highway. Included is a request for a Certificate of Public Facilities Exemption.

The site has a designated future land use of General Commercial and is zoned PUD-WJ, West Jensen Planned Unit Development District. The site consists of parcel 12.7 within Phase 1B of the West Jensen Planned Unit Development/Development of Regional Impact (PUD/DRI), which was originally approved in 1989 and has been subsequently revised. The proposed site/project is consistent with the most recent revised master plan, which was approved on November 22, 2022, as part of the 14th Amendment to the PUD zoning agreement. The non-residential portion of Phase 1B consists of approximately 130 acres located along the US-1 and Goldenrod Road corridor. This development has established concurrency pursuant to the approved DRI and does not result in any increases in square footage, area, or intensity of development as previously approved and vested and therefore qualifies for a Certificate of Public Facilities Exemption.

Access will be provided via existing driveways. No direct access will be provided from NW Federal Highway. The project is located inside the Primary Urban Services District with water and wastewater services available from Martin County Utilities.

C. Staff recommendation

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

Section	Division or Department	Reviewer	Phone	Assessment
F	Comp Planning Review	John Sinnott	772-320-3047	Comply
G	Site Design Review	John Sinnott	772-320-3047	Comply
H	Community Redevelopment Review	John Sinnott	772-320-3047	N/A
H	Commercial Design Review	John Sinnott	772-320-3047	Comply
I	Property Mgmt 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	Stephanie Piche	772-223-4858	Comply
L	County Surveyor Review	Tom Walker	772-288-5928	N/A
M	Engineering Services Review	Stephanie Piche	772-223-4858	Comply
N	Addressing Review	Emily Kohler	772-288-5400	Comply
N	Electronic File Submission Review	Emily Kohler	772-288-5400	Comply
O	Wellfield Review	Jorge Vazquez	772-221-1448	Comply
O	Water and Wastewater Review	Jorge Vazquez	772-221-1448	Comply
P	Emergency Mgmt Review	Sally Waite	772-285-2298	N/A
P	Fire Prevention Review	Doug Killane	772-419-5396	Comply
Q	ADA Review	Stephanie Piche	772-223-4858	Comply

R	Health Review	Nick Clifton	772-221-4090	N/A
R	School Board Review	Mark Sechrist	772-219-1200	N/A
S	County Attorney Review	Elysse Elder	772-288-5925	Ongoing
T	Adequate Public Facilities Review	John Sinnott	772-320-3047	Exemption

D. Review Board action

This application meets the threshold requirements for processing as a PUD Final Site Plan with a previously approved Master Plan. As such, final action on this request will be taken by the Board of County Commissioners (BCC) in a public meeting pursuant to 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. (2019), 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 July 19, 2024, with the resubmittal dated August 22, 2024, and additional materials received between September 4, 2024, and October 29, 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: 18-37-41-006-000-00010-0

Address: 4110 Northwest Federal Highway, Jensen Beach, Florida

Existing Zoning: West Jensen PUD

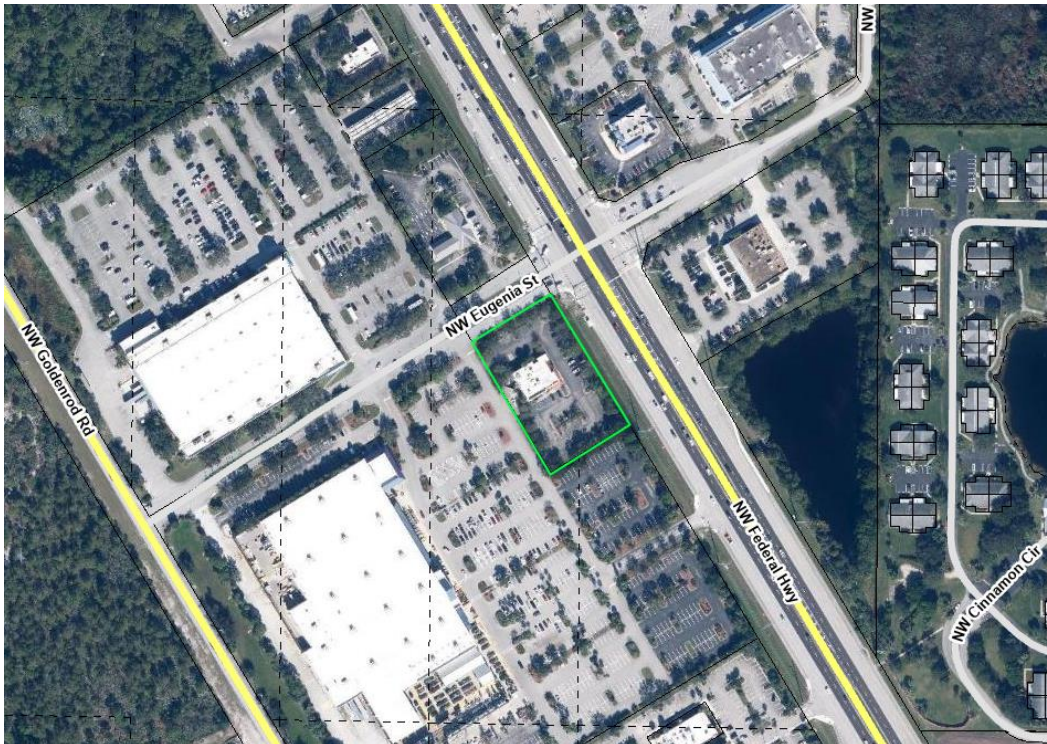
Future Land use: General Commercial

Gross area of site: 1.54 acres

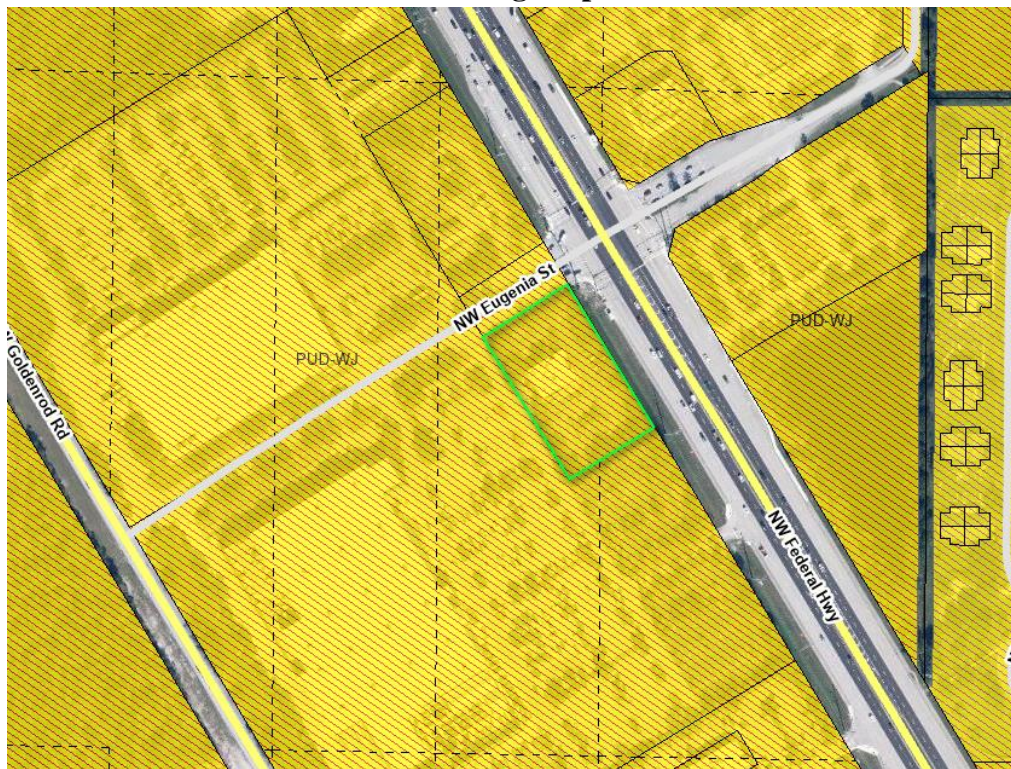
Non-residential gross floor area: 2,417 square feet

[Remainder of page intentionally left blank]

**Figure I:
Location Map**



**Figure II:
Zoning Map**



Zoning districts of surrounding properties: West Jensen PUD

**Figure III:
Future Land Use Map**



Future land use designation of surrounding properties: General Commercial

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

Findings of Compliance:

Staff has reviewed this application and finds that 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:

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. (2019)

H. Determination of compliance with the urban design and community redevelopment requirements – Community Development Department

Community Redevelopment

N/A - The proposed project is not located within a Community Redevelopment Area. Therefore, the Community Redevelopment Area reviewer was not required to review this application.

Commercial Design

Findings of Compliance:

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

The decision-maker for a particular development application, as determined by Article 10, Development Review Procedures, may approve a design plan that varies from the standards set forth in Article 4, Division 20 in order to accommodate unique site features or to provide a more innovative design, provided that the decision-maker finds that the alternative plan generally fulfills the purpose and intent as set forth in Section 4.871 or complies to the maximum extent practicable considering the configuration of the development that existed prior to the effective date of Division 20.

The following Alternative Compliance is requested:

1. Relief from building massing requirements of Section 4.872.D.2.a for the northeast façade
2. Relief from roofline variation requirements of Section 4.872.G.2.a for the southeast façade in order to accommodate HVAC equipment screening

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

Findings of Compliance:

The Growth Management Department Environmental Division staff has reviewed the application and finds it in compliance with the applicable land development regulations.

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 revisions for a PUD Master and Final Site Plan.

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 uses are commercial so non-compatibility buffers are not required. However, original development agreements and Master Plan approvals requires the establishment of a 30 foot native landscape buffer along Federal Highway/US 1 and along NW Eugenia on the north. These buffers are required to include preservation of existing vegetation for use in the buffers as opposed to clearing and replanting designed landscapes. [Section 4.663.B., LDR] & The Jensen Beach Town Center Design Guidelines.

After numerous discussions with the design team, site contractors, and owner representatives, an agreement was reached that the existing saw palmetto and oak trees would not be removed. Notations were added to all plans & permits. However, even though a development order has not yet been approved, and in violation of County Codes, a contractor removed all of the saw palmetto and has impacted several of the existing oaks and pines.

A satisfactory plan to restore these buffers has been submitted and approved by Martin County staff. A performance bond will be executed to guarantee installation of these restoration plantings.

Additional landscape plantings have been proposed to enhance these native buffers.

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.

K. Determination of compliance with transportation requirements - Engineering Department

Traffic

Findings of Compliance:

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

Compliance with Adequate Public Facilities Ordinance:

Staff has reviewed the Traffic Statement prepared by Bowman dated September 2023. This application satisfies the Adequate Public Facilities Standard; it is exempt as it is a development, a development alteration, or an expansion that does not create additional impact on the roadway network. [Martin County, Fla., LDR Article 5, Division 2, Section 5.32 (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

Engineering

Compliance with Adequate Public Facilities Ordinance:

This project will provide the proposed development sufficient services based upon the adopted LOS 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 no excavation is proposed and only fill will be brought onto 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 is included in the Master Stormwater Management System and proposed deviations from the previous permit will not affect the existing system.

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 16.55-feet NAVD88 is set at or above the previously permitted elevation of 16.53-feet NAVD88.

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- The applicant is not proposing to make modifications to the existing roads (NW Federal Highway and NW Eugenia Street). The applicant has demonstrated compliance with Division 19 with the design of the proposed driveway connections to adjacent parking lot.

Development Order Conditions:

1. 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

Electronic Files

Findings of Compliance:

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

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 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).

O. Determination of compliance with utilities requirements - Utilities Department

Water and Wastewater

Findings of Compliance:

This development application has been reviewed for compliance with applicable statutes and ordinances and the reviewer finds it in compliance with Martin County's requirements for water and wastewater level of service. [Martin County, Fla., LDR, Article 4, Division 6 and 7, (2016)]

Wellfield 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

Findings 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.

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

ADA

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 the adequate public facilities requirements - responsible departments.

The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B.3.a, LDR, Martin County, Fla. (2016). Exempted development will be treated as committed development for which the County assures concurrency.

Examples of developments that do not create additional impact on public facilities include:

- A. Additions to nonresidential uses that do not create additional impact on public facilities;
- B. Changes in use of property when the new use does not increase the impact on public facilities over the pre-existing use, except that no change in use will be considered exempt when the preexisting use has been discontinued for two years or more;
- C. Zoning district changes to the district of lowest density or intensity necessary to achieve consistency with the Comprehensive Growth Management Plan;
- D. Boundary plats which permit no site 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 and in electronic pdf format (on disk or flash drive) with the documents arranged in the order shown in the list below. The 24” x 36” plans should be submitted rolled and in separate sets as itemized below.

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 of the Unity of Title in standard County format or one (1) copy of the existing recorded Unity of Title for the subject property.
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 revised 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.	Performance Bond	A performance bond in the amount of 100% of the estimated cost of the plantings and installation required by the restoration plan. (Due to County within 60 days, post approval submittal extensions are not applicable for this bond item)
10.	Approved Elevations	One (1) 24" x 36" copy of the approved elevation drawings signed and sealed by a licensed architect.
11.	Digital Copy of Site Plan	One (1) digital copy of the site plan in AutoCAD 2010 – 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.
12.	Engineer's Design Certification	One (1) 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 shall be submitted as part of the post-approval process in accordance with Section 10.11, Land Development Regulations, Martin County, Florida.
13.	Water & Wastewater Service Agreement	Original and one (1) copy or two (2) copies of the executed and signed Water and Wastewater Service Agreement with Martin County Utilities and one (1) copy of the payment receipt for Capital Facility Charge (CFC) and engineering and recording fees.
14.	Flash/Thumb Drive	One (1) blank flash/ thumb drive for digital file recording.

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 meeting. 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:	\$9,127.00	\$9,127.00	\$0.00
Inspection fees:	\$4,000.00	\$0.00	\$4,000.00
Advertising fees*:	\$0.00	\$0.00	\$0.00
Recording fees**:	\$0.00	\$0.00	\$0.00

Impact fees***: \$0.00 \$0.00 \$0.00

* 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.

*** Required at issuance of building permit.

X. General application information

Applicant/Owner: BW Jensen Federal LLC
 Timothy A. Simmons
 3708 W. Swann Avenue #200
 Tampa, FL 33609
 260-316-4302
 rcarlson@brightworkre.com

Agent: Bowman Consulting Group
 Kristhian Morales
 910 SE 17th Street, Suite 300
 Fort Lauderdale, FL 33316
 954-884-5264
 kmorales@bowman.com

Engineer of Record: Bowman Consulting Group
 Andres Mizrahi
 910 SE 17th Street, Suite 300
 Fort Lauderdale, FL 33316
 954-884-5262
 amizrahi@bowman.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/Waste Water Service Agreement

Z. Attachments