



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## STAFF REPORT

### A. Application Information

## MARTIN DOWNS PUD PARCEL 38/40 MARTIN DOWNS VILLAGE CENTER REVISED PUD FINAL SITE PLAN

Applicant:	Brixmor Property Group (Leigh Paull, Project Director)
Property Owner:	BRE Throne Martin Downs village Center LLC
Agent for Applicant:	Insite Studio, Inc. (Brian Terry, PLA   Principal)
County Project Coordinator:	Brian Elam, PMP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	M035-216
Record Number:	DEV2023080015
Report Number:	2025_0226_M035-216_DRT_STAFF_FINAL
Application Received:	01/30/2024
Transmitted:	02/05/2024
Date of Report:	04/10/2024
Application Received:	06/12/2024
Transmitted:	06/14/2024
Date of Report:	08/13/2024
Application Received:	11/12/2024
Transmitted:	11/12/2024
Date of Report:	01/11/2025
Additional Items Submitted:	02/19/2025
Date of Report:	02/26/2025

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

### B. Project description and analysis

This is a request by Insite Studio, Inc. on behalf of Brixmor Property Group for approval of a revised final site plan to construct two stand-alone restaurants with drive throughs totaling approximately 4,553 square feet within the parking area of the Village Center, an existing commercial development, located on Parcels 38 and 40 within the Martin Downs PUD. The approximate 20.12-acre property is located on the southwest

corner of SW High Meadow Avenue and SW Martin Downs Boulevard at 3090 SW Martin Downs Boulevard, in Palm City. Included is a request for a Certificate of Public Facilities Reservation.

The Martin Downs PUD Agreement, approved on August 8<sup>th</sup>, 1980, authorized the developer to construct 285,000 square feet of gross leasable floor area for retail and service commercial uses and 248,000 square feet of gross leasable floor area for business and professional office uses.

The 25<sup>th</sup> Amendment of the Martin Downs PUD, approved January 8<sup>th</sup>, 1985, approved the final development plan for parcel 38/40, Martin Downs Village Center. That plan allowed 95,401 square feet of retail and 21,871 square feet of office (total of 117,272 square feet) and provided 683 parking spaces, including 14 ADA spaces and 36 stabilized grass spaces.

The 77<sup>th</sup> Amendment of the Martin Downs PUD, approved January 6<sup>th</sup>, 2009 approved the maximum nonresidential square footage for parcels 38/40 “Village Center” at 102,045 commercial and 21,871 office and included minimum setbacks for all new buildings at 100 feet from Martin Downs Boulevard and 75 feet from High Meadows Avenue.

This application to construct two standalone restaurants with drive-throughs meets all the proposed requirements, which have been documented on the revised final site plan. The applicant received an approval letter from the Martin Downs Property Owners Association for this proposal.

### ***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	Samantha Lovelady	772-288-5664	N/A
G	Site Design Review	Brian Elam	772-288-5501	Comply
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 Sjolholm	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	Kaitlyn Zanello	772-288-5920	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	Jorge Vazquez	772-221-1448	Comply
O	Wellfields Review	Jorge Vazquez	772-221-1448	Comply

P	Fire Prevention Review	Doug Killane	772-419-5396	Comply
P	Emergency Management Review	Sally Waite	772-219-4942	N/A
Q	ADA Review	Stephanie Piche	772-223-4858	Comply
R	Health Department Review	Paul Stemie	772-221-4090	N/A
R	School Board Review	Juan Lameda	772-219-1200	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 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. (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, January 11, 2025 with its resubmittal dated February 19, 2025. 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:	13-38-40-012-000-00010-3
Address:	3078 SW Martin Downs Boulevard, Palm City
Existing zoning:	PUD – Martin Downs
Future land use:	Commercial General
Nearest major road:	SW Martin Downs Boulevard
Gross area of site:	20.12 acres ±
Non-residential gross floor area:	4,553 square feet additional to existing development

Figure 1: Location Map

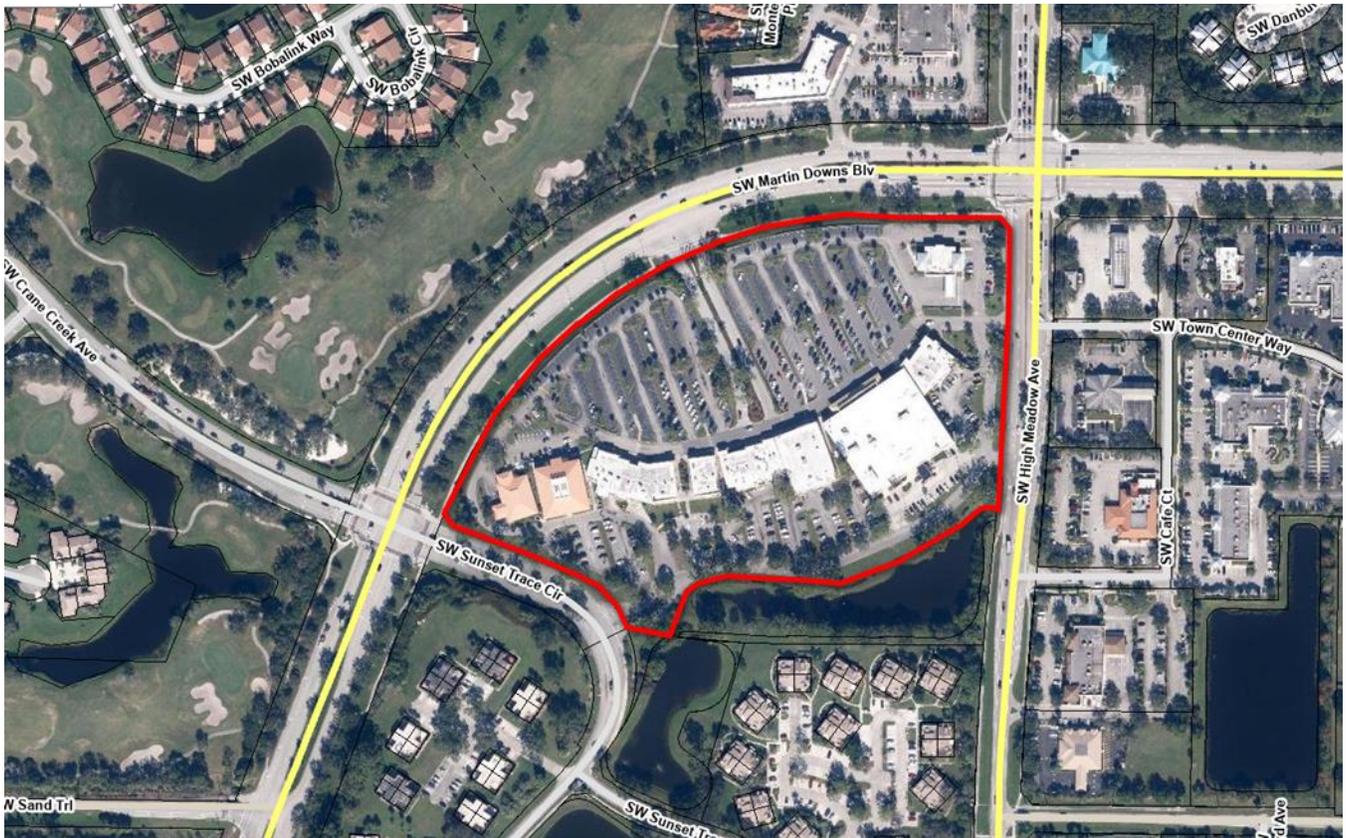


Figure 2: Subject Site Aerial



Figure 3: Zoning Atlas

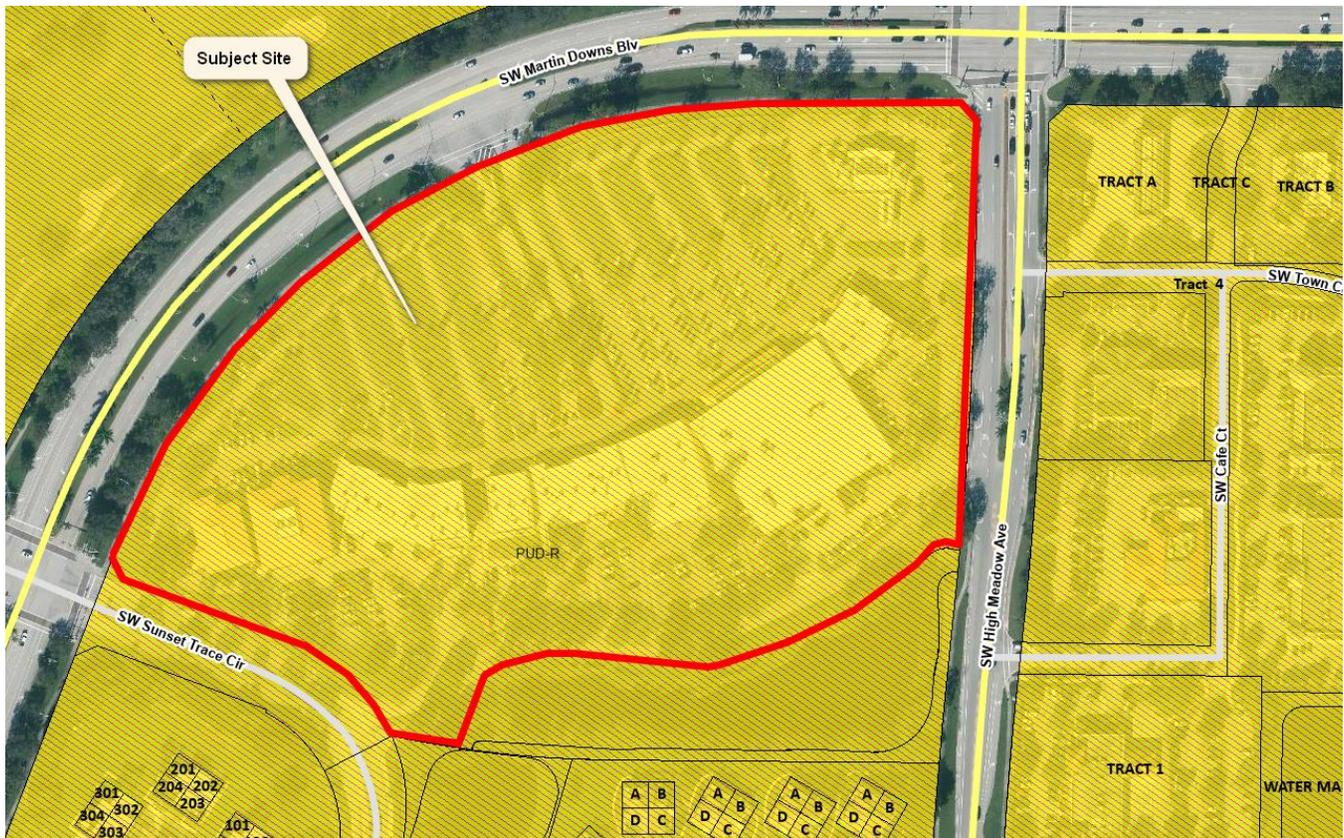
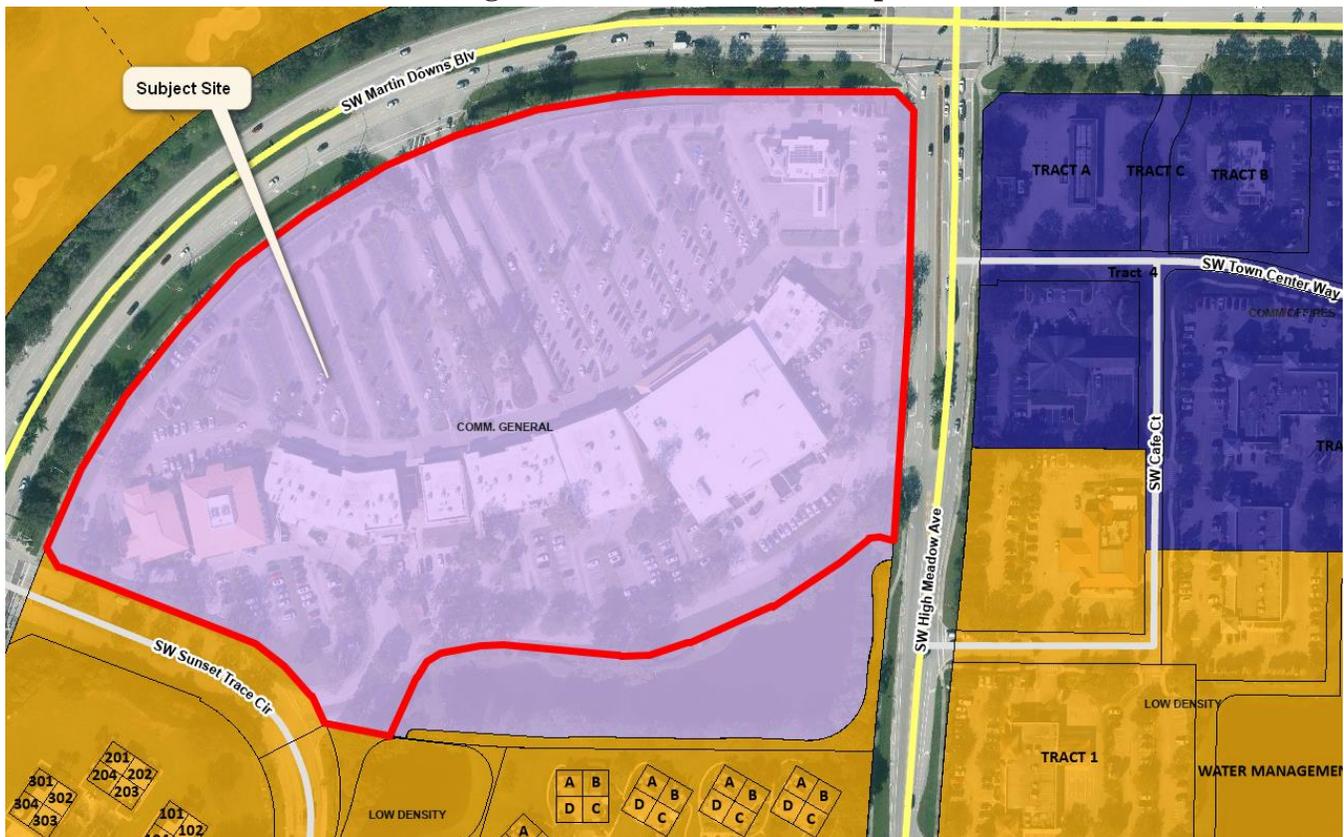


Figure 4: Future Land Use Map



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

**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:**

**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.

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

**Commercial Design**

**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.

**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.

**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 an amendment to a shopping center previously approved and constructed in 1984 to update and improve current conditions. The applicant has submitted plans to allow for the construction of two stand-alone restaurants with drive-throughs within the Martin Downs Village Center PUD.

Over the years the existing landscaping has declined and currently does not meet county standards and codes. The existing infrastructure is to remain predominately unchanged, so it is not possible to demonstrate strict compliance with current codes. However, in association with this renovation project, the applicant is proposing to enhance and bring the landscaping into compliance to the extent feasible.

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 350 trees for this project. To demonstrate compliance the applicant has proposed the planting of 173 shade trees upsized to equal 268 tree credits and preservation of 117 existing trees for a total of 385 trees provided. The establishment of over 3000 native shrubs, grasses and groundcovers will enhance visual aesthetics and provide functional benefit for water quality and stormwater management.

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***

**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 Kimley Horn, dated March 2023. The site's maximum impact was estimated to be 40 directional trips during the AM peak hour. SW Martin Downs Boulevard is the recipient of a majority of the generated trips. The generalized service capacity of SW Martin Downs Boulevard is 2000. The project impact is 2.00% of the generalized volume of that roadway. SW Martin Downs Boulevard is currently operating at a level of service C; it is anticipated to operate at level of service C at buildout (year 2026).

***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 LOS for stormwater management facilities.

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 the proposed development is consistent with the approved existing system; 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 elevations of 15.50-feet NAVD and 15.60-feet NAVD are set at or above the maximum predicted stage of the 100-year 3-day storm event (15.49-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- The applicant is not proposing to make modifications to the existing road (Martin Downs Blvd). The applicant has demonstrated compliance with Division 19.

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. (2024).

**Electronic File Submittal**

**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).

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

**Water and Wastewater Service**

**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 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**

INFORMATIONAL:

WATER SUPPLY

NEEDED FIRE FLOW REQUIREMENT FOR BUILDINGS

Identify the Needed Fire Flow Requirements for all buildings / structures. Fire flow calculations shall be prepared by a professional engineer currently licensed in the state of Florida for each newly constructed building. Per Florida Administrative Code section 61G15-32.004. Fire Protection Engineering documents

shall include the point of service for the water supply, a list of NFPA standards applicable to the project, classification of hazard and occupancy for each room or area, suppression system type, design densities, water supply data (fire pump, hydrant flow test data) and any performance-based information such as pre-engineered systems.

**APPROVED WATER SUPPLY – HYDRANT FLOW TEST**

A hydrant flow test will be required to determine the available water supply to meet the needed fire flow for this project. Contact the Fire Prevention office at (772)288-5633 to schedule the flow test.

**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. (2014 FBC, FIFTH EDITION\ACCESSIBILITY)

***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.

Requirements for these facilities will be regulated by Department of Business and Professional Regulation (DBPR) per Nick Clifton, Florida Department of Health, Martin County.

**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 - Martin County Utilities

Findings - Positive Evaluation

Source – Martin County Utilities

Reference - see Section O of this staff report

Sanitary sewer facilities service provider - Martin County Utilities

Findings - Positive Evaluation

Source – Martin County Utilities

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 – Positive Evaluation

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.	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.

Item	Description	Requirement
6.	Approved PUD Final Site Plan	One (1) copy 24" x 36" of the approved PUD final site plan.
7.	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.
8.	Approved Elevations	One (1) 24" x 36" copy of the approved elevation drawings signed and sealed by a licensed architect.
9.	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.
10.	Engineer's Design Certification	One (1) original of the Engineer's Design Certification, on the <a href="#">County format</a> , 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.
11.	Water & Wastewater Service Agreement	A copy of the executed Water and Wastewater Service Agreement. Original executed agreement and payment shall be provided directly to Martin County Utilities prior to submittal of the post approval package to Growth Management.
12.	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 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	\$9,127	\$0.00
Inspection fees:	\$4,000		\$4,000
Advertising fees *:			

Recording fees \*\*:

Impact fees\*\*\*: N/A

\* 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: Brixmor Property Group  
Leigh Paull, Project Director, Re/Development  
7700 Municipal Drive  
Orlando, Florida 32819  
407-903-2906  
[Leigh.Paull@brixmor.com](mailto:Leigh.Paull@brixmor.com)

Owner: BRE Throne Martin Downs Village Center LLC  
Matthew Ryan, EVP  
450 Lexington Avenue, 13<sup>th</sup> Floor  
New York, New York 10017

Agent: Insite Studio, Incorporated  
Brian Terry, PLA | Principal  
8144 Okeechobee Boulevard, Suite A  
West Palm Beach, Florida 33411  
561-249-0940  
[brianterry@insitestudio.com](mailto:brianterry@insitestudio.com)

Engineer of Record: Kimley-Horn  
Sara R. Battles, PE  
445 24<sup>th</sup> Street, Suite 200  
Vero Beach, Florida 32960  
772-794-4154  
[Sara.Battles@kimley-horn.com](mailto:Sara.Battles@kimley-horn.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**