



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. *Application Information*

SOUTH FLORIDA GATEWAY PUD PLAT INFRASTRUCTURE SITE PLAN

Applicant:	KL Waterside, LLC
Property Owner:	KL Waterside, LLC
Agent for the Applicant:	Lucido and Associates, Morris A. Crady, AICP
County Project Coordinator:	Peter Walden, AICP, Deputy Growth Management Director
Growth Management Director:	Paul Schilling
Project Number:	S265-002
Record Number:	DEV2021050007
Report Number:	2022_0425_S265-001_Staff_Final
Application Received:	07/07/2021
Transmitted:	07/02/2021
Staff Report:	08/09/2021
Resubmittal Received:	11/03/2021
Transmitted:	11/04/2021
Date of Report:	11/29/2021
Resubmittal Received:	02/15/2022
Transmitted:	02/15/2022
Date of Report:	03/16/2022
Revised Report:	04/25/2022

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*

Request PUD plat infrastructure final site plan for an approximate 180 acre subject property which is part of a 500-acre parent tract owned by KL Waterside, LLC. The project is located on the west side of SW Kanner Highway approximately 3/4 of a mile south of SW 96th Street. The property has been used for agricultural purposes, has been cleared and has no wetlands or existing native habitat. Included is a request for a Certificate of Public Facilities Exemption.

The plat infrastructure site plan will provide the basis for future industrial development by creating lots and the associated infrastructure to support the development. Access is proposed on SW Kanner Highway

and water and waste water service is to be provided by Martin County Utilities.

The site received PUD zoning and master site plan approval on February 1, 2022.

The project has received expedited staff review due to the targeted industries proposed for the development.

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	Comprehensive Plan	Peter Walden	219-4923	Comply
F	ARDP	Samantha Lovelady	288-5664	N/A
G	Development Review	Peter Walden	219-4923	Comply
H	Urban Design	Santiago Abasolo	288-5485	N/A
H	Community Redevelopment	Santiago Abasolo	288-5485	N/A
I	Property Management	Ellen MacArthur	288-5794	N/A
J	Environmental	Shawn McCarthy	288-5508	Comply
J	Landscaping	Karen Sjöholm	288-5909	Comply
K	Transportation	Lukas Lambert	221-2300	N/A
L	County Surveyor	Tom Walker	288-5928	N/A
M	Engineering	Clark Bridgman	288-5416	Comply
N	Addressing	Emily Kohler	288-5692	Comply
N	Electronic File Submission	Emily Kohler	288-5692	Comply
O	Water and Wastewater	James Christ	320-3034	Comply
O	Wellfields	James Christ	320-3034	Comply
P	Fire Prevention	Doug Killane	288-5633	Comply
P	Emergency Management	Sally Waite	219-4942	N/A
Q	ADA	Clark Bridgman	288-5416	Comply
R	Health Department	Nicholas Clifton	221-4090	N/A
R	School Board	Kimberly Everman	223-3105	Comply
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Peter Walden	219-4923	Deferral

D. Review Board action

This application meets the threshold criteria for a major development, pursuant to Table 10.2.C.1.B., LDR, Martin County, Fla. (2019), and requires one public meeting before the Board of County Commissioners pursuant to Table 10.5.F.9., LDR, Martin County, Fla. (2019).

The applicant addressed the non-compliance findings from the staff report dated November 29, 2021 with its resubmittal dated February 15, 2021. 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

PCNs: 13-39-40-000-003-00000-1, 18-39-41-000-012-00010-7, 14-39-40-000-001-00020-9

Existing Zoning: Industrial

Future land use: Industrial

Total Site Area: 180 acres

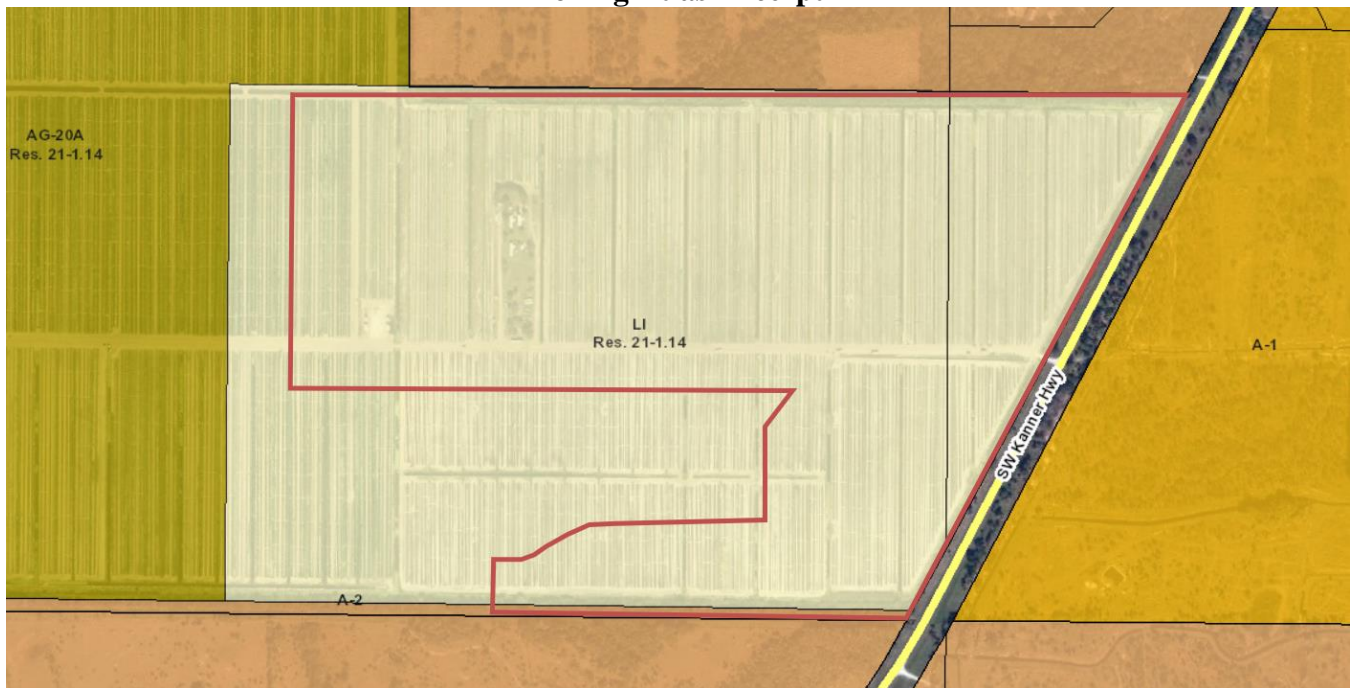
Location Map



Aerial



Zoning Atlas Excerpt



Future Land Use Map Excerpt



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

Policy 4.1E.6. PUD

A planned unit development is a unified development that is (1) planned, approved and controlled

according to provisions of a binding written document negotiated between the developer and the County as a special PUD zoning district and (2) approved at a public hearing. The purpose of PUD districts is to introduce flexibility into the strict zoning and development regulations in a manner that is mutually beneficial to the County and the development. It is also to encourage enlightened and imaginative approaches to community planning. Benefits to the developer may include incentives to encourage affordable housing (consistent with the Housing Element); transfer of density from wetlands (consistent with the Conservation and Open Space Element, Chapter 9); flexibility in density distribution; flexibility and variety in land use, structure type and project design; and greater intensity than would be achievable under straight zoning. In exchange, the County may acquire such benefits as preservation zones, buffers, density transition zones and recreation facilities in excess of the County's minimum standards. Specific PUD district regulations are negotiated voluntarily by the developer and the County, and neither is guaranteed maximum benefits by right.

As stated in the project summary above, two comprehensive plan amendments were adopted regarding the project site.

Specifically, Ordinance 1153 provides the Industrial Future Land Use and Ordinance 1152 provides...

- 1) A free-standing urban service district,
- 2) Clarifies utility service by way of Martin County Utilities, and
- 3) Restricts development and uses on the property as follows:
 - (a) Uses on the subject property shall be limited to nonresidential uses. Residential uses shall not be permitted.
 - (b) Uses on the property shall be consistent with the future land use designations for the property and the applicable land use policies of the Martin County Comprehensive Growth Management Plan (CGMP).
 - (c) The net inbound AM peak hour trips generated by all uses shall be limited to 950 trips, as demonstrated during the review of final site plans consistent with Article 5, Adequate Public Facilities, Division 3, Traffic Impact Analysis, Land Development Regulations.
 - (d) All future applications for development approval shall be processed as a Planned Unit Development (PUD).
 - (e) The building footprint of any individual warehouse or distribution facility shall not exceed 1,050,000 square feet.
 - (f) No final site plan shall be approved, which provides access to SW 96th Street from that portion of the property designated as Industrial on the Future Land Use Map, unless it is restricted to provide access for emergency purposes only.

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:

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved land use, zoning or procedural requirements issues associated with this application.

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

Commercial Design

There is no vertical development associated with this application. Therefore, review for urban design is not applicable.

Community Redevelopment Area

The proposed project is not located within a Community Redevelopment Area. Therefore, the Community Redevelopment Area reviewer was not required to review this application. MARTIN COUNTY, FLA., LDR ARTICLE 3, DIVISION 6 (2016)

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

No dedication of additional right of way is required or proposed by the Applicant pursuant to the Roadway Classifications set forth in Section 4.843.B, Land Development Regulations, Martin County, Fla. [2001] which includes Table 4.19.1 that lists the minimum right of way requirements. Therefore, the Applicant is not required to submit due diligence materials for review by the Martin County Real Property Division.

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.

Landscape

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 infrastructure for a new Industrial Park Subdivision.

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 518 trees for this infrastructure project. To demonstrate compliance the applicant has proposed the preservation and/or planting of a minimum of 518 trees.

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 south, east, and west is industrial so non-compatibility buffers are not required. On the north, adjacent landuse is agricultural and a Type 3 Buffer is required. Existing native vegetation within this buffer area is to be protected and supplemented if necessary to meet buffer criteria.

Section 4.666.E.Land Development Regulations, Martin County, Fla. (2013) requires that development activity preserve at least ten percent of the total number of protected trees on the site unless it can be shown that the property would be precluded of reasonable use if the trees are not removed. With the

exception of the north property line, this site has been previously cleared. The applicant has submitted Landscape and Construction Plans to provide for preservation of existing trees and understory within the north Type 3 Buffer.

Though not required, the applicant has proposed to also establish a 30 foot buffer along Kanner Highway. 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

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed. The Adequate Public Facilities determination will occur for the Master Site Plan and any Final Site Plans that create additional impact on the roadway network.

L. Determination of compliance with county surveyor - Engineering Department

The applicant has provided a certified boundary and topographic survey for the proposed development, pursuant to Section 10.1.E., LDR, Martin County, Fla. (2019). Therefore, the Engineering Department was not required to review this application for consistency with the Martin County Codes for survey requirements contained in Article 4, LDR, Martin County, Fla.

M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department

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:

1. 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.
2. Division 9- Stormwater Management:
 - a. The applicant has demonstrated the proposed development discharge rate for the 179.98 acre South Florida Gateway Planned Unit Development is 0.298 cfs/ac. The PUD is within the Roebuck Creek headwaters watershed with historic pre-development unit discharge of 0.298 cfs/ac. Flows from the development to the west will be adequately passed through the project via a series of interconnected stormwater pipes, catch basins, manholes retention ponds and are controlled with outfall control structures.
 - b. The applicant is proposing the minimum finished floor elevation be set above the predicted elevation of stormwater that will stage within the development after a 100-year storm having a three-day duration and without any discharge from the development.
 - c. The applicant is proposing the minimum edge of roadway elevation be set above the predicted

elevation of stormwater that will stage within the development after a 10-year storm having a one-day duration.

d. The applicant has demonstrated that the PUD development system provides 150% additional water quality criteria for the cumulative volume contained in Ponds A, C, D and E which will be constructed in the initial phase of infrastructure construction. The wet detention system recovers half of the water quality volume between 24 hours and 5 days and recovers 90% of the entire volume within 12 days after the storm event.

e. The water quantity volumes associated with Lots B-2, B-3 and C-1 are partially included in the construction of Ponds A, B, C, C1 D and E as a combined stormwater management system. Additional storage will be required within each of those lots depicted on the Conceptual Master Drainage Plan as vault storage when the lot development is proposed. Each individual Lot developer will decide the location, shape and volume configuration of these storage facilities at the time of development.

f. Thereby, the required attenuation, flood protection, and water quality treatment is in compliance with Division 9.

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

4. Division 14 - Parking and Loading: The applicant demonstrated that compliance with the parking requirements set forth in Division 14 will be provided for at the final interior lot design and submittal.

5. Division 19- Roadway Design: The applicant is permitting access to the site from SR 76 (SW Kanner Highway), which is under the jurisdiction of FDOT. According to the Pre-Application Letter issued by FDOT on February 11, 2022, the off-site improvements to SR 76 shall consist of a full signalized access connection for SW Gateway Place and a right-in/right-out access connection for SW Neill Street. A raised median shall be constructed on SR 76 to restrict left-turning movements at SW Neill Street, and a SR 76 southbound U-turn lane and U-turn pad shall be constructed south of SW Neill Street. Final design will be reviewed, approved, and permitted by FDOT. Martin County will be the operating entity of the proposed traffic signal at SW Gateway Place. Final signalization plans shall be submitted to Martin County Public Works Department for review and approval prior to procurement of materials.

The Engineering Department finds this application in compliance provided the Development Order includes conditions for the following:

1. Hauling of fill from the site is prohibited. The routes and timing of any fill to be hauled to the site shall be coordinated with the County Engineer. Compliance with all County excavation and fill regulations is required.

2. Within 60 days of this Final Site Plan approval, the Owner shall submit to the County a security sufficient to guarantee the cost to construct the off-site improvements to SR 76 including, but not limited to, the installation of the traffic signal at the intersection of SR 76 and SW Gateway Place, left turn lanes and right turn lanes on SR 76 at SW Gateway Place, a right turn lane on SR 76 at SE Neill Street, intersection improvements on SR 76 necessary to prohibit left turns in to and out of SW Neill Street, and a southbound U-turn lane and U-turn pad on SR76 south of SW Neill Street. The security shall be posted in the amount of 110 percent of the estimated cost of improvements, which estimate shall be prepared by a professional engineer registered in the State of Florida and approved by the County Engineer. The form of the security shall be reviewed by the County Attorney.

3. Prior to the issuance of the first Certificate of Occupancy within the South Florida Gateway Planned Unit Development (PUD), the Owner shall:

a. Design, permit, and install the traffic signal at the intersection of SR 76 and SW Gateway Place. Final signalization plans shall be submitted to Martin County Public Works Department for review and approval prior to the procurement of materials; and

- b. Design, permit, and construct the left turn lanes and right turn lanes on SR 76 at SW Gateway Place, the right turn lane on SR 76 at SE Neill Street, the intersection improvements on SR 76 necessary to prohibit left turns in to and out of SW Neill Street, and the southbound U-turn lane and U-turn pad south on SR 76 of SW Neill Street.

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. (2021).

Electronic Files

Findings of Compliance:

Both AutoCAD site plan and boundary survey were received and found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2021)

Both AutoCAD site plan and boundary survey were in State Plane coordinates and found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2021)

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 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

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

Emergency Preparedness

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

Accessibility (ADA) [Martin County, Fla., LDR Section 4.627.E (2009)]

The Public Works Department staff will review the interior lot designs upon receipt to determine 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.

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

The Martin County Legal Department is working with the applicant's attorney with regards to the proposed PUD Zoning Agreement.

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., 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

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 #1:

Post Approval Requirements List: After approval the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. Submit a copy of the Post Approval Requirements List.

Item #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.

Item #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.

Item #4:

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 certified letter stating that no title transfer has occurred.

Item #5:

One (1) 24" x 36" paper copy of the approved final site plan.

Item #6:

One (1) digital copy of final site plan in AutoCAD 2010 - 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.

Item #7:

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.

Item #8:

Original of the construction schedule.

Item #9:

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.

Item #10:

Original of the Cost Estimate, 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.

Item #11:

One (1) blank USB flash/thumb drive, which will be utilized to provide the applicant with the approved stamped and signed project plans.

V. Local, State, and Federal Permits

All permits will be required before the commencement of any construction.

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:	\$9,127.00	\$9,127.00	\$0.00
Inspection Fees:	\$4,000.00		\$4,000.00
Advertising fees*:	TBD		
Recording fees**:	TBD		

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

** Recording fees will be identified on the post approval checklist.

X. General application information

Applicant: KL Waterside LLC
Jim Harvey
701 South Olive Avenue, Suite 104
West Palm Beach
813-615-1244 x. 201
jharvey@kolter.com

Owner: Same as above

Agent: Lucido and Associates
Morris A. Crady
701 SE Ocean Boulevard
Stuart FL 34994
772-220-2100
mcrady@lucidodesign.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