



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

PORT COVE PUD PUD MASTER AND FINAL SITE PLAN

Applicant:	Oskjn Jensen LLC
Property Owner:	Oskjn Jensen LLC
Agent for the Applicant:	Insite Studio, Brian Terry
County Project Coordinator:	Peter Walden, AICP, Deputy Growth Management Director
Growth Management Director:	Paul Schilling
Project Number:	B006-008
Application Type and Number:	DEV2021
Report Number:	2022_0728_B006-008_Staff_Report_Final
Application Received:	02/04/2022
Transmitted:	02/04/2022
Staff Report:	03/07/2022
Resubmittal Received:	06/10/2022
Transmitted:	06/10/2022
Date of Report:	07/28/2022

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B. Project description and analysis

Request Oskjn Jensen, LLC for a Planned Unit Development Zoning Agreement (PUD) including a Master/Final site plan approval. The development includes 29 residential townhomes units on the approximate 4.84 acre parcel resulting in a residential density of 6.99 units per acre. The site is located on the south side of NE Dixie Highway about 1.2 mile from NE Palmer Street in Rio. Included with this application is a request for a Certificate of Public Facilities Reservation.

The subject property has a zoning designation of PUD and a future land use designation of Medium density. The parcel fronts Warner Creek and has St. Lucie River access. There is a 75 foot shoreline protection zone along the water and the site contains rare and unique habitat as well.

The site received prior approval of a master site plan for the construction of 32 residential units in 2007. That application was proposed as Phase 3B of the Beacon 21 PUD. The Beacon 21 PUD was established

in the late 1970's but Phase 3B was never built. The current application proposes to create a new PUD zoning agreement for just the 7 acres related to the master/final site plan proposing the 29 townhome units.

The property is in the Primary Urban Services Boundary and utilities are provided by 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	Comprehensive Plan	Peter Walden	219-4923	Comply
F	ARDP	Samantha Lovelady	288-5664	Comply
G	Development Review	Peter Walden	219-4923	Comply
H	Urban Design	Peter Walden	219-4923	N/A
H	Community Redevelopment	Peter Walden	219-4923	N/A
I	Property Management	Ellen McArthur	221-1334	N/A
J	Environmental	Shawn McCarthy	288-5508	Comply
J	Landscaping	Karen Sjolholm	288-5909	Comply
K	Transportation	Lukas Lambert	221-2300	Comply
L	County Surveyor	Tom Walker	288-5928	N/A
M	Engineering	Stephanie Piche	288-4858	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	419-5396	Comply
P	Emergency Management	Sally Waite	285-2298	Comply
Q	ADA	Stephanie Piche	288-4858	Comply
R	Health Department	Nick Clifton	221-4090	N/A
R	School Board	Kimberly Everman	219-1200	Comply
S	County Attorney	Krista Storey	288-5923	Review Ongoing
T	Adequate Public Facilities	Peter Walden	219-4923	Comply

D. Review Board action

This application meets the threshold requirements for processing as a major development. As such, a 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.

Pursuant to Section 10.1.F, Land Development Regulations, Martin County, Fla., 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 is required to re-submit materials in response to the non-compliance findings within this report. Upon receipt, the re-submitted materials will be transmitted for review to the appropriate review agencies and individuals that participate in the County's review process. A revised staff report will be created once the next review cycle has been completed.

E. Location and site information

Parcel number(s) and address:

Existing Zoning:

PUD, Planned Unit Development, Rio CRA

Future land use:

Medium Density

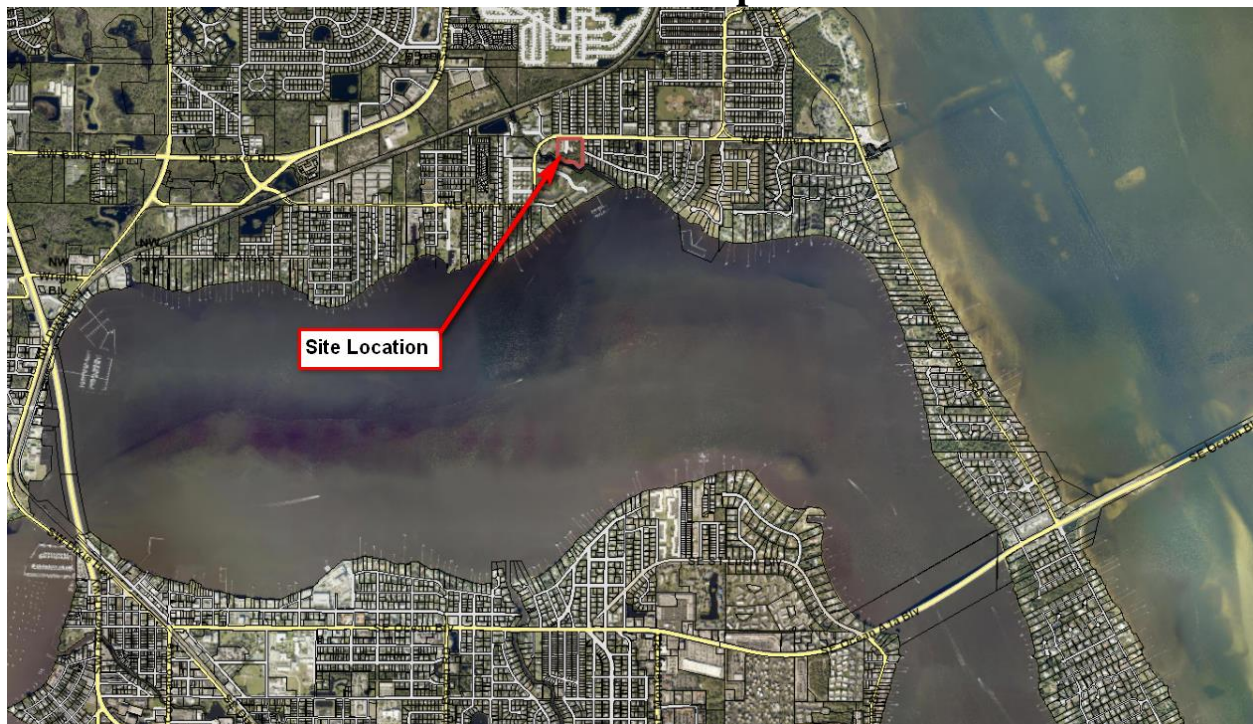
Commission district:

1

Planning area:

Rio

Location Map



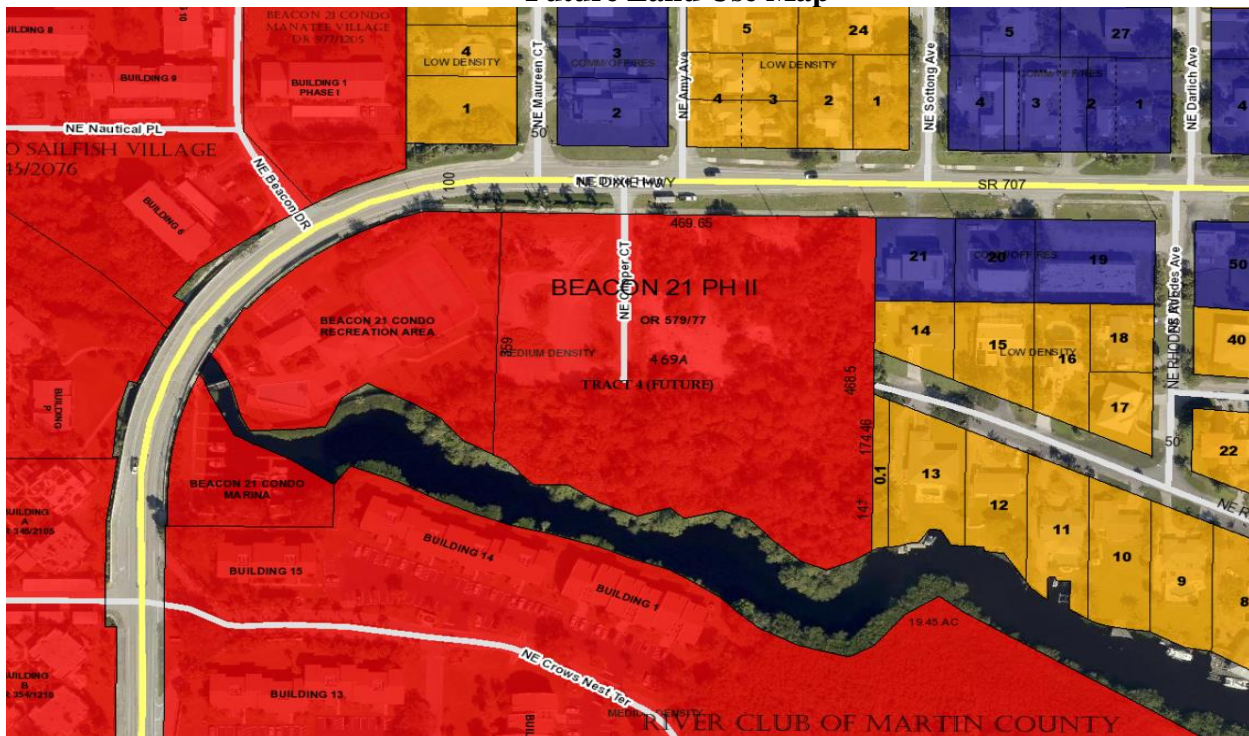
Aerial



Proposed Development Overlay



Future Land Use Map



Adjacent land uses:

North: NE Dixie Highway
East: COR and Low Density

South: Warner Creek then Medium Density
West: Medium Density

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.

Policy 4.13A.7. Residential development.

The FLUM allocates urban residential density based on population trends; housing needs; and past trends in the character, magnitude and distribution of residential land consumption patterns. Consistent with the goals, objectives and policies of the CGMP, including the need to provide and maintain quality residential environments, it also preserves unique land and water resources and plans for fiscal conservancy.

Policy 4.1E.8 Public Benefits. Flexible Design: Martin County shall allow PUD zoning districts associated with a site and project specific PUD zoning agreement to allow flexibility in the land development regulations in a manner which mutually benefits the county and the developer, and encourages innovative approaches to community planning. Specific PUD district regulations shall be negotiated voluntarily by both the developer and the county. Neither party to the agreement is guaranteed maximum benefits by right.

The applicant has proposed the following public benefits;

Martin County Utilities, as a PUD public benefit is requesting construction of approximately 2,200' of 4" sewer force main.

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 Comprehensive Growth Management Plan requirements issues associated with this application.

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, pursuant to the analysis provided in Section B of this report, finds this application in compliance with the applicable regulations. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

Information #1:

No land clearing is authorized prior to the mandatory pre-construction meeting for the project. Property corners and preservation areas shall be located by a licensed land surveyor and clearly marked in the field prior to the pre-construction meeting. 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 on state agency permits, may be granted by the Growth Management Department upon review of required permit materials. [Section 4.3.7., LDR, MCC]

Information #3:

Timetable Of Development - Final

The timetable of development for final site plans require all permits to be obtained within one year of approval and require all construction of infrastructure to be completed within two years of approval. MARTIN COUNTY, FLA., LDR, § 10.1., 5.32

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

The proposed development complies with the CRA requirements.

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

N/A

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., (2010) 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.

Landscaping

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 Article 3, Division 6 – Section 3.2646 – Rio Community Redevelopment Area. [2004]. The applicant has proposed construction of a 29 townhome development that comprises Phase 4 of the Beacon 21 P.U.D.

The applicant has submitted landscape plans that provide for planting 147 trees to document compliance with Section 3.264.I.3.a., Land Development Regulations, Martin County, Fla. (2004). Pursuant to this regulation a minimum of 1 tree shall be established for each 1000 sq. ft. of the total development area. The total site is 125,755 sq. ft. which requires the planting of 126 trees.

The landscaping on SR 707 is required to include native and non-native trees with a minimum height of 16 feet, with a four-foot clear trunk, and three-inch dbh at the time of planting, planted at a maximum of 30-foot intervals. These trees have been provided on the plans.

To provide for long-term sustainability of trees planted in the unit front green space islands, service lines to the units will be located under the driveways. This requirement is noted on the landscape plans and shall be re-enforced at the pre-con meeting so future contractors will be aware of this requirement.

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:

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) (Article 5, Division 1, Section 5.3).

L. Determination of compliance with county surveyor - Engineering Department

N/A

The applicant has indicated that there are no proposed changes to the approved project boundary as part of the current application. 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 of the Land Development Regulations. MARTIN COUNTY, FLA., LDR §10.1.F

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

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 proposes a stormwater system consisting of interconnected inlets, culverts, exfiltration and dry detention on site. The applicant has demonstrated the proposed development will retain the 25- year, 3-day storm event prior to discharging into Warner Creek. 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 proposed finish floor elevation is 18.20-feet NAVD, which is higher than the 100 year, 3 day zero discharge storm stage of 18.17-feet NAVD and also higher than one foot above the base flood elevation of 6-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 proposes to construct right and left turn lanes within the NE Dixie Highway right-of-way. The applicant is proposing to construct, mill and resurface, and stripe

the pavement for NE Dixie highway in compliance with Division 19. Staff finds this application in compliance with Division 19.

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

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.

Post Approval Condition for Port Cove:

The limits of all lots and tracts (preserve, stormwater, common area, ROW, easements, etc.) shall be clearly delineated on the Master/Final Site Plan and Construction Plans to include sufficient information for the review and approval of the eventual plat. Provide annotations for the geometry (bearings, distances, curve data, etc.) along all proposed lot and tract boundaries, unless the boundary is parallel or concentric to an annotated lot/tract line.

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. (2018).

Electronic File Submittal

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. (2019)

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. (2019)

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

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

An updated school concurrency evaluation will be provided prior to Board meetings.

Martin County School District CIP School Concurrency Determination

Project: Beacon 21

Date Received: 2/25/2-

Project #: B006-006

Owner/Applicant: Brian Terry

Location: NE Dixie Hwy. at Intersection NE Amy Ave., Rio Community

Planned Project Units: 28 Project Unit Yield by Type of School

School Type	Rate	Students
Elementary:	.100	3

Middle School:	.056	1
High School:	.073	2
SGR =	.229	6

Service Area Analysis

CSA	LOS	3 YR Added Capacity	Total LOS Capacity	Current Student Enrollment	Projects w/Reserved Capacity	This Project Demand	TOTAL Demand	Available Capacity
North Zone - Elementary (Felix A. Williams, Jensen Beach)	1379	0	1379	1203	71	3	1277	102
Stuart Zone – Middle (Stuart Middle)	1323	0	1303	875	60	1	936	367
North Zone – High (Jensen Beach High)	1914	0	1914	1485	48	2	1535	379

Concurrency Availability: Pursuant to the City, County, School District Interlocal Agreement for School Planning and Siting, Section 6.2.7 and Article 5 of the Martin County Land Development Regulations, Division 5, Section 5.83, the School District has determined that sufficient school capacity *does exist* at all grade levels to serve the change in residential dwelling units proposed in this application to meet the school concurrency requirements under Florida Statute 163.3180.

School Capacity: This analysis is only used to serve as a review of the potential impact of the schools within the area of a future residential land use. School capacity *shall* be reserved for the above referenced project upon receipt of a final approval from the Martin County Growth Management Department. This concurrency reservation shall expire **three (3)** years from the date of issuance of this concurrency determination.

Comments: This determination does not guarantee that the students from the above referenced project will be assigned to attend a particular school(s). Please note if capacity demand should exceed existing availability, students may be housed in relocatable units.

Letter of No Objection w/Conditions: At this time we can provide a **letter of no objection** with the following conditions:

1. No conditions

School District Contact: Kimberly Everman

Date Issued: 3/11/20

Telephone: 772- 219-1200, Ext. 30220

E-Mail: evermak@martin.k12.fl.us

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 following is a summary of the review for compliance with the standards contained in Article 5.32.D of the Adequate Public Facilities, Land Development Regulations (LDR's), Martin County Code for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities (Section 5.32.D.3.a, LDR)

Service provider - Martin County

Findings –positive evaluation

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

Sanitary sewer facilities (Section 5.32.D.3.b, LDR)

Service provider - Martin County

Findings –positive evaluation

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

Solid waste facilities (Section 5.32.D.3.c, LDR)

Findings –in place

Source - Growth Management Department

Stormwater management facilities (Section 5.32.D.3.d, LDR)

Findings –pending evaluation

Source - Engineering Department

Reference - see Section M of this staff report

Community park facilities (Section 5.32.D.3.e, LDR)

Findings –in place

Source - Growth Management Department

Roads facilities (Section 5.32.D.3.f, LDR)

Findings –pending evaluation

Source - Engineering Department

Reference - see Section K of this staff report

Public safety facilities (Section 5.32.D.3.h, LDR)

Findings –in place

Source - Growth Management Department

Reference - see Section P of this staff report

Public school facilities (Section 5.32.D.3.i, LDR)

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

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.

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. The applicant will return the Post Approval Requirements List along with the required documents in a packet with the documents arranged in the order shown on the 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 letter stating that no title transfer has occurred.

Item #5:

One (1) copy 24" x 36" of the approved master and final site plans. (rolled)

Item #6:

One (1) Copy 24" x 36" of the Construction drawings. (rolled)

Item #7:

One (1) digital copy of master and final site plan in AutoCAD 2010 - 2018 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.

Item #8:

Original and one (1) copy of the executed approved PUD zoning agreement.

Item #9:

One (1) 24" x 36" copy of the approved landscape plan signed and sealed by a landscape architect licensed in the State of Florida. (rolled)

Item #10:

The applicant has submitted the information for a draft Water and Wastewater Service Agreement as requested. The applicant must execute the Agreement and pay the resultant fees within sixty (60) days of

final Martin County approval of the request. [ref. Code, LDR, s.5.32.D.1, 2.(a)(b) and (c)Code, LDR, Art.5, Div.2]

Item #11:

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 #12:

Two (2) originals 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 #13:

An Original of the construction schedule.

Item #14:

Include one (1) blank 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:	\$13,800.00	\$13,800.00	\$0.00
Inspection Fees:	\$4,000.00		\$4,000.00
Advertising fees*:	TBD		
Recording fees**:	TBD		
Impact 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.

*** To be paid at time of building permit issuance

X. General application information

Applicant: Oskjn Jensen LLC
1890 South Ocean Boulevard
Lantana, FL 33462

Agent: Insite Studio

Brian Terry
8144 Okeechobee Boulevard, Suite A
West Palm Beach
561-249-0940

Engineer: Caulfield & Wheeler, Inc.
David Lindley/Ryan Wheeler
410 SE Port St. Lucie Boulevard
Port St. Lucie, FL 34984

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