



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

## A. Application Information

### BANYAN BAY PUD 10<sup>TH</sup> AMENDMENT, REVISED MASTER AND PHASING PLAN PHASE 3 FINAL SITE PLAN

Applicant:	Farrell Building Company
Property Owner:	Banyan Bay Macks, LLC
Agent for the Applicant:	Managed Land Entitlements, Michael Sanchez
County Project Coordinator:	Peter Walden, AICP, Deputy Growth Management Director
Growth Management Director:	Paul Schilling
Project Number:	B082-045
Record Number:	DEV2021090005
Report Number:	2022_0715_B082-045_Staff_Report_Final
Application Received	09/23/2021
Transmitted	09/27/2021
Date of Report:	11/23/2021
Resubmittal Received:	03/01/2022
Transmitted:	03/01/2022
Date of Report:	04/27/2022
Resubmittal Received:	05/20/2022
Transmitted:	05/20/2022
Date of Report:	07/15/2022

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## B. Project description and analysis

This a request by Farrell Building Company for the 10<sup>th</sup> Amendment to the Banyan Bay PUD. The application includes a revised master plan and the Phase 3 final site plan. Banyan Bay received master plan and Planned Unit Development (PUD) zoning approval on November 9, 2004. Banyan Bay is a residential development situated on an approximate 251 acre parcel located on the west side of SW Kanner Highway and is accessed at the signalized intersection with SE Pomeroy Street in Stuart.

Phase 3 final site plan includes 72 multi-family residential units and the associated infrastructure on approximately 12 undeveloped acres of the development. Phase 3 has a separate entrance on SW Kanner Highway and is not accessible from the rest of the Banyan Bay development. The proposed apartment

units are housed in 3 buildings which are 3 stories in height. The Banyan Bay project has a total of 293 residential units resulting in a density of 1.17 units per acre.

The Banyan Bay project is inside the Primary Urban Service District, water and wastewater service will be 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:

<b>Section</b>	<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
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 MacArthur	221-1334	N/A
J	Environmental	Shawn McCarthy	288-5508	Comply
J	Landscaping	Karen Sjöholm	288-5909	Comply
K	Transportation	Lukas Lambert	288-5476	Comply
L	County Surveyor	Tom Walker	288-5418	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	219-4941	N/A
Q	ADA	Clark Bridgman	288-5416	Comply
R	Health Department	Nicholas Clifton	221-4090	N/A
R	School Board	Kimberly Everman	219-1200	Comply
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Peter Walden	219-4923	Comply

### **D. Review Board action**

This application complies with the threshold requirement for processing as a major development with an existing master plan. As such, final action on this application will be taken by the Board of County Commissioners at a public meeting.

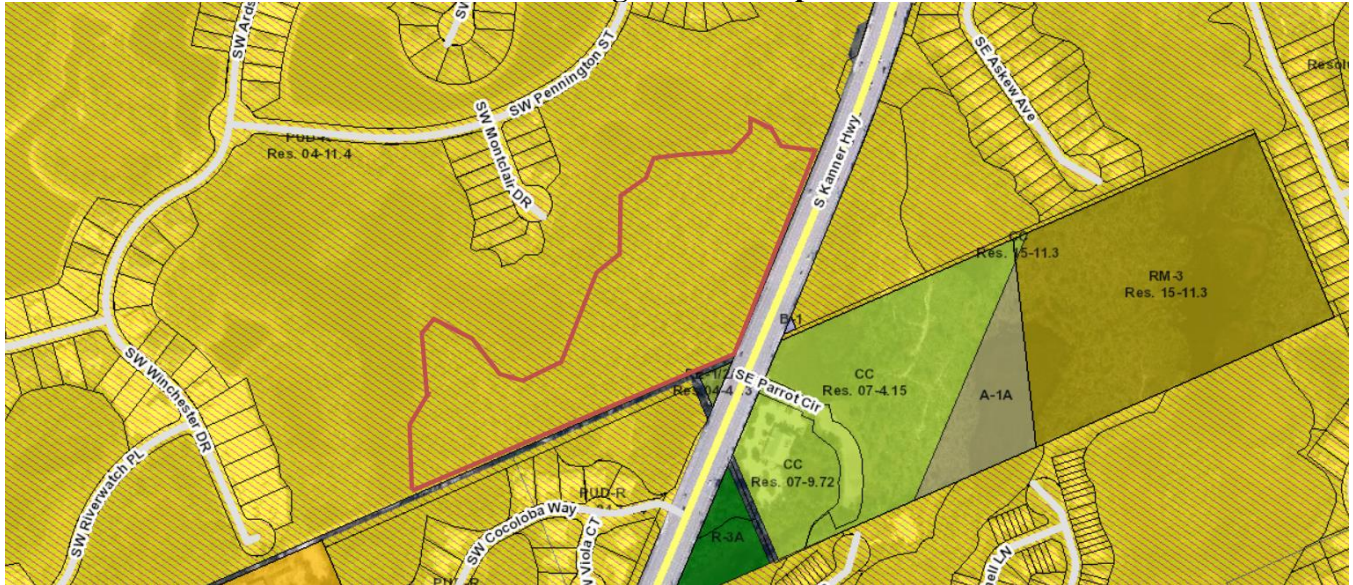
Pursuant to Sec. 10.10.B.2. Public noticing (mailing notices, legal ads) is not required as this application will be heard at a public meeting.

The applicant addressed the non-compliance findings from the staff report dated April 27, 2022 with its resubmittal dated May 20, 2022. The previous staff reports and resubmittals are incorporated herein by reference.

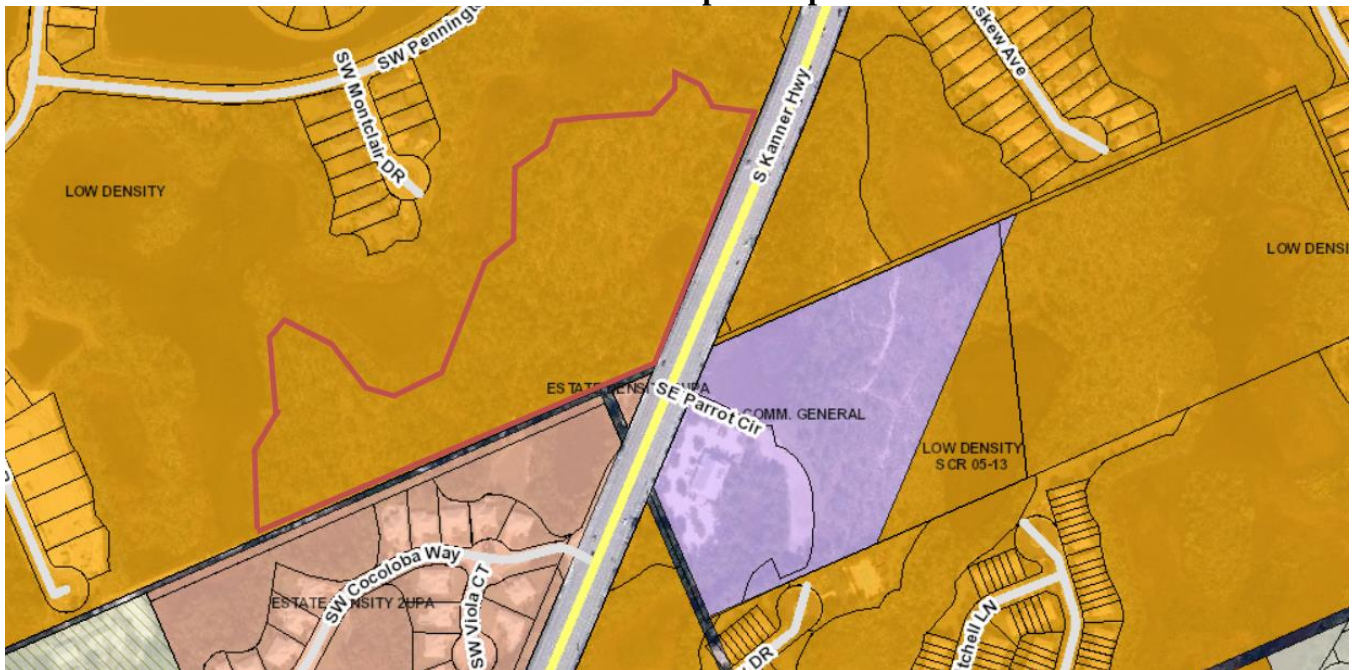
Existing Zoning:	PUD, Planned Unit Development
Future Land use:	Low Density and medium density
Gross area of site:	Phase 3, 12 acres



### Zoning Atlas Excerpt



### Land Use Map Excerpt



***F. Determination of compliance with Comprehensive Growth Management Plan 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.

***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.

**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. MARTIN COUNTY, FLA., LDR § 4.37

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

**Commercial Design**

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 construction of a 72 unit multi-family development. The applicant has submitted landscape plans that provide 3.02 acres of landscape area which equates to 25.3% of the development area (total site minus preserves) to document compliance with Section 4.663.A.1., Land Development Regulations, Martin County, Fla. (2013). Pursuant to this regulation a minimum of 20% of the total development area shall be landscaped.

Section 4.663.A.3.b. Land Development Regulations, Martin County, Fla. (2013) requires that all multi-family residential development provide at least one tree per 1,500 sq. ft. of site area; a total of 234 trees for this project. To demonstrate compliance the applicant has proposed the preservation and/or establishment of 236 trees.

In accordance with conditions of the PUD agreement and master plan, a 50 foot native bufferyard is required between differing land uses and along certain transportation corridors. The proposed preserve areas provide for required buffer on the east adjacent to Kanner Highway and demonstrate compliance with Section 4.663.B.1.a, Land Development Regulations, Martin County, Fla. (2013).

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. To meet this requirement the applicant has submitted Landscape and Construction Plans to provide for preservation of 42 existing trees equaling 84 tree credits. Trees proposed to be removed include 24 native trees equaling 72 tree credits. Seventy-two mitigation trees have been proposed to be installed to mitigate for the necessary tree removal.

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 Engineering Department finds this application in compliance.

**Compliance with Adequate Public Facilities Ordinance:**

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

Roadway capacity was reserved September 24, 2013 pursuant to an agreement between the Martin County Board of County Commissioners and SR-76 LLC and the Fifth Amendment to the Banyan Bay Zoning Agreement.

***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***

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 requires 18,634 cubic yards of fill to be hauled from the site. The hauling fee for the fill to be hauled from the site is calculated at \$0.21 per cubic yard and is due upon final approval of the Final Site Plan application or issuance of the Excavation and Fill Permit. The hauling fee is \$3,913.14. Upon payment of the hauling fee, the hauling is 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 is lower than the allowable discharge rate for the project and that flows from the development to the west will be adequately passed through the project via a series of interconnected storm culverts to the proposed retention lakes.
  - 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 system provides 150% additional water quality criteria for wet detention systems and 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. 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 compliance with the parking requirements set forth in Division 14 for the proposed residential use; therefore the proposed design meets the requirements in Division 14.
5. Division 19- Roadway Design: The applicant is proposing to permit the modifications to S. Kanner Highway (S.R. 76) through FDOT; therefore, the proposed design meets the requirements in Division 19.

#### ADA

The Public Works Department staff has reviewed the application and finds it in compliance with the applicable Americans with Disability Act requirements. (2014 FBC, FITH EDITION\ACCESSIBILITY)

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 allowed pursuant to payment of the Hauling Fee of \$3,913.14. The routes and timing of any fill to be hauled from the site shall be coordinated with the County Engineer. Compliance with all County excavation and fill regulations is required.

### ***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. (2022).

#### **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. (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 Service**

**Informational:**

The applicant must submit an executable, final draft water and wastewater service agreement to the Growth Management Department for review by the Legal and Environmental Services departments prior to approval of the scheduling of a Pre-construction meeting. The 'Water and Wastewater Service Agreement' must be executed and the applicable fees paid within sixty 60 days of final Martin County approval of the request.

**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***

**Finding of Compliance;**

The Fire Prevention Bureau finds this submittal in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code and referenced publications. 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.

***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)]**

1. Staff finds the plans in compliance with ADA review.

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

**Martin County Health Department**

N/A

There are no onsite potable wells or septic disposal systems, pursuant to Section 10.1.F, LDR, Martin County, Fla. Therefore, the Department of Health was not required to review this application for consistency with the Martin County Codes.

***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 – positive 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 – positive evaluation

Source - Engineering Department

Reference - see Section K of this staff report

Mass transit facilities (Section 5.32.D.3.g, LDR)

Findings - in place

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 - in place

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:**

Original and one (1) copy of the current Unity of Title in standard County format 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 so that no transfer has occurred.

**Item #6:**

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 #7:**

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

**Item #8:**

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 #9:**

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.

**Item #10:**

Original of the construction schedule.

**Item #11:**

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 #12:**

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 #13:**

Original and one (1) copy or two (2) copies of the executed and signed Water and Wastewater Service Agreement with Martin County Regional Utilities and one (1) copy of the payment receipt for Capital Facility Charge (CFC) and engineering and recording fees.

**Item #14:**



One (1) blank flash/ thumb drive for digital file recording.

Item #15:

Hauling Fee: for hauling of fill estimate \$3,913.14.

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

All state and federal permitting is the responsibility of the applicant.

#### ***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
Hauling of fill:	\$3,913.14		\$3,913.14
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.

\*\*\* Impact fees are due at building permit issuance.

#### ***X. General application information***

Applicant: Farell Building Company  
Stephen Zagoren  
2317 Montauk Highway  
Bridgehampton, New York

Agent: Managed Land Entitlements  
Michael Sanchez  
3710 Buckeye Street, Suite 100  
Palm Beach Gardens, Florida, 33410  
561-568-9045

#### ***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***