



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. *Application Information*

COVE ROYALE 2ND AMENDMENT TO THE PUD ZONING AGREEMENT REVISED MASTER AND PHASING PLAN AND REVISED PHASE ONE FINAL SITE PLAN

| | |
|-----------------------------|---|
| Applicant: | KH Cove Royale, LLC |
| Property Owner: | KH Cove Royale, LLC |
| Agent for the Applicant: | Cuozzo Design Group, Inc. |
| County Project Coordinator: | Peter Walden, AICP, Deputy Growth Management Director |
| Growth Management Director: | Paul Schilling |
| Project Number: | C165-005 |
| Record Number: | DEV2021080015 |
| Report Number: | 2023_0223_Staff_Report_Final |
| Application Received: | 11/23/2021 |
| Transmitted: | 11/23/2021 |
| Staff Report: | 03/04/2022 |
| Resubmittal Received: | 06/21/2022 |
| Transmitted: | 06/22/2022 |
| Date of Report: | 09/12/2022 |
| Resubmittal Received: | 12/16/2022 |
| Transmitted: | 12/16/2022 |
| Date of Report: | 02/08/2023 |
| Revised Report: | 02/23/2023 |

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B. *Project description and analysis*

This is a request by KH Cove Royale, LLC for the 2nd amendment to the Cove Royale PUD Agreement with a Revised Master and Phasing Plan and Revised Phase 1 Final Site Plan. The proposed master plan adds two single family lots to phase 1 and modifies lot configurations. The storm water drainage system, internal roads have been modified to accommodate the proposed changes. The project is located on the south side of SE Cove Road approximately 1.5 miles east of SW Kanner Highway. Included is a request for a Certificate of Public Facilities Reservation for Phase 1.

The PUD zoning agreement including the master site plan was approved on March 26, 2019. The project included 118 detached single family homes on approximately 97 acres. The project is proposed to be developed in 2 phases. Phase 1 of the project was approved on May 15, 2020 and included 81 single family dwellings and the associated infrastructure.

The public benefits included the donation of a passenger van to the Samaritan House for Boys which is located across SE Grace Lane from the project which has been completed and the construction of public sidewalk along SE Cove Road to connect to Anderson Middle School to the west of the project.

The site is within the Primary Urban Service District and water and wastewater service would be provided by Martin County Utilities. Construction of the site via the approved phase 1 final site plan is underway.

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 | Pete Walden | 219-4923 | N/A |
| H | Community Redevelopment | Pete 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 | 221-2300 | Comply |
| L | County Surveyor | Tom Walker | 288-5928 | N/A |
| M | Engineering | Alice Custis | 288-5956 | 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 | Alice Custis | 288-5956 | Comply |
| R | Health Department | Nicholas Clifton | 221-4090 | N/A |
| R | School Board | Kimberly Everman | 223-3105 | Comply |
| S | County Attorney | Elysse Elder | 288-5925 | Review Ongoing |
| T | Adequate Public Facilities | Peter Walden | 219-4923 | Comply |

D. Review Board action

This application meets the threshold requirements for processing as an approved major development. As such, a review of this application is required by County staff and final action by the Board of County Commissioners (BCC) at a public meeting.

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

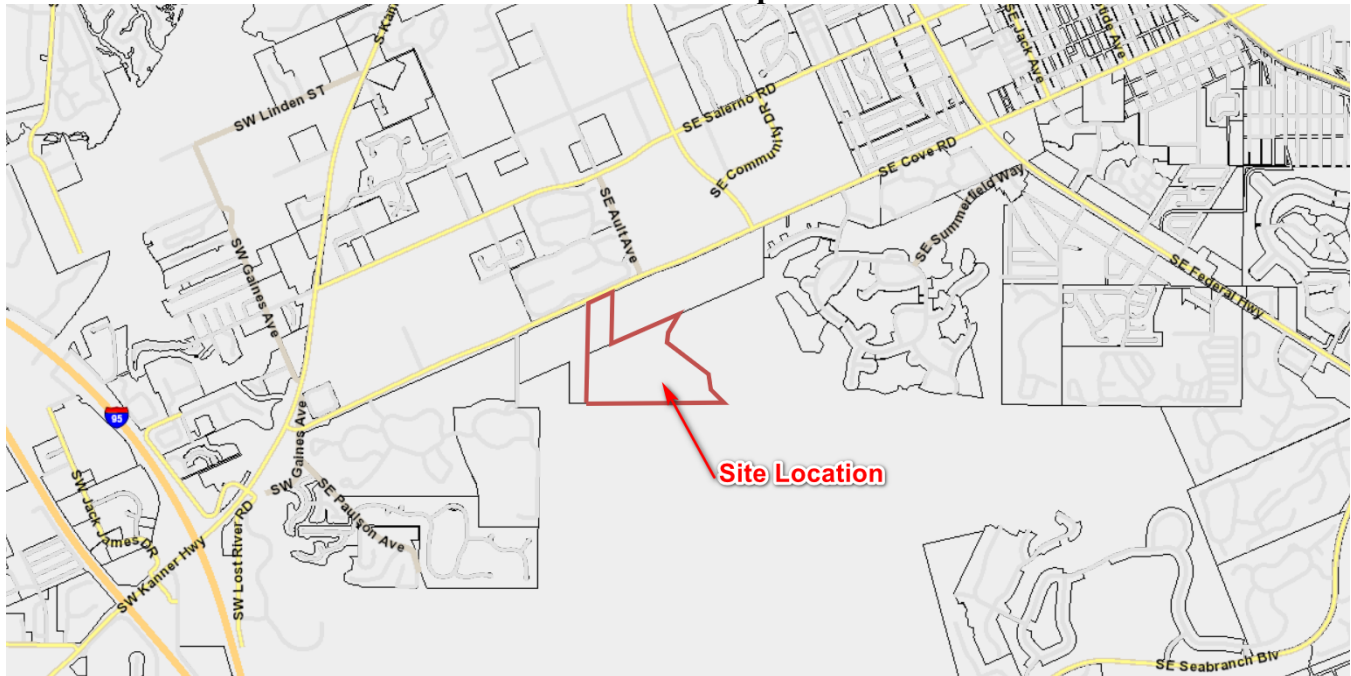
Plan (CGMP), Land Development Regulations (LDR) and the Code.

E. Location and site information

PCNs: 34-38-41-000-00010-1

| | |
|------------------|-------------------------------|
| Existing Zoning: | PUD, Planned Unit Development |
| Future land use: | Estate Density 2UPA |
| Total Site Area: | 97 acres |

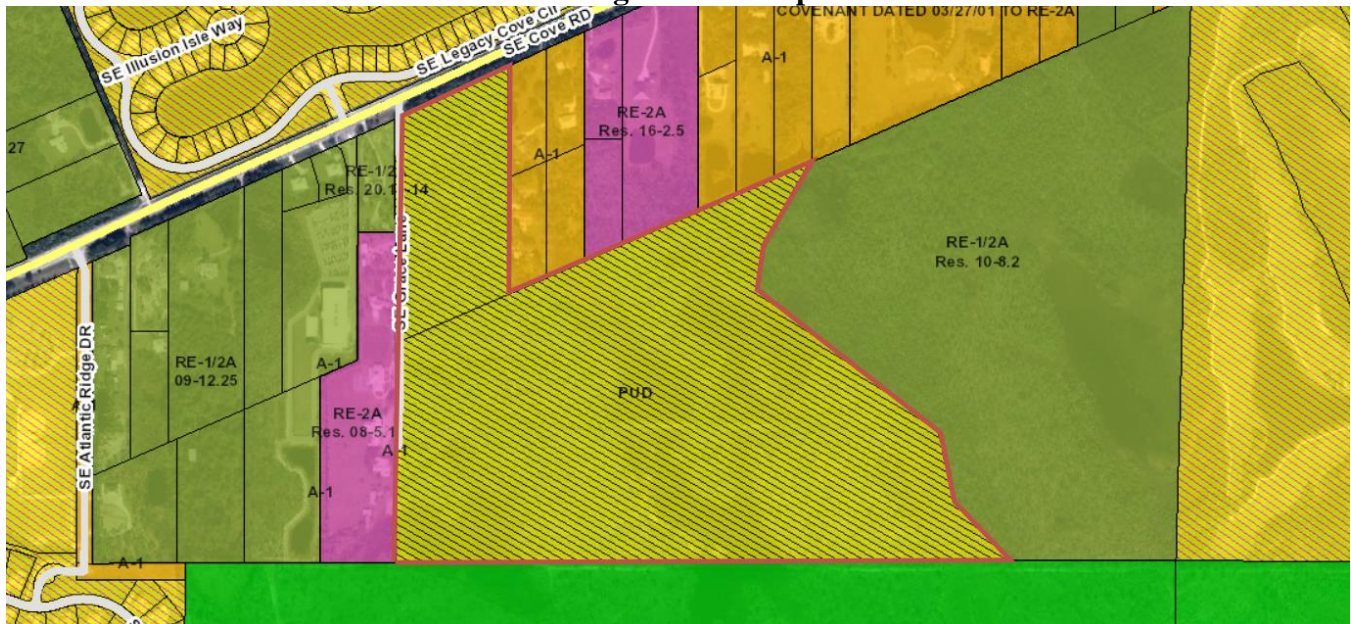
Location Map



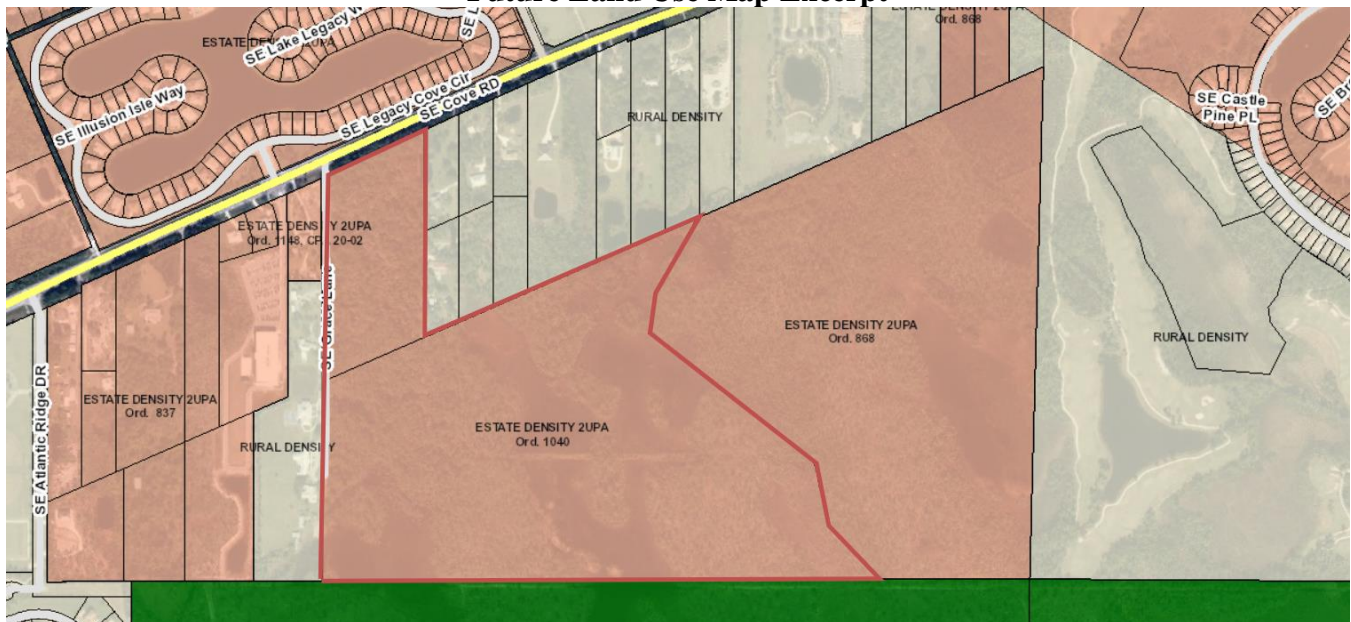
Aerial



Zoning Atlas Excerpt



Future Land Use Map Excerpt



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

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:

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, site design standards, zoning and procedural requirements issues associated with this application.

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

Commercial Design

The proposed project is not located within the General Commercial, Limited Commercial, Commercial Office/Residential or Waterfront Commercial Future Land Use Designations. Therefore, the Commercial Design reviewer was not required to review this application. MARTIN COUNTY, FLA., LDR SECTION 4.871.B. (2016)

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

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. A PAMP amendment will be processed with this revised PUD application to reflect minor changes to upland preserve areas. The northwest upland preserve will be reconfigured and slightly reduced in size to account for changes to the project's water management system. To compensate for the reduction, upland areas are being added elsewhere where there will be no loss and a slight net increase of 0.03 acres of upland preserve within phase 1 of the project. No other environmental changes are proposed with this application.

Landscape

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

Alterations cannot be made to the plans after final site plan approval. Any alteration may require an application to amend the affected approved plans.

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 O'Rourke Engineering and Planning, dated December 2022. The site's maximum impact was estimated to be 37 directional trips during the PM peak hour. SE Cove Road is the recipient of a majority of the generated trips. The generalized service capacity of Cove Road is 880. The project impact is 4.2% of the generalized volume of that roadway. SE Cove Road is currently operating at a level of service F; it appears the generalized volume will be exceeded with the addition of the project trips at buildout (year 2030).

Therefore, as required by the Martin County Land Development Regulations, O'Rourke Engineering and Planning completed a detailed analysis of SE Cove Road. [Martin County, Fla., LDR Article 5, Division 3, Section 5.64.C.5.a (2009)] The detailed analysis confirms that SE Cove Road will operate at an acceptable level of service.

The Martin Metropolitan Planning Organization (MPO) has prioritized the two to four lane widening of SE Cove Road from SR-76 (SW Kanner Highway) to SR-5 (SE Federal Highway) and subsequently fully funded Preliminary Engineering has been identified in the Florida Department of Transportation's Five Year Work Program. The Martin County Public Works Department is committed to working with the MPO to see the project completion as soon as possible.

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

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 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 82.

Division 9- Stormwater Management: Drainage improvements included in this phase consist of the construction of dry retention areas, lakes, storm inlets, and a pipe conveyance system. Stormwater Management calculations for Phase 1 were submitted with this application. The applicant has demonstrated the proposed development discharge rate is lower than the allowable discharge rate for the project and 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 and one foot above the base flood elevation, whichever is greater for each lot; 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 model units (up to six (6)) proposed with this submission.

Division 19- Roadway Design: The applicant demonstrated the proposed roadway design meets the requirements of Division 19.

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

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.

Post Approval

Original of the construction schedule.

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.

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.

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 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)

Fire Prevention

Finding of Compliance;

The Fire Prevention Bureau finds this submittal to be 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

Emergency Preparedness

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

P. 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.

Q. 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.to this project as currently proposed.

Martin County School Board

R. 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.

S. Determination of compliance with the adequate public facilities requirements - responsible departments

This development application is eligible for a Positive Evaluation of Adequate Public Facilities. The following evaluation summarizes the Positive Evaluation of Adequate Public Facilities:

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 – 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 – Positive evaluation

Source - Growth Management Department

Reference - see Section R of this staff report

A "positive" evaluation means that the project passes the evaluation test. (A "negative" evaluation means that the project fails the evaluation test.) A master site plan development order with a Positive Evaluation of Adequate Public Facilities does not authorize site development, is specific to the development order, and is assignable or transferable only to the extent the development order is assignable or transferable. Maintenance of a valid development order is essential to the maintenance of a valid evaluation. An Evaluation of Adequate Public Facilities runs with the land, consistent with the development order on which it was based. A positive evaluation does not confer concurrency rights and is not binding on the County (Section 14.5.D., CGMP; Section 5.32.C.5, LDR)

T. 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 revised master and phasing plan.

Item #6:

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

Item #7:

One (1) 24" x 36" copy of the approved landscape plans.

Item #7:

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 #8:

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

Item #9:

Original of the construction schedule.

Item #10:

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 #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:

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

U. Local, State, and Federal Permits

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

V. 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.

***Impact fees required at building permit.

W. General application information

Applicant: KH Cove Royale, LLC
Keith Berg
105 NE 1st Street
Delray Beach, FL 33444

Owner: KH Cove Royale, LLC
Keith Berg
105 NE 1st Street
Delray Beach, FL 33444

Agent: Cuozzo Design Group
Donald J. Cuozzo or Jeffrey Smith
900 East Ocean Boulevard Suite 130D
Stuart FL 34987

X. 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

Y. Attachments