



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

MC320 MAJOR FINAL SITE PLAN

Applicant:	MC320, LLC, Don R. Mancil Jr.
Property Owner:	MC320, LLC, Don R. Mancil Jr.
Agent for the Applicant:	The Milcor Group, Melissa G. Corbett, P.E.
County Project Coordinator:	Peter Walden, Principal Planner
Growth Management Director:	Nicki van Vonno, AICP
Project Number:	M226-001
Application Type and Number:	DEV2019110011
Report Number:	2020_0421_M226-001_Staff_Report_Final
Application Received:	12/16/2019
Transmitted:	12/16/2019
Date of Report:	02/13/2020
Resubmittal:	03/17/2020
Transmitted:	03/17/2020
Date of report:	04/21/2020

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B. Project description and analysis

Request approval for a Major final site plan for the development of a sand mining operation resulting in the construction of an approximate 33 acre lake. The project will be located on an approximate 174 acre parcel located on the west side of SW Citrus Boulevard about ¾ of a mile south of SW 96th Street in Palm City Farms. Included with this application is a request for a Certificate of Public Facilities Reservation.

The property is currently vacant and was formally utilized as Citrus production. There is no existing habitat on the property and apparent wetlands do not exist.

The property has a land use designation of Agricultural and a Zoning District designation of A-2, Agricultural. The property is located outside of the Primary Urban Services Boundary, there are no proposed utilities for the development of the site.

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	Colleen Holmes	288-5794	N/A
J	Environmental	Todd Warren	221-1377	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	223-4858	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	Michele Jones	219-4941	N/A
Q	ADA	Stephanie Piche	223-4858	N/A
R	Health Department	Todd Reinhold	221-4090	N/A
R	School Board	Kimberly Everman	219-1200	N/A
S	County Attorney	Krista Storey	288-5923	N/A
T	Adequate Public Facilities	Peter Walden	219-4923	Comply

D. Review Board action

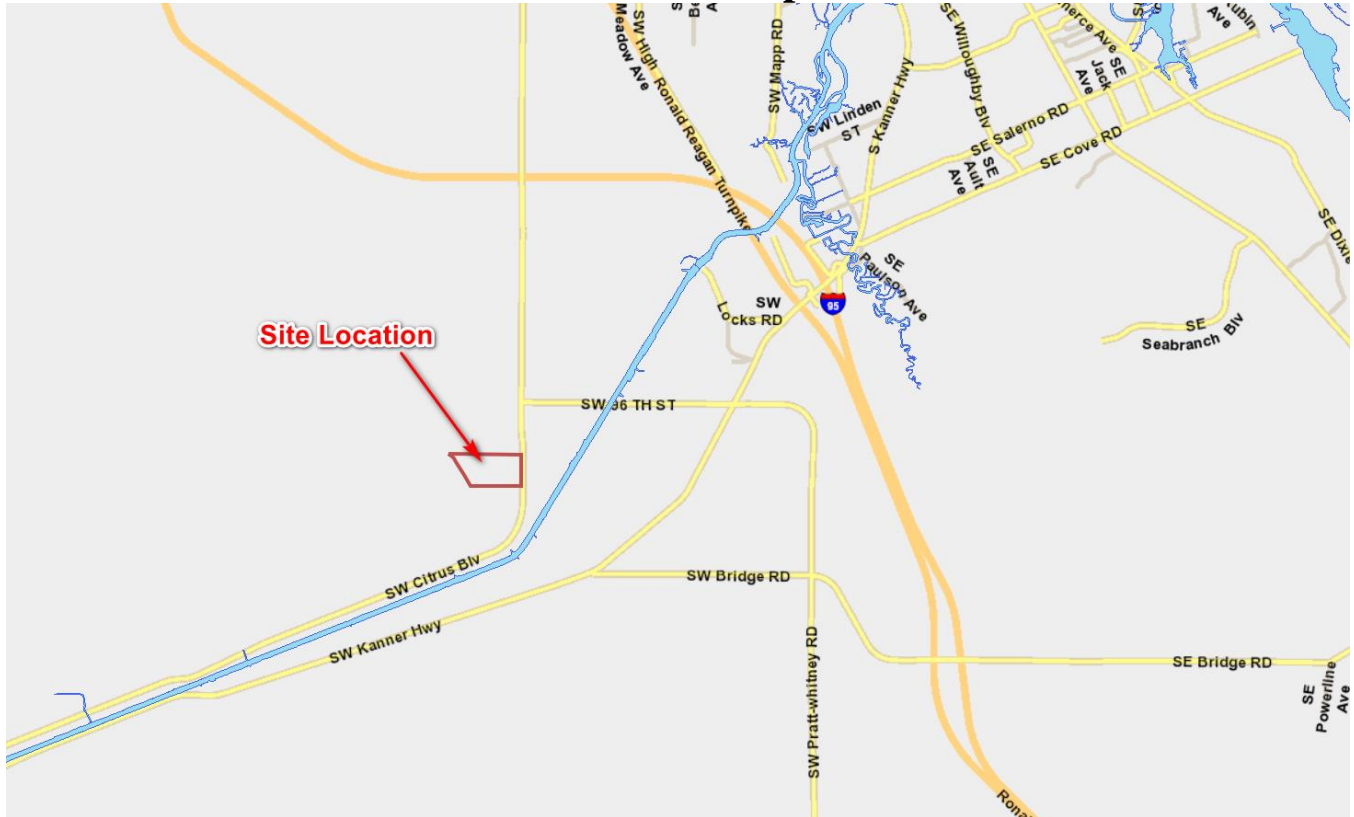
This application meets the threshold requirements for processing as a Major Final Site plan. As such, a review of this application is required by the Local Planning Agency (LPA) and final action by the Board of County Commissioners (BCC) at a public hearing.

The applicant addressed the non-compliance findings from the staff report dated, February 13, 2020 with its resubmittal dated March 17, 2020. The previous staff reports, and resubmittals are incorporated herein by reference. It shall at all times be the applicant's responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

E. Location and site information

Parcel number(s) and address: 15-39-40-000-000-00010-0, 15-39-40-000-000-00012-0
 Existing Zoning: A-2, Agricultural
 Future land use: Agricultural
 Commission district: 5
 Community redevelopment area: Not Applicable

Location Map



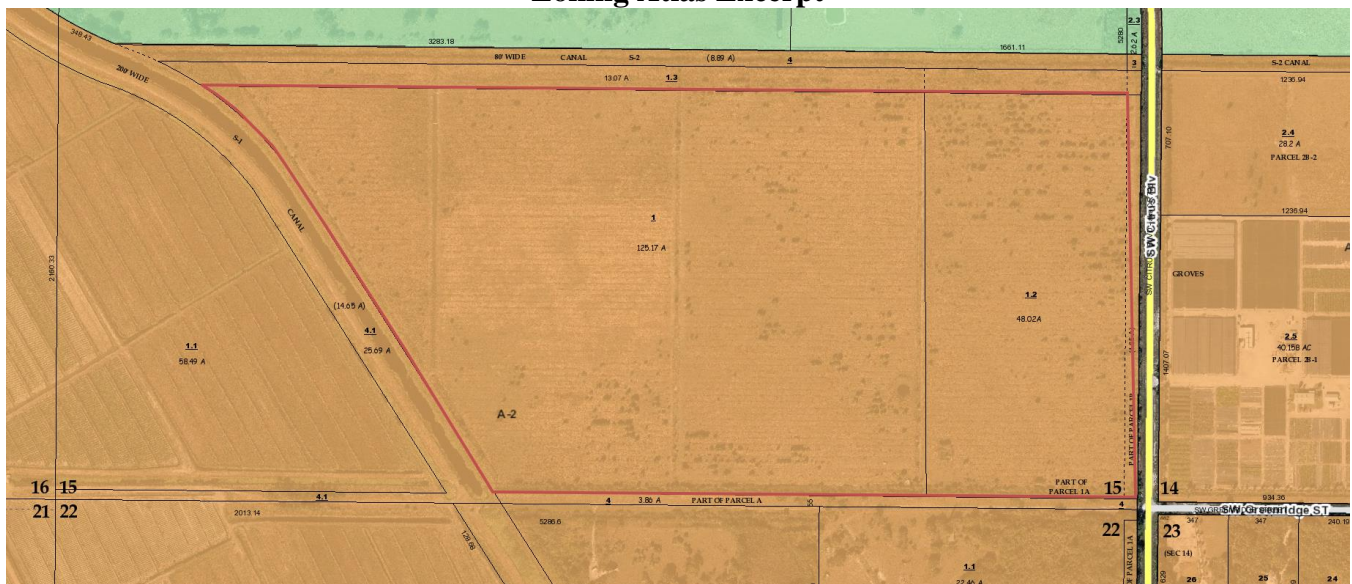
Aerial



Future Land Use Map Excerpt



Zoning Atlas Excerpt



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

The Martin County Comprehensive Growth Management Plan, Goal 4.1, Objective 4.1A., Policy 4.1.A.1., states: "The County's existing Land Development Regulations shall be revised to conform to all guidelines and standards contained in this Plan and will:

- (1) Regulate the use of land and water consistent with this element and FLUM, while ensuring land use compatibility and providing open space;
- (2) Regulate the subdivision of land;
- (3) Protect environmentally sensitive lands, and incorporate minimum landscape standards;
- (4) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater

management;

- (5) Regulate signage;
- (6) Ensure safe and convenient on-site traffic flow and parking needs;
- (7) Protect potable water wellfields and aquifer recharge areas;
- (8) Protect endangered and threatened species and species of special concern and their habitats as defined in the Florida Game and Freshwater Fish Commission's official list or as determined as regionally significant by the Treasure Coast Regional Planning Council;
- (9) Ensure that any development orders and permits issued do not result in a level of service (LOS) below the base level of service standards adopted in the Capital Improvements Element;
- (10) Include provisions for the transfer of development rights to:
 - (a) Protect environmentally sensitive areas and/or historic resources and;
 - (b) Specify those receiving zones within the Primary Urban Service District that can accept additional density and where in-fill development allows for new development and redevelopment of previously underused portions of the Primary Urban Service District.

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.

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.

Item #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

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, § 4.871.B.

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 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 mining operation on property zoned agricultural. This is a permitted industrial use on the property. In accordance with Section 3.80, Land Development Regulations, Martin County, FL (2015), mining operations are required to provide buffering to reduce impact when adjacent to a different land use. This property is adjacent to ag. ranchette land use and to demonstrate compliance must provide a minimum 15 ft. minimum landscape buffer along Citrus Blvd.; as part of a request for alternative compliance to reduce size and quantity of tree material, the applicant has proposed expanding this buffer to a width of 100 feet. This buffer shall consist of preserved native sabal palm and shall be supplemented with native trees and shrubs. In addition, all native vegetation not within a designated use area is proposed to be preserved as additional buffering and to prevent erosion.

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 demonstrate compliance the applicant is proposing to preserve all 35 of the existing protected trees on the site. In addition the applicant is proposing to protect 225 existing sabal palm and to relocate an additional 120 palms. These palms will qualify to provide credit for 115 of the required landscape trees.

A total of 1,129 - 10 foot trees shall be installed prior to start of excavation of the mining operation, these trees are anticipated to achieve a dbh of 7" when mining operations are complete and prior to completion of reclamation activities. Based on this alternative, these trees shall be counted as preserved

trees and awarded credit of 2:1 tree credits. In the event these trees do not meet this expectation, additional trees will be established at that time.

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.

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 The MilCor Group Inc., dated November 2019. The MilCor Group Inc., stated that the site's maximum impact was assumed to be 22 directional trips during the PM peak hour. Staff finds that SW Citrus Boulevard is the recipient of a majority of the generated trips. The generalized service capacity of SW Citrus Boulevard is 750. The project impact is 2.97% of the maximum volume of that roadway. SW Citrus Boulevard is currently operating at a level of service A/B; it is anticipated to operate at level of service A/B at buildout (year 2022).

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 is proposing to construct a 32.92 acre lake for mining activities. The applicant is proposing to complete the excavation within two years of the Final Site Plan Approval and complete the required restoration of the lake to the final proposed condition within the third year. The applicant demonstrated in the Engineer's Opinion of Probable Excavation, Fill,

and Hauling that a total of 992,232 cubic yards of material will be excavated and hauled from the site. The applicant demonstrated compliance with Division 8.

Division 9- Stormwater Management: The applicant has demonstrated the proposed development's stormwater management system is designed to be full on-site retention with no stormwater runoff leaving the site; thereby, the required stormwater attenuation is in compliance with Division 9.

Division 10 - Flood Protection: This site is not within a Special Flood Hazard Area; The applicant is not proposing to construct any structures; therefore, Division 10 is not applicable.

Division 14 - Parking and Loading; Roadway Design: The applicant is not proposing to construct parking areas with this application; therefore, Division 14 is not applicable.

Division 19 - The applicant has demonstrated compliance with Division 19 with the design of the proposed driveway connections to CR-726 (SW Citrus Boulevard).

The Engineering Department finds this application in compliance provided the development order includes the following condition:

1. An annual progress report shall be submitted to the Public Works Department within 30 days of the anniversary date of the permit for all filling or mining permits that have a duration of more than one year. The report shall be prepared by a Florida registered engineer, shall demonstrate that the permit criteria have been met to date and that the project is in compliance with all other applicable permits. The annual progress report shall include record ("as-built") drawings of all work done to the date of the report. The following certification statement must also appear with the annual certification report [MARTIN COUNTY, FLA., LDR SECTION 4.349. (2001)]:

I hereby notify Martin County of the completion of all excavation and filling for the above referenced project and certify that they have been constructed in conformance with the plans and specifications permitted by the county including, but not limited to, all area and quantities of vegetated littoral and upland buffer zones, all excavation and fill material quantities, excavation depths, and natural resources protection. (A copy of the approved permit drawings is attached.) I hereby affix my seal this _____ day of _____/_____/_____, 20_____.

2. Within 30 days of the completion of the excavation and/or filling or mining, a Florida registered professional engineer, a Florida registered professional surveyor and mapper, or a Florida registered professional landscape architect shall certify that the excavation was constructed in substantial conformance with the plans and specifications approved by the county. A certification statement must also appear on the certification report. MARTIN COUNTY, FLA., LDR SECTION 4.351. (2001)

3. All disturbed mining/excavation/fill areas shall be reclaimed, and reclamation shall begin immediately following excavation/fill or each phase of excavation/fill, whichever occurs first. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to prevent the establishment of prohibited plant species and to provide adequate growing conditions for reclamation planting requirements. MARTIN COUNTY, FLA., LDR SECTION 4.348.C. (2001)

4. A three-year performance bond/security and executed commitment is required to ensure that restoration of the excavation and/or fill or mining site shall be completed, including items such as, but not limited to, general clean-up, grading, and vegetation of the lake banks littoral zones, and upland transition zone. The amount of the security shall be approved by the County Engineer and shall be based on 110 percent of a cost estimate prepared by a Florida registered Engineer of the general clean up, grading, and site restoration include in the required littoral zone and upland planting by an

environmental professional. The guarantees for phased project may be bonded separately. MARTIN COUNTY, FLA., LDR SECTION 4.350. (2001)

5. A hauling operations report, and payment of associated hauling fees shall be submitted quarterly to the County Public Works department. MARTIN COUNTY, FLA., LDR SECTION 4.343.C. (2001) See also Section M, Engineering.

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

Findings 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.

Provide KNOX padlock for emergency access.

Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this application as currently proposed, pursuant to Section 10.1.F., LDR, Martin County, Fla. (2016)

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.

Martin County School Board

N/A

The applicant has indicated that this application is for a commercial/industrial site. Therefore the Martin County School Board was not required to review this application for school concurrency evaluation. MARTIN COUNTY, FLA., LDR §10.1.F.

S. Determination of compliance with legal requirements - County Attorney's Office

N/A

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 – not applicable

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 – not applicable

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

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 – not applicable

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" copies of the approved construction plans signed and sealed by the Engineer of Record licensed in the State of Florida. Rolled

Item #7:

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

Item #8:

One (1) 24" x 36" copies 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:

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:

A hauling fee of \$0.21 per cubic yard of material being hauled from the site in the amount of \$210,000 shall be paid within sixty (60) calendar days of the project approval.

Item #13:

One (1) new, unopened flash/thumb drive for digital file recording.

V. Local, State, and Federal Permits

Approval of the development order is conditioned upon the applicant's submittal of all required applicable Local, State, and Federal Permits, to the Growth Management Department (GMD), prior to the commencement of any construction. An additional review fee will be required for Martin County to verify that the permits are consistent with the approved development order.

The following permits must be obtained prior to scheduling a Pre-Construction meeting:

1. Florida Department of Environmental Protection (FDEP) Generic Permit for Stormwater Discharges for Large and Small Construction Activities
2. South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP)
3. FWC Permit, Gopher Tortoise Relocation if necessary, due prior to Pre-Construction meeting.
4. Wellfield and Groundwater Protection
5. The applicant must provide a copy of all required South Florida Water Management permits prior to scheduling the Pre-Construction meeting.

W. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public 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		
Mandatory impact fees:	TBD		
Non-mandatory 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.

X. General application information

Applicant: MC320, LLC
Don R. Mancil
8530 SW Jayme Way
Palm City, FL 34990

Agent: The Milcor Group, Inc.
Melissa G. Corbett, P.E.
10975 SE Federal Highway
Hobe Sound, FL 33455
772-223-8850

Engineer: Same as agent

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