



## Legislation Details (With Text)

**File #:** 19-0047

**Type:** Departmental Quasi Judicial      **Status:** Agenda Ready

**In control:** Board of County Commissioners

**On agenda:** 11/13/2018      **Final action:**

**Title:** JENSEN DUNES PUD REVISED PUD ZONING AGREEMENT, REVISED MASTER SITE PLAN AND PHASING PLAN (J046-008)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2018\_1008\_J046-008\_DRT\_Staff\_FINAL.pdf, 2. 2018\_1008\_J046-008\_2nd PUD Amendment.pdf, 3. 2018\_1008\_J046-008\_ExhibitD\_Rev\_MSP\_Pages from 2018\_0618\_J046-008\_RESUB-4.pdf, 4. 2018\_1008\_J046-008\_ExhibitD1\_Rev\_PhasingPlan\_Pages from 2018\_0618\_J046-008\_RESUB-3.pdf, 5. 2018\_1008\_J046-008\_ExhibitD2\_CedarStreet\_Improvement\_Plan\_Pages from 2018\_0618\_J046-008\_RESUB-5.pdf, 6. 2018\_1009\_J046-008\_AppExtract\_2015\_0812\_J046-008\_APP\_Digital\_Submittal.pdf, 7. 2018\_1009\_J046-008\_AppExtract2\_Pages from 2016\_0314\_J046-008\_RESUB.pdf, 8. 2018\_1009\_J046-008\_AppExtract3\_Pages from 2016\_0809\_J046-008\_RESUB\_Application\_Materials.pdf, 9. 2018\_1009\_J046-008\_AppExtract4\_Pages from 2017\_0413\_J046-008\_RESUB\_Application\_Materials.pdf, 10. 2018\_1009\_J046-008\_AppExtract5\_Pages from 2018\_0618\_J046-008\_RESUB.pdf, 11. 2018\_1008\_J046-008\_PUD\_Zoning\_Agreement\_2012.pdf, 12. 2018\_1008\_J046-008\_1st\_PUD\_Amendment\_2014.pdf, 13. 2018\_1008\_J046-008\_Certified\_Sign\_Posting\_2015\_0901.pdf, 14. 2018\_1009\_J046-008\_Disclosure affidavit (Jensen Dunes, LLC).pdf, 15. 2018\_1009\_J046-008\_Disclosure affidavit (One HC-Jensen Beach, LLC).pdf, 16. 2018\_1009\_J046-008\_PUD\_RESO\_DENY\_DRAFT.pdf, 17. gmd2019M46 SUPPLEMENTAL.pdf, 18. 2018\_1106\_J046-008\_Email\_Request\_RE\_Jensen Dunes Postpone until BCC 9-20.pdf

Date	Ver.	Action By	Action	Result
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**PLACEMENT:** Departmental - Quasi-Judicial

**TITLE:**

**JENSEN DUNES PUD REVISED PUD ZONING AGREEMENT, REVISED MASTER SITE PLAN AND PHASING PLAN (J046-008)**

**EXECUTIVE SUMMARY:**

Request for approval of the Second Amendment to the PUD Zoning Agreement and Revised Master Site Plan and Phasing Plan. The 34.3 acre subject property is located on the north side of Cedar Street between the FEC Railroad and Savannah Road and south and west of the Town of Ocean Breeze in Jensen Beach. Included in the application is a request for a deferral of a Certificate of Public Facilities Reservation.

**DEPARTMENT:** Growth Management

**PREPARED BY:** Name: Paul Schilling

**Title:** Development Review Administrator

**REQUESTED BY:** Jensen Dunes, LLC and One HC-Jensen Beach, LLC, Morris A. Crady, AICP, Lucido & Associates, Agent

**PRESET:**

**PROCEDURES: Quasi-Judicial**

**BACKGROUND/RELATED STRATEGIC GOAL:**

The subject of this application is a request for approval of the Second Amendment to the PUD Zoning Agreement and Revised Master Site Plan and Phasing Plan. The 34.3 acre subject property is located on the north side of Cedar Street between the FEC Railroad and Savannah Road and south and west of the Town of Ocean Breeze in Jensen Beach. Included in the application is a request for a deferral of a Certificate of Public Facilities Reservation.

On January 10, 2012 the Board of County Commissioners (BCC) granted a zoning change to the PUD District and PUD Master Site Plan approval for the Jensen Dunes project. The PUD Master Site Plan approval was for a 390-bed residential care facility to be constructed in 3 phases. The approved site plan includes 3, 2-story buildings, which will house 130 beds each, and a common recreation area which includes a swimming pool, pavilion, picnic area and gardens.

On October 23, 2012 the BCC approved the Phase 1 Final Site Plan consisting of up to 130 beds and associated infrastructure with a required completion date of October 24, 2014.

On February 18, 2014 the BCC approved the First Amendment to the PUD Zoning Agreement which extended the completion date of the Phase 1 Final Site Plan by one year from October 24, 2014 to October 24, 2015. Based on information provided by the applicant, the majority of site work within Phase 1 has been completed and the Phase I building is under construction and more than ninety percent complete. A legislative extension was acknowledged under Executive Order 15-173, extending the completion date of Phase 1 to June 22, 2016.

The following summary of the proposed Second Amendment has been provided by the applicant:

The current PUD Agreement conditions final site plan approval of Phase 2 on the extension of Skyline Drive from its current location at Second Street south through the Town of Ocean Breeze to the project's entrance, or by reclassifying Cedar Street as a collector road by way of a Comprehensive Plan amendment.

As specified in PUD Special Condition 12, the extension of Skyline Drive through the Town of Ocean Breeze requires a cooperative agreement with the Town to allow the construction of Skyline Drive either by the developer of Jensen Dunes or by way of a Municipal Service Benefit Unit (MSBU) in cooperation with Martin County. The developer of Jensen Dunes has steadfastly pursued this agreement with the Town to no avail. The Town of Ocean Breeze simply does not want the extension of Skyline Drive through their jurisdiction. Therefore, the developer has no choice but to pursue the legal alternative of utilizing NE Cedar Street as the project's primary entrance in accordance with Section 3.93.D of the Land Development Code.

To support the PUD Amendment and pursuant to meetings with representatives of St. Martin De

Porres Church and Jensen Beach Elementary School, the developer has voluntarily elected to condition the use of NE Cedar Street on the construction of off-site improvements to NE Cedar Street and payment of a contribution of mutual benefit to the Martin County School District (in the amount of \$197,000) as described in revised Special Condition #12 of the PUD Amendment.

The NE Cedar Street improvements will help relieve traffic congestion on Cedar Street and generally improve traffic circulation and pedestrian safety. The contribution of mutual benefit to the School District was requested to help facilitate the District's master planning efforts for Jensen Beach Elementary School.

With this understanding, additional changes to the PUD Timetable are listed as follows:

The proposed changes to the PUD Timetable are to reflect the actual date Phase 1 obtained final site plan approval (i.e. October 23, 2012) and to acknowledge the legislative extensions authorized by the Governor's Executive Orders #15-173, #16-30, #16-59, #16-230, #17-235, #17-287 and 18-191. The Executive Orders authorize an ultimate buildout date of June 10, 2024.

- a) The extension of the completion date for Phase 1 from October 23, 2015 (First PUD Amendment) to October 7, 2017;
- b) The extension of the time frame to obtain final site plan approval of Phase 2 from December 22, 2017 to June 9, 2020;
- c) The extension of the time frame to complete Phase 2 from December 24, 2019 to June 11, 2022;
- d) The extension of the time frame to obtain final site plan approval of Phase 3 from December 24, 2018 to June 10, 2022;
- e) The extension of the time frame to complete Phase 3 from December 23, 2020 to June 10, 2024.

Additional timetable extensions proposed by way of PUD Amendment:

- a) The extension of the time frame to obtain final site plan approval of Phase 2 to December 31, 2019;
- b) The extension of the time frame to complete Phase 2 to December 31, 2021;
- c) The extension of the time frame to obtain final site plan approval of Phase 3 to December 31, 2021;
- d) The extension of the time frame to complete Phase 3 to December 31, 2023.

The PUD Amendment also includes the following changes to the Master Plan and Phasing Plan:

- a) Elimination of the extension of Skyline Drive from its existing location at Second Street through the Town of Ocean Breeze to the project's entrance;
- b) Addition of a permanent, secondary vehicular access and sidewalk connection on NE Cedar Street including the extension of a 6' sidewalk along the project's entire frontage on the NE Cedar Street right-of-way;
- c) Addition of a loop road and additional parking areas surrounding the project's development area;
- d) Reduction in the number of beds from 390 to 340 beds including existing Building #1 (130 beds), proposed Building #2 (160 beds) and proposed Building #3 (50 beds);
- e) Redesign of Building #2 from a 2-story structure with 130 beds to a one-story community commons building attached to a 2-story and 3-story structure with 160 beds;
- f) Redesign of Building #3 from a 2-story structure with 130 beds to a one-story structure with 50

beds; and

g) Deletion of the optional picnic area and trail within the upland preserve area.

To be consistent with the revised master plan and timetable, PUD Special Condition 12 is proposed to be amended as follows:

12. TRAFFIC IMPACTS

A. Pursuant to Section 3.93.D., Land Development Regulations, Martin County Code, primary access to the project shall be NE Cedar Street subject to completing the following off-site improvements prior to the issuance of a certificate of occupancy for Phase 2:

i. A permanent secondary access on NE Cedar Street including construction of a six (6) foot wide sidewalk along the project's entire frontage on NE Cedar Street right-of-way (ROW) as shown on Revised Exhibit "D", Revised Master Plan; and

ii. All intersection, roadway and sidewalk improvements as shown on the NE Cedar Street Improvement Plan attached hereto and made a part hereof as Exhibit "D-2".

B. Prior to the issuance of a CO for Phase 2, Jensen Dunes, LLC shall make a contribution of mutual benefit to the Martin County School District in the amount of \$197,000. The payment shall not be creditable towards any required impact fees.

Pursuant to Section 10.4.A.1., Land Development Regulations, Martin County, Fla. (2016), a review of this application is not required by the Local Planning Agency (LPA).

The following supporting materials are provided attached to this agenda item:

Staff Report

Proposed Second Amendment to the PUD Zoning Agreement

Proposed Revised Master Site Plan (Exhibit D)

Proposed Revised Phasing Plan (Exhibit D-1)

NE Cedar Street Improvement Plan (Exhibit D-2)

Application Materials

Financial Disclosure Affidavits

Noticing Sign Posting Certification

Draft Resolution for Denial of Second Amendment to the PUD Zoning Agreement

Staff presentation-

Estimated time: Approximately 5 minutes.

Paul Schilling, Development Review Administrator

Other staff members, as deemed necessary

Applicant presentation-

Estimated time: Approximately 10 minutes.  
Morris A. Crady, AICP, Lucido & Associates, Agent  
Susan O'Rourke, Traffic Engineer

### **ISSUES:**

There are no unresolved issues associated with this application. Finalization of the attached draft Second Amendment is ongoing pending Board of County Commissioners approval.

### **LEGAL SUFFICIENCY REVIEW:**

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision that is based on a correct application of the law and competent substantial evidence in the record. Suggested procedures to follow during consideration of this matter are attached.

### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

1. Move that the Board receive and file the Agenda item Summary and all of its attachments including the Staff Report for the record as Exhibit 1.
2. Move that the Board approve the Second Amendment to the Jensen Dunes PUD Zoning Agreement and Revised Master Site Plan and Phasing Plan and NE Cedar Street Improvement Plan.

#### **ALTERNATIVE RECOMMENDATIONS**

- 2.A. Move that the Board continue the request to approve the Second Amendment to the Jensen Dunes PUD Zoning Agreement and Revised Master Site Plan and Phasing Plan to a date certain.
- 2.B. Move that the Board deny the request Second Amendment to the Jensen Dunes PUD Zoning Agreement and Revised Master Site Plan and Phasing Plan and adopt the resolution of denial, setting forth the reasons for the denial.

### **FISCAL IMPACT:**

#### **RECOMMENDATION**

The applicant has paid the review fee of \$13,800 and the sufficiency review fee of \$290.

Funding Source	County Funds	Non-County Funds

Subtotal		
Project Total		

## ALTERNATIVE RECOMMENDATIONS

As above.

## DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☒ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other: