



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

FOUR FISH MARINA - TIKI MINOR FINAL SITE PLAN

Applicant:	IM 02 Jensen LLC
Property Owner:	IM 02 Jensen LLC
Agent for Applicant:	Lucido & Associates (Brian Nolan)
County Project Coordinator:	Brian Elam, PMP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	A059-011
Record Number:	DEV2023090015
Report Number:	2024_0604_A059-011_DRT_STAFF_FINAL
Application Received:	10/11/2023
Transmitted:	10/13/2023
Date of Report:	02/01/2024
Application Received:	04/18/2024
Transmitted:	04/19/2024
Date of Report:	06/04/2024

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B. Project description and analysis

This is a request by IM 02 Jensen LLC for approval of the Four Fish Marina Tiki (A059-011) revised final site plan. This project proposes a 2,025 square foot, two story tiki bar with pool and patio area parking, and related improvements to infrastructure. The property is located on the east side of NE Indian River Drive approximately 1 mile south of NE Jensen Beach Boulevard and due north of the Jensen Beach Boat Ramp at 2225 NE Indian River Drive in Jensen Beach. Included with this application is a request for a Certificate of Public Facilities Reservation.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Section 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 Review	Brian Elam	772-288-5501	Non-Comply
F	ARDP Review	Samantha Lovelady	772-288-5664	N/A
G	Site Design Review	Brian Elam	772-288-5501	Non-Comply
H	Commercial Design Review	Brian Elam	772-288-5501	Comply
H	Community Redevelopment Review	Brian Elam	772-288-5501	N/A
I	Property Management Review	Ellen MacArthur	772-221-1334	N/A
J	Environmental Review	Shawn McCarthy	772-288-5508	Comply
J	Landscaping Review	Lindy Cerar	772-320-3055	Comply
K	Transportation Review	Lukas Lambert	772-221-2300	Non-Comply
L	County Surveyor Review	Tom Walker	772-288-5928	N/A
M	Engineering Review	Kaitlyn Sullivan	772-288-5920	Non-Comply
N	Addressing Review	Emily Kohler	772-288-5692	Comply
N	Electronic File Submission Review	Emily Kohler	772-288-5692	Comply
O	Water and Wastewater Review	Sharon Kuba	772-221-1385	Comply
O	Wellfields Review	Sharon Kuba	772-221-1385	Comply
P	Fire Prevention Review	Doug Killane	772-419-5396	Comply
P	Emergency Management Review	Sally Waite	772-219-4942	Comply
Q	ADA Review	Kaitlyn Sullivan	772-288-5920	Comply
R	Health Department Review	Nicholas Clifton	772-221-4090	N/A
R	School Board Review	Juan Lameda	772-219-1200	N/A
S	County Attorney Review	Elysse A. Elder	772-288-5925	Ongoing
T	Adequate Public Facilities Review	Brian Elam	772-288-5501	Pending

D. Review Board action

This application meets the threshold requirements for processing as a minor development MARTIN COUNTY, FLA., LDR, §10.2.C.1. (2021). Review and final action for this application is required by the Growth Management Director MARTIN COUNTY, FLA., LDR, §10.5.F.9. (2021).

Pursuant to Sections 10.1.E. and 10.2.B.2., Land Development Regulations, Martin County, Fla. (2021), 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: 26-37-41-000-000-00060-8
 Address: 2225 NE Indian River Drive, Jensen Beach, Florida
 Existing zoning: WGC, Waterfront General Commercial
 Future land use: Commercial Waterfront
 Nearest major road: NE Indian River Road
 Gross area of site: 9.73 acres, 5.60 acres submerged, 4.13 acres of Upland Area
 Non-residential gross floor area: 2,023 square feet

Table 1: Abutting Properties Details

Direction	Development	Future Land Use	Zoning
North	Marina	Commercial Waterfront	WGC, Waterfront General Commercial
South	Vacant	Commercial Waterfront	R-3, Multi-Family Residential
East	Intercoastal	N/A	N/A
West	ROW	N/A	N/A

Figure 1: Location Map



Figure 2: Subject Site 2023 Aerial



Figure 3: Zoning Atlas

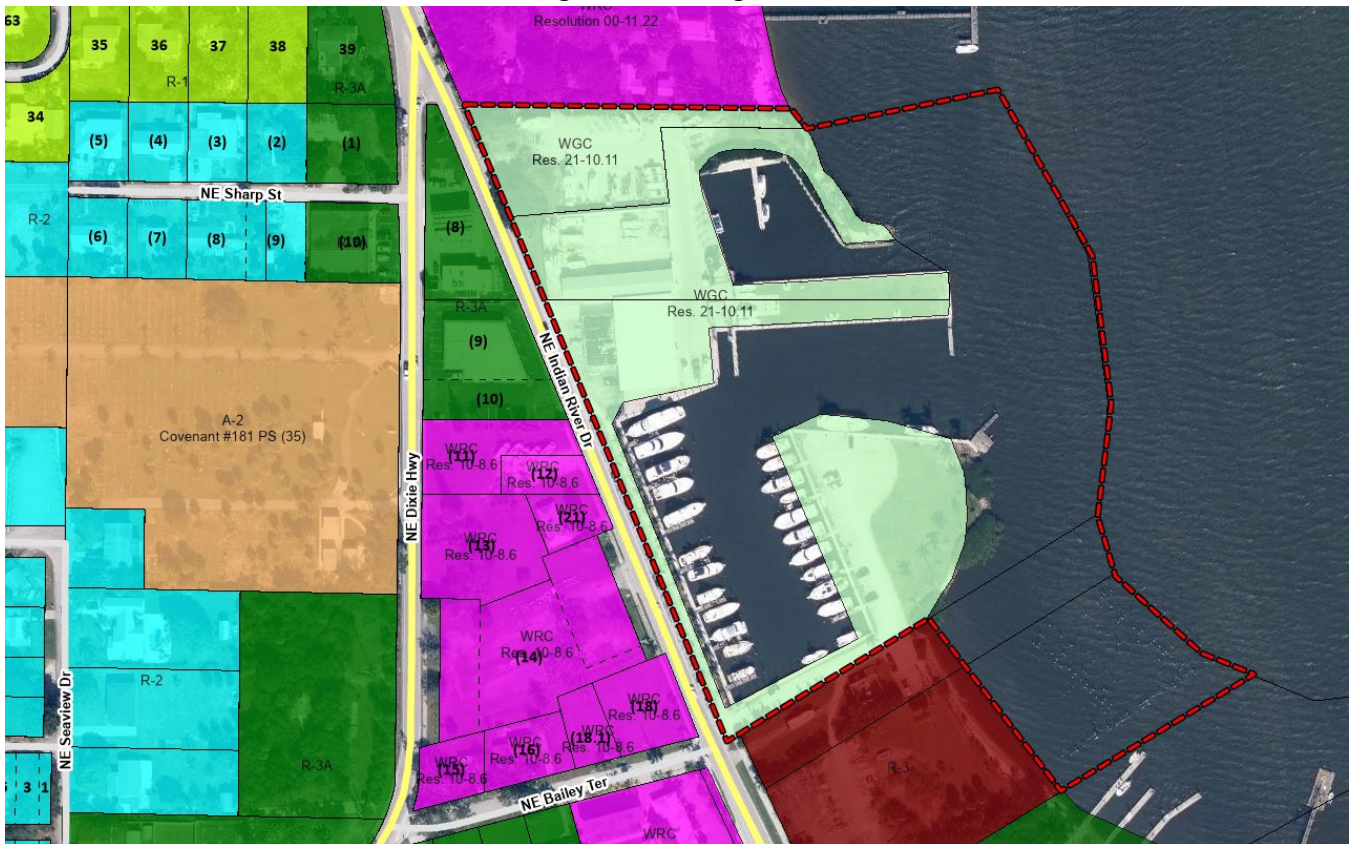
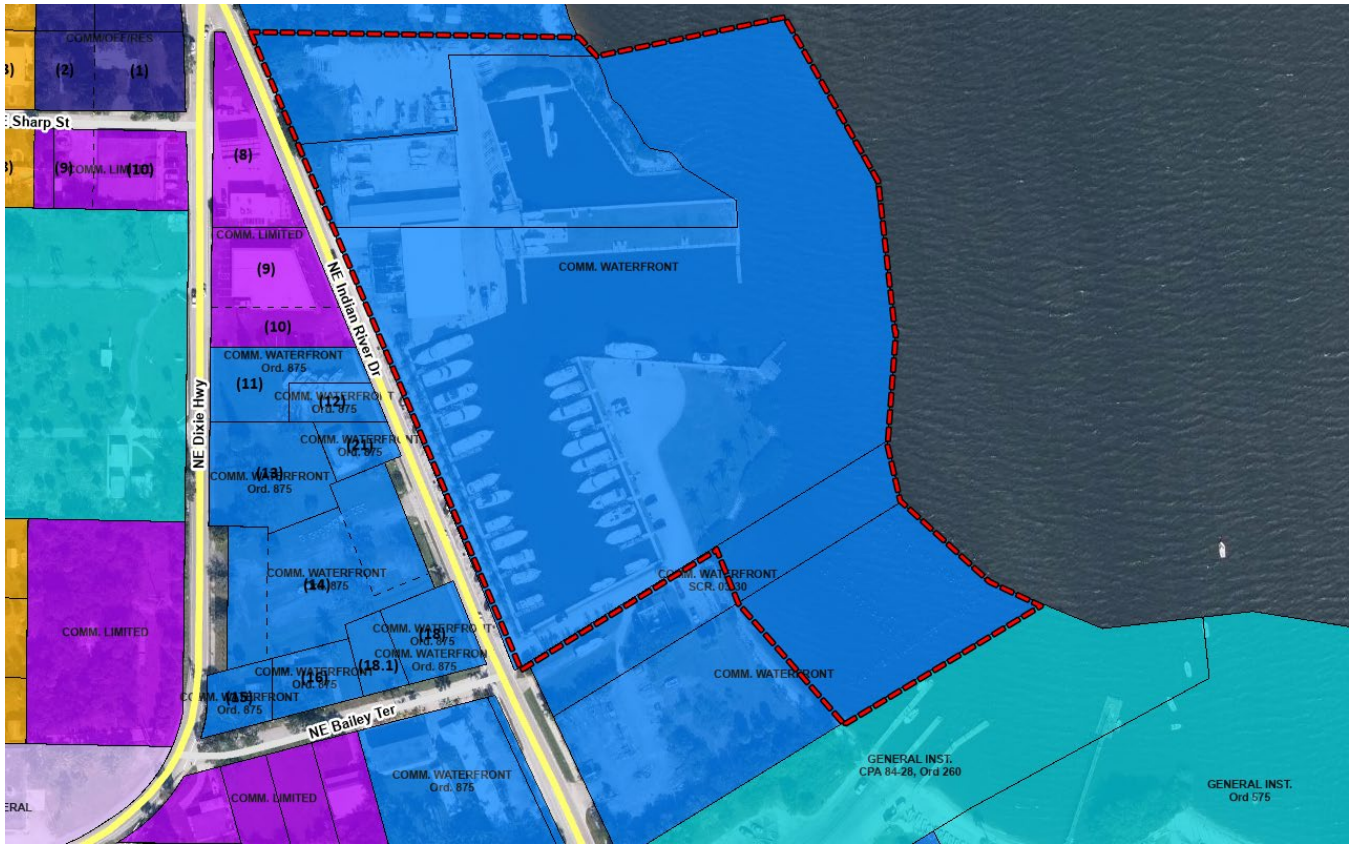


Figure 4: Future Land Use Map



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

Unresolved Issues:

GENERIC COMP PLAN COMPLIANCE:

This application cannot be deemed to be in compliance with the Martin County Comprehensive Growth Management Plan (CGMP) until the issues identified in this report have been satisfactorily resolved. Martin County, Fla., CGMP, § 1.3

G. Determination of compliance with land use, site design standards, zoning and procedural requirements – Growth Management Department

Unresolved Issues:

Item #1.

GENERAL

1. Submerged land on adjacent parcels was added to this site.

Provide and updated legal description that includes the submerged land of parcels 263741000000003302 and 263741000000003400.

Item #2.

SITE PLAN DATA

1. The “Total Site Area” and “Submerged Area” values in the “Site Area Data” have not changed from the previously approved Revised Final Site plan despite the fact that new area has been added to the site. Include the added submerged land area to the site data.

Item #3.

SITE PLAN GRAPHICS

1. Show the new property line now that new submerged land is part of this site.
2. Name the dumpster detail.

Information #1:

Land Clearing

No land clearing is authorized prior to the pre-construction meeting for the project. 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 by applicable state agency permits may be granted by the Growth Management Department MARTIN COUNTY, FLA., LDR SECTION 10.14.C. (2019).

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

Commercial Design

Findings of Compliance:

Development review staff have reviewed the application and finds that it complies with Article 4, Division 20, Commercial Design Standards of the Martin County Land Development Regulations

Community Redevelopment Area

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

Finding of Compliance:

The Growth Management Department staff has reviewed the application and finds it in compliance with the applicable Land Development Regulations regarding landscaping.

K. Determination of compliance with transportation requirements – Engineering Department

Unresolved Issues:

Item #1.

Applications for a Final Site Plan should evaluate traffic conditions 2 years from anticipated Board approval date.

Item #2.

The Traffic Impact Analysis does not comply with Article 5, Division 3, Section 5.63 because:

Trip generation rates shall be taken from the Institute of Transportation Engineers' Trip Generation (current edition). [Martin County, Fla., LDR Article 5, Division 3, Section 5.63.A (2009)] Drinking Place - ITE Land Use 975 is applicable for the proposed tiki bar.

Item #3.

The Traffic Impact Analysis does not comply with Article 5, Division 3, Section 5.64 because:

1. Estimated project trip generation and assignment, considering pass-by and internal capture, on a peak hour peak direction basis. [Martin County, Fla., LDR Article 5, Division 3, Section 5.64.C.3 (2009)]
2. An analysis, including traffic distribution and assignment, of all links and aggregated segments or parts thereof, on the major road network on which the project traffic has an impact of at least two percent of the level of service capacity as identified in the most recent Martin County annual concurrency report. [Martin County, Fla., LDR Article 5, Division 3, Section 5.64.C.5 (2009)]
See 2022 Roadway Level of Service Report.
3. The following analysis will form the basis for determining concurrency on all impacted roads. The concurrency test will be completed by adding the background traffic growth plus the net number of trips generated from the project traffic on each impacted link on the road network to the existing traffic volume and comparing the total of this traffic volume to the adopted level of service capacity. If the total traffic volume is lower than the adopted level of service capacity, concurrency has been satisfied on this link and/or aggregated segment. [Martin County, Fla., LDR Article 5, Division 3, Section 5.64.C.5.a (2009)]
4. The study network will be illustrated in both tabular and map formats, and clearly show the percentage of project traffic of the level of service capacity up to and including the link where the project traffic falls below the two percent threshold. The map or maps will illustrate the project location, existing and proposed traffic control devices, existing and proposed ingress and egress locations for the project, existing and proposed bicycle and

pedestrian facilities, and existing and proposed public transportation services and facilities on the study network. [Martin County, Fla., LDR Article 5, Division 3, Section 5.64.C.7 (2009)]

L. Determination of compliance with county surveyor – Engineering Department

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

M. Determination of compliance with engineering, storm water and flood management requirements – Engineering Services Division

Unresolved Issues:

Item #1.

1. The pre-development discharge rate being relied upon must be based upon 100% pervious and uncompacted conditions (before any alteration of the topography, vegetation and rate, volume, timing quality or direction of surface or groundwater flow by development) per LDR Section 4.382.
2. It appears that a layer with the stormwater details (pipe sizes, lengths, structure details, etc.) was turned off on the Paving, Grading, and Drainage Plan Sheet. Revise to include details.

Item #2.

DIVISION 19: ROADWAY DESIGN

Informational: In addition to Final Site Plan approval, a Right of Way Use Permit Application will be required for this proposed development prior to scheduling a pre-construction meeting. It is recommended that the applicant submit the required Right of Way Use Permit Application at their earliest convenience, as it can be reviewed concurrently. Please contact pwdpermits@martin.fl.us with any questions regarding the right-of-way use permit application process.

Development Order Condition:

Hauling is not permitted. 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.

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. (2023).

Electronic File Submittal

Findings of Compliance:

Both AutoCAD dwg file of the 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. (2023).

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 Division finds this submittal to be in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code. 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 Management

Findings of Compliance:

The applicant has provided an approved evacuation plan.

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. [2020 Florida Building Code, Accessibility, 7th Edition]

R. 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.

Martin County School Board

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

S. Determination of compliance with legal requirements – County Attorney’s Office

Review ongoing.

T. Determination of compliance with 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 – Martin County Utilities

Reference - see Section O of this staff report

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

Sewer provider - Martin County

Findings - positive evaluation

Source – Martin County Utilities

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

Source - Engineering Services 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

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

Findings - pending

Source – Engineering Services Department

Reference - see Section M of this staff report

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

Findings - pending

Source - Engineering Services Department

Reference - see section L 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

After approval of the development order, the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. 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	Description	Requirement
1.	Response to Post Approval Requirements List	The applicant will submit a response memo addressing the items on the Post Approval Requirements List.

Item	Description	Requirement
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.
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.
4.	Warranty Deed	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.
5.	Unity of Title	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.
6.	Construction Plans	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.
7.	Approved Final Site Plan	One (1) copy 24" x 36" of the approved final site plan.
8.	Approved Landscape Plan	One (1) 24" x 36" copy of the approved landscape plan signed and sealed by a landscape architect licensed in the State of Florida.
9.	Approved Elevations	One (1) 24" x 36" copy of the approved elevation drawings signed and sealed by a licensed architect.
10.	Digital Copy of Site Plan	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.
11.	Engineer's Design Certification	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	Description	Requirement
12.	Recorded Shared Access Easement	One (1) copy of the recorded shared access easement between the owners of parcels 263741000000000608 and 263741000000003302.
13.	Water & Wastewater Service Agreement	Original and one (1) copy or two (2) copies of the executed and signed Water and Wastewater Service Agreement with Martin County Utilities and one (1) copy of the payment receipt for Capital Facility Charge (CFC) and engineering and recording fees.
14.	Flash/Thumb Drive	One (1) blank 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 Martin County 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:	\$8,750	\$8,750	\$0.00
Inspection fees:	\$4,160		\$4,160
Advertising fees *:			
Recording fees **:			
Impact fees***:			

* Advertising fees will be determined once the ads have been placed and billed to the County.

** Recording fees will be identified after the post approval package has been submitted.

***Impact fees are required at building permit.

X. General application information

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Engineer of Record: Creech Consulting, Inc.
Jerry Compton
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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/Wastewater Service Agreement

Z. Attachments