



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

COVE ROYALE 3RD AMENDMENT TO THE PUD ZONING AGREEMENT REVISED MASTER AND PHASING PLAN AND PHASE 2 FINAL SITE PLAN

Applicant:	KH Cove Royale, LLC (Bobby Knott)
Property Owner:	KH Cove Royale, LLC
Agent for Applicant:	Lucido and Associates, Brian Nolan, AICP, ASLA
County Project Coordinator:	Brian Elam, PMP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	C165-007
Record Number:	DEV2023110003
Report Number:	2024_0624_C165-007_DRT_STAFF_FINAL
Application Received:	12/05/2023
Transmitted:	12/07/2023
Date of Report:	03/07/2024
Application Received:	04/25/2024
Transmitted:	04/26/2024
Date of Report:	06/24/2024

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B. Project description and analysis

This is a request by Lucido & Associates on behalf of KH Cove Royale LLC for approval of a 3rd Amendment to the PUD Zoning Agreement, including a revised Master/Phasing Plan and Phase II final site plan for the Cove Royale PUD to remove the previously proposed paved road on an existing manmade berm that connected Phase I to Phase II. Alternative access is proposed to Phase II through the private roads within the adjacent Preserve at Park Trace PUD. The subject site is located at 1550 SE Cove Road, on the south side of SE Cove Road, east of SE Grace Lane, approximately 0.14 miles west of SE Ault Avenue, in Stuart. Included is a request for a Certificate 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	N/A
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	Non-Comply
J	Landscaping Review	Karen Sjöholm	772-288-5909	Non-Comply
K	Transportation Review	Lukas Lambert	772-221-2300	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	Jorge Vazquez	772-221-1448	Non-Comply
O	Wellfields Review	Jorge Vazquez	772-221-1448	Comply
P	Fire Prevention Review	Doug Killane	772-419-5396	Comply
P	Emergency Management Review	Sally Waite	772-219-4942	N/A
Q	ADA Review	Stephanie Piche	772-223-4858	Comply
R	Health Department Review	Nicholas Clifton	772-221-4090	N/A
R	School Board Review	Juan Lameda	772-219-1200	Comply
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 a major development, with a previously approved master plan, pursuant to Table 10.2.C.1.B., LDR, Martin County, Fla. (2023), and requires one public meeting.

The public meeting shall be before the Board of County Commissioners, who will take final action on the request, pursuant to Table 10.5.F.9., LDR, Martin County, Fla. (2023).

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: 343841001000000903
 Parcel number: 343841000000000101
 Address: 6891, 6970 SE Haven Lane, Stuart
 Existing zoning: Planned Unit Development (PUD)
 Future land use: Estate Density 2UPA
 Nearest major road: SE Cove Road
 Gross area of site: 97.06 acres

Table 1 Abutting Properties Details

Direction	Development	Future Land Use	Zoning
North	Single-family homes	Rural Density	A-1, RE-2A
South	State Park	Recreational	PR
East	Single-family homes	Estate Density, Rural Density	A-1, PUD
West	Single-family homes	Estate Density, Rural Density	RE-2A, RE-1/2A

Figure 1: Location Map



Figure 2: Subject Site Aerial



Figure 3: Zoning Atlas Excerpt

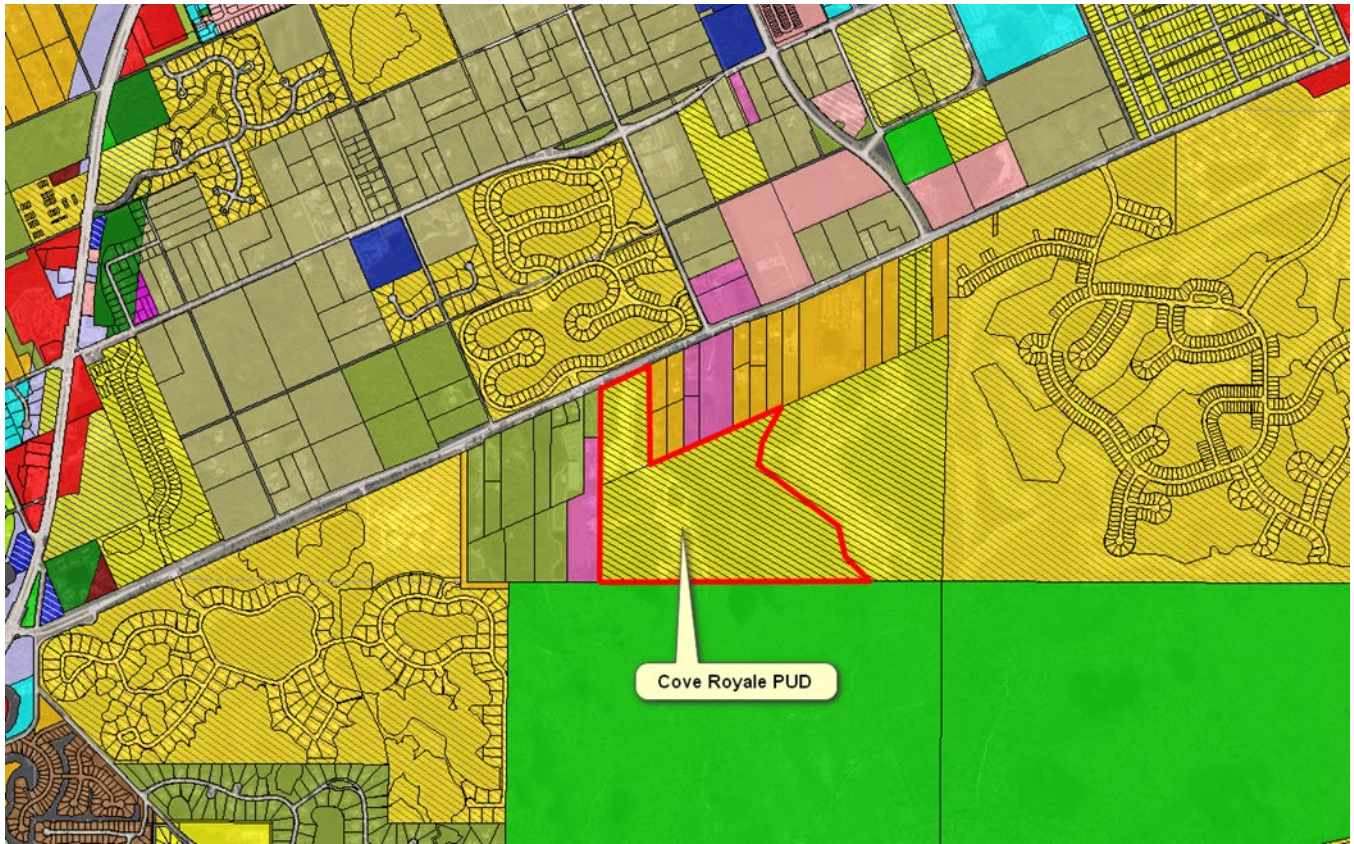
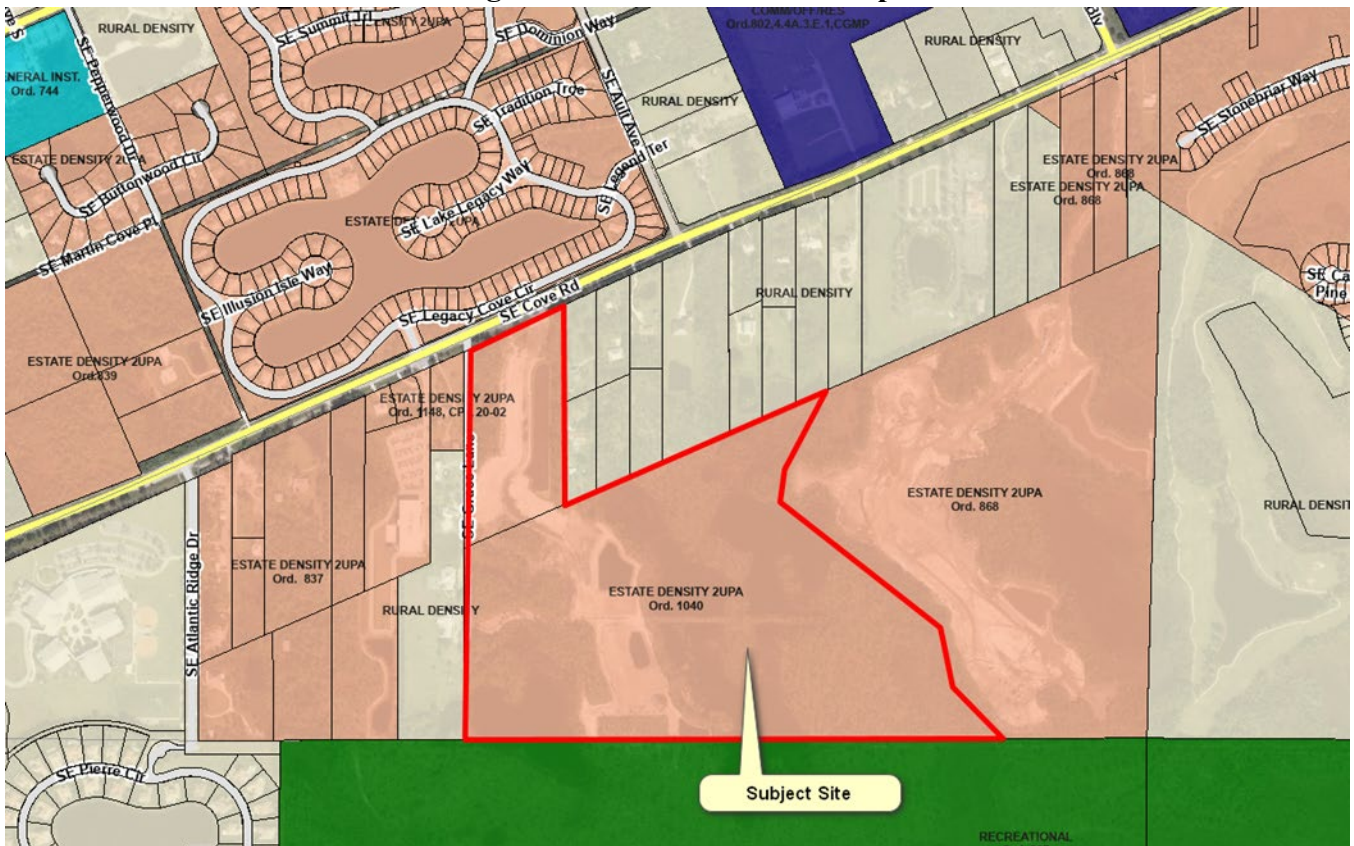


Figure 4: Future Land Use Map



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

Unresolved Issues:

Item #1.

Generic Comp Plan Compliance:

This application cannot be deemed 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.

Informational #1:

Policy 4.1E.6. PUD

A planned unit development is a unified development that is (1) planned, approved and controlled according to provisions of a binding written document negotiated between the developer and the County as a special PUD zoning district and (2) approved at a public hearing. The purpose of PUD districts is to introduce flexibility into the strict zoning and development regulations in a manner that is mutually beneficial to the County and the development. It is also to encourage enlightened and imaginative approaches to community planning. Benefits to the developer may include incentives to encourage affordable housing (consistent with the Housing Element); transfer of density from wetlands (consistent with the Conservation and Open Space Element, Chapter 9); flexibility in density distribution; flexibility and variety in land use, structure type and project design; and greater intensity than would be achievable under straight zoning. In exchange, the County may acquire such benefits as preservation zones, buffers, density transition zones and recreation facilities in excess of the County's minimum standards. Specific PUD district regulations are negotiated voluntarily by the developer and the County, and neither is guaranteed maximum benefits by right.

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

Unresolved Issues:

Item #1.

SITE PLAN DATA (PHASE 2 FINAL SITE PLAN)

1. Remove Parcel I.D. Number 34-38-41-001-000-00090-3 from the Site Data.
2. Add “Part of” or similar next to Parcel Identification Number 34-38-41-000-000-00010-1.
3. To assist with future permitting:
 - (a) Revise “Building Setbacks” table. Add a line to show the rear accessory structure setback.
 - (b) Provide AC setback. It appears from the lot detail these units will encroach into the required setback more than 50 percent or less than 3 feet from the property line. Also show that units and equipment will be staggered to provide at least 6' clearance between them.

Item #2.

SITE PLAN DATA (REVISED MASTER AND PHASING PLAN)

1. Correct “Required Parking” description in site data that reads “120 Single Family Homes @ 2 Spaces per Unit”. Change to 117.

2. Update note 20 “timetable reference” on the revised master and phasing plan.
3. To assist with future permitting:
 - (a) Revise “Building Setbacks” table. Add a line to show the rear accessory structure setback.
 - (b) Provide AC setback. It appears from the lot detail these units will encroach into the required setback more than 50 percent or less than 3 feet from the property line.

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

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

Unresolved Issues:

Item #1.

WETLAND WAIVER AND CONSTRUCTION PLANS

The waiver documentation describes road alignment alternatives and reasoning for choosing the alignment as shown on the revised final site plan. However, there was no discussion on roadway construction and methods used to reduce impacts. Please demonstrate that the least damaging alternative will be implemented for construction of the access road through wetlands and wetland buffers and describe construction methods used to accomplish minimizing impacts.

Please provide a specific cross-sectional detail showing the access road through the wetland and wetland buffer. The detail shall provide dimensions meeting the minimum standards necessary to safely build a roadway and in order to demonstrate that the least damaging alternative has been utilized per Martin County's wetland waiver criteria.

Item #2.

AMENDED PAMP

Map and plans in the PAMP state the berm removal/wetland creation will take place in the dry season. In Section 6.0 of the PAMP, please provide a specific date when the work will be completed. If site

conditions don't allow the work to be completed by the date certain, this deadline can be modified in agreement with the county Environmental Administrator and the owner/development of Cove Royale.

Item #3.

PUD AGREEMENT

Please provide language in the PUD agreement stating the berm removal/preserve restoration work as outlined in the amended PAMP will be completed by the established deadline. The deadline can only be modified if site conditions don't allow the work to be completed and in agreement with the county Environmental Administrator and owner/developer of Cove Royale.

Landscaping

Unresolved Issues:

Item #1.

LANDSCAPE TABULAR DATA

Landscape plans shall include a table which lists the gross and net acreage, acreage of development and preservation areas, number of trees and tree clusters to be protected within the developed area and within perimeter areas, and square footage of vehicular use areas (Ref. Section 4.662.A.10, LDR).

Remedy/Suggestion/Clarification:

The landscape site data states that 59 trees are required, and 59 trees have been provided. The equivalent of 130 trees have been provided. Correct this site data notation. And other?????

Item #2.

STREET TREE EASEMENTS

Add the lot detail approved with the prior plans that establish requirements and protections for street tree location and establishment.

Remedy/Suggestion/Clarification:

The original approved Master Plan and Final Site Plan had a minimum front setback of 25'. The submitted revised plans for the Master Plan and Final Site Plan has reduced the front setback 20'. This reduction now pushes the required street tree up against the house with the trunk now only 5' from the foundation. This is not sustainable.

The last staff report had requested that the typical street tree diagram be added to the plans. A portion of the approved detail has been added to the back detail page, but it does not include the list of approved tree species. There is room on the landscape front cover plan sheet to place this detail and notes. Please add to the plan and provide for the street side edge of easement to be 15' from the residence.

Item #3.

LANDSCAPE PROTECTION AND MAINTENANCE

Please modify the following notes regarding landscape maintenance to the plans provided [Section 4.665, LDR]:

Protection of required landscaping.

Remedy/Suggestion/Clarification:

Previously requested. See Landscape Note #2. Correct references to the City of Stuart. Notes should reference Martin County as having jurisdiction.

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:

This application satisfies the Adequate Public Facilities Standard; it is exempt as it is a development, a development alteration, or an expansion that does not create additional impact on the roadway network. [Martin County, Fla., LDR Article 5, Division 2, Section 5.32 (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:

DIVISION 9: STORMWATER MANAGEMENT

1. As previously stated, the proposed finished floor elevations are inconsistent between the Construction Plans and Final Site plan.
 2. As previously stated, identify the location and elevation for the perimeter berm on the Construction Plans. In some locations the perimeter berm is shown at 18.20-feet NAVD88, but the minimum perimeter berm per the stormwater management report is 18.50-feet NAVD88.
 3. As previously stated, although a typical lot grading detail was provided, the typical lot grading plans are inconsistent with the proposed grades on the construction plans. Revise or clarify for consistency. For example, lot 85 is called out as typical lot grading #2, but the grades on the lot are inconsistent with the typical lot grading #2 design.

DEVELOPMENT ORDER

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. (2024).

Electronic File Submittal

Findings of Compliance:

Both the AutoCAD dwg file of the site plan and boundary survey were found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2024).

O. Determination of compliance with utilities requirements – Utilities Department

Water and Wastewater Service

Unresolved Issues:

DRAWINGS MUST BE APPROVED

The construction drawings must be approved by the Utilities and Solid Waste Department prior to sign off by the Department of permit applications and agreements. [ref. Martin County Water and Wastewater Service Agreement. 6. Obligations of Developer, Paragraph 6.1]

Forwarded redline plans to EOR on 5/14/24 to revise & resubmit with next submittal to Growth Mgmt.

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

Finding 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

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

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

Concurrency was determined during the initial PUD project C165-002.

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 - positive evaluation

Source - Engineering Services 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 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.
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.	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.
6.	Approved Master and Final Site Plan	One (1) copy 24” x 36” of the approved master and final site plan.
7.	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.
8.	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.

Item	Description	Requirement
9.	Engineers Opinion of Probable Cost	Two (2) originals of the Engineer’s Opinion of Probable Cost, 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 shall be submitted as part of the post-approval process in accordance with Section 10.11, Land Development Regulations, Martin County, Florida.
10.	Engineer’s Design Certification	One (1) 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 shall be submitted as part of the post-approval process in accordance with Section 10.11, Land Development Regulations, Martin County, Florida.
11.	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.
12.	PUD Zoning Agreement	Original and one (1) copy of the executed approved PUD zoning agreement.
13.	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 meeting. 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	\$13,800	\$0.00
Inspection fees:	\$4,000		\$4,000
Advertising fees *:			
Recording fees **::			
Impact fees***:	N/A		

* 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

Applicant: KH Cove Royale, LLC
Bobby Knott
105 NE 1st Street
Delray Beach, Florida 33444
561-777-4046
bknott@kolter.com

Owner: KH Cove Royale, LLC
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561-777-4046
bknott@kolter.com

Agent: Lucido & Associates
Brian Nolan, AICP, ASLA
701 SE Ocean Boulevard
Stuart, Florida 34994
772-220-2100
bnolan@lucidodesign.com

Engineer of Record: Engineering Design and Construction, Inc.
David Baggett
10250 SW Village Parkway, Suite 201
Port Saint Lucie, Florida 34987
772-462-2455
davidbaggett@edcinc.com

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

Attachment 1: 2024_0514_C165-007 Redline Plans