

# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

# **STAFF REPORT**

# A. Application Information

# BARON LANDINGS MULTIFAMILY FLORIDA STATE STATUTE SECTION 125 01055(7)

SECTION 125.01055(7) (FKA LIVE LOCAL ACT)

REVISED FINAL SITE PLAN

Applicant: Baron Landings, LLC

Property Owner: Baron Landings, LLC, Jeremiah Baron Agent for the Applicant: HJA Design Studio, Todd Troxell

County Project Coordinator: Elizabeth (Liz) Nagal, AICP, CNU-A, Development Review

Administrator

Growth Management Director: Paul Schilling Project Number: G076-010

Record Number: DEV2024020005

Report Number: 2024 0812 G076-010 Staff Report Final

Application Received: 02/21/2024 Transmitted: 02/22/2024 Date of Report: 03/20/2024 Application Received: 05/10/2024 Transmitted: 05/14/2024 Date of Report: 06/06/2024 Application Received: 07/24/2024 Transmitted: 07/26/2024 Date of Report: 08/12/2024

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#### B. Project description and analysis

This is a request by HJA Design Studio on behalf of Baron Landings, LLC for final site plan approval to develop four multifamily buildings with 308 residential units and related infrastructure, with an overall density of 14.9 dwelling units per acre. The subject parcel is proposed to be developed utilizing Florida Statute Section 125.01055(7) (Live Local Act).

According to Florida Statute Section 125.01055(7) (fka The Live Local Act), a county must authorize multifamily residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004. A zoning or land use change is not required. The density cannot be restricted below the highest allowed density on any unincorporated land in the county where residential development is allowed, and the height can not be restricted below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. In this particular case, 15 du/ac and 4 stories is permitted.

The approximately 21.40 acres property is located generally north of 6801 S Kanner Highway, north of SE Cove Road and south of SE Salerno Road on the rear portion of the property which was formerly part of the "Golf World" outdoor recreational use. Included is a request for a Certificate of Public Facilities Reservation.

The property is located within the primary urban services district and will have access to the full complement of public services.

# 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	<b>Division or Department</b>	Reviewer	Phone	Assessment
F	Comprehensive Plan	Liz Nagal	320-3056	Non-Comply
F	ARDP	Samantha Lovelady	288-5664	Comply
G	Development Review	Liz Nagal	320-3056	Non-Comply
Н	Urban Design	Liz Nagal	320-3056	Non-Comply
Н	Community Redevelopment	Liz Nagal	320-3056	N/A
I	Property Management	Ellen MacArthur	288-5794	N/A
J	Environmental	Shawn McCarthy	288-5508	Comply
J	Landscaping	Karen Sjoholm	288-5909	Comply
K	Transportation	Lukas Lambert	221-2300	Comply
L	County Surveyor	Tom Walker	288-5928	N/A
M	Engineering	Stephanie Piche	288-4858	Non-Comply
N	Addressing	Emily Kohler	288-5692	Comply
N	Electronic File Submission	Emily Kohler	288-5692	Comply

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O	Water and Wastewater	Jorge Vazquez	221-1448	Comply	
O	Wellfields	Jorge Vazquez	221-1448	Comply	
P	Fire Prevention	Doug Killane	288-5633	Comply	
P	Emergency Management	Sally Waite	219-4942	N/A	
Q	ADA	Stephanie Piche	288-4858	Comply	
R	Health Department	Nick Clifton	221-4090	N/A	
R	School Board	Mark Sechrist	223-1200	Comply	
S	County Attorney	Elysse Elder	288-5925	Review Ongoing	
T	Adequate Public Facilities	Liz Nagal	320-3056	Pending	

#### D. Review Board action

As authorized under Florida Statute Section 125.01055(7) (Live Local Act), this application complies with the threshold for processing as a minor development, pursuant to the Table 10.2.C.1., Section 10.2.C., LDR, Martin County, Fla. (2023). As such, final action will be taken by the Growth Management Director.

Pursuant to Sections 10.1.E. and 10.2.B.2, Land Development Regulations, Martin County, Fla. (2019), 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(s) and address: 553841000043000302 Existing Zoning: General Commercial (GC)

Future land use: Commercial General

Total Site Area: 21.40-Acres

Figure 1
Property Location Map



Figure 2 Zoning Map



# Zoning districts of abutting properties:

To the north: General Commercial

To the south: PUD, R-3A

To the east: PUD

To the west: General Commercial

# Figure 3 Future Land Use Map



## Future land use designation of abutting properties:

To the north: Comm. General
To the south: Comm. General
To the east: Low Density

To the west: ROW

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

#### **Unresolved Issues**

#### Item #1:

# **General 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 POLICY 4.1A.1. (2019).

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

#### **Unresolved Issues:**

#### Item #1:

#### General

- 1. The access to the multifamily project is dependent on the access tract within the commercial development, and the approval of the plat. The project cannot be approved until the commercial property (including the amended PAMP) and the plat have been approved and recorded.
- 2. Please note, the Unity of Title form has been updated. Please utilize updated form when submitting the executed version at time of post approval submittal. https://www.martin.fl.us/resources/unity-oftitle-pdf

#### Item #1:

#### **Plan Consistencies**

1. On the horizontal control plans, please update "Proposed Land Use Designation" to "Proposed Use"

DEVELOPMENT THAT REQUIRES 51 OR MORE PARKING SPACES, THE NUMBER OF PARKING SPACES MAY BE INCREASED OR DECREASED BY NO MORE THAN TEN PERCENT.

TOTAL

#### ZONING / LAND USE

EXISTING USE OF PROPERTY

EXISTING ZONING: FUTURE LAND USE DESIGNATION:

COMMERCIAL GENERAL EXISTING USE: PREVIOUS GOLF WORLD / ENTERTAINMENT CENTER

PROPOSED USE OF PROPERTY

PROPOSED ZONING: PROPOSED LAND USE DESIGNATION:

GENERAL COMMERCIAL (GC) MULTI-FAMILY APARTMENTS

GENERAL COMMERCIAL (GC)

#### **Item #2:**

# **Site Plan Graphics**

1. Please remain consistent with proposed tract names for plat (depending on upcoming plat review, if anything changes). Tract "AB" may be renamed depending on County Surveyors review.

#### **Draft Condition of Approval:**

1. The project is proposed utilizing the Florida Statute Section 125.01055(7) (Live Local Act) provision to allow residential uses in an area zoned for commercial use. Therefore, 40 percent of the units must be affordable as defined in section 420.0004 for a period of a least 30 years. The appropriate paperwork including Household Income Certification and Rental Application Checklist will be required at time of post approval.

# Additional Information: Information #1

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.

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

## **Commercial Design**

# **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.

## **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.

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.

## Landscape

## **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 commercial shopping center. The applicant has submitted landscape plans that provide 6.77 acres of landscape area which equates to 38.6% of the 177,664 s.f development area to document compliance with Section 4.663.A.1., Land Development Regulations, Martin County, Fla. (2013).

Pursuant to this regulation a minimum of 20% of the total development area shall be landscaped. Section 4.663.A.3.b. Land Development Regulations, Martin County, Fla. (2013) requires that all multifamily residential development provide at least one tree per 1,500 sq. ft. of site area; a total of 514 trees for this project. To demonstrate compliance the applicant has proposed the planting and preservation of 590 trees.

Landscaped bufferyards are required between differing land uses and along certain transportation corridors. Martin County, Fla Section 4.663.B.1.a, (2013). Adjacent land use is residential on the east and south so a 20' Type 1 buffer is required and has been provided. Adjacent land use is commercial on the north and west so a Type 3 non-compatibility buffer is required. This 30 ft buffer on the north has been provided. On the west, this buffer is being shared with the commercial development and is being split between the two projects.

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. The applicant is proposing to protect 36 existing trees equal to 81 tree credits. The applicant is proposing to remove 24 existing trees equal to 107 tree credits. The applicant has submitted Landscape and Construction Plans to provide for tree mitigation by planting additional trees within the proposed landscape areas.

Section 4.663.A.4.b.1, 2, , and 3., Land Development Regulations, Martin County, Fla. (2013) requires one 500 s.f. landscape area with #2-3" dbh trees for each 5000 s.f. of interior vehicular use area. This project has 215,187 sq.ft. of paving requiring 86 additional trees. To document compliance the applicant is proposing installation of 86 trees to satisfy Interior vehicular use area requirements.

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.

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 & Planning, dated May 2024. O'Rourke Engineering & Planning stated that the site's maximum impact was assumed to be 58 directional trips during the PM peak hour. Staff finds that SW Kanner Highway (SR-76) is the recipient of a majority of the generated trips. The generalized service capacity of SW Kanner Highway (SR-76) is 2815. The project impact is 2.06% of the maximum volume of that roadway. SW Kanner Highway (SR-76) is currently operating at a level of service C; it is anticipated to operate at level of service D at buildout (year 2026).

A signalized intersection must be permitted and constructed through the Florida Department of Transportation (FDOT) via a Construction Agreement; the Martin County Board of County Commissioners will agree to maintain the traffic signal. The County Engineer will coordinate the condition of approval with the development.

# 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 Department

#### **Unresolved Issues:**

# Consistency among Final Site Plan, Construction Plans, and Stormwater Report

1. As previously stated, provide documentation that the parcel has legal access through the frontage parcel (cross access easement, etc.). It is understood that this documentation is forthcoming with the Baron Landings Plat.

## **Development Order**

1. 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 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. (2024).

## 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

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 Preparedness**

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

The Public Works Department staff has reviewed the application and finds it in compliance with the applicable Americans with Disability Act requirements. (2014 FBC, FIFTH EDITION\ACCESSIBILITY)

# R. Determination of compliance with Martin County Health Department and Martin County School Board

## **Martin County Health Department**

The applicant has indicated that the proposed final site plan contains no onsite potable wells or septic disposal systems. Therefore, the Department of Health was not required to review this application for consistency with the Martin County Code requirements within the Land Development Regulations or Comprehensive Growth Management Plan. MARTIN COUNTY, FLA., LDR SECTION 10.1.E. (2019)

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#### **Martin County School Board**

#### THE SCHOOL BOARD OF MARTIN COUNTY, FLORIDA

Facilities Department

District Office, 1939 SE Federal Highway, Stuart, FL 34994 • Telephone (772) 219-1200 ex.30131



#### Martin County School District General School Capacity Analysis

This general analysis is completed to meet the development review policies specified in Section 6.2.6 of the Martin County, City of Stuart, and Martin County School Board Interlocal Agreement for School Facilities Siting and Planning, and Section 17.7 Public School Facilities Element of the Martin County Comprehensive Plan.

Project/ Applicant: Baron Landings Multifamily / Baron Landings, LLC,

Jeremiah Baron 772-286-5744

Project Name: Baron Landings Multifamily
Parcel # - PCN: 55-38-41-000-043-00030-2

Date: 03/11/2024

Request: Request for a General School Capacity Analysis for Baron

Landings Multifamily 308 unit community on 21.4 acres,

located on Highway 76. Two-year build-out.

#### Student Generation Calculation:

Residential Units	308
Current Student Generation Rate	.1987
Elementary 61%	38
Middle 22%	14
High 17%	10
Total Forecasted Students	62

#### School Zone Enrollment & Permanent Capacity:

Enrollment Numbers below reported from FOCUS, Projections through School District CIP Application

Application				
CSA	2022-2023 (as of 02/11/24) Enrollment	2024-2025 COFTE Projected Enrollment	2024-2025 LOS Concurrency Capacity	
Stuart Zone – Pinewood Elementary School	677	721	811	
South Zone – Anderson Middle School	968	1076	1381	
Stuart Zone – Martin County High School	2124	2322	2107	

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#### THE SCHOOL BOARD OF MARTIN COUNTY, FLORIDA

Facilities Department





**Comments:** This General School Capacity Analysis shall be used in the evaluation of a development proposal but shall not provide a guarantee that the students from the above-referenced project will be assigned to attend the particular school(s) listed. The analysis indicates the elementary, middle and high school enrollment is projected to meet the Concurrency (LOS) Level of Service capacity.

A School Concurrency Review is completed for Final Site Plan applications that include residential units.

Facilities Department

Martin County School District
1939 SE Federal Highway
Stuart, Florida 34994
Ph. 772.219.1200 Ext 30131

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

**Review Ongoing** 

# 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 Section 5.32.D., LDR, Martin County, Fla. (2016), for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities

Service provider – Martin County Utilities

Findings – Positive Evaluation

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

Sanitary sewer facilities

Service provider – Martin County Utilities

Findings – Positive Evaluation

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

Solid waste facilities
Findings – In Place
Source - Growth Management Department

Stormwater management facilities
Findings – Positive Evaluation
Source - Engineering Department
Reference - see Section M of this staff report

Community park facilities
Findings – N/A
Source - Growth Management Department

Roads facilities
Findings – Pending Evaluation
Source - Engineering Services Department
Reference - see Section M of this staff report

Mass transit facilities
Findings – Positive Evaluation
Source - Engineering Services Department
Reference - see Section K of this staff report

Public safety facilities
Findings – Positive Evaluation
Source - Growth Management Department
Reference - see Section P of this staff report

Public school facilities
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

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.	Unity of Title	Original executed version of the Unity of Title in standard County format or one (1) copy of the existing recorded Unity of Title for the subject property. The form has recently been updated, please utilize updated form when submitting the executed version at time of post approval submittal. <a href="https://www.martin.fl.us/resources/unity-of-title-pdf">https://www.martin.fl.us/resources/unity-of-title-pdf</a>

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Item		Requirement			
6.	Approved Final Site Plan	One (1) copy 24" x 36" of the approved 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.	Architectural Elevations	One (1) 24" x 36" copy of the approved architectural elevations.			
8.	Digital Copy of Site Plan	One (1) digital copy of the plat/site plan in AutoCAD 2010 – 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.			
9.	Affordable Housing Documentation	Draft Household Income Certification and Rental Application Checklist			
10.	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.			
11.	Engineers Opinion of Probable Cost	An EOPC that covers the infrastructure being relied upon within the eventual access tract (pavement, curbing, water/sewer).			
12.	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.			
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 hearing. Fees for this application are calculated as follows:

Fee amount:	Fee payment:	Balance:
\$8,750.00	\$8,750.00	\$0.00
\$4,000.00		\$4,000.00
TBD		
TBD		
	\$8,750.00 \$4,000.00 TBD	\$8,750.00 \$8,750.00 \$4,000.00 TBD

- \* 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 to be paid at time of building permit issuance.

## X. General application information

Owner: Jeremiah Baron & Co. Commercial Real Estate, LLC- Baron Landings LLC

Brendan DeBlois

49 SW Flagler Avenue, Suite 301

Stuart, FL 34994

Agent: HJA Design Studio,

Todd Troxell

3500 SW Corporate Parkway, Suite 203

Palm City, FL 34990

772-678-7200

ttroxell@hjastudio.com

Engineer of Record: Bowman, Lisa Leonard

301 SE Ocean Boulevard, Suite 301

Stuart, FL 34994 772-283-1413

lleonard@bowman.com

#### Y. Acronyms

Development Review Staff Report
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