



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

MARTIN DOWNS PUD PARCEL 38/40 MARTIN DOWNS VILLAGE CENTER REVISED FINAL SITE PLAN

Applicant:	Brixmor Property Group (Leigh Paull, Project Director)
Property Owner:	BRE Throne Martin Downs village Center LLC
Agent for Applicant:	Insite Studio, Inc. (Brian Terry, PLA Principal)
County Project Coordinator:	Brian Elam, PMP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	M035-216
Record Number:	DEV2023080015
Report Number:	2024_0813_M035-216_DRT_STAFF_FINAL
Application Received:	01/30/2024
Transmitted:	02/05/2024
Date of Report:	04/10/2024
Application Received:	06/12/2024
Transmitted:	06/14/2024
Date of Report:	08/13/2024

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B. Project description and analysis

This is a request by Insite Studio, Inc. on behalf of Brixmor Property Group for approval of a revised PUD final site plan for the Martin Downs PUD Village Center, a commercial development within Parcel 38/40 of the Martin Downs PUD. The proposal includes two stand-alone restaurants with drive-throughs totaling approximately 4,553 square feet, within the existing parking area of a developed commercial shopping center. The subject 20.12-acre commercial area is located at 3090 SW Martin Downs Boulevard, generally located on the southwest corner of SW High Meadow Avenue and SW Martin Downs Boulevard, in Palm City. Included 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	Non-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	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 Zanello	772-288-5920	Non-Comply
N	Addressing Review	Emily Kohler	772-288-5692	Comply
N	Electronic File Submission Review	Emily Kohler	772-288-5692	Non-Comply
O	Water and Wastewater Review	Jorge Vasquez	772-221-1448	Non-Comply
O	Wellfields Review	Jorge Vasquez	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	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 is an application for a PUD Final Site Plan with a previously approved Master Plan. As such, final action on this request is required to be heard at a public meeting. The public meeting shall be before the Board of County Commissioners (BCC), who will take final action on the request pursuant to Table 10.5.F.9., LDR, Martin County, Florida (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: 13-38-40-012-000-00010-3
Address: 3078 SW Martin Downs Boulevard, Palm City
Existing zoning: PUD – Martin Downs
Future land use: Commercial General
Nearest major road: SW Martin Downs Boulevard
Gross area of site: 20.12 acres ±
Non-residential gross floor area: 4,553 square feet additional to existing development

Figure 1: Location Map



Figure 2: Subject Site 2021 Aerial



Figure 3: Zoning Atlas

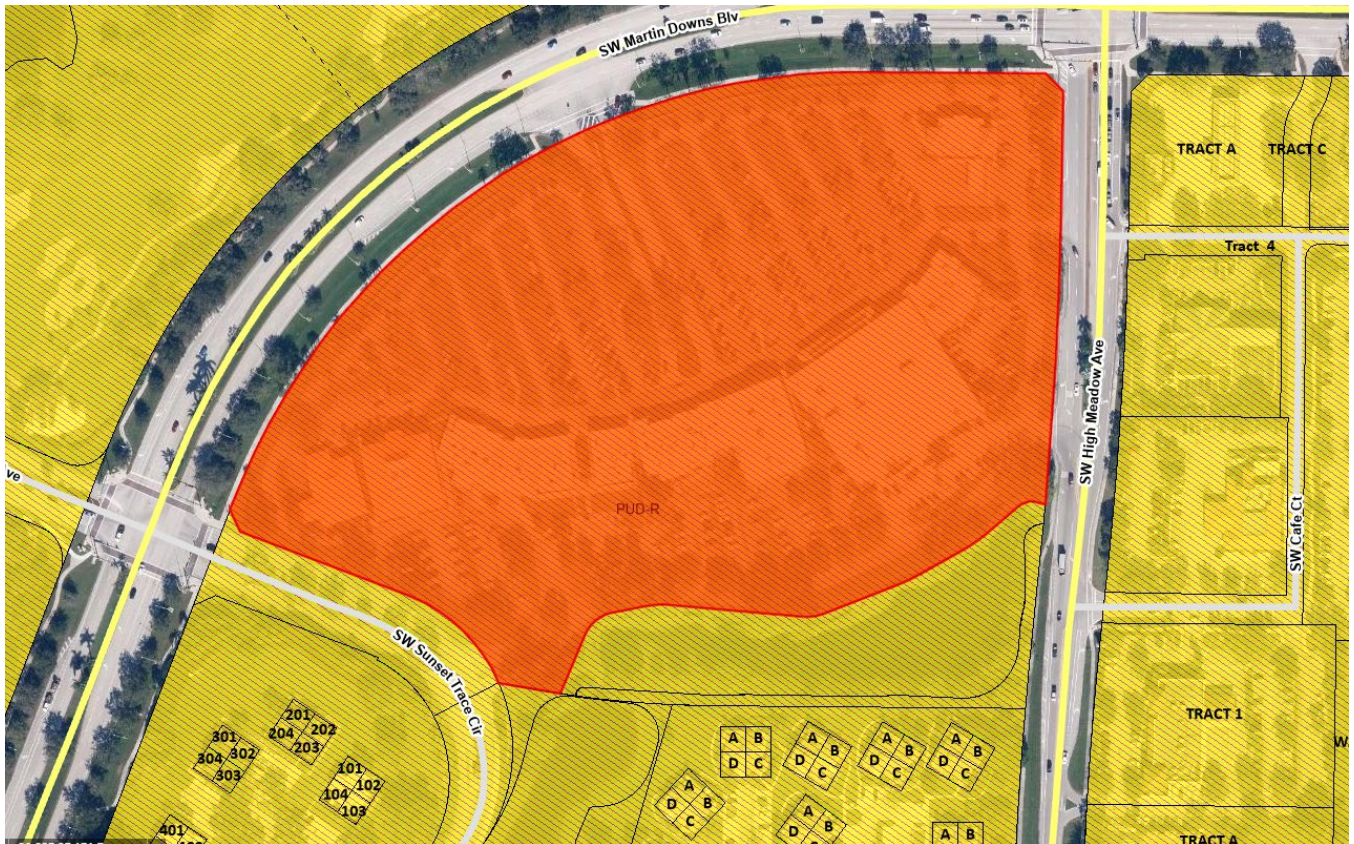
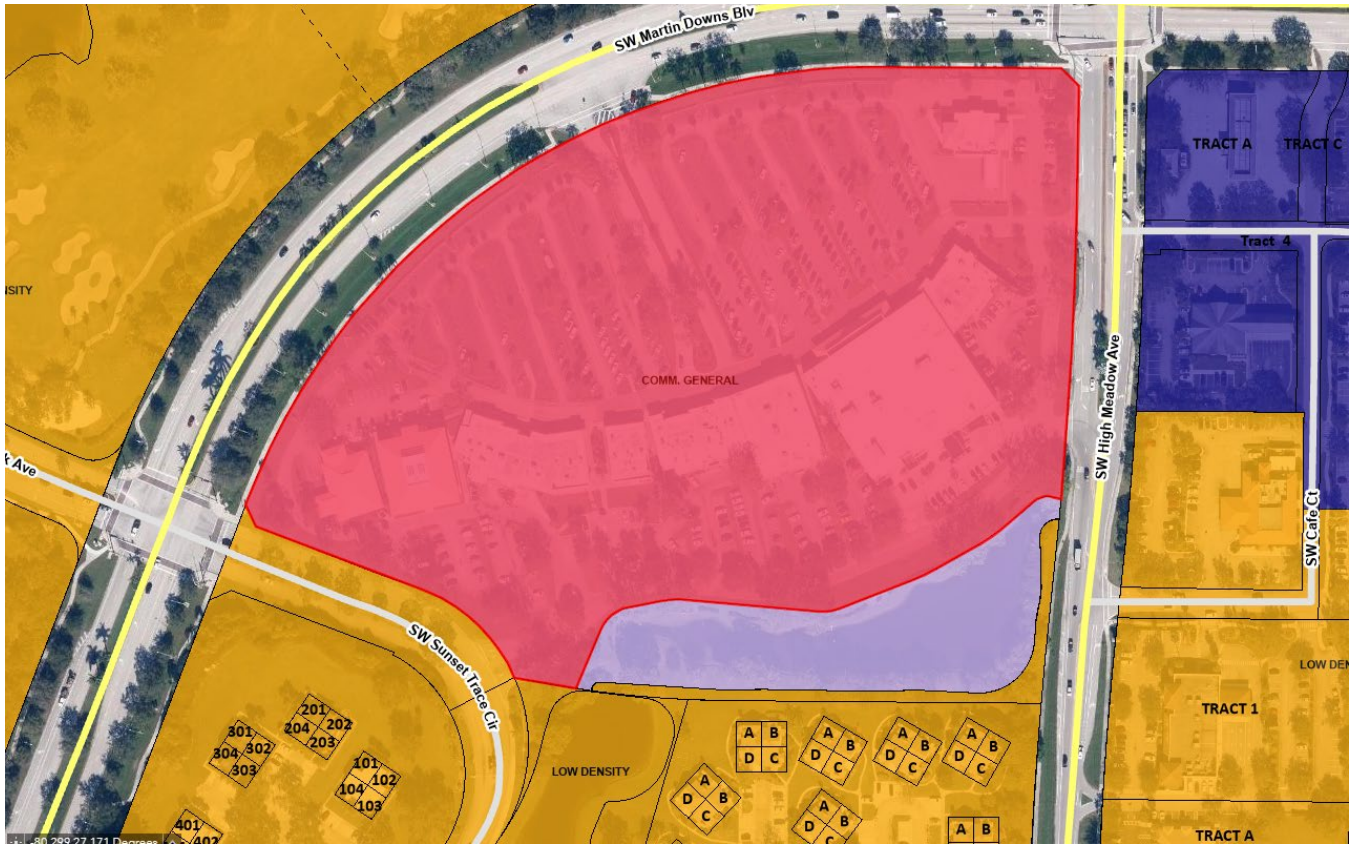


Figure 4: Future Land Use Map



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

Unresolved Issues:

Item #1.

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

Has this project received an acknowledgement of no objection from the Master Association (Martin Downs Property Owners Association)? When do you expect approval?

Item #2.

SITE PLAN DATA

1. Revise the PUD Regulations Table.
 2. Title the table “Parcel 38/40 Regulations”.
 3. Separate the setback and square footage information.
 - A. Setbacks
 - 1) Provided column headings are good.
 - 2) Have three rows for the setback table labeled “Required”, “Existing”, and “Proposed”. The information in the table now is the required and existing so just provide the minimum setback of your “Proposed” in the bottom row e.g., 101’ for Front setback.
 - 3) Put a footnote symbol next to the (20’) rear setback with a note below the table explaining this setback is being established as part of this proposal.
 - B. Nonresidential Square Footage
 - 1) Separate the Commercial and Office square footages into different columns.
 - 2) List the square footages from the 77th PUD Amendment in a row labeled “Maximum”. (102,045 SF) in the Commercial column and (21,871 SF) in the Office column.
 - 3) List the existing Commercial and Office square footages in the row labeled “Existing”.
 - 4) List the proposed Commercial square footage in the row labeled “Proposed”.
 - 5) Provide the total of the existing and proposed.
 - 6) Provide the remaining Commercial and Office square footage available for development.

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

Commercial Design

Unresolved Issues:

1. The final site plan shows Building #9 POS window on the north side but sheet A301 identifies the POS window on the south elevation. Correct the discrepancy.
2. Sheet A301 identifies the south elevation as a primary. The south elevation is the only elevation that is not a primary. Please remove.
3. Sheet A801 has dumpster and bike rack details which need to be on the site plan and not the architectural elevation drawings. Remove and add to the site plan.
 - (a) The bike rack detail shown is not the type called out in Division 20 which specifies an Inverted “U”. A detail of this may be [downloaded](#) from our website or provided to you.
4. Division 20 code callouts on the Wendy’s sheet A2.1 elevations drawing are not correct. Update code references to what is shown on [Municode](#) or remove the references and just leave “PER MARTIN COUNTY L.D.R. – SECTION 4.872” at the top of the LDR Design Elements table. For example, 3-dimensional cornice treatment is 4.872.G.2.b. and not 4.872.F.2.B.

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

It is requested that the landscape architect contact Karen Sjöholm at (772) 288-5909 to schedule a meeting to discuss the comments for this landscape renovation. It is felt that such a meeting would be helpful to resolve issues that remain outstanding.

Unresolved Issues:

Except for adding some oak trees along Martin Downs Blvd, this landscape plan re-submittal has not been enhanced as requested. Additional trees have been added behind the building but do not consist of shade trees. *Clusia rosea* and Buttonwood are still shown as the trees proposed to be established within all the parking lots. Staff has previously requested these to be replaced because they do not qualify as shade trees. Shade trees need to be provided.

Item #1.

INTERIOR VUA REQUIREMENTS-NON-RES SITES

Please demonstrate compliance with the following criteria for interior vehicular use areas [Section 4.663.A. 4.b., LDR]. The interior area includes the entire parcel to be developed exclusive of the required front, rear, and side perimeter landscape areas.

1. In vehicular use areas within the interior of a site, one 500 square foot planting area shall be required for every 5,000 square feet of vehicular use area, or major portion thereof, and at least three two-inch, or two three-inch caliper shade trees together with other landscape material shall be planted within each such planting area.
2. Interior landscape areas shall be no less than 12 feet in width, exclusive of curbing. Whenever linear medians at least 50 feet long having shade trees spaced no greater than 15 feet on center are used, the minimum width may be reduced to eight feet exclusive of curbing.

3. Terminal islands of not less than ten feet in width exclusive of curbing and 18 feet in length shall be provided at each end of a parking row. At least one tree shall be planted in every island.
4. Interior medians of at least six feet in width exclusive of curbing shall be provided between an interior row of parking spaces and an abutting interior driveway or between abutting rows of parking spaces. At least one tree shall be required for every 30 linear feet of interior median, planted singly or in clusters with tree locations not more than 60 feet apart.
5. All trees required within vehicular use areas shall be shade trees. [Section 4.664.B.2.a., LDR]

Remedy/Suggestion/Clarification:

The widths of interior VUA of planting areas do not meet the minimum required standards, undersized areas do not comply with interior VUA planting requirements. However, the requested landscape improvements to bring the project into compliance with current codes “to the extent feasible” will not require modification to the size and widths of planting areas but need to attempt to meet the intent of the code as detailed above.

Interior vehicular use planting areas require the planting of 2-3 native shade trees, depending on size, within a minimum 500 sf area. To meet the intent of this Code requirement please modify the landscape plans to address the below comments.

- 1) *Clusia rosea* do not qualify as shade trees. In addition, they are invasive, being spread widely by birds and other wildlife, are messy, are toxic to people and pets, and not cold-tolerant.
 - i. Shade tree: Any self-supporting woody plant of a species, deciduous or non-deciduous, that is generally well-shaped, well-branched, and well-foliated which normally grows to an overall minimum height of 35 feet with a minimum average mature crown spread of 30 feet.
 - ii. Especially where larger islands exist, replace proposed *Clusia* and Green Buttonwood with large shade trees such as a live oak or Gumbo Limbo.
 - iii. Median trees need to be replaced by larger varieties, planted closer together, or include groupings of 3 sabal palms that will provide shade.
- 2) Palms are not credited on a 1:1 basis. Three Palm trees are equal to 1 tree. Restoration of parking lot landscaping should add shade trees to the terminal islands where only palms currently exist. Replace Queen palms as they are in poor condition, non-native, and classified as a Category II exotic species by FISC. These should be replaced with native trees.
- 3) Existing *Roebelinia* in parking islands do not qualify as a tree. Replace with a shade tree.

Item #2.

LANDSCAPE MATERIAL STANDARDS-GENERAL

Please demonstrate compliance with the following requirements (Section 4.664, LDR):

1. Irrigated turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for on-site sewage disposal systems, or

provide soil erosion control such as on slopes or in swales; and where turfgrass is used as a design unifier or other similar practical use.

Remedy/Suggestion/Clarification:

1. Section 4.664.E says that turf areas should be minimized. Embellish terminal islands and medians by establishing groundcovers or drifts of native grasses to provide interest and reduce turf coverage. Provide total sq. footage of proposed turf areas.
 2. Since most of the existing vegetation is non-native, all proposed supplementation to plantings should consist of native species. Replace Clusia hedge with a native species.
 3. White Fountain grass (*Cenchrus setaceum*) is also a non-native invasive species. Change to a native grass such as Muhly grass.

Item #3.

TREE DISPOSITION

- 1) The tree survey and disposition table list tree #169 as a Brazilian Pepper to be preserved. Brazilian Pepper is a prohibited species and is required to be removed.
- 2) As discussed in Item #2.2) above, palms are not credited on a 1:1 basis. Review tree calculations claimed for tree credits.

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 Kimley Horn, dated March 2023. The site's maximum impact was estimated to be 40 directional trips during the AM peak hour. SW Martin Downs Boulevard is the recipient of a majority of the generated trips. The generalized service capacity of SW Martin Downs Boulevard is 2000. The project impact is 2.00% of the generalized volume of that roadway. SW Martin Downs Boulevard is currently operating at a level of service C; it is anticipated to operate at level of service C at buildout (year 2026).

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.

DIVISION 9: STORMWATER MANAGEMENT

Revise the Stormwater Management Report to include documentation that the proposed minimum finished floor elevation is consistent with the permitted stormwater management system. Although the response to comments references an approved permit and elevations, documentation must be included in

the drainage statement. The relevant permit excerpts shall be included as an exhibit, along with the conversion from NGVD to NAVD88.

Item #2.

DIVISION 14: PARKING AND LOADING

As previously stated, provide loading spaces per Martin County Standards. Although loading spaces were provided on the Final Site Plan, they are in the drive aisles. Revise location of the loading spaces. (LDR Section 4.626.B.4)

Item #3.

SIGNED AND SEALED CONSTRUCTION PLANS

As previously stated, revise Construction Plans and Final Site Plan to include boundary annotations that are consistent with the boundary survey.

DEVELOPMENT ORDER

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

Unresolved Issues:

No AutoCAD dwg files of the final site plan or boundary survey were received with your submittal. These AutoCAD dwg files must be submitted with each round of review.

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]

The applicant must submit information concerning the source for irrigation prior to approval of the Site Plan. [ref. Code, GEN, s.159.164 Code, GEN, Ch.159, Art.6]

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

Informational:

WATER SUPPLY

NEEDED FIRE FLOW REQUIREMENT FOR BUILDINGS

Identify the Needed Fire Flow Requirements for all buildings / structures. Fire flow calculations shall be prepared by a professional engineer currently licensed in the state of Florida for each newly constructed building. Per Florida Administrative Code section 61G15-32.004. Fire Protection Engineering documents shall include the point of service for the water supply, a list of NFPA standards applicable to the project, classification of hazard and occupancy for each room or area, suppression system type, design densities, water supply data (fire pump, hydrant flow test data) and any performance based information such as pre-engineered systems.

APPROVED WATER SUPPLY – HYDRANT FLOW TEST

A hydrant flow test will be required to determine the available water supply to meet the needed fire flow for this project. Contact the Fire Prevention office at (772)288-5633 to schedule the flow test.

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. (2014 FBC, FIFTH EDITION\ACCESSIBILITY)

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.

Requirements for these facilities will be regulated by Department of Business and Professional Regulation (DBPR) per Nick Clifton, Florida Department of Health, Martin County.

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 - pending

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 - pending

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 L of this staff report

Public safety facilities (Section 5.32.D.3.h, LDR)

Findings - positive evaluation

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 PUD Final Site Plan	One (1) copy 24" x 36" of the approved PUD 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.	Approved Elevations	One (1) 24" x 36" copy of the approved elevation drawings signed and sealed by a licensed architect.
9.	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.
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

Item	Description	Requirement
		in accordance with Section 10.11, Land Development Regulations, Martin County, Florida.
11.	Water & Wastewater Service Agreement	A copy of the executed Water and Wastewater Service Agreement. Original executed agreement and payment shall be provided directly to Martin County Utilities prior to submittal of the post approval package to Growth Management.
12.	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:	\$9,127	\$9,127	\$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: Brixmor Property Group
 Leigh Paull, Project Director, Re/Development
 7700 Municipal Drive
 Orlando, Florida 32819
 407-903-2906
Leigh.Paull@brixmor.com

Owner: BRE Throne Martin Downs Village Center LLC
 Matthew Ryan, EVP
 450 Lexington Avenue, 13th Floor
 New York, New York 10017

Agent: Insite Studio, Incorporated
Brian Terry, PLA | Principal
8144 Okeechobee Boulevard, Suite A
West Palm Beach, Florida 33411
561-249-0940
brianterry@insitestudio.com

Engineer of Record: Kimley-Horn
Sara R. Battles, PE
445 24th Street, Suite 200
Vero Beach, Florida 32960
772-794-4154
Sara.Battles@kimley-horn.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