



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

CANOPY CREEK PUD

(FKA TUSCAWILLA)

RE-PLAT

Applicant:	KC Canopy Creek, LLC
Property Owner:	KC Canopy Creek, LLC
Agent for the Applicant:	William Johnson, Kolter
County Project Coordinator:	Brian Elam, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	P101-012
Record Number:	DEV2018100011
Report Number:	2023_0223_P101-012_DRT_STAFF_FINAL
Application Received:	12/07/2018
Transmitted:	12/07/2018
Date of Report:	01/10/2019
Application Received:	01/10/2020
Transmitted:	01/10/2020
Date of Report:	02/18/2020
Application Received:	07/01/2022
Transmitted:	07/05/2022
Date of Report:	08/19/2022
Application Received:	11/08/2022
Transmitted:	11/08/2022
Date of Report:	12/16/2022
Application Received:	01/19/2023
Transmitted:	01/24/2023
Date of Report:	02/23/2023

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback.

B. Project description and analysis

This is a request for re-plat of approximately 6.613 acres located in the south east corner of the Canopy Creek Planned Unit Development (PUD) (fka Tuscawilla). The property was part of a revised site plan approved on July 29, 2008, that reduced the size of three lots to make room for community amenities. Included with this application is a request for a Certificate of Public Facilities Exemption.

The property concerning the re-plat is part of the 813.08-acre Canopy Creek Plat. The infrastructure for the development is complete and no surety is needed for the plat application.

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	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan Review	Brian Elam	772-288-5501	Non-Comply
G	Site Design Review	Brian Elam	772-288-5501	Comply
H	Community Redevelopment Review	Brian Elam	772-288-5501	N/A
H	Commercial Design 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	Comply
K	Transportation Review	Lukas Lambert	772-221-2300	N/A
L	County Surveyor Review	Tom Walker	772-288-5928	Non-Comply
M	Engineering Review	Michelle Cullum	772-288-5512	N/A
N	Electronic File Submission Review	Emily Kohler	772-288-5692	Comply
N	Addressing Review	Emily Kohler	772-288-5692	Comply
O	Wellfield Review	James Christ	772-320-3034	Comply
O	Water and Wastewater Review	James Christ	772-320-3034	Comply
P	Fire Prevention Review	Doug Killane	772-419-5396	N/A
P	Emergency Management Review	Sally Waite	772-219-4942	N/A
Q	ADA Review	Michelle Cullum	772-288-5512	N/A
R	School Board Review	Kimberly Everman	772-219-1200	N/A
R	Health Department Review	Nicholas Clifton	772-221-4090	N/A
S	County Attorney Review	Elysse Elder	772-288-5925	N/A
T	Adequate Public Facilities Review	Brian Elam	772-288-5501	Exempt

D. Review Board action

All development applications related to Plats require a review and recommendation from the county administrator. The Board of County Commissioners (BCC) decides final action of approval, approval with conditions or denial of the application at a public meeting pursuant to MARTIN COUNTY, FLA., LDR §10.5.F.9 (2019).

Pursuant to Section 10.5.F.9., LDR, Martin County, Fla. (2019) a review of this application is not required by the Local Planning Agency (LPA).

This application is a plat of a project with an approved Revised Master Site Plan and Revised Final Site Plan which includes minor technical revisions to the approved Canopy Creek PUD Revised Master Site Plan and Revised Final Site Plan. As such, final action on this request for approval is required by the Board of County Commissioners at a public meeting pursuant to Section 10.5.A.2., Land Development Regulations, Martin County, Fla., (2016).

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:	103840001000027600	3464 SW Flowerdew Court, Palm City
Parcel number:	103840001000027700	3489 SW Flowerdew Court, Palm City
Parcel number:	103840001000027800	3465 SW Flowerdew Court, Palm City
Address:	3375 SW Golden Glow Drive, Palm City	
Existing Zoning:	PUD	
Future Land Use:	Rural Density	
Gross Area of Site:	6.613 acres	

Figure 1 Location Map

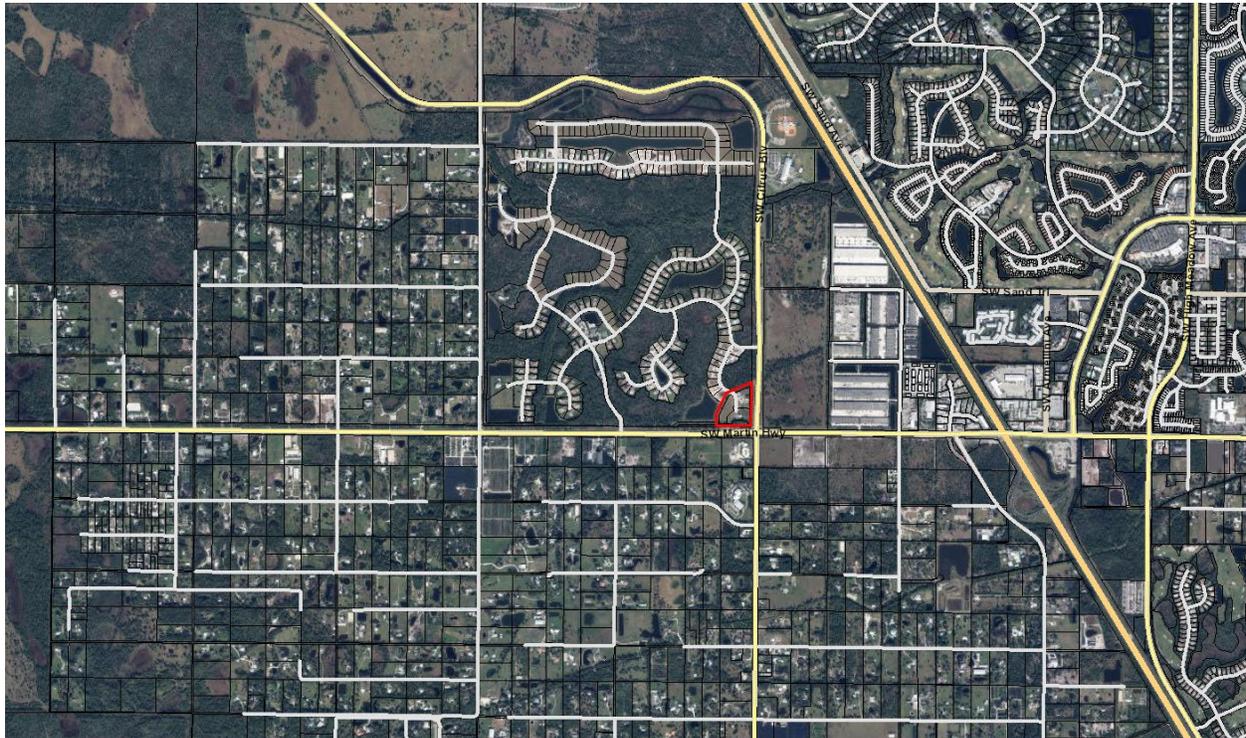


Figure 2 2021 Aerial



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

Unresolved Issues:

Item #1.

Generic Comp Plan Compliance - GMD

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. (2016)

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

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved land use, zoning or procedural requirements issues associated with this application.

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

Commercial Design

N/A - The proposed project is not located within the General Commercial, Limited Commercial, Commercial Office/Residential or Waterfront Commercial Future Land Use Designations. Therefore, the Commercial Design reviewer was not required to review this application MARTIN COUNTY, FLA., LDR §4.871.B (2002).

Community Development

N/A - This application is for plat approval. Therefore, the Community Redevelopment Area reviewer was not required to review this application. MARTIN COUNTY, FLA., LDR, Division 6.

I. Determination of compliance with the property management requirements – Engineering Department

N/A - No dedication of additional right of way is required or proposed by the Applicant pursuant to the Roadway Classifications set forth in Section 4.843.B, Land Development Regulations, Martin County, Fla., (2010) which includes Table 4.19.1 that lists the minimum right of way requirements. Therefore, the Applicant is not required to submit due diligence materials for review by the Martin County Real Property Division.

J. Determination of compliance with environmental and landscaping requirements – Growth Management

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

Findings of Compliance:

The Growth Management Department Environmental Division staff has reviewed the application and finds it in compliance with the applicable Land Development Regulations Article 4, Division 15 - Landscaping, Buffering, and Tree Protection. [2013]. The applicant has proposed revision of a PUD in Palm City.

The plat documents are consistent with the approved final site plan and approved development order. The survey provides for required areas of landscape and buffering.

K. Determination of compliance with transportation requirements – Engineering Department

N/A - The applicant has indicated that there are no proposed changes to the level of service as part of the current application, pursuant to Section 10.1.F., LDR, Martin County, Fla. Therefore, the Engineering Department was not required to review this application for consistency with the Martin County Codes for transportation requirements contained in Article 4, LDR, Martin County, Fla.

L. Determination of compliance with county surveyor - Engineering Department

Unresolved Issues:

Previous Issues Unaddressed:

Item #1.

A boundary survey, signed and sealed by the surveyor and mapper whose signatures and seals appear on the plat, must be submitted. The survey shall:

1. Have been completed within 180 days of the date of the initial staff review of the plat;
2. Be certified to meet the minimum technical standards recognized by Florida Board of Professional Land Surveyors, as set forth in Chapter [DOACS 5J-17.050, 051, 052 and Chapter 177.041 061] and established pursuant to Ch 472, F. S., as amended.
3. Include a title opinion of an attorney or certification by an abstractor
[Ch 177.041.(1) and.(2), F. S.]

A specific purpose survey may be submitted in the circumstance in which a safe upland line is used to approximate the boundary adjacent to a navigable water body.

[Ch. 177.04, Prt I, F. S.; Sec. 4.912.C.14, M.C. Code, Vol 2]

Remedy/Suggestion/Clarification:

Provide indication on the ALTA Survey as to which Title Exceptions affect the property, are survey matters, and which are plottable. Make sure all applicable exceptions are shown on the ALTA Survey and Plat. Label exception numbers for those shown on the ALTA Survey.

Please be sure to specifically address the following exceptions that are not shown:

10. Terms, conditions, restrictions and easements contained in that Tusawilla Planned Unit Development Zoning Agreement, recorded in Official Records Book 2106, Page 2366, as affected by that First Amendment, recorded in Official Records Book 2162, Page 1797, by that Martin County Resolution No. 06-6. 7 recorded in Official Records Book 2162, Page 1826; by that Martin County Development Order Change, recorded in Official Records Book 2300, Page 2834; by that Third Amendment to Canopy Creek Planned Unit Development Zoning Agreement, recorded in Official Records Book 2350, Page 1950 and by that CIE Facility Commitment Development Agreement, recorded in Official Records Book 2162, Page 1802, all of the Public Records of Martin County, Florida.

11. Terms, provisions, restrictive covenants, conditions, reservations, rights, duties and easements contained in hat Declaration of Covenants, Conditions and Restrictions for TUSCAWILLA, , and any Exhibits annexed thereto, including all amendments and modifications thereto, including, but not limited to, provisions for a private charge or assessments, recorded October 12, 2006 in Official Records Book 2187, Page 2722, as affected by First Amendment to Declaration of Covenants, Conditions and Restrictions, recorded in Official Records Book 2294, Page 1415; Second Amendment to Declaration of Covenants, Conditions and Restrictions, recorded in Official Records Book 2321, Page 221; Third Amendment to Declaration of Covenants, Conditions and Restrictions for Canopy Creek (F/K/A Tusawilla) recorded in Official Records Book 2773, Page 2654, Fourth Amendment to Declaration of

Covenants, Conditions and Restrictions for Canopy Creek recorded in Official Records Book 3154, Page 589, and Fifth amendment to Declaration of Covenants, Conditions and Restrictions for Canopy Creek recorded in Official Records Book 3238, Page 574, all of the Public Records of Martin County, Florida.

13. Terms, conditions and easements contained in that Deed of Conservation Easement, recorded in Official Records Book 2207, Page 2414, of the Public Records of Martin County, Florida.

16. Terms, conditions and easements contained in that Water and Wastewater Service Agreement, recorded in Official Records Book 2354, Page 1379, of the Public Records of Martin County, Florida.

17. Utility Easement in favor of Martin County, recorded in Official Records Book 2393, Page 43, of the Public Records of Martin County, Florida.

Item #2.

The proposed plat shall conform to the following standards:

1. Measure 24 x 36 inches and have a 3 inch margin on the left and .5 inch margins on all other sides;
2. Be drawn on material as described in Chapter 177 of the Florida Statutes;
3. Be scaled not smaller than 1 inch = 100 feet;
4. All text a minimum of 0.10 inches in height.

[Ch. 177.091, Prt 1, F. S., Sec. 4.912.C.1 & 4.912.C.2 & 4.912.C.3, M.C. Code Vol 2]

Remedy/Suggestion/Clarification:

It appears that there is still text that does not meet the minimum height. Increase text size for all items that do not meet number 4 of this requirement.

Item #3.

Plat certification and consent language must be provided in substantial conformance to ... [Resolution No. 02-6.1]

Remedy/Suggestion/Clarification:

Please review plat and ensure conformance with Resolution No. 02-6.1.

Item #4.

See markup with remaining items.

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

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this application as currently proposed, pursuant to Section 10.1.F., LDR, Martin County, Fla. (2016).

N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Department

Electronic Files

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this application as currently proposed, pursuant to Section 10.1.F., LDR, Martin County, Fla. (2016).

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. (2018).

O. Determination of compliance with utilities requirements – Utilities Department

Water and Wastewater

Findings of Compliance:

Plat

This development application has been reviewed for compliance with applicable statutes and ordinances and the reviewer finds the Plat in compliance with Martin County's requirements for water and wastewater level of service.

Wellfield and Groundwater

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

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this application as currently proposed, pursuant to Section 10.1.F., LDR, Martin County, Fla. (2016).

Emergency Management

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this application as currently proposed, pursuant to Section 10.1.F., LDR, Martin County, Fla. (2016).

Q. Determination of compliance with Americans with Disability Act (ADA) requirements – General Services Department

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this application as currently proposed, pursuant to Section 10.1.F., LDR, Martin County, Fla. (2016).

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

Martin County Health Department

N/A - There are no changes to the final site plan regarding onsite wells or onsite sewage disposal systems.

Martin County School Board

N/A - There are no residential units associated with this application; therefore, the school board review was not required.

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

Review Ongoing

T. Determination of compliance with the adequate public facilities requirement – responsible departments

The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B., LDR. Exempted development will be treated as committed development for which the County assures concurrency.

Examples of developments that do not create additional impact on public facilities include:

- A. Additions to nonresidential uses that do not create additional impact on public facilities.
- B. Changes in use of property when the new use does not increase the impact on public facilities over the pre-existing use, except that no change in use will be considered exempt when the preexisting use has been discontinued for two years or more.
- C. Zoning district changes to the district of lowest density or intensity necessary to achieve consistency with the Comprehensive Growth Management Plan.
- D. Boundary plats which permit no site 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 #1.

Post Approval Requirements List: After approval the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. Submit a copy of the Post Approval Requirements List.

Item #2.

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.

Item #3.

One (1) paper 24" x 36" copy of the approved plat.

Item #4.

A completed Notice of Subdivision Plat Filing Form to be forwarded to the State of Florida Department of Business Regulation.

Item #5.

Original executed Declarations of Covenants and Restrictions for the homeowner's association.

Item #6.

Original executed plat on Mylar or other plastic, stable material. All names, signatures, stamps, and related data must be inscribed in 'India' ink or similar indelible ink to assure permanent legibility.

Item #7.

One (1) digital file copy of the plat in AutoCAD 2010-2017 drawing format (.dwg). For other types of computer software that may be utilized by the applicant, a digital exchange file (.dxf) version 2004 may be substituted. The digital version of the boundary survey must match the hardcopy version as submitted.

Item #8.

One (1) copy of the approved cost estimate and, if changed, a revised Cost Estimate with an explanation of its change signed and sealed by the Engineer of Record licensed in the State of Florida.

Item #9.

Original and one (1) copy of the executed Contract for Construction of Required Improvements including the current County-approved cost estimate labeled Exhibit A and corresponding executed surety labeled as Exhibit B.

Item #10.

One (1) blank USB flash/thumb drive, which will be utilized to provide the applicant with the approved stamped and signed project plans.

V. Local, State, and Federal Permits

No Local, State and Federal Permits are applicable to a rezoning action which does not permit any development activities.

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 type:	Fee amount:	Fee payment:	Balance:
Application review fees:	\$13,600	\$13,600	\$0.00
Advertising fees *:			
Recording fees **:			
Mandatory impact fees:	N/A		
Non-mandatory 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 on the post approval checklist.

X. General application information

Applicant: KC Canopy Creek, LLC
William Johnson
701 South Olive Ave, Suite 104
West Palm Beach, FL 33401

Agent: Same as above

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/Waste Water Service Agreement

Z. Attachments

Attachment 1: 2023_0222_PLAT_REDLINE