



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## STAFF REPORT

### A. *Application Information*

## THE PRESERVE AT RIO MAJOR FINAL SITE PLAN

Applicant	Rio North Dixie, LLC, Josh Simon
Owner:	Rio North Dixie, LLC
Agent for the Applicant:	Cotleur & Hearing, George Missimer
County Project Coordinator:	Elizabeth (Liz) Nagal, AICP, CNU-A, Development Review Administrator
Growth Management Director:	Paul Schilling
Project Number:	S241-017
Record Number:	DEV2022090015
Report Number:	2024_0730_S241-017_Staff_Report_Final
Application Received:	10/27/2022
Transmitted:	10/31/2022
Staff Report:	01/27/2023
Resubmittal Received:	05/17/2023
Transmitted:	05/19/2023
Staff Report:	07/19/2023
Application Received:	01/30/2024
Transmitted:	02/01/2024
Staff Report:	03/07/2024
Application Received:	05/31/2024
Transmitted:	06/03/2024
Staff Report:	06/20/2024
Application Received:	07/09/2024
Transmitted:	07/11/2024
Staff Report:	07/30/2024

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## **B. Project description and analysis**

This is a request by Cotleur & Hearing on behalf of Rio North Dixie, LLC for approval of a major final site plan approval to develop 145 residential units consisting of multi-family, townhome and live/work units and the associated infrastructure on an approximately 14.34-acre undeveloped parcel located in the Rio Community Redevelopment Agency (CRA) area. As the project is no longer phased, the final site plan will replace the previously approved master plan. The site plan is consistent with the previously approved master plan with some minor changes proposed. The subject site is located on the north side of NE Dixie Highway west of NE Martin Avenue. Included in this application is a request for a Certificate of Public Facilities Reservation.

The future land use of the property is CRA Center and the zoning is Rio Redevelopment Zoning District with the General and Core Subdistrict designation. The proposed density is under the permitted 15 dwelling units per acre. Two access points are proposed from NE Dixie Highway and one access point from the extension of NE Charlotte Street and one access through the extension of NE Olive Street. Included with this application is off site improvements to NE Dixie Highway including a new traffic circle.

The project is within the Primary Urban Service Boundary and water and wastewater will be provided by Martin County Utilities.

## **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:

<b>Section</b>	<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
F	Comprehensive Plan	Liz Nagal	320-3056	Non-Comply
G	Development Review	Liz Nagal	320-3056	Comply
H	Urban Design	Liz Nagal	320-3056	N/A
H	Community Redevelopment	Jordan Pastorius	288-5461	Comply
I	Property Management	Ellen Macarthur	288-1334	Non-Comply
J	Environmental	Shawn McCarthy	288-5508	Comply
J	Landscaping	Karen Sjöholm	288-5909	Comply
K	Transportation	Lukas Lambert	221-2300	Comply
L	County Surveyor	Tom Walker	288-5928	Non-Comply
M	Engineering	Kaitlyn Sullivan	288-5920	Comply
N	Addressing	Emily Kohler	288-5692	Comply
N	Electronic File Submission	Emily Kohler	288-5692	Comply
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	285-2298	Comply
Q	ADA	Kaitlyn Sullivan	288-5920	Comply

R	Health Department	Nick Clifton	221-4090	N/A
R	School Board	Mark Sechrist	223-3105	Comply
S	County Attorney	Elysse Elder	288-5925	Ongoing
T	Adequate Public Facilities	Liz Nagal	320-3056	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. (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:	283741000013002909 283741000014003005 283741001012000109 No Address
Existing Zoning:	Rio Redevelopment Area
CRA Subdistrict:	General and Core
Future land use:	CRA Center
Gross area of site:	14.34 acres

Figure 1: Location Map

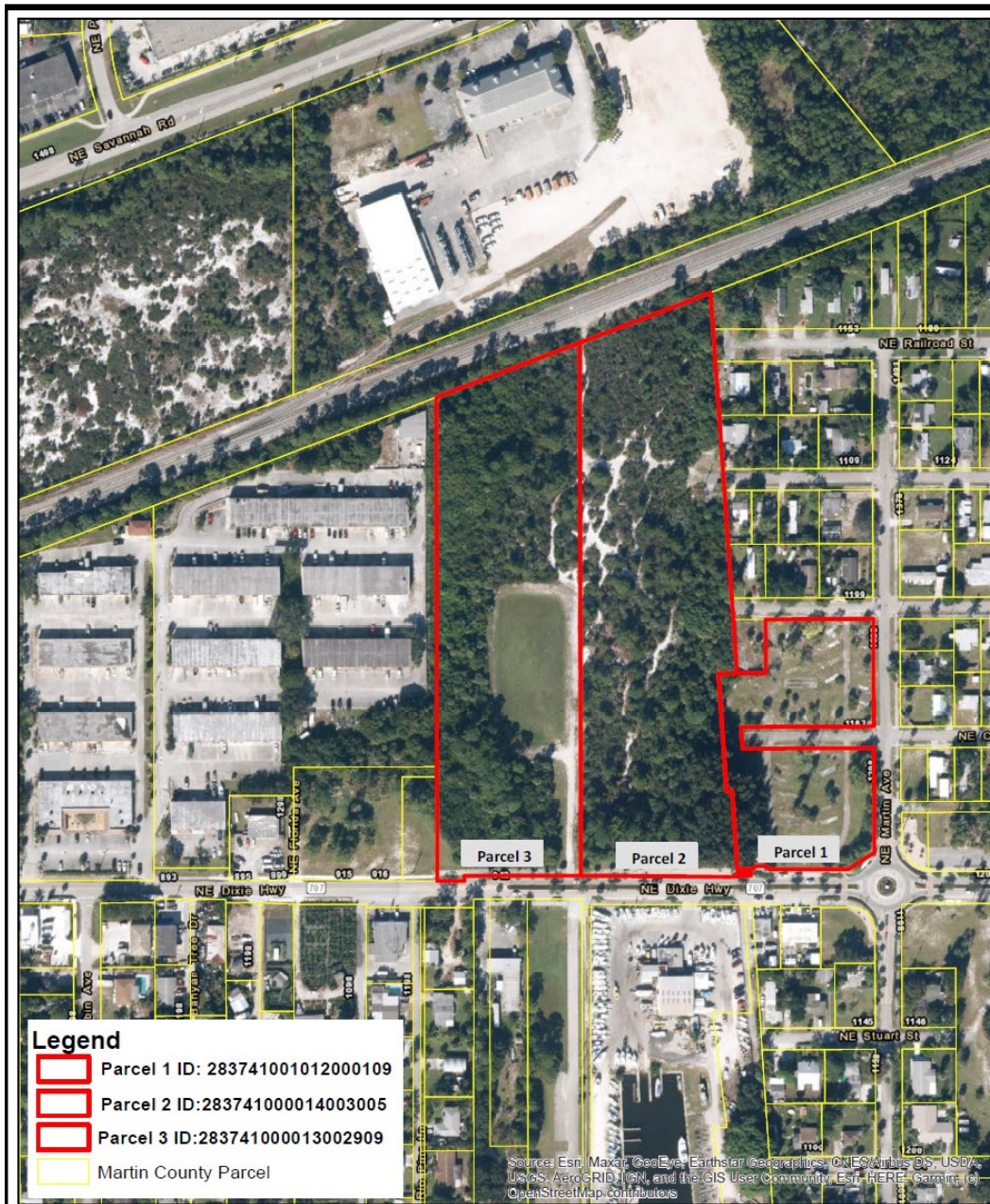


Figure 2: Future Land Use Map

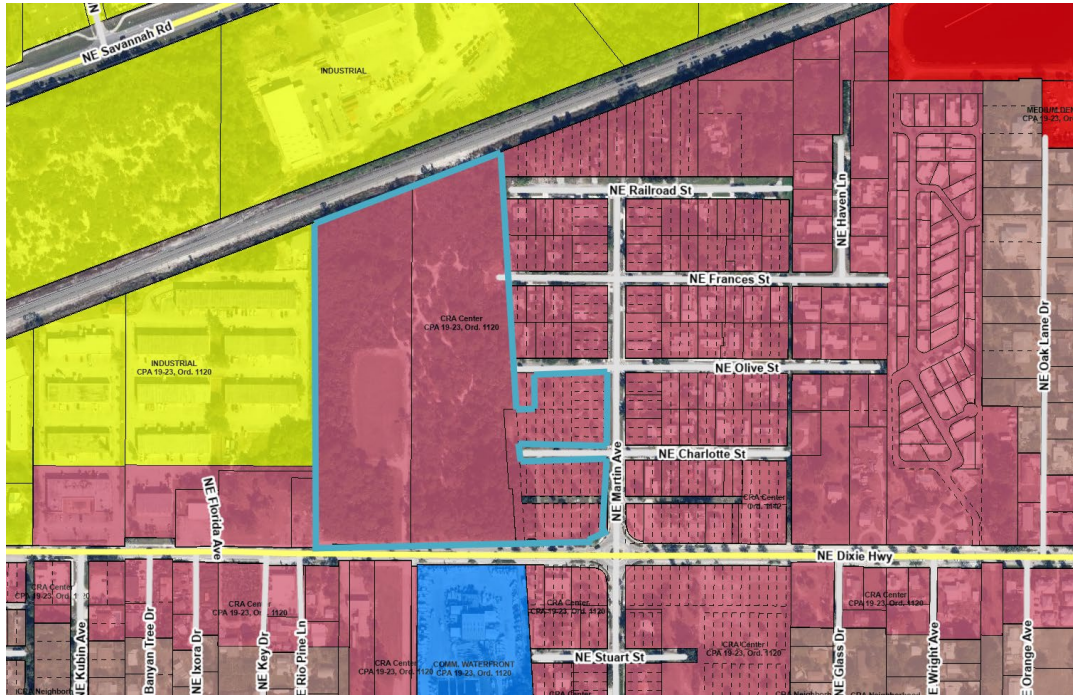
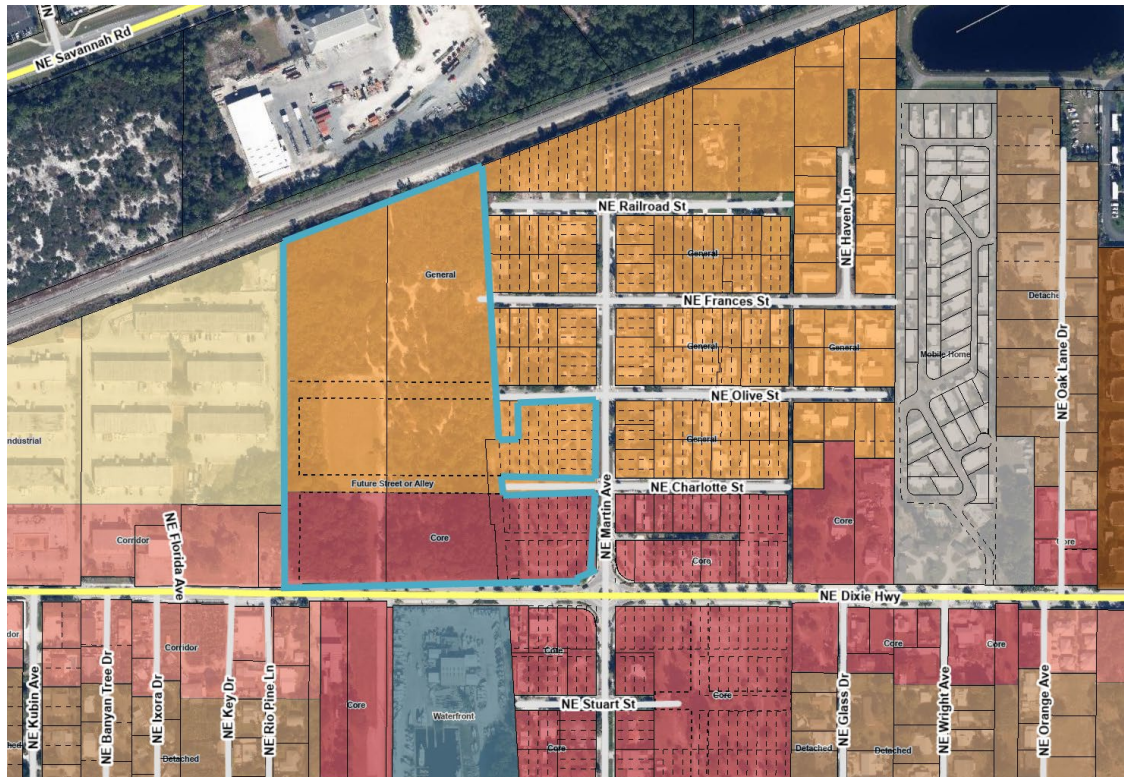


Figure 3: CRA Subdistrict



***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**

1. The project as depicted on the latest site plan is dependent on the acceptance of the proposed ROW Abandonment of N.E. Charlotte Street. The ROW abandonment application can run separate but needs to be approved prior to or concurrent with the final site plan.
2. The project is dependent on a drainage easement to replace the drainage easement to be abandoned. The drainage easement can run separate but needs to be approved prior to or concurrent with the final site plan.

See Section I and L of this report.

**Informational**

1. If the ROW dedication happens prior to the site plan approval, the legal description on the final version of the plan at post approval can be updated to reflect.

**Draft Conditions of Approval:**

1. The civic open space between Building I and NE Dixie Highway shall not be fenced in and shall remain open to the general public from dawn to dusk. The civic open space shall be maintained by the developer, its successors or assigns.
2. An easement shall be established for the proposed bus stop location.

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

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.

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

It has been determined that a Drainage, Access and Maintenance Easement (DAME) is required along the entire western side of the property covering the 70' wide dry retention area. The DAME will then round onto NE Dixie Highway over the piping narrowing from 70' to 10' wide. The following is a list of due diligence to be provided:

**TITLE COMMITMENT**

1. Original Title Commitment for the proposed easement site(s).
2. The Proposed Insured is: Martin County, a political subdivision of the State of Florida
3. The Insurable Amount is subject to approval by the Real Property Division.
4. Legible copies of all documents listed on the Title Commitment as B-II Exceptions must be provided with the Title Commitment.

**BOUNDARY SURVEY – SKETCH AND LEGAL DESCRIPTION**

1. Two (2) original signed and sealed Boundary Surveys of the easement site (s).
2. The Survey must be certified to Martin County, a political subdivision of the State of Florida and to the Title Company.
3. The Survey must be prepared with the benefit of the Title Commitment and include the Commitment Number, Name of the Title Company and Date and Time of the Commitment.
4. Parcel ID number(s) must be included.
5. All title exceptions that can be plotted must be shown on the Survey.
6. The legal description for the easement site(s) on the Survey must match the legal description on the proposed Plat or Planned Unit Development (PUD), if applicable.
7. Two (2) original 8 ½” by 11” signed and sealed Sketch and Legal Descriptions of the easement site(s) must be provided.

It has also been determined that the Applicant is required to dedicate right of way for the roundabout on NE Dixie Highway pursuant to Section 4.843.B.4, Land Development Regulations, Martin County, Fla. (2010).

**Note 1: It has also been determined by Engineering that all the dedications on NE Dixie Highway will take place under a Right-of-Way Use Permit (ENG2024040016)**

**Note 2: The applicant did provide a sketch and legal description of the dedication site. Required revisions are attached to the Staff Report.**

***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. A 3.16 acre upland preserve area will be established with a Preserve Area Management Plan (PAMP) as part of this development. The upland preserve is comprised of rare, unique upland habitat in a consolidated area on the north end of the project.

**Landscaping**

**Landscape**

The Growth Management Department Environmental Division staff has reviewed the application and finds it in compliance with the applicable Land Development Regulations Article 12, Division The applicant has proposed construction of a multi-family and townhouse project consisting 145 dwelling units. The applicant has submitted landscape plans that provide for planting of the equivalent of 559 trees to document compliance with Section 12.3.09.4, Land Development Regulations, Martin County, Fla. (2020). Pursuant to this regulation a minimum of 1 tree shall be established for each 1000 sq. ft. of the total development area minus preserves. The total development site is 493,451 sq. ft. which requires the planting of 493 trees.

The planting of new shade trees shall be required along streets planted at 30-foot intervals with a minimum height of 12 feet, with a four-foot clear trunk, and two-inch dbh. These street trees have been proposed as required for project approval.

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***

CRA's are designated Transportation Concurrency Exception Areas (TCEA). Development within the TCEAs shall be exempt from the County's transportation concurrency requirement. [Martin County Comprehensive Growth Management Plan, Policy 18.4D.1. (2018)]

***L. Determination of compliance with county surveyor - Engineering Department***

**Unresolved Issues:**

A right-of-way abandonment associated with this application is required to be completed. The application is currently being processed.

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

**Engineering**

**Compliance with Adequate Public Facilities Ordinance:**

This project will provide the proposed development sufficient services based upon the adopted LOS for stormwater management facilities.

**Findings of Compliance:**

The application was reviewed for compliance with the following Divisions of the Land Development Regulations. Staff's finding is summarized after each:

Division 8- Excavation, Fill, and Mining: The applicant demonstrated in the Engineer's Opinion of Probable Excavation, Fill, and Hauling that no excavation is proposed and only fill will be brought onto the site; therefore, hauling material from the site is not approved with this Development Order. The applicant demonstrated compliance with Division 8.

Division 9- Stormwater Management: The applicant has demonstrated the proposed development will retain the 25- year, 3-day storm event prior to discharging into the NE Dixie Highway Drainage system. The applicant proposed a stormwater system consisting of dry retention areas and supporting drainage infrastructure. The applicant demonstrated the water quality volume is being met in the proposed prior to discharging; thereby, the required attenuation and water quality treatment is in compliance with Division 9.

Division 10- Flood Protection: The site does not fall within a Special Flood Hazard Area. The applicant demonstrated that the minimum finished floor elevation of 11.50-feet NAVD is set at or above the maximum predicted stage of the 100-year 3-day storm event (11.27-feet NAVD); therefore, the applicant demonstrated compliance with Division 10.

Division 14- Parking and Loading: The applicant demonstrated compliance with the parking and loading requirements set forth in Division 14 with the design and layout of the proposed on-site parking facilities.

Division 19- Roadway Design: The applicant has demonstrated compliance with Division 19 with the design of the proposed connection to NE Dixie Highway.

**Development Order Conditions:**

1. Hauling of fill from the site is prohibited. The routes and timing of any fill to be hauled to the site shall be coordinated with the County Engineer. Compliance with all County excavation and fill regulations is required.

***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. (2022).

**Electronic Files**

**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. (2023)

***O. Determination of compliance with utilities requirements - Utilities Department***

**Water and Wastewater Service**

**Findings of Compliance:**

This development application has been reviewed for compliance with applicable statutes and ordinances and the reviewer finds it in compliance with Martin County's requirements for water and wastewater level of service. [Martin County, Fla., LDR, Article 4, Division 6 and 7, (2016)]

## Wellfield and Groundwater Protection

### Findings of Compliance:

The application has been reviewed for compliance under the Wellfield Protection Program. The reviewer finds the application in compliance with the Wellfield Protection and Groundwater Protection Ordinances. [Martin County, Fla., LDR, Article 4, Division 5] (2016)

### ***P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department***

#### Fire Prevention

### Findings of Compliance

The Fire Prevention Division finds this submittal to be in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code. This occupancy shall comply with all applicable provisions of governing codes whether implied or not in this review, in addition to all previous requirements of prior reviews.

#### Emergency Management

The Emergency Management Division finds this submittal to be in compliance based on submitted evacuation procedures and plans.

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

#### ADA

### 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, 7<sup>th</sup> Edition]

### ***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.F. (2016)

**Martin County School Board**

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

*Facilities Department*

District Office, 1939 SF 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.

**Applicant/Project:** Rio North Dixie, LLC – Daniel T. Sorrow 561-406-1012  
**Project Name:** The Preserve  
**Parcel # -** 283741000013002909, 283741000014003005, 28374100109  
**Date:** 12/06/2022  
**Request:** Request for a General School Capacity Analysis for PUD 145 unit community on 14.339 acres, located North side of E. Dixie Hwy.

**Student Generation Calculation:**

Residential Units	145
Current Student Generation Rate	.1987
Elementary	13
Middle	7
High	8
<b>Total Forecasted</b>	<b>28</b>

**School Zone Enrollment & Permanent Capacity:**

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

CSA	2022-2023 (as of 10/31/2022) Enrollment	2024-2025 COFTE Projected Enrollment	2024-2025 LOS Concurrency Capacity
North Zone – Elementary (Felix A. Williams, Jensen Beach El)	1093	998	1603
Stuart Zone – Middle (Stuart)	861	904	1335
North Zone – High School (Jensen Beach High)	1577	1538	1914

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

*Facilities Department*

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

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**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.

Prepared by:  
Leslie A. Daly  
Facilities Administrative Assistant  
772-219-1200 Ext. 30131  
[dalyl@martinschools.org](mailto:dalyl@martinschools.org)

**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 Article 5.7.D of the Adequate Public Facilities LDR for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities service provider – Martin County Utilities

Findings – Positive Evaluation

Source – Utilities Department

Reference - see Section O of this staff report

Sanitary sewer facilities service provider – Martin County Utilities

Findings – Positive Evaluation

Source – Utilities 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 N of this staff report

Community park facilities

Findings – In Place

Source - Growth Management Department

Roads facilities

Findings – Positive Evaluation

Source - Engineering Department

Reference - see Section M of this staff report

Mass transit facilities

Findings – Positive Evaluation

Source - Engineering Department

Reference - see Section L of this staff report

Public safety facilities

Findings – In place

Source - Growth Management Department

Reference - see Section P 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.

Item	Description	Requirement
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.
6.	Construction Plans	One (1) 24" x 36" copy of the approved construction plans signed and sealed by the Engineer of Record licensed in the State of Florida. Rolled
7.	Approved Final Site Plan	One (1) copy 24" x 36" of the approved final site plan.
8.	Approved Architectural Elevations	One (1) copy 24" x 36" of the approved architectural elevations. <b>Only the elevations and associated relevant pages are required, no mechanical, electrical, plumbing, stair/elevator, window details, etc.</b>
9.	Digital Copy of Site Plan	One (1) digital copy of the 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	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.	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 Regional Utilities and one (1) copy of the payment receipt for Capital Facility Charge (CFC) and engineering and recording fees.
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:	\$9,127.00	\$9,127.00	\$0.00
Inspection Fees:	\$4,000.00		\$4,000.00
Advertising fees*:	TBD		
Recording fees**:	TBD		



Impact fees\*\*\*: 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.

\*\*\* Required at building permit

## **X. General application information**

Applicant/Owner: Rio North Dixie, LLC, Josh Simon  
601 Heritage Drive, Suite #227  
Jupiter, FL 33458

Agent: Cotleur &Hearing, George Missimer  
1934 Commerce Lane, Suite 1  
Jupiter, FL 33458

Engineer of Record: Simmons and White, Greg Bolen, PE  
2581 Metrocentre Boulevard, Suite 3  
West Palm Beach, FL, 33407  
561-644-4312  
bolen@simmonsandwhite.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/Waste Water Service Agreement

## **Z. Attachments**