



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## STAFF REPORT

### *A. Application Information*

## **RIO MARINE VILLAGE PHASE II (WEST) REVISED MAJOR FINAL SITE PLAN**

Applicant	Rio North Dixie, LLC, Josh Simon
Owner:	Rio North Dixie, LLC
Agent for the Applicant:	George Missimer, Cotleur & Hearing
County Project Coordinator:	Elizabeth (Liz) Nagal, AICP, CNU-A, Development Review Administrator
Growth Management Director:	Paul Schilling
Project Number:	S241-018
Record Number:	DEV2022120011
Report Number:	2024_1016_S241-018_Staff_Report_Final
Application Received:	12/14/2022
Transmitted:	12/21/2023
Staff Report:	03/14/2023
Application Received:	09/15/2023
Transmitted:	09/20/2023
Staff Report:	12/19/2023
Application Received:	04/09/2024
Transmitted:	04/11/2024
Staff Report:	05/03/2024
Application Received:	09/17/2024
Transmitted:	09/18/2024
Staff Report:	10/16/2024

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### *B. Project description and analysis*

This is a request by Cotleur & Hearing on behalf of Rio South Dixie, LLC, for approval of the Rio Marine Village Phase II (West) Major Final Site Plan. The Final Site Plan shall be in compliance with a revised

Master Plan and revised Phasing Plan that is being reviewed with Phase I (East). The west phase contains one retail building, two (2) restaurant buildings, and one (1) mixed use building, 15 proposed docks and outside boat storage, along with the associated infrastructure. Phase II is generally located south of NE Dixie Highway, north of the St. Lucie River, and west of NE Martin Avenue. The southern portion of the final site plan is within the Waterfront subdistrict and the northern portion is within the General subdistrict, all within the Rio Community Redevelopment Agency area. Included is a request for a certificate of public facilities reservation.

The future land use of the property is CRA Center and CRA Commercial Waterfront. The proposed density is under the permitted 15 dwelling units per acre when utilizing density blending. Phase II has one access point proposed from NE Dixie Highway with two additional access connections from NE Martin Avenue via an extension of NE St. Lucie Terrace and the existing NE Stuart Street connection.

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	Non-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	Non-Comply
K	Transportation	James Hardee	288-5470	Comply
L	County Surveyor	Tom Walker	288-5928	Non-Comply
M	Engineering	Matthew Hammond	288-5512	Non-Comply
N	Addressing	Emily Kohler	288-5692	Non-Comply
N	Electronic File Submission	Emily Kohler	288-5692	Comply
O	Water and Wastewater	Jorge Vazquez	221-1448	Non-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	Matthew Hammond	288-5512	Comply
R	Health Department	Nick Clifton	221-4090	N/A
R	School Board	Juan Lameda	223-3105	N/A
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 criteria for a major development, with a previously approved master plan, pursuant to Table 10.2.C.1.B., LDR, Martin County, Fla. (2019), 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. (2019).

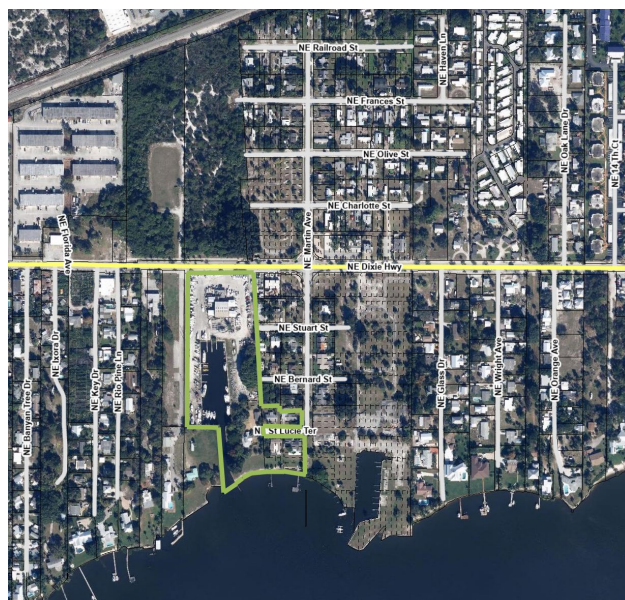
Pursuant to Section 10.1.F, Land Development Regulations, Martin County, Fla., (2016) it shall at all times be the applicant’s responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

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.

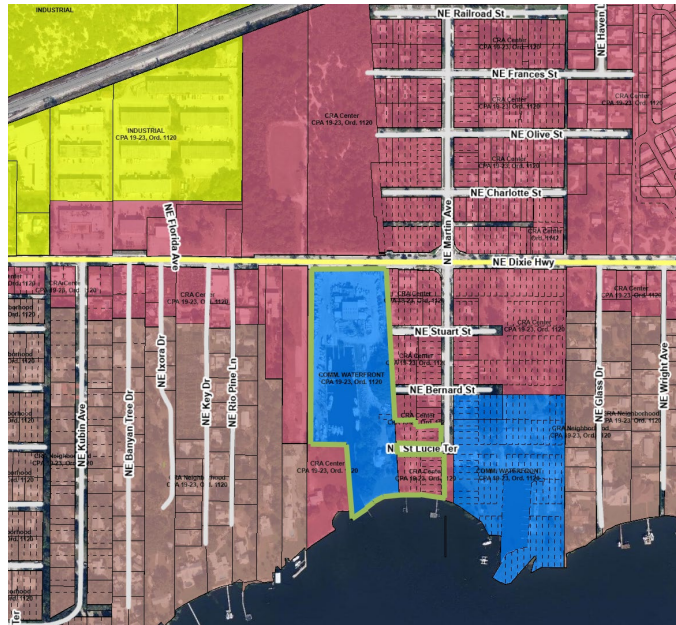
**E. Location and site information**

Parcel number(s) and address:	273741025001000008	No Address
Existing Zoning:	CRA Subdistrict:	Rio Redevelopment Area
		Waterfront and Core
Future land use:		CRA Center, CRA Commercial Waterfront

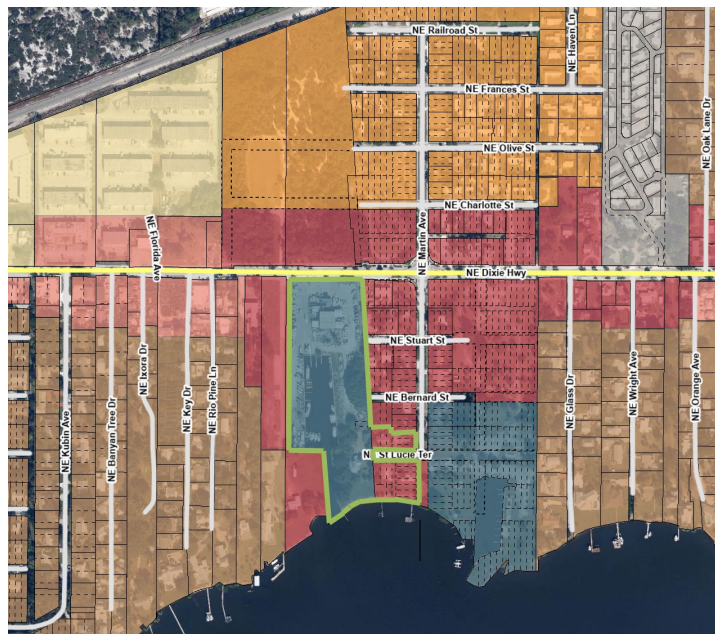
**Figure 1:  
Location Map**



**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**

**Data Tables:**

1. Update Building O subdistrict to Waterfront.
2. Clarify rear setback of Building O, 61' does not seem to be accurate. The plan shows 36'.
3. Remove reference to outbuilding building type. This is an accessory building to the marina, outbuilding has a maximum square footage.

**Item #2:**

**Architectural Elevations**

1. The key plan on the updated architectural sheets are showing the buildings in the wrong location.

**Resubmittal Plans**

Please do not submit paper copies of the architectural plans with resubmittal (digital only).

***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**

**Findings of Compliance:**

CRA staff has reviewed the application and finds it in compliance with the applicable regulations.

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

**Unresolved Issues:**

It has been determined that a new 15-foot Flow-Through Drainage Easement is required on the existing stormwater pipe from the NE St. Lucie Terrace public ROW to the outfall at the West Boat Basin.

The following is a list of due diligence:

**TITLE COMMITMENT**

1. Original Title Commitment for the proposed flow-through drainage easement site.
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.

**SKETCH AND LEGAL DESCRIPTION**

1. Two (2) original 8 ½” by 11” signed and sealed Sketch and Legal Descriptions of the easement site must be provided.

***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 living shoreline will be constructed with this development. Specifications and planting details can be found in the construction plans and landscape plans.

**Landscaping**

**Unresolved Issues**

**Item #1:**

**Landscape Data**

The landscape standards for the Rio CRA Section 12.03.09(4) requires that 1 tree per 1000 sf of the total site area be provided.

The development footprint incorporated with this Master Plan does create restrictions that make it difficult to meet the Rio CRA landscape code, however, staff does not agree with the interpretation that the CRA Code is contrary to implementation of flexible or sustainable design or that it is not typical of a CRA infill development project. By description and vision, CRA projects are infill development and the CRA code was written for such development.

**Remedy/Suggestion/Clarification:**

a) It is acknowledged that allowances have been agreed to reduce some of the CRA landscape standards specifically by using larger tree sizes. However, tree sizes specified for the VUA perimeter shade trees do not meet the CRA minimum requirement of 4” dbh and were not upsized as agreed upon. To compensate for alternative compliance, it was agreed to increase size of oaks and green buttonwood to be 5-6” dbh.

The response letter states:

**Response: Acknowledged, trees have been increased in size specification.**

**Corrective Actions Required:**

Trees have not been upsized as stated. Please upsize tree sizes to exceed CRA minimum size requirements.

**Item #2:**

Landscape Native Tree Protect & Survey

A tree survey is required to identify specific native trees required to be protected from development [Section 4.666, LDR].

**Remedy/Suggestion/Clarification:**

A revised tree disposition summary table has now been provided. However, this summary assigns 3 tree credits mitigation for each sabal palm proposed to be preserved or relocated. The Code standards assign palm credit as three sabal palms equal 1 tree credit, with other palms equaling 1 tree credit for every 2 palms. At the most, staff can allocate 1 tree credit of mitigation for every 2 sabal palms protected or relocated. Revise mitigation credits.

**Item #3:**

Landscape Protection and Maintenance

**Remedy/Suggestion/Clarification:**

Revise location of the required notes.

Previous comment only partially addressed. Notes are still located in small print within contractor notes – some are in section titled Landscape Notes, others in section titled Landscape specifications. Required Martin County long-term notes have not been provided in a separate section as requested.

Please provide with its own heading as General Landscape Notes in manner to clarify and identify that the notes are long-term requirements associated with the development order.

Contractor notes state that root barrier is to be utilized for trees within 6’ of public right-of-ways. Revise this note to include utilization of root barrier when trees are within 6’ of pavement whether

#### ***K. Determination of compliance with transportation requirements - Engineering Department***

##### **Findings of Compliance:**

CRAs 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:**

**PLEASE NOTE THE REQUIREMENTS OF THIS SECTION HAVE STILL NOT BEEN MET. PROVIDE ALL ITEMS LISTED BELOW.**

*Any surveyor and mapper undertaking to establish a local tidal datum and to determine the location of the mean high-water line or the mean low-water line shall submit a copy of the results thereof to the department within 90 days if the same is to be recorded or submitted to any agency of state or local government. Chapter 177.37, Florida Statutes.*

The survey should meet all Tidal Water Survey Guidelines and **include a MHW File No. provided by FDEP.**

**If the survey was recently filed and *does not* have a MHW File Number, *include a copy of the Notice of Tidal Water Survey Filing.***

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

##### **Unresolved Issues**

1. Informational: A Right-of-Way Use Permit Application is required for this proposed development. Please contact [pwdpermits@martin.fl.us](mailto:pwdpermits@martin.fl.us) with any questions regarding the right-of-way use permit application process. The application can be found at: <https://www.martin.fl.us/martin-county-services/right-way-use-permit-application>.



2. Informational: A Right-of-Way Maintenance Agreement is required for NE St Lucie Terrace.
3. Clearly identify the width and extents of the new access easement being provided along the length of the public boardwalk on the Final Site Plan.
4. As Previously Requested: The existing stormwater infrastructure conveying stormwater from Dixie Highway to the West Boat Basin is not contained within the existing drainage and flow-through easements. Provide a new 15-foot easement on the Final Site Plan and Construction Plans centered on the existing stormwater pipe. The response to comments indicated that this revision had been made however neither the Final Site Plan nor Construction Plans were revised to address this comment.
5. As Previously Requested: Cross sections provided in the Construction Plans previously listed “3:1 Max Slope” in several locations. While the maximum slope noted on Cross-Sections E-E and G-G have been changed on Sheet 15 of 26, the elevations shown on the cross-sections and the Paving and Drainage Plan demonstrate that the slopes will exceed 4:1 in several areas. Revise Cross-Sections E-E and G-G and the Paving and Drainage Plan to demonstrate a maximum slope of 4:1 will be met. [LDR 4.347.A.7 & 4.347.B.2]
6. As Previously Requested: Provide details on the conflict between proposed 18” RCP between drainage structures C15 and C17 and the existing 36” stormwater pipe serving Dixie Highway. The response to comments indicated that this revision had been made however the Construction Plans were not revised to address this comment.
7. Informational: The review assumes that the Dixie Highway Improvements and Phase I (East) improvements will be completed prior to construction of Phase II (West).
8. As Previously Requested: Provide a detail or note on the Construction Plans requiring that the proposed access dock will not conflict with or impede flow from the existing 36” stormwater outfall into the West Boat Basin
9. As Previously Requested: Stormwater from the public NE St. Lucie Terrace right-of-way is conveyed through the private property to the outfall at the West Boat Basin. Provide a new 15-foot Flow-Through Drainage Easement on the Final Site Plan and Construction Plans centered on the proposed stormwater pipes from the NE St. Lucie Terrace public ROW to the outfall at the West Boat Basin. The response to comments indicated that this revision had been made however neither the Final Site Plan nor Construction Plans were revised to address this comment.

**Development Order Conditions:**

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. (2024).

### **Electronic Files**

#### **Findings of Compliance:**

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

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

#### **Water and Wastewater Service**

##### **Unresolved Issues:**

##### **Item #1:**

##### **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]

#### **Wellfield and Groundwater Protection**

##### **Findings of Compliance:**

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

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

#### **Fire Prevention**

##### **Finding of Compliance**

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

#### **Emergency Management**

The Emergency Management Division finds this submittal to be in compliance with the applicable provisions.

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

**ADA**

Public Works Department staff has reviewed the application and finds it in compliance with the applicable Americans with Disability Act requirements. [2020 Florida Building Code, Accessibility, 7th Edition]

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

**Martin County Health Department**

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**

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 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 – Pending Evaluation

Source – Utilities Department

Reference - see Section O of this staff report

Sanitary sewer facilities service provider – Martin County Utilities

Findings – Pending 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 – Pending 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 – Pending 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.
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 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.
9.	Approved Elevations	One (1) copy 24"x36" of the approved elevations (no floor plans or building permit plans, cover page and elevations only).
10.	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.

Item	Description	Requirement
11.	ROW Documents	One (1) copy of documents verifying that the right-of-way, property, or easements have been accepted by the Board of County Commissioners and recorded in the public records of Martin County, Florida shall be submitted as part of the post-approval process in accordance with Section 10.11, Land Development Regulations, Martin County, Florida.
12.	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.
13.	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.
14.	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**

Owner: Rio South Dixie, LLC  
Josh Simon  
601 Heritage Dr, Suite #227  
Jupiter, FL 33458

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

Engineer of Record: Simmons & White,  
Greg Bolen, PE  
2581 Mentrocentre boulevard, Suite 3  
West Palm Beach, FL, 33407

## **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