



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## STAFF REPORT

### A. *Application Information*

## **SOUTH FLORIDA GATEWAY PUD - 1<sup>st</sup> AMENDMENT Revised Master Site Plan & Revised Infrastructure Final Site Plan**

Property Owner:	KL Waterside, LLC
Applicant:	KL Waterside, LLC
Agent for the Applicant:	Lucido & Associates, Morris Crady
County Project Coordinator:	Allison Rozek, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	S265-010
Record Number:	DEV2022070014
Report Number:	2023_0207_S265-010_Staff_Report_Final_Updated
Application Received:	07/28/2022
Transmitted:	08/05/2022
Staff Report:	09/14/2022
Resubmittal Received:	10/13/2022
Transmitted:	10/18/2022
Staff Report:	12/22/2022
Resubmittal received:	01/12/2023
Transmitted:	01/12/2023
Final Staff Report:	02/07/2023

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### B. *Project Description*

This is a request by Lucido & Associates, on behalf of KL Waterside LLC, for approval of an amendment to the zoning atlas to change the zoning of a 7.97-acre parcel from the Limited Industrial (LI) to Planned Unit Development (PUD). The request includes approval of the South Florida Gateway PUD 1st Amendment with a Revised Master Site Plan (including a Certificate of Public Facilities Deferral) and Revised Infrastructure Final Site Plan (including a Certificate of Public Facilities Exception). The project is located on the west side of SW Kanner Highway approximately 1/2 mile south of the SW 96<sup>th</sup> Street and SW Pratt Whitney Road intersection in Stuart.

The South Florida Gateway project received a Planned Unit Development (PUD) agreement approval on February 1, 2022. The project received infrastructure final site plan approval on May 17, 2022 for the

development of 6 industrial lots and the associated infrastructure on approximately 179 acres of undeveloped land.

The first amendment to the PUD agreement and the revised infrastructure plan incorporates and additional 7.9 acres of undeveloped land resulting in an additional industrial lot. There are also minor changes to the infrastructure associated with the change in development area.

This matter is to be heard by the Local Planning Agency on February 16, 2023. The LPA recommendation will be forwarded to the Board.

### C. Reviewing Agency Findings

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	Allison Rozek	288-5931	Comply
G	Dev. Review/Site Design	Allison Rozek	288-5931	Comply
H	Commercial Design	Allison Rozek	288-5931	N/A
H	Community Redevelopment	Allison Rozek	288-5931	N/A
I	Property Management	Ellen MacArthur	288-5794	N/A
J	Environmental	Shawn McCarthy	288-5508	Comply
J	Landscaping	Karen Sjolholm	288-5909	Comply
K	Transportation	Lukas Lambert	221-2300	Comply
L	County Surveyor	Tom Walker	288-5928	N/A
M	Engineering	Michelle Cullum	288-5512	Comply
N	Addressing	Emily Kohler	288-5692	Comply
N	Electronic File Submission	Emily Kohler	288-5692	Comply
O	Water and Wastewater	James Christ	320-3034	Comply
O	Wellfields	James Christ	320-3034	Comply
P	Fire Prevention	Doug Killane	288-5633	Comply
P	Emergency Management	Sally Waite	219-4942	N/A
Q	ADA	Michelle Cullum	288-5512	Comply
R	Health Department	Nicholas Clifton	221-4090	N/A
R	School Board	Mark Sechrist	219-1200	N/A
S	County Attorney	Elysse Elder	288-5925	Comply
T	Adequate Public Facilities	Allison Rozek	288-5931	Positive Evaluation

### D. Action Required for Approval

This proposal meets the threshold requirements to be classified as **MAJOR** development. A review of this application requires approval from the Local Planning Agency (LPA) scheduled on Feb. 16, 2023 and final action by the Board of County Commissioners (BCC) on Feb. 21, 2023, both of which will be public hearings.

NOTE: As outlined in the South Florida PUD (as amended), future Final Site Plan(s) that are deemed consistent with the PUD (including the Revised Master Plan and Revised Infrastructure Plan) shall be

approved administratively by way of an expediated development application provided such Final Site Plan includes non-residential development of 25,000 sq feet or less, Industrial, LSTR, and/or TIB development.

**E. Site Location and Information**

Future Land Use	Industrial
Current Zoning:	PUD (175.48 acres) and Industrial (7.9 acres)
Gross Area of the Master Site:	184.11 acres
Site Location:	west of Kanner Hwy, south of 96 <sup>th</sup>

Parcel Control Number(s)	
13-39-40-009-000-00010-0	13-39-40-009-000-00061-0
13-39-40-009-000-00040-0	13-39-40-009-000-00001-0
13-39-40-009-000-00030-0	13-39-40-009-000-00002-0
13-39-40-009-000-00050-0	13-39-40-000-016-00000-0
13-39-40-009-000-00060-0	

Figure 1: Location Map



*\*Located on west side SR 76, south of SW 96<sup>th</sup> Street*

Figure 2: Arial Map

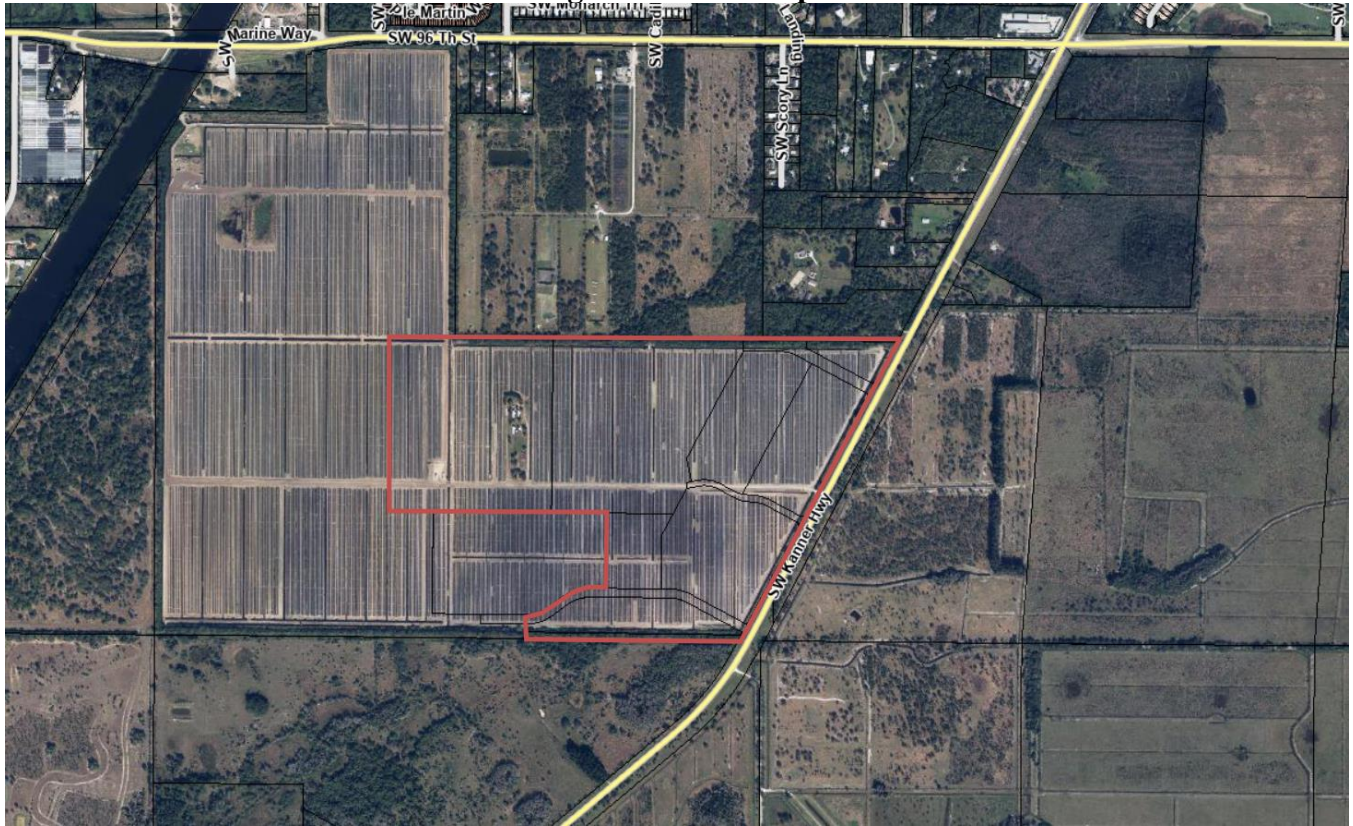
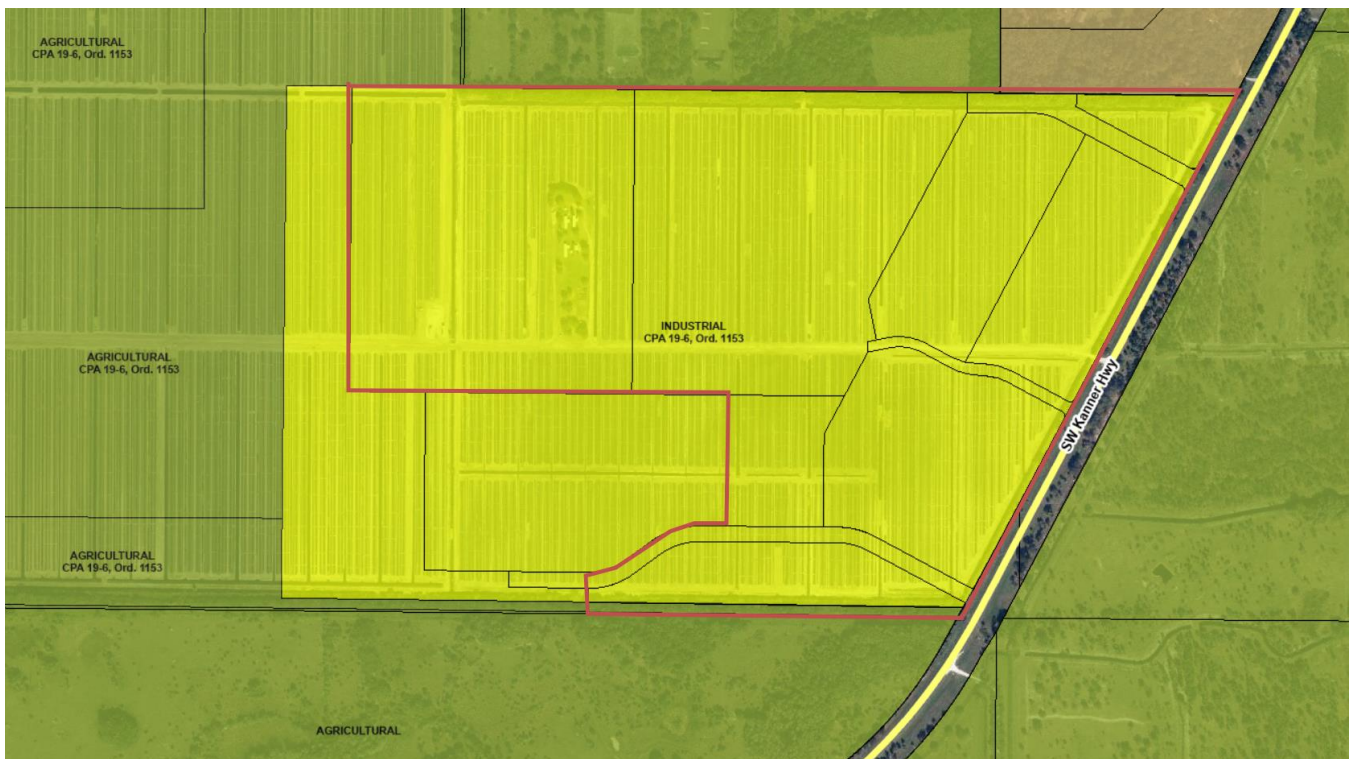
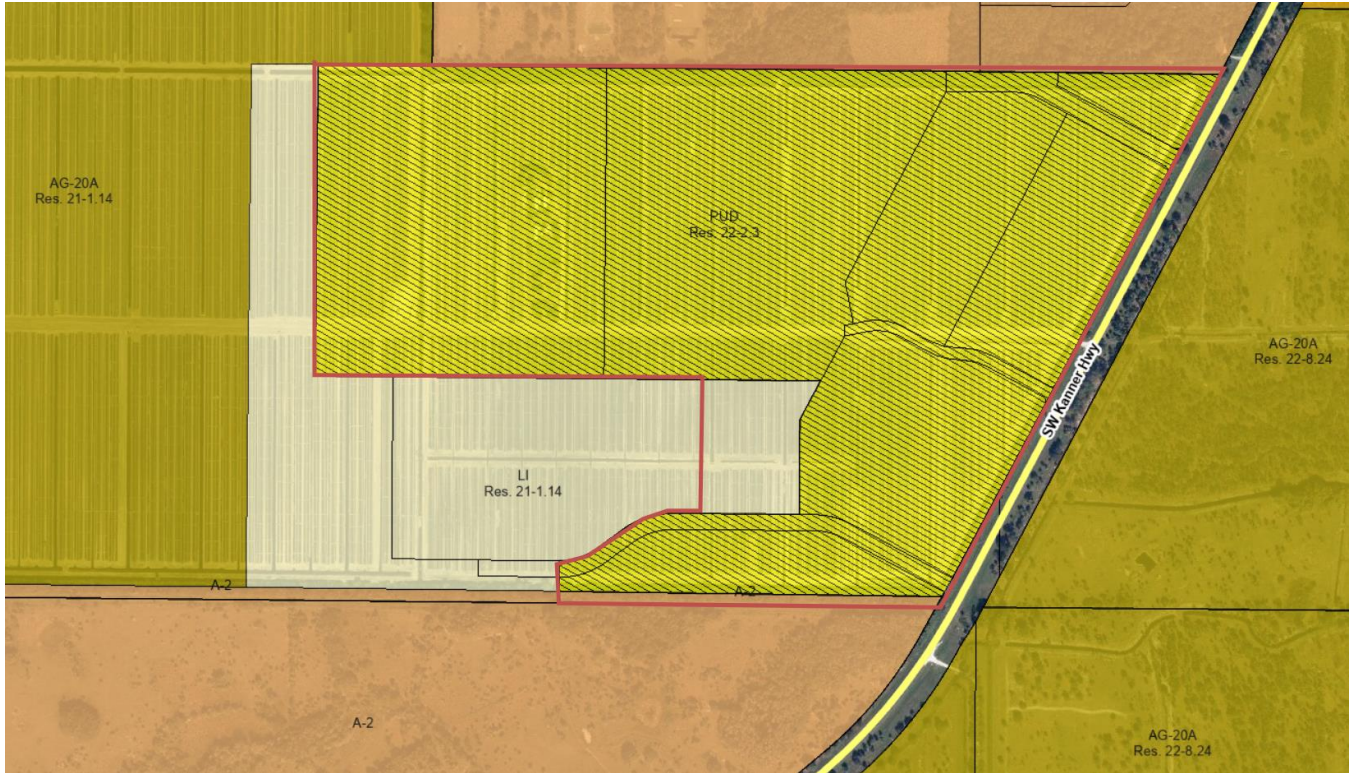


Figure 3: Land Use Map



**Figure 4: Zoning Map**



***F. Compliance with Comprehensive Plan Requirements - Growth Management***

*Finding of Compliance*

The Growth Management Department has determined this application complies with the Martin County Comprehensive Growth Management Plan (CGMP). All issues identified in previous staff reports have been satisfactorily resolved. [Martin County, Fla., CGMP, § 1.3] Therefore, staff is recommending approval.

***G. Compliance with Land Use, Zoning, Design, and Procedure Requirements – Growth Management***

*Findings of Compliance*

Staff review for compliance requirements associated with this area of regulations is found it to comply, as the project is currently proposed.

***H. Compliance with Commercial Design and Community Redevelopment Requirements – Growth Management and Community Development***

*Finding of Not Applicable (N/A)*

Staff finds review for compliance is not applicable to this project, as currently proposed.

## ***I. Compliance with Property Management Requirements – Engineering***

### *Finding of Not Applicable (N/A)*

Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

## ***J. Compliance with Environmental and Landscaping Requirements - Growth Management***

### *Finding of Compliance – Environmental*

The Growth Management Department Environmental Division staff has reviewed the application and finds it in compliance with the applicable land development regulations.

### *Finding of Compliance – Landscaping*

- The Growth Management Department staff has reviewed the application and finds it in compliance with the applicable Land Development Regulations regarding landscaping. The applicant has proposed construction of a new Industrial Park.
- Section 4.663.A.1., Land Development Regulations, Martin County, Fla. (2013) requires that a minimum of 20% of the total development area shall be landscaped. This phase consists of the site infrastructure necessary to support the overall project. The development area for the infrastructure includes roads, stormwater management areas, and required incompatibility landscape buffering.
- Section 4.663.A.3.b. Land Development Regulations, Martin County, Fla. (2013) requires that all nonresidential development provide at least one tree per 2,500 sq. ft. of site area; a total of 856 trees for the areas of core infrastructure. To demonstrate compliance the applicant has proposed the planting of 942 trees on common areas-
- The code requires that a minimum of 20% of the development area be provided as landscape area. Sufficient area has been provided to demonstrate compliance. However, for accuracy, specific numbers identified in the site data table shall need to be modified during the post approval process.
- As a public benefit, the applicant is proposing to establish a landscape buffer 30 ft in width along the frontage of SE Kanner Highway.
- Landscaped bufferyards are required between differing land uses and along certain transportation corridors. Martin County, Fla Section 4.663.B.1.a, (2013). A Type 3 buffer is required along the north property line of the overall industrial park where adjacent to ag ranchette land use. The eastern segments are being provided in association with the overall infrastructure site plan. The remaining buffer sections will be provided with development of Parcels IND-1 and IND-2.

- Section 4.666.E.Land Development Regulations, Martin County, Fla. (2013) requires that development activity preserve at least ten percent of the total number of protected trees on the site unless it can be shown that the property would be precluded of reasonable use if the trees are not removed. The only existing trees on this parcel are located along the north property lines within the Type 3 buffer area. All native trees within this 30 ft buffer area are to be preserved and supplemented as necessary to meet required screening.
- The stormwater management areas to be constructed in association with infrastructure development consist of 3 lakes. Article 4, Division 9 requires that wet Stormwater Areas are provided with a minimum of 10 sq. ft. of littoral area and 10 sq ft of upland transition area per linear feet of lake perimeter. To demonstrate compliance the applicant has proposed to establish 91,300 sq ft each of littoral and upland transition zone zone area for the 9,130 perimeter linear feet of proposed lake.
- Alterations cannot be made to the plans after final site plan approval. Any alteration may require an application to amend the affected approved plans.

#### ***K. Compliance with Transportation Requirements - Engineering***

##### *Findings of Compliance*

The Traffic Division of the Public Works Department finds this application in compliance.

##### **Compliance with Adequate Public Facilities Ordinance:**

Staff has reviewed the Traffic Statement prepared by O'Rourke Engineering and Planning, dated November 17, 2022. O'Rourke Engineering and Planning stated that the site's maximum impact was assumed to be 375 directional trips during the PM peak hour. Staff finds that SW Kanner Highway (SR-76) is the recipient of a majority of the generated trips. The generalized service capacity of SW Kanner Highway (SR-76) will become 880 after off-site improvements are constructed. The project impact is 42% of the maximum volume of that roadway. SW Kanner Highway (SR-76) is currently operating at a level of service C; it is anticipated to operate at level of service C at buildout (year 2029).

#### ***L. Compliance with County Surveyor - Engineering***

##### *Finding of Not Applicable (N/A)*

Staff finds review for compliance is not applicable to this project, as currently proposed.

#### ***M. Compliance with Engineering, Storm Water, and Flood Management Requirements - Engineering***

##### *Finding 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 the amount of proposed excavation balances with the amount of fill needed for 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 required 25- year, 3-day storm event prior to discharging at a rate that is less than the pre-development discharge rate.

The applicant is proposing the minimum finished floor elevation be set above the predicted elevation of stormwater that will stage within the development after a 100-year storm having a three-day duration and without any discharge from the development.

The applicant is proposing the minimum edge of roadway elevation be set above the predicted elevation of stormwater that will stage within the development after a 10-year storm having a one-day duration.

The applicant has demonstrated that the PUD development system provides 150% additional water quality criteria for the cumulative volume contained in Ponds A, C, D and E which will be constructed in the initial phase of infrastructure construction. The wet detention system recovers half of the water quality volume between 24 hours and 5 days and recovers 90% of the entire volume within 12 days after the storm event.

Therefore, the required attenuation, flood protection, and water quality treatment is in compliance with Division 9.

**Division 10 - Flood Protection:**

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

**Division 14 - Parking and Loading:**

The applicant demonstrated that compliance with the parking requirements set forth in Division 14 will be provided for at the final interior lot design and submittal.

**Division 19- Roadway Design:**

The applicant is gaining access to the site from SR 76 (SW Kanner Highway), which is under the jurisdiction of FDOT. According to the Pre-Application Letter issued by FDOT on February 11, 2022, the off-site improvements to SR 76 shall consist of a full signalized access connection for SW Gateway Place and a right-in/right-out access connection for SW Neill Street.

A raised median shall be constructed on SR 76 to restrict left-turning movements at SW Neill Street, and



a SR 76 southbound U-turn lane and U-turn pad shall be constructed south of SW Neill Street. Final design will be reviewed, approved, and permitted by FDOT.

Martin County will be the operating entity of the proposed traffic signal at SW Gateway Place. Final signalization plans shall be submitted to Martin County Public Works Department for review and approval prior to procurement of materials.

### **Post Approval Requirements:**

1. As previously stated, the scale on the Revised Infrastructure Site Plan is incorrect.
2. As previously stated, remove the Fire Hydrants from the Revised Infrastructure Site Plan and Master Site Plan
3. Revise the title of the Stormwater Management Report to remove the reference to a “conceptual” report.

### ***N. Compliance with Addressing and Electronic File Submittal Requirements – Growth Management and Information Technology***

#### *Findings of Compliance - Addressing*

Staff review for compliance requirements associated with this area of regulations is found it to comply, as currently proposed. Proposed site plan complies with applicable addressing regulations. All street names comply.

#### *Finding of Compliance - Electronic Submission*

Staff review for compliance requirements associated with this area of regulations is found it to comply, as currently proposed. Both AutoCAD site plan and boundary survey were received and found to comply.

### ***O. Compliance with Utilities, Water, Wastewater, Wellfield and Groundwater Protection Requirements - Utilities***

#### *Finding of Compliance - Water and Wastewater*

Staff review for compliance requirements associated with this area of regulations is found it to comply, as currently proposed.

#### *Findings of Compliance - Wellfield AND Groundwater Protection*

Staff review for compliance requirements associated with this area of regulations is found it to comply, as currently proposed.

### ***P. Compliance with Fire Prevention and Emergency Management Requirements – Fire Rescue***

Finding of Compliance - Fire Prevention

Staff review for compliance requirements associated with this area of regulations is found it to comply, as currently proposed.

Finding of Not Applicable (N/A) - Emergency Preparedness

Staff review for compliance requirements associated with this area of regulations is found it to comply, as currently proposed.

**Q. Compliance with Americans with Disability Act (ADA) Requirements - General Services**

Finding of Not Applicable (N/A)

Staff review for compliance requirements associated with this area of regulations is found it to comply, as currently proposed.

**R. Compliance with Martin County Health Department and Martin County School Board**

Finding of Not Applicable (N/A) - Martin County Health Department

Staff review for compliance requirements associated with this area of regulations is found it to comply, as currently proposed.

Finding of Not Applicable (N/A) - Martin County School District

Staff review for compliance requirements associated with this area of regulations is found it to comply, as currently proposed.

**S. Compliance with Legal Requirements - County Attorney's Office**

On-Going

**T. Determination of Adequate Public Facilities and Timeline Requirements – Growth Management**

Positive Evaluation of Adequate Public Facilities

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. Therefore, Growth Management hereby grants this project a Positive Evaluation of Adequate Public Facilities.

## ***U. Post-Approval Requirements***

Approval of the development order is conditioned upon the applicant's submittal of all required documents to the Growth Management Department, including unpaid fees, within 60 days of the final action granting a development application approval.

**You will receive a letter transmitting a list of post approval requirements identifying the documents and fees specific to your project which will include the payment amounts required.**

### ***Post Approval Submittal Requirements***

- **Post Approval Submittal List.** One 8" X 11" copy of the list you receive from Growth Management, along with any comments provided to explain document exclusions or adjustments included in your submittal, if applicable.
- **Post Approval Fees including Recording Costs.** Growth Management Department will calculate and inform you of the recording costs. Checks are made payable to the Martin County Board of County Commissioners within 60 days from the date of the development order. A 60-day extension may be granted.
- **Digital Application.** One digital pdf copy of the submitted and approved Development Application, without bookmarks, including all exhibits and attachment, on a USB/Flash Drive.
- **Warranty Deed and Unity of Title.** One 8" x 11" copy of the recorded warranty deed if a title transfer has occurred since approval of the PUD Agreement with Master Site Plan or Final Site Plan. If a title transfer has not occurred, provide one 8" x 11" original certified letter stating that no transfer has occurred.
- **Engineer Certification.** One 8" x 11" 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.
- **Property Dedications.** Two 8.5" x 11" copies of the documents verifying that the right-of-way, property, and/or easements have been adequately dedicated to the Board of County Commissioners and recorded in the public records of Martin County's currently proposed.
- **Water and Wastewater Agreement.** One 8.5" x 11" original and one 8.5" x 11" copy -OR- two 8.5" x 11" copies of the executed and signed Water and Wastewater Service Agreement with Martin County Regional Utilizes, as well as one 8.5" x 11" copy of the payment receipt for Capital Facility Charge (CFC), including the recording fees.
- **Executed PUD Zoning Agreement and/or Amendment.** One 8.5" x 11" original hard copy of the executed PUD Zoning Agreement and/or Amendment, including all exhibits.
- **Site Plans.** One 24" x 36" rolled, paper copy of each approved site plan -AND- one digital copy of each approved site plan, saved on a USB/Flash Drive in AutoCAD (.dwg) format. Ensure the site plan includes a footnote identifying each alternative compliance measure that has been

granted, when applicable.

- **Landscape Plan.** One 24” x 36” rolled, paper copy of the approved Landscape Plan, signed and sealed by a landscape architect licensed in the State of Florida.
- **Construction Plans and Schedule.** Two 24” x 36” rolled, paper copies of approved construction plan(s) with the anticipated schedule for construction start and completion –**AND-** one digital copy of the approved construction plan(s), saved on a flash drive in AutoCAD (.dwg) format.
- **Cost Estimate.** Two 8.5” X 11” originals of the Cost Estimate Worksheets, signed and sealed by the Engineer of Record licensed in the State of Florida. Worksheet is provided on the Martin County website.
- **USB/Flash Drive.** One blank USB flash/thumb drive, which will later be used to provide the applicant with the approved signed and stamped plans.

**Local, State, and Federal Permits**

Approved Development Order(s) are conditioned upon the applicant submitting approved permits for all applicable Local, State, and Federal Permits to Martin County, prior to scheduling the pre-construction meeting.

**Fees**

Fees for this application are calculated as follows:

<u>Fee type:</u>	<u>Fee amount:</u>	<u>Fee payment:</u>	<u>Balance:</u>
Application	\$13,800	\$13,800	\$0
Inspection	\$4,000	0	\$4,000
Advertising*	TBD	TBD	TBD
Recording*	TBD	TBD	TBD
Special Condition Fee*	\$100,000	\$100,000	\$0

- \* Advertising fees will be determined once the ads have been placed and billed.
- \* Recording fees are determined and remitted to the County Clerk.
- \* Special fee is a public benefit of the PUD.

**V. General Application Information – Development Team**

Owner  
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 813-615-1244 ex. 201

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**W. 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

**X. Attachments**

No Attachments