

# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## **STAFF REPORT**

#### A. Application Information

# SEA'S SUBDIVISION LOT 5 PLAT

Applicant: Terrence J. Wiler Property Owner: Terrence J. Wiler

Agent for the Applicant: Cotleur & Hearing, George Missimer

County Project Coordinator: Luis Aguilar, Principal Planner

Growth Management Director: Paul Schilling Project Number: S276-003

Record Number: DEV2024040010

Report Number: 2024\_0613\_S276-003\_Staff Report\_Final

 Application Received:
 04/26/2024

 Transmitted:
 04/30/2024

 Date of Report:
 06/13/2024

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 <a href="https://www.martin.fl.us/accessibility-feedback">www.martin.fl.us/accessibility-feedback</a>.

#### B. Project description and analysis

This is a request by Cotleur & Hearing on behalf of Terrence J. Wiler for approval of the plat of lot 5 of the Sea's Subdivision. The plat is necessary as a result of the recently approved revised minor final site plan that established a new mean high water line and the associated 75 foot shoreline protection zone. The subject site is located at 3600 SE Sea Point Court in Stuart. The existing primary access to the site is along SE Sea Point Court. Included is a request for a Certificate of Public Facilities Exemption.

#### 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	Comp Planning	Luis Aguilar	772-288-5931	Non-Comply
G	Site Design	Luis Aguilar	772-288-5931	N/A
Н	Community Redevelopment	Luis Aguilar	772-288-5931	N/A
Н	Commercial Design	Luis Aguilar	772-288-5931	N/A
I	Property Mgmt	Ellen MacArthur	772-221-1334	N/A
J	Environmental	Darryl Deleeuw	772-221-1317	Non-Comply
J	Landscaping	Karen Sjoholm	772-288-5909	N/A
K	Transportation	Lukas Lambert	772-221-2300	N/A
L	County Surveyor	Tom Walker	772-288-5928	Non-Comply
M	Engineering Services	Michael Grzelka	772-223-7945	Ongoing
N	Addressing	Emily Kohler	772-288-5692	Comply
N	Electronic File Submission	Emily Kohler	772-288-5692	N/A
O	Wellfield	Jorge Vazquez	772-221-1448	Comply
O	Water and Wastewater	Jorge Vazquez	772-221-1448	N/A
P	Emergency Mgmt	Amy Heimberger		
		-Lopez	772-419-2664	N/A
P	Fire Prevention	Doug Killane	772-419-5396	N/A
Q	ADA	Stephanie Piche	772-223-4858	N/A
R	Health	Nick Clifton	772-221-4090	N/A
R	School Board	Juan Lameda	772-219-1200	N/A
S	County Attorney	Elysse Elder	772-288-5925	Ongoing
T	Adequate Public Facilities	Luis Aguilar	772-288-5931	Exempt

#### D. Review Board action

This application is for a plat. As such, final action on this request is required to be heard at a public meeting. The public meeting shall be before the Board of County Commissioners (BCC), who will take final action on the request pursuant to Table 10.5.F.9., LDR, Martin County, Florida (2021).

Pursuant to Sections 10.1.E. and 10.2.B.2, Land Development Regulations, Martin County, Fla. (2021), it shall at all times be the applicant's responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

The applicant is required to re-submit materials in response to the non-compliance findings within this report. Upon receipt, the re-submitted materials will be transmitted for review to the appropriate review agencies and individuals that participate in the County's review process. A revised staff report will be created once the next review cycle has been completed.

### E. Location and site information

Parcel number(s) and address: 48384103000000506

3600 SE SEA POINT CT, STUART, FL 34997

Existing Zoning: R-1 (Single-family Residential District)

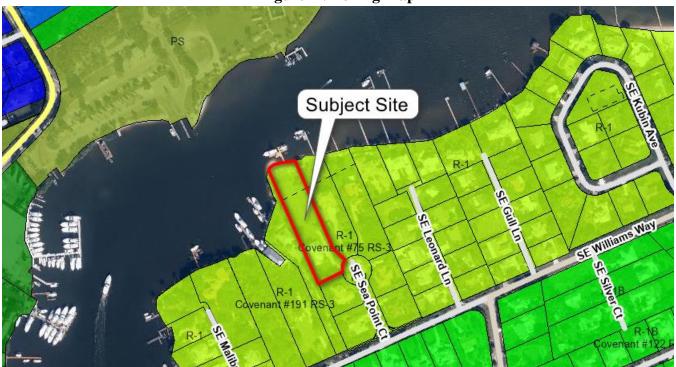
Future Land use: Estate Density - 2UPA

Gross area of site: 1.305 Acres

Figure I: Location Map



Figure II: Zoning Map



Property to the East:

Property to the North:

Property to the West:

Property to the West:

R-1 (Covenant #75 RS-3)

R-1 (Covenant #75 RS-3)

R-1 (Covenant #75 RS-3)

Figure III: Future Land Use Map



Property to the East: Estate Density 2UPA

Property to the North: Recreational

Property to the West: Estate Density 2UPA
Property to the South: Estate Density 2UPA

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

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

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.

#### **Information #1:**

Once the application has been determined to comply by the development review team staff, the project will be scheduled for the next BOCC meetings dependent upon the County's scheduling policy. For the BOCC meetings, additional copies of the site plan and plat will be requested for the distribution packets from the applicant. MARTIN COUNTY, FLA., LDR SECTION 10.10.A.1. (2019)

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

#### **Community Redevelopment**

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

#### **Commercial Design**

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

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

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

# J. Determination of compliance with environmental and landscaping requirements - Growth Management Department

#### **Environmental**

- 1. The plat must be consistent with the approved final site plan. Therefore, please provide for the location of the 75-foot preservation area/SPZ on the LOT 5 SEA'S SUBDIVISION REPLAT, SHEET 2/2, as consistent with the area shown on the approved revised final site plan.
- 2. A plat that contains preserve areas must make reference to the approved preserve area management plan (PAMP). Therefore, please add reference/dedication language to the plat to state that the preserve area is managed subject to the recorded Abbreviated Preserve Area Management Plan (PAMP) for 3600 SE Sea Point Court (FKA Sea's Subdivision Lot 5).

#### Landscaping

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

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

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

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

#### **Unresolved Issues:**

#### 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 standards of practice 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, and

3. Include a title opinion of an attorney or certification by an abstractor.

[Ch 177.041.(1) and (2), F. S.]

#### **Remedy/Suggestion/Clarification:**

Refer to requirements numbers two and three as noted above and revise the supporting boundary survey for the proposed plat of subdivision accordingly.

#### Item # 2:

A legend of all symbols and abbreviations must be shown.

[DOACS, Chapter 5J-17.051, Ch 177.091.(29), Part 1, F. S.]

#### **Remedy/Suggestion/Clarification:**

Add the missing abbreviations and symbols to the legend, remove the unused ones and correct the inconsistencies in punctuations between the abbreviations in the legend and the ones as labeled on the plat.

#### **Item #3:**

The title of the plat (the name of the subdivision) must appear on each page of the plat and be of uniform size and type. If the plat encompasses a planned unit development (PUD) the abbreviation `PUD' must be included in the title.

[Sec. 4.912.C.22 Ch 177.091.(5), F. S.]

#### **Remedy/Suggestion/Clarification:**

On the plat, the legal description above the Surveyor's Notes on the cover sheet of the plat is inconsistent with the one in the plat's subtitle. Address the noted discrepancy and revise said description in the subtitle to agree with the one as depicted on the supporting boundary survey. (All Sheets)

#### Item # 4:

The plat must have a minimum of two boundary monuments tied by a closed field traverse to the nearest approved Martin County geodic control station and azimuth mark or approved pair of Martin County adjusted traverse points or to other control points established by Global Positioning System (GPS) which meet or exceed Third Order Class I Accuracy Standards according to current publication of the Federal Geodetic Control Committee (FGCC) procedures. The field traverse from the plat boundary to the geodetic control shall meet Third Order Class II traverse closure standards when possible; however, at a minimum, traverse closure must meet the standards of practice set forth in [ DOACS Chapter 5J-17.050, 051, 052]. All monuments at lot corners must be set or included under the required improvement bond. They must be set prior to the transfer of any lot.

[Sec 4.912.C.15 M.C. Code, Vol 2]

#### Remedy/Suggestion/Clarification:

- 1. Refer to the above noted requirements, update the plat, and the supporting boundary survey accordingly. Add State Plane Coordinates to a minimum of two PRM's on opposite ends of the perimeter boundary.
- 2. Add a statement into the notes of the survey as to the method used to bring the NAD 83 (1990 Adjustment) datum to the subject property.

#### Item # 5:

The legal description shall be consistent with the title certification. It shall include the total acreage of the platted land.

[Ch 177.091.(11), Part 1, F.S.; 4.912.C.20, M.C. Code Vol 2]

#### Remedy/Suggestion/Clarification:

Refer to the redline comments made on the plat and revise it accordingly.

#### Item # 6:

The plat shall be consistent with an approved final site plan.

#### Remedy/Suggestion/Clarification:

Refer to the comments made on the redlines of the plat & site plan and revise either one or both as may be required.

#### Item # 7:

Easement Agreement

#### **Remedy/Suggestion/Clarification:**

Add reference to the plat and label the proposed Easement Agreement. Include recording information or a place holder to enter the recording information upon completion of recordation which will need to be done before the Plat is recorded.

#### Item # 8:

Closure Report.

#### **Remedy/Suggestion/Clarification:**

Provide a lot-sum closure report of the perimeter boundary as resolved pursuant to the supporting boundary survey. Additionally, provide a second report of the perimeter boundary, except with this one, traverse through the witness line.

#### Item # 9:

PRM inspection.

#### Remedy/Suggestion/Clarification:

Please complete a Field Inspection Request form for the inspection of all PRM's and PCP's corners as soon as possible. Failure to do so can potentially delay the Post Approval process.

M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Services Division

#### **Engineering**

The County Engineer will review the mylar dedication and other language with the resubmittal, once comments from the surveyor have been addressed.

Additional comments may be forthcoming.

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

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).

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

#### Water and Wastewater

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

#### **Wellfield Protection**

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

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

#### Fire Rescue

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

#### **Emergency Management**

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

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

#### **ADA**

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

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

#### **Martin County Health Department**

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

#### **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 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, Martin County, Fla. (2016). 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

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.

Item	Description	Requirement
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 and one (1) copy of the current Unity of Title in standard County format 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 so that no transfer has occurred.
6.	Executed Mylar	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.
7.	Paid Taxes	One (1) copy of Tax Collector's paid property tax receipt.
8.	Approved Final Site Plan	One (1) copy 24" x 36" of the approved final site plan.
9.	Flash/Thumb Drive	One (1) blank flash/ thumb drive for digital file recording.

### V. Local, State, and Federal Permits

### **Plats:**

There are no applicable Local, State and Federal Permits required in conjunction with this plat/master plan application.

### W. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public

meeting. Fees for this application are calculated as follows:

Fee type: Fee amount: Fee payment: Balance: Application review fees: \$13,600.00 \$13,600.00

Inspection Fees: \$0.00 \$0.00

Advertising fees\*:

Recording fees\*\*:

Impact fees\*\*\*

TBD

TBD

#### X. General application information

Applicant/Owner: Terrence J. Wiler

3600 SE Sea Point Court

Stuart, FL 34997

Agent: Cotleur & Hearing (George Missimer)

1934 Commerce Lane, Suite 1

Jupiter, FL 33458

#### 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

<sup>\*</sup> Advertising fees will be determined once the ads have been placed and billed to the County.

<sup>\*\*</sup> Recording fees will be identified after the post approval package has been submitted.

<sup>\*\*\*</sup> Required at building permit.

### Z. Attachments

# **ATTACHMENT I Survey and Site Plan Markups**

