



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## STAFF REPORT

### A. Application Information

## NNA EAST MINOR FINAL SITE PLAN

Applicant:	NNA Kansas, LLC (Charles R. Modica)
Property Owner:	NNA Kansas, LLC
Agent for Applicant:	Cotleur & Hearing (George Missimer)
County Project Coordinator:	Brian Elam, PMP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	T113-007
Record Number:	DEV2022090013
Report Number:	2023_1215_T113-007_DRT_STAFF_FINAL
Application Received:	10/31/2022
Transmitted:	11/02/2022
Date of Report:	04/24/2023
Application Received:	03/02/2023
Transmitted:	03/06/2023
Date of Report:	04/24/2023
Application Received:	07/14/2023
Transmitted:	07/17/2023
Date of Report:	12/15/2023

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### B. Project description and analysis

This is a request by Cotleur & Hearing on behalf of NNA Kansas, LLC for approval of a minor final site plan to construct an approximately 60,000 square foot warehouse building and associated infrastructure on an approximately 13.7-acre parcel of undeveloped land. The property is located east of SW Kansas Avenue, approximately 0.17-miles south of the intersection of SW Kanner Highway and SW Jack James Drive, due south of 8211 SW Kansas Avenue in Stuart. Included is a request for a Certificate of Public Facilities Reservation.

The future land use designation for the subject property is Industrial with a LI, Limited Industrial zoning designation. A single access is proposed at the southern corner of the property from SW Kansas Avenue.

**C. Staff recommendation**

The specific findings and conclusion of each review agency related to this request are identified in Section 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	Brian Elam	772-288-5501	Non-Comply
F	ARDP	Samantha Lovelady	772-288-5664	N/A
G	Development Review	Brian Elam	772-288-5501	Comply
H	Urban Design	Brian Elam	772-288-5501	Comply
H	Community Redevelopment	Brian Elam	772-288-5501	N/A
I	Property Management	Ellen MacArthur	772-221-1334	N/A
J	Environmental	Shawn McCarthy	772-288-5508	Comply
J	Landscaping	Lindy Cerar	772-320-3055	Non-Comply
K	Transportation	Lukas Lambert	772-221-2300	Comply
L	County Surveyor	Tom Walker	772-288-5928	N/A
M	Engineering	Stephanie Piche	772-223-4858	Non-Comply
N	Addressing	Emily Kohler	772-288-5692	Comply
N	Electronic File Submission	Emily Kohler	772-288-5692	Comply
O	Water and Wastewater	James Christ	772-320-3034	Comply
O	Wellfields	James Christ	772-320-3034	Comply
P	Fire Prevention	Doug Killane	772-419-5396	Comply
P	Emergency Management	Sally Waite	772-219-4942	N/A
Q	ADA	Stephanie Piche	772-223-4858	Comply
R	Health Department	Nicholas Clifton	772-221-4090	N/A
R	School Board	Juan Lameda	772-219-1200	N/A
S	County Attorney	Elysse A. Elder	772-288-5925	Ongoing
T	Adequate Public Facilities	Brian Elam	772-288-5501	Pending

**D. Review Board action**

This application meets the threshold requirements for processing as a minor development MARTIN COUNTY, FLA., LDR, §10.2.C.1. (2021). Review and final action for this application is required by the Growth Management Director MARTIN COUNTY, FLA., LDR, §10.5.F.9. (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: 053941000015000303  
 Address: South of 8211 SW Kansas Avenue in Stuart  
 Existing zoning: (LI) Limited Industrial District  
 Future land use: Industrial  
 Nearest major road: SW Kanner Highway  
 Gross area of site: 13.49 acres  
 Non-residential gross floor area: 60,000 square feet approximately

**Table 1: Abutting Properties Details**

Direction	Development	Future Land Use	Zoning
North	Construction Laydown Yard	Industrial	(GI) General Industrial
South	Warehouse	Industrial	(GI) General Industrial
East	I-95	N/A	N/A
West	SW Kansas Ave	N/A	N/A

**Figure 1: Location Map**



Figure 2: Subject Site Aerial



Figure 3: Zoning Atlas

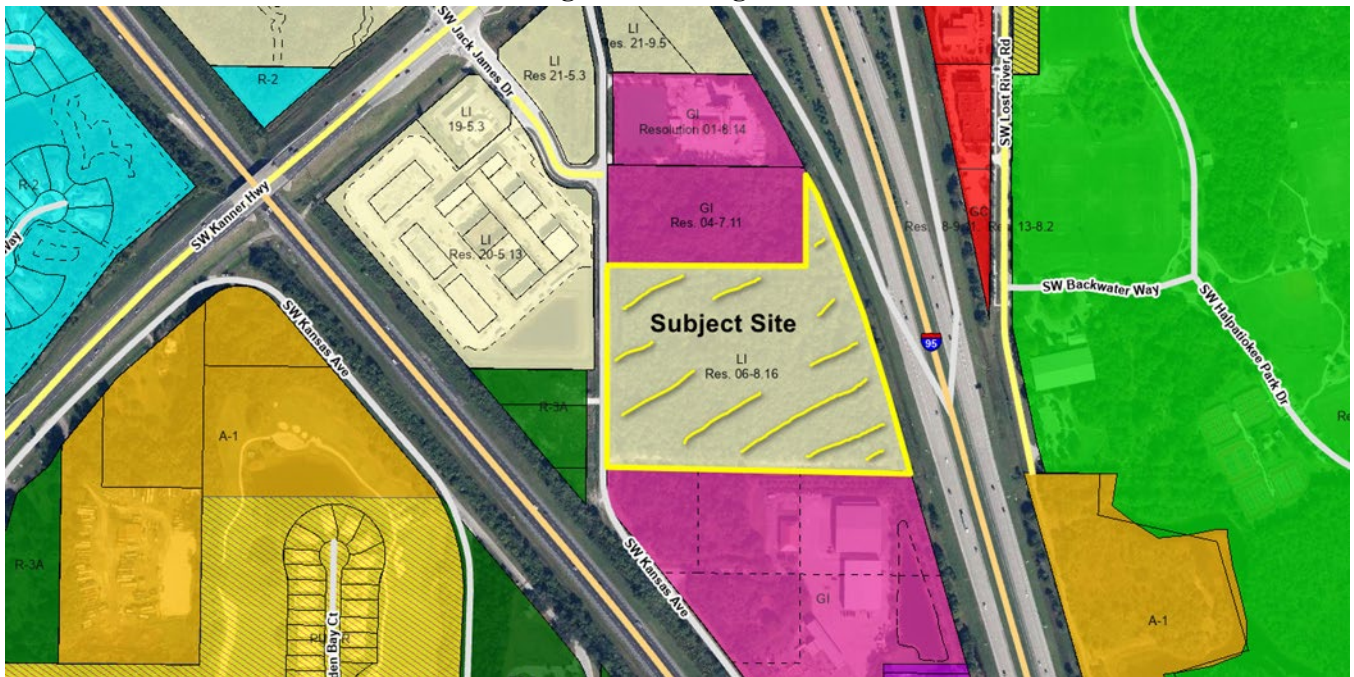
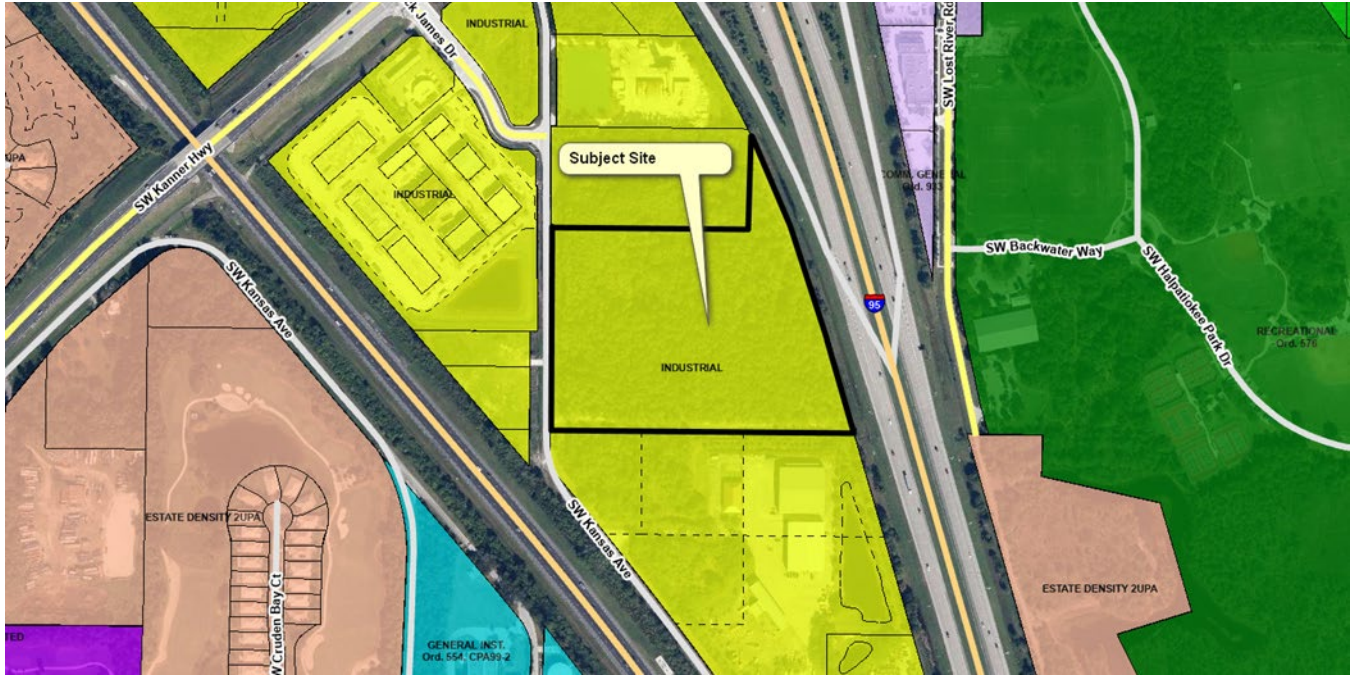


Figure 4: Future Land Use Map



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

**Unresolved Issues:**

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:**

**Land Clearing**

No land clearing is authorized prior to the pre-construction meeting for the project. Authorization for clearing to install erosion control devices and preserve barricades will be granted at the pre-construction meeting. No additional land clearing shall commence until a satisfactory inspection of the required control structures and barricades has been obtained. Authorization for the relocation of gopher tortoises within the development, as provided for by applicable state agency permits may be granted by the Growth Management Department MARTIN COUNTY, FLA., LDR SECTION 10.14.C. (2019).

**H. Determination of compliance with urban design and community redevelopment requirements – Community Redevelopment Department**

**Urban Design**

**Findings of Compliance:**

The proposed development complies with Commercial Design requirements MARTIN COUNTY, FLA., LDR SECTION 4.871. (2002).

**Community Redevelopment Area**

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**

**Findings of Compliance:**

The Growth Management Department Environmental Division staff has reviewed the application and finds it in compliance with the applicable land development regulations. A Preserve Area Management Plan (PAMP) is being approved with this development that establishes a 1.77-acre wetland and a 1.74-acre wetland buffer surrounding the wetland as a preserve area for this project.

**Landscaping**

**Unresolved Issues:**

**Item #1.**

Preserve Area Interface Requirements

Thank you for providing some native plantings within the dry detention areas. However, Section 4.663.E (copied below) requires the entirety of the detention areas to be planted with natives.

4.663.E Preserve area interface requirements for landscaping and storm water management systems. A preserve area interface shall be established between required landscaping and storm water treatment areas and preservation areas when preservation areas exist on a development site and when preserve areas abut a development site. The preserve area interface shall include a consolidation and connection of landscaping and storm water treatment areas with preservation areas. Where more than one preservation area exists on a development site or abutting a development site multiple preserve area interfaces shall be created. Within the preserve area interface, the use of plant materials shall be restricted to native species.

The following preserve area interface criteria shall be documented and met for all development sites where preservation areas are identified and where preserve areas have been identified adjacent to a development site:

1. Stormwater management systems. Plantings within dry retention and detention stormwater areas abutting preserve areas shall be restricted to native trees, native shrubs and native groundcovers. Wet retention and detention stormwater areas abutting preserve areas shall be designed and planted as littoral and upland transition zone areas (preserve area interface) and connected to preserve areas pursuant to Article 4, Division 8, LDR, MCC.
2. Perimeter landscaping. Plantings within perimeter vehicular use landscape areas abutting preserve areas shall be restricted to native trees, native shrubs and native groundcovers pursuant to quantity, size and dimension requirements of section 4.663.A.4., LDR, MCC.

Where an applicant demonstrates that connection of stormwater management systems to a preserve area interface is impractical due to requirements in Article 4, Division 9 or other documentation as approved by the Growth Management Department Director, alternative compliance to this section may be provided. At a minimum, the stormwater management systems will be required to be planted exclusively with native plant material, as described above.

**Item #2.**

Landscape Plan- Dry Detention Areas

The sizes of the three detention areas on the Landscape Plan and Final Site Plan (0.19, 0.95 and 0.50 acre) are different than those shown on the Construction Plans (0.24, .037 and 0.86 acre). Please correct.

**Item #3.**

Tree Protection

Please consider relocating some of the mature existing cabbage palms proposed to be removed into the dry detention or landscape areas.

***K. Determination of compliance with transportation requirements – Engineering Department***

**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 Simmons & White, dated February 2023. Simmons & White stated that the site's maximum impact was assumed to be 38 directional trips during the PM peak hour. Staff finds that SW Kansas Avenue is the recipient of a majority of the generated trips. The generalized service capacity of SW Kansas Avenue is 750; it is anticipated to operate at an acceptable level of service at buildout (year 2025). SR-76 (SW Kanner Highway) is the next impacted roadway which has a generalized service capacity of 3020 and is operating at level of service C; it is anticipated to operate at level of service C at buildout.

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

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

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

**Informational:**

As previously stated, providing page numbers and tabs in stormwater reports and in comment responses can assist in designer response clarity and in allowing reviewer to provide specificity in comments.

**Unresolved Issues:**

**Item #1.**

Right-of-Way Improvements

1. Terminate proposed sidewalk at right-of-way line.
2. Remove valley gutter within the right-of-way and replace with flush header curb.

**Item #2.**

Stormwater Management Materials- Final Site Plan

As previously stated, please provide a topographic survey with a wet signature and seal.

**Item #3.**

Stormwater Management Plan

1. As previously stated, provide documentation on how wet season water table was established [MARTIN COUNTY, FLA., LDR SECTION 4.384] Provide the sheet(s) from Permit #43-103974-P, App. No. 200824-4114 which documents the wet season water table. Do not provide the entire permit, only the information necessary to substantiate the water table. Soil storage will be evaluated once the wet season water table elevation has been substantiated and basins boundaries are clearly delineated on the basin boundary map and are consistent with the basins shown in the stormwater management report.
2. As previously stated, please review and revise the proposed land use values (stormwater management report), site data values (final site plan), post development drainage area map, and the basin areas in the ICPR model for consistency.
3. Provide a recovery analysis which demonstrates the system recovers half of the water quality treatment volume between 24 hours and five days and 90-percent of entire volume in 12 days from cessation of the storm event. Although the response to comments indicates that this is provided, staff was unable to locate the analysis. Clearly provide analysis and label at what hour recovery is met. [4.385.F.4]

**Item #4.**

Stormwater Management Construction Plans

As previously requested, revise sections and plan views to accurately depict the location of perimeter berm. Perimeter berm location is shown to be at the curb on the plans which is inconsistent with the sections. Eventual as-builts will rely on the location and elevation of the perimeter containment berm clearly being shown on the Construction Plans.

**Development Order Conditions:**

1. The Owner is not authorized to haul fill off the site and must coordinate with the County Engineer regarding the routes and timing of any fill to be hauled to the site. The Owner must comply with all County excavation and fill regulations.



2. The proposed development is subject to the payment in lieu of construction of the required sidewalks along SW Kansas Avenue. The applicant shall pay the cost of construction within sixty (60) calendar days of the project approval. The cost of construction is \$25 per linear foot for the total length of property without a sidewalk (326-feet) which equates to \$8,150.

***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 File Submittal**

**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. (2022)

***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**

**Informational:**

**WATER SUPPLY**

**NEEDED FIRE FLOW REQUIREMENT FOR BUILDINGS**

Identify the Needed Fire Flow Requirements for all buildings / structures. Fire flow calculations shall be prepared by a professional engineer currently licensed in the state of Florida for each newly constructed building. Per Florida Administrative Code section 61G15-32.004

**APPROVED WATER SUPPLY – HYDRANT FLOW TEST**

A hydrant flow test will be required to determine the available water supply to meet the needed fire flow for this project. Contact the Fire Prevention office at (772)288-5633 to schedule the flow test.

BDA requirements

Florida Statute (FS) 633.202 – Florida Fire Prevention Code, states that oversight and enforcement of the Two-Way Radio Enhancements Systems/BDAS is the responsibility of the Authority Having Jurisdiction (AHJ), officially known as MCFR Fire Prevention Division.

**Reporting Requirements:**

1. Perform a pre survey signal strength test per Florida Fire Prevention Code 6th ed. and submit results to the MCFR Fire Prevention Division.
2. If a Two-Way Radio Communication Enhancement System is required, then apply for the appropriate permit within the required time frame and submit to MC Communications  
Russell Norvell 772-320-3132 rnorvell@martin.fl.us

If you have any questions regarding this notification, please contact the Martin County Fire Marshal's Office at 772-288-5633 or via email at Fire\_prev@martin.fl.us.

<https://www.martin.fl.us/resources/bda-codes-and-standards>

**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***

**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, 7th Edition]

***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 adequate public facilities requirements – responsible departments***

The following is a summary of the review for compliance with the standards contained in Article 5.32.D of the Adequate Public Facilities, Land Development Regulations (LDR's), Martin County Code for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities (Section 5.32.D.3.a, LDR)

Service provider - Martin County

Findings - positive evaluation

Source – Martin County Utilities

Reference - see Section O of this staff report

Sanitary sewer facilities (Section 5.32.D.3.b, LDR)

Sewer provider - Martin County

Findings - positive evaluation

Source – Martin County Utilities

Reference - see Section O of this staff report

Solid waste facilities (Section 5.32.D.3.c, LDR)

Findings - in place

Source - Growth Management Department

Stormwater management facilities (Section 5.32.D.3.d, LDR)

Findings - pending

Source - Engineering Services Department

Reference - see Section M of this staff report

Community park facilities (Section 5.32.D.3.e, LDR)

Findings - in place

Source - Growth Management Department

Road facilities (Section 5.32.D.3.f, LDR)

Findings - positive evaluation

Source – Engineering Services Department

Reference - see Section M of this staff report

Mass transit facilities (Section 5.32.D.3.g, LDR)

Findings - positive evaluation

Source - Engineering Services Department

Reference - see section L of this staff report

Public safety facilities (Section 5.32.D.3.h, LDR)

Findings - in place

Source - Growth Management Department

Reference - see Section P of this staff report

Public school facilities (Section 5.32.D.3.i, LDR)

Findings - positive evaluation

Source - Growth Management Department

Reference - see Section R 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.

Item	Description	Requirement
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.	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) 24" x 36" copy of the approved elevation drawings signed and sealed by a licensed architect.
10.	Digital Copy of Site Plan	One (1) digital copy of site plan in AutoCAD 2010 – 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.
11.	Construction Schedule	Original of the construction schedule.
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.	Pay-in-Lieu	The proposed development is subject to the payment in lieu of construction of the required sidewalks along SW Kansas Avenue. The applicant shall pay the cost of construction within sixty (60) calendar days of the project approval. The cost of construction is

Item	Description	Requirement
		\$25 per linear foot for the total length of property without a sidewalk (326-feet) which equates to \$8,150.
15.	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 the Growth Management Department (GMD), prior to the commencement of any construction. An additional review fee will be required for Martin County to verify that the permits are consistent with the approved development order.

**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:	\$8,750	\$8,750	\$0.00
Inspection fees:	\$4,160		\$4,160
Advertising fees *:			
Recording fees **:			
Impact fees***:			

- \* Advertising fees will be determined once the ads have been placed and billed to the County.
- \*\* Recording fees will be identified on the post approval checklist.
- \*\*\*Impact fees are required at building permit.

**X. General application information**

Applicant: NNA Kansas, LLC  
Charles R. Modica  
8985 SE Bridge Road  
Hobe Sound, Florida 33455  
561-575-6454  
joshsimon@flfholdings.com

Owner: NNA Kansas, LLC  
Charles R. Modica  
8985 SE Bridge Road  
Hobe Sound, Florida 33455  
561-575-6454  
joshsimon@flfholdings.com

Agent: Cotleur & Hearing  
George Missimer  
1934 Commerce Lane, Suite 1  
Jupiter, Florida 33458  
561-747-6336  
gmissimer@cotleur-hearing.com

Engineer of Record: Simmons and White  
Greg Bolen  
2581 Metrocentre Boulevard  
West Palm Beach, Florida 33407  
561-478-7848  
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***