



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

Kanner Lake (FKA Kanner 5601) PLAT

Applicant: Kanner 5601, LLC
Property Owner: Kanner 5601, LLC
Agent for the Applicant: Lucido & Associates, Morris A. Crady, AICP
County Project Coordinator: Matt Stahley, Senior Planner
Growth Management Director: Paul Schilling
Project Number: K042-006
Record Number: DEV2020040008
Report Number: 2020_0619_K042-006_DRT_Staff_Final.docx
Application Received: 05/11/2020
Transmitted: 05/11/2020
Staff Report Issued: 06/19/2020

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B. Project description and analysis

This is a request by Kanner 5601, LLC, for approval of a plat, consistent with the approved final site plan of a residential development, consisting of sixty-five (65) residential lots and one (1) commercial parcel on approximately 26.02 acres. The subject site is located on the east side of South Kanner Highway approximately 4,800 feet north of SE Salerno Rd in Stuart. Included in this application is a request for a certificate of adequate 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	Comprehensive Plan	Matt Stahley	320-3047	Non-Comply
F	ARDP	Samantha Lovelady	288-5664	N/A
G	Development Review	Matt Stahley	320-3047	Non-Comply
H	Urban Design	Santiago Abasolo	288-5485	N/A
H	Community Redevelopment	Santiago Abasolo	288-5485	N/A
I	Property Management	Ellen Macarthur	221-1334	Non-Comply

J	Environmental	Shawn McCarthy	288-5508	Comply
J	Landscaping	Karen Sjöholm	288-5909	Comply
K	Transportation	Lukas Lambert	221-2300	N/A
L	County Surveyor	Tom Walker	288-5928	Non-Comply
M	Engineering	Michelle Cullum	288-5512	N/A
N	Addressing	Emily Kohler	288-5692	N/A
N	Electronic File Submission	Emily Kohler	288-5692	N/A
O	Water and Wastewater	James Christ	320-3034	Non-Comply
O	Wellfields	James Christ	320-3034	Comply
P	Fire Prevention	Doug Killane	288-5633	N/A
P	Emergency Management	Michelle Jones	219-4942	N/A
Q	ADA	Michelle Cullum	221-1396	N/A
R	Health Department	Todd Reinhold	221-4090	N/A
R	School Board	Kimberly Everman	223-3105	N/A
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Matt Stahley	320-3047	Exemption

D. Review Board action

This application complies with the requirements for processing a Plat, pursuant to Section 10.2.F., LDR, Martin County, Fla. (2019). As such, final action on this application will be taken by the Board of County Commissioners in a public meeting pursuant to Table 10.5.F.9., Section 10.5.F., LDR, Martin County, Fla. (2019).

Pursuant to Sections 10.1.E. and 10.2.B.2., Land Development Regulations, Martin County, Fla. (2019), it shall at all times be the applicant’s responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

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

E. Location and site information

Parcel number(s) and address:	55-38-41-006-001-00010-8	5601 S Kanner Hwy
Existing Zoning:		R-2, Single Family Residential
Existing Zoning:		RS-5, Low Density Residential
Existing Zoning:		B-1, Business District
Existing Zoning:		CC, Community Commercial
Existing Zoning:		TP, Mobile Home Park
Future land use:		FLU-CG, Future Land Use Commercial General
Future land use:		FLU-LDR, Future Land Use Low Density Res 5/Acre
Future land use:		FLU-MHR, Future Land Use Mobile Home Res 8/Acre
Gross area of site:		26 acres
Single family units:		65

Figure 1: Location Map



Figure 2: Subject Site 2019



performance surety bond form.

Remedy/Suggestion/Clarification:

Please submit a copy of the revised performance surety bond form with all of the appropriate fields filled in, including who the principal and surety will be. The revised form is attached to this staff report as Exhibit 1.

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

Commercial Design

The proposed project is not located within the General Commercial, Limited Commercial, Commercial Office/Residential or Waterfront Commercial Future Land Use Designations. Therefore, the Commercial Design reviewer was not required to review this application. MARTIN COUNTY, FLA., LDR SECTION 4.871.B. (2016)

Community Redevelopment Area

The proposed project is not located within a Community Redevelopment Area. Therefore, the Community Redevelopment Area reviewer was not required to review this application. MARTIN COUNTY, FLA., LDR ARTICLE 3, DIVISION 6 (2016)

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

The ROW dedication is part of a Plat approval application, the dedication will be included on the plat and the conveyance of the dedicated property will take place simultaneously with the recording of the Plat. The following is a list of the required due diligence materials:

TITLE COMMITMENT

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

SURVEY – SKETCH AND LEGAL DESCRIPTION

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

ENVIRONMENTAL SITE ASSESSMENT

1. A Phase I Environmental Site Assessment must be provided stating that there are No Recognized Environmental Conditions in accordance with the current standards of the American Society for Testing Material (ASTM15271). 2. The Phase I report must be dated within 180 days of submission or include a current updated letter from the ESA firm.

3. The Phase I Environmental Site Assessment and/or the update letter must state that Martin County, a political subdivision of the State of Florida can rely on the results of the report.

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

Environmental

Finding of Compliance:

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

Landscape

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 Article 4, Division 15 - Landscaping, Buffering, and Tree Protection. [2013]. The applicant has proposed construction of a 65 lot subdivision.

The plat documents are consistent with the approved final site plan and approved development order. The survey provides for required areas of landscape and buffering.

K. Determination of compliance with transportation requirements - Engineering Department

These development standards were applied during staff review of the final site plan, with which the plat must be consistent. MARTIN COUNTY, FLA., LDR, SECTION 10.1.E AND ARTICLE 4, DIVISION 21 (2019)

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.
3. Include a title opinion of an attorney or certification by an abstractor [Ch 177.041.(1) and (2), F. S.]

A specific purpose survey may be submitted in the circumstance in which a safe upland line is used to approximate the boundary adjacent to a navigable water body. [Ch. 177.04, Prt I, F. S.; Sec. 4.912.C.14, M.C. Code, Vol 2]

Remedy/Suggestion/Clarification:

1. Please include a title of opinion of an attorney or certification by an abstractor.
2. Please reference the survey to title of opinion of an attorney or certification by an abstractor and show all title exceptions on the survey.

Item #2:

The first page of the plat must contain:

1. A five- (5) inch line in the upper right-hand corner for the parcel control number;
2. A vicinity sketch showing the subdivision in reference to major roads and adjoining properties.

For plats with multiple pages:

1. Provide a key map indicating the total number of pages and the relationship of all sheets;
2. Number each sheet in the right-hand corner as 'sheet _ of _';
3. Provide matchlines; Include the surveyor notes and legend on all sheets;
4. An arrow indicating true North is to be shown on each sheet. [Ch 177.091.(3) and (6), Prt 1, F. S., Sec. 4.912.C.4, M.C. Code Vol 2]

Remedy/Suggestion/Clarification:

Survey Note 6 is missing from sheet 2 of 9.

Item #3:

A legend of all symbols and abbreviations must be shown. [DOACS, Chapter 5J-17.051, Ch 177.091.(29), Prt 1, F. S.]

Remedy/Suggestion/Clarification:

Please include all missing abbreviations on the legend, including but not limited to M, ?, LB, CONC., CM, POC and POB.

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 minimum technical standards set forth in [DOACS Chapter 5J-17.050, 051, 052].

All monuments and 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:

Please label State Plane Coordinates (SPC) on a minimum of two PRMs.

Item #5:

The plat must show the following:

1. Permanent reference monuments (P.R.M.) must be placed at each corner or change in direction on the boundary of the lands being platted and must not be more than 800 feet apart unless inaccessible.
2. Permanent control points (P.C.P.) must be set at the intersection of the centerline of the right-of-way at the intersection of all streets and shown on the plat.

Remedy/Suggestion/Clarification:

Permanent reference monuments (P.R.M.) must be placed at each corner or change in direction on the boundary of the lands; The monuments shall be four inches by four inches reinforced concrete, 24 inches long, said monument having the reference point marked thereon. The top of the monuments shall be set not less than one inch nor more than four inches above finished grade at their respective locations.

Item #6:

Plat certification and consent language must be provided in substantial conformance to ... [Resolution No. 02-6.1]

Remedy/Suggestion/Clarification:

1. Title Certification is a WE statement;
2. Ensure the Certificate of Ownership and Dedication is consistent with the standard language;
3. Please add "are hereby declared open in the Martin County Road inventory..." to the Streets and Rights-of-Way dedication.

Item #7:

The legal description shall be consistent with the title certification. It shall include the total acreage of the platted land. [Ch 177.091.(11), Prt 1, F.S.; 4.912.C.20, M.C. Code Vol 2]

Remedy/Suggestion/Clarification:

1. Provide title certification as also referenced in Item #1;
2. Please revise legal description, boundary and plat to be consistent with e-mail from Assistant County Attorney Elizabeth Lenihan, dated June 2nd, 2020, regarding rights-of-way which may not need to be abandoned.

Item #8:

All lot lines and street centerlines must conform to the following criteria:

1. Non-curved lines shall include the distances angles, and bearings or azimuths;
2. Curved lines shall include arc distances, central angles and radii. Chords, and chord bearings or azimuths must be included for centerlines;
3. A tabular form may be used to display the information, to be included on the sheet to which it pertains. (Ch 177.091.(20-22), Prt I, F.S.; Sec. 4.912.C.8a,b& c)

Remedy/Suggestion/Clarification:

Please label chords and chord bearings for right-of-way centerlines as applicable.

Item #9:

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

Remedy/Suggestion/Clarification:

As a general note, please ensure plat is consistent with the approved final site plan and more specifically with regard to any changes to the boundary.

Item #10:

Please provide a Closure Report for the Boundary and all Lots.

Item #11:

Please provide a Field Inspection Request for the PRMs prior to recordation of the plat.

Item #12:

Please correct any conflicts of text on top of lines.

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

Engineering requirements are reviewed in conjunction with the Final Site Plan, with which this plat must be consistent. There are no changes proposed to the Final Site Plan, pursuant to Section 10.1.E., LDR, Martin County, Fla. (2019). Therefore, the Engineering Reviewer was not required to review this application.

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

Addressing

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this application as currently proposed, pursuant to Section 10.1.E., LDR, Martin County, Fla. (2019)

Electronic Files

These development standards were applied during staff review of the final site plan, with which the plat must be consistent. Section 10.1.E., LDR, Martin County, Fla. (2019).

O. Determination of compliance with utilities requirements - Utilities Department

Water and Wastewater Service

Unresolved Issues:

Item #1:

The plat does not provide easements or dedications for the utilities to be maintained by Martin County Utilities.

Remedy/Suggestion/Clarification:

The applicant must show utility easements and any lift station easement(s) on the plat. The applicant must also include dedications for the easements on the plat documents. These changes must be made to the plat prior to final plat approval.

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

These development standards were applied during staff review of the final site plan, with which the plat must be consistent. MARTIN COUNTY CODE, FLA., LDR, SECTION 10.1.E AND ARTICLE 4, DIVISION 21 (2019)

Emergency Preparedness

These development standards were applied during staff review of the final site plan, with which the plat must be consistent. MARTIN COUNTY CODE, FLA., LDR, SECTION 10.1.E AND ARTICLE 4, DIVISION 21 (2019)

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

These development standards were applied during staff review of the final site plan, with which the plat must be consistent. MARTIN COUNTY CODE, FLA., LDR, SECTION 10.1.E AND ARTICLE 4, DIVISION 21 (2019)

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

Martin County Health Department

These development standards were applied during staff review of the final site plan, with which the plat must be consistent. MARTIN COUNTY CODE, FLA., LDR, SECTION 10.1.E AND ARTICLE 4, DIVISION 21 (2019)

Martin County School Board

These development standards were applied during staff review of the final site plan, with which the plat must be consistent. MARTIN COUNTY CODE, FLA., LDR, SECTION 10.1.E AND ARTICLE 4, DIVISION 21 (2019)

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 standards for a Certificate of Adequate Public Facilities Exemption (Article 5, LDR) for development and alterations or expansions to approved developments that do not create additional impacts on public facilities are met:

Development that does not create additional impact on public facilities includes:

- 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.

Exempted development will be treated as committed development for which the county assures concurrency.

U. Post-approval requirements

Approval of the development order is conditioned upon the applicant's submittal of all required post approval documents and fees pursuant to Section 10.11., LDR, Martin County, Fla. (2019).

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 #1:

Post Approval Requirements List: After approval the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. The applicant will return the Post Approval Requirements List along with the required documents in a packet with the documents arranged in the order shown on the list.

Item #2:

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 #3:

One (1) paper 24" x 36" copy of the approved plat.

Item #4:

A completed Notice of Subdivision Plat Filing Form to be forwarded to the State of Florida Department of Business Regulation.

Item #5:

Original executed Declarations of Covenants and Restrictions for the homeowner's association.

Item #6:

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.

Item #7:

One (1) digital file copy of the plat in AutoCAD 2010-2017 drawing format (.dwg). For other types of computer software that may be utilized by the applicant, a digital exchange file (.dxf) version 2004 may be substituted. The digital version of the boundary survey must match the hardcopy version as submitted.

Item #8:

One (1) copy of the approved cost estimate and, if changed, a revised Cost Estimate with an explanation of its change signed and sealed by the Engineer of Record licensed in the State of Florida.

Item #9:

Original and one (1) copy of the executed Contract for Construction of Required Improvements including the current County-approved cost estimate labeled Exhibit A and corresponding executed surety labeled as Exhibit B.

V. Local, State, and Federal Permits

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

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:	\$13,600.00	\$13,600.00	\$0.00
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 on the post approval checklist.

***Impact fees to be paid at building permit.

X. General application information

Applicant: Kanner 5601, LLC
Ivan Chosnek
784 Us Highway 1, Suite 24
North Palm Beach, FL 33408
561-799-3858

Agent: Lucido & Associates
Morris A. Crady, AICP
701 East Ocean Blvd
Stuart, FL 34994
772-220-2100

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

Attachments:

**Exhibit 1:
Revised Performance Security Bond Form**

PERFORMANCE SURETY BOND

Bond No. _____

KNOWN ALL MEN BY THESE PRESENTS:

That _____, as Principal, and _____, as Surety, are held and firmly bound unto Martin County Board of County Commissioners, Stuart, Florida, as Obligee, in the sum of \$_____, for the payment of which sum, well and truly to be made, the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

This bond is delivered to Obligee pursuant to Section _____ of the Martin County Land Development Code ("Section _____") and the terms of the [INSERT TITLE OF CONTRACT/COMMITMENT/APPROVAL/ETC.] between the Obligee and the Principal dated _____. As a condition precedent to the Obligee's agreement(s), approval(s), and/or acceptance(s), the Principal is required to deliver a good and sufficient bond to warrant and ensure the performance of the work specified in the [INSERT TITLE OF CONTRACT/COMMITMENT/APPROVAL/ETC.] and to indemnify and save harmless the Obligee from any and all damages and costs caused by the failure to complete the work and/or project in the manner and within the time period described.

The condition of this obligation is such that if the Principal fully performs its obligations to complete the work as described in the [INSERT TITLE OF CONTRACT/COMMITMENT/APPROVAL/ETC.] as evidenced by written approval of the Obligee, then this bond shall be void. Otherwise, this bond remains in full force and effect.

The Surety unconditionally agrees that, upon 30 days written notice by the Obligee (or its authorized agent or officer) stating that the Principal has defaulted on its obligations to perform and complete the work described in [INSERT TITLE OF CONTRACT/COMMITMENT/APPROVAL/ETC.] , the Surety will fully perform and complete the work, pay the costs of doing so, and indemnify, defend and hold harmless the Obligee for any and all damages and costs (including attorneys' fees) incurred as a result of the Principal's default, up to the dollar amount of this bond stated above. If the Surety fails to perform its obligations under this bond, the Obligee shall have the right to resort to any and all legal and equitable remedies against the Principal and the Surety, or either one of them, including, but not limited to, specific performance.

The Surety and the Principal jointly and severally agree that, as an alternative to requiring the Surety to perform and complete the work described in the [INSERT TITLE OF CONTRACT/COMMITMENT/APPROVAL/ETC.], upon the Principal's default, the Obligee, at

its option, shall have the right to perform and complete the work (either itself or through its agents or contractors). In the event the Obligee elects to exercise this right, the Surety and Principal shall be jointly and severally liable to reimburse the Obligee for all costs of performing and completing such work and indemnify, defend and hold harmless the Obligee for any and all damages and costs (including attorneys' fees) incurred as a result of the Principal's default, up to the dollar amount of this bond stated above.

IN WITNESS WHEREOF, the Principal and Surety have caused this performance bond to be executed by their authorized agents this _____ day of _____, 20_____.

SURETY

[INSERT NAME OF SURETY]

PRINCIPAL

[INSERT NAME OF PRINCIPAL]

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

Power of Attorney Must be Attached