



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## STAFF REPORT

### ***A. Application Information***

## **PITCHFORDS LANDING PUD PUD ZONING AGREEMENT TO REMOVE PARCELS FROM PUD BOUNDARY**

|                             |  |
|-----------------------------|--|
| Applicant:                  | Jensen Beach MHP, LLC  |
| Property Owner:             | Jensen Beach MHP, LLC  |
| Agent for the Applicant:    | Cuozzo Planning Solutions, Inc.                                      |
| County Project Coordinator: | Elizabeth (Liz) Nagal, AICP, CNU-A, Development Review Administrator |
| Growth Management Director: | Paul Schilling   |
| Project Number:             | P125-014   |
| Record Number:              | DEV2022070003  |
| Report Number:              | 2023_1227_P125-014_Staff_Report_Final                                |
| Application Received:       | 03/09/2023   |
| Transmitted:                | 03/10/2023   |
| Date of Report:             | 05/16/2023   |
| Application Received:       | 10/20/2023   |
| Transmitted:                | 10/23/2023   |
| Date of Report:             | 12/27/2023   |

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### ***B. Project description and analysis***

This is a request by Cuozzo Planning Solutions, Inc on behalf of Jensen Beach MHP, LLC for approval of a Third Amendment to the Pitchford's Landing PUD Zoning Agreement to remove and release approximately 3.64-acres from the PUD boundaries and to update exhibits to memorialize the existing mobile home and RV uses, with no new development proposed on site. The existing approximately 17.74-acre PUD is located east of NE Skyline Drive, west of the Indian River generally at the intersection of NE Indian River Drive and NE 1st Street, approximately 100 feet north of NE Pineapple Avenue/NE Causeway Boulevard. Approximately 14.1 acres would remain in the PUD zoning designation. Included is a request for a Certificate of Public Facilities Exemption.

Primary access to the existing site is by Indian River Drive and First Street. The project is located inside the Primary Urban Services District with water and wastewater services available from Martin County Utilities.

### **C. Staff recommendation**

The specific findings and conclusion of each review agency related to this request are identified in Sections F through T of this report. The current review status for each agency is as follows:

| <b>Section</b> | <b>Division or Department</b>     | <b>Reviewer</b> | <b>Phone</b> | <b>Assessment</b> |
|----------------|-----------------------------------|-----------------|--------------|-------------------|
| F              | Comp Planning Review              | Liz Nagal       | 772-320-3056 | Non-Comply        |
| G              | Site Design Review                | Liz Nagal       | 772-320-3056 | Non-Comply        |
| H              | Community Redevelopment Review    | Liz Nagal       | 772-320-3056 | N/A               |
| H              | Commercial Design Review          | Liz Nagal       | 772-320-3056 | N/A               |
| I              | Property Mgmt Review              | Ellen MacArthur | 772-221-1334 | Non-Comply        |
| J              | Environmental Review              | Shawn McCarthy  | 772-288-5508 | Comply            |
| J              | Landscaping Review                | Karen Sjolholm  | 772-288-5909 | Comply            |
| K              | Transportation Review             | Lukas Lambert   | 772-221-2300 | N/A               |
| L              | County Surveyor Review            | Thomas Walker   | 772-288-5928 | N/A               |
| M              | Engineering Review                | Stephanie Piche | 772-223-4858 | Non-Comply        |
| N              | Addressing Review                 | Emily Kohler    | 772-288-5692 | Comply            |
| N              | Electronic File Submission Review | Emily Kohler    | 772-288-5692 | Comply            |
| O              | Wellfield Review                  | James Christ    | 772-320-3034 | Non-Comply        |
| O              | Water and Wastewater Review       | James Christ    | 772-320-3034 | Non-Comply        |
| P              | Emergency Mgmt Review             | Sally Waite     | 772-219 4942 | Comply            |
| P              | Fire Prevention Review            | Doug Killane    | 772-288-5633 | N/A               |
| Q              | ADA Review                        | Stephanie Piche | 772-223-4858 | N/A               |
| R              | Health Review                     | Nick Clifton    | 772-221-4090 | N/A               |
| R              | School Board Review               | Mark Sechrist   | 772-219-1200 | N/A               |
| S              | County Attorney Review            | Elysse Elder    | 772-288-5925 | Ongoing           |
| T              | Adequate Public Facilities Review | Liz Nagal       | 772-320-3056 | Pending           |

### **D. Review Board action**

This application meets the threshold requirements for processing as a major development. As such, a review of this application is required by the Local Planning Agency (LPA) and final action by the Board of County Commissioners (BCC). Both the LPA and the BCC meetings must be public hearings.

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.

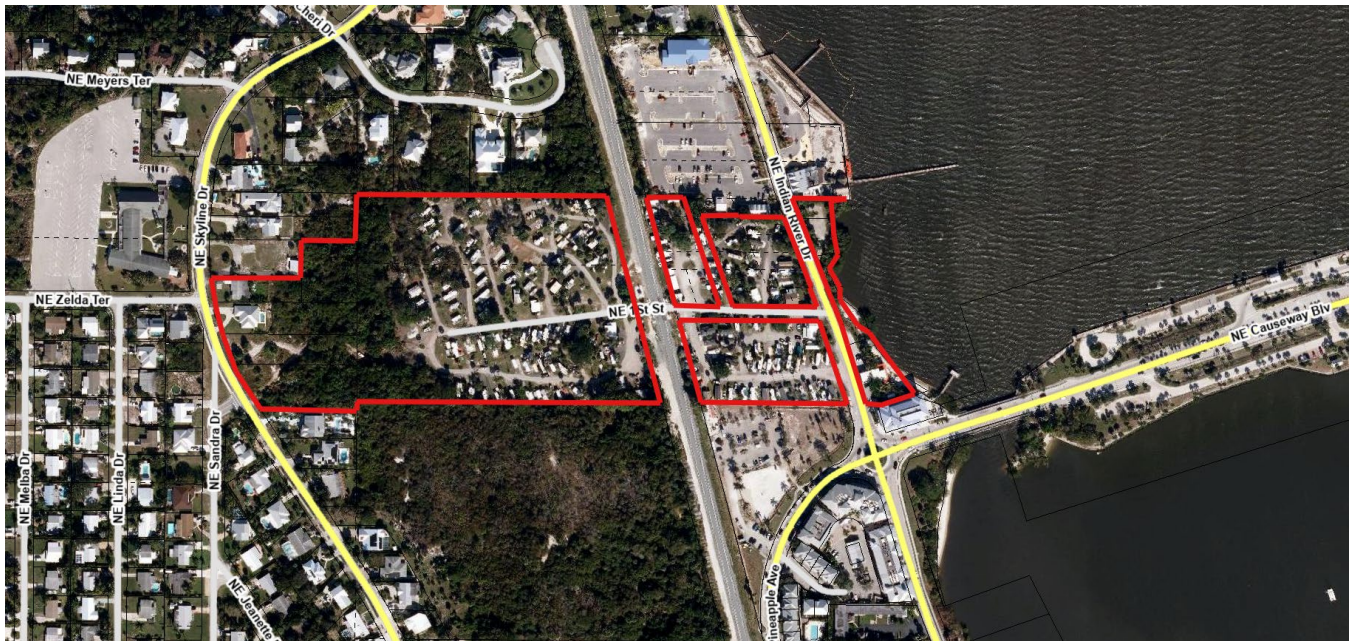
### **E. Location and site information**

Parcel number(s) and address: 153741001007000204, 153741003001000205, 153741001007000213, 153741001007000400, 153741001007000410, 153741000000001708, 153741000000001710, 153740000000001815, 153741003001003408, 153741001008000104

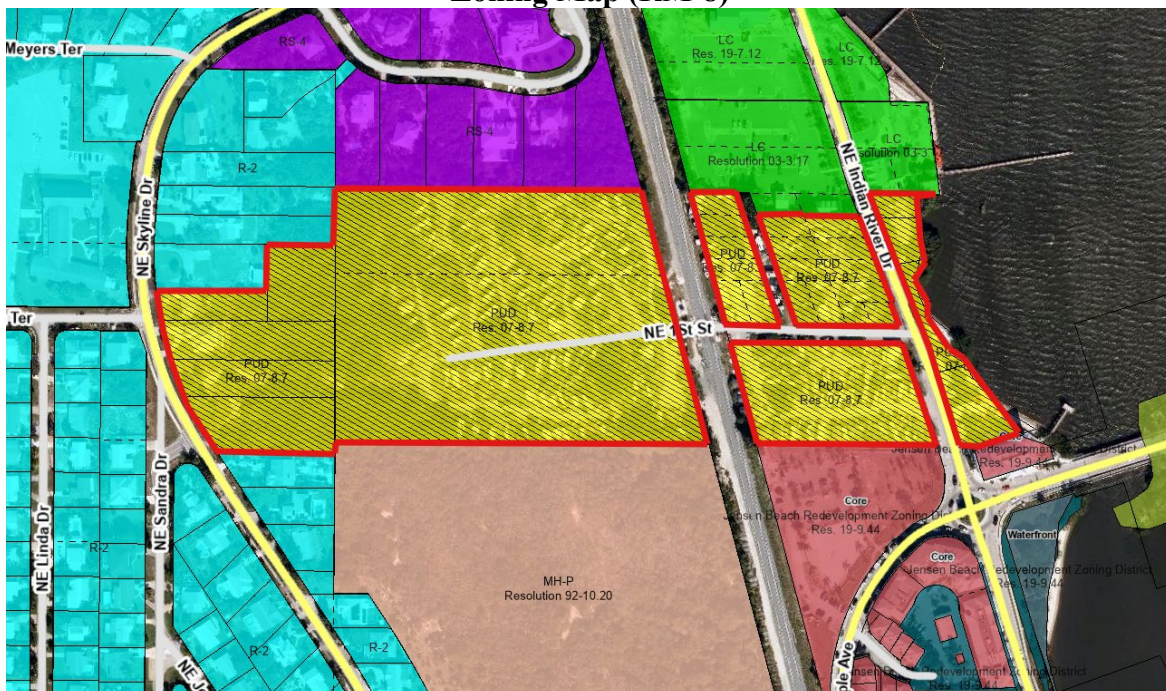


|                     |                                |
|---------------------|--------------------------------|
| Existing Zoning:    | PUD                            |
| Future Land use:    | Low Density/Commercial Limited |
| Gross area of site: | 17.01-acres                    |

**Figure 1**  
**Location Map**

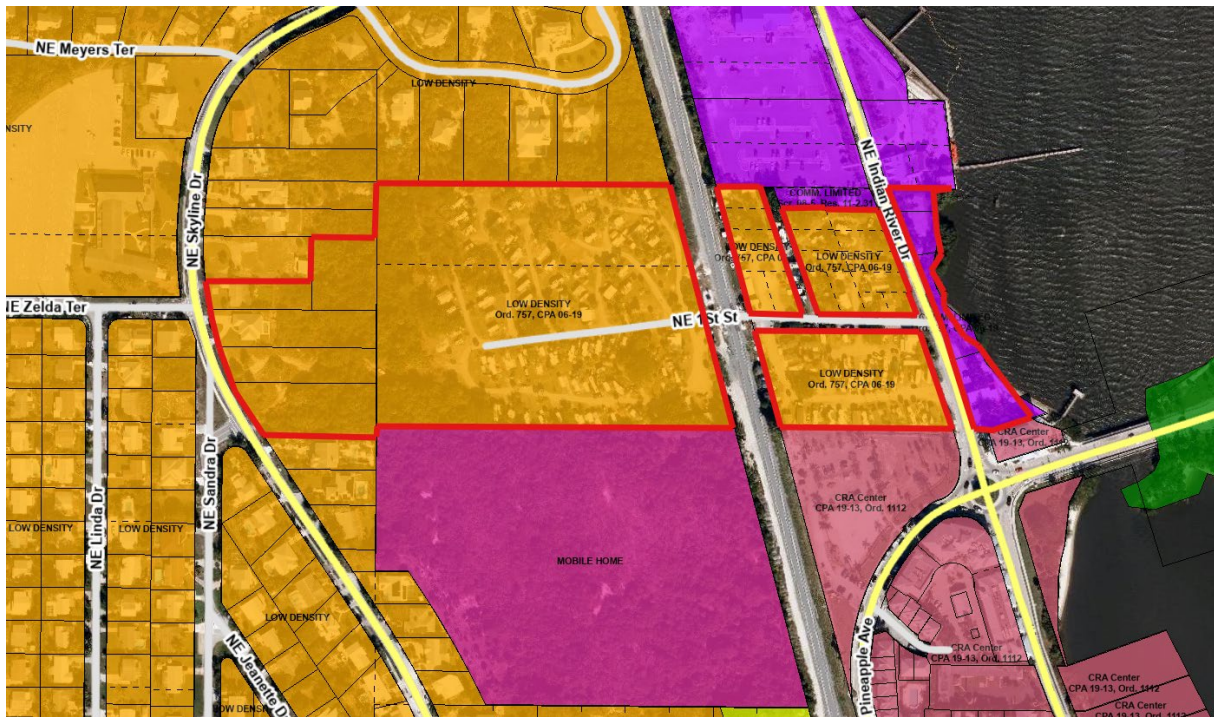


**Figure 2**  
**Zoning Map (RM-8)**





**Figure 3**  
**Future Land Use Map (Medium Density)**



***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

**Item #2:**

**Concurrent Rezoning Applications**

1. This application must be approved concurrently with the separate application (P125-013) for the parcels proposed to be removed from the PUD and rezoned to other zoning designations.

***G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department***

**Unresolved Issues:**

**Item #1:**

**General**

1. There are mobile homes outside of the property boundaries, within right-of-way as dedicated to

the public on the Blount Pitchford plat. The units cannot be within public ROW.

- a. As discussed in the last joint meeting, the right of way is dedicated for public use. The ROW would need to be abandoned or the mobile homes will need to be relocated outside the right of way.
2. In the “Exhibit of the Proposed Pitchfords Landing PUD”, please provide heavier line work for the parcels remaining and lighten the linework around those parcels not to remain in the PUD. The other two exhibits (parcels to remain, parcels to remove) provided by Velcon provided a clearer distinction than the exhibit for parcels to remain provides.

**Item #2:  
PUD Agreement**

1. As discussed in the previous joint meeting following the first staff report, staff is willing to allow a timeline of two years for plans, permitting, and completion of the connection to water and sewer from the PUD Amendment adoption date. The proposed date was extended to five years, which is not what was discussed at the meeting with all staff present.

**Item #3:  
Master Site Plan**

1. The submitted master plan was the same from the first round, please provide updated plan. Please provide following on new plan:
  - a. Remove all PCNS from subject site plan (keep in site data) and from surrounding properties.
  - b. Remove label “elec panels”
  - c. Remove outline of Blount Pitchford plat subdivision lots, but the existing ROW of Blount Pitchford plat needs remain identified. Add note “to be abandoned” if this is the proposal.
  - d. Remove labels of surrounding properties that identify plats or project names.
    - Keep adjacent FLU, Zoning and Use information. \
  - e. Remove reference to proposed zoning RS-5 and only reference existing zoning.
  - f. Please include heavier line weight along west side of Indian River Drive (to match what is included around other boundaries) showing what is to remain in the PUD.
  - g. Please include revision date on master plan with resubmittal.
2. Please clarify the “Parcel 4” label which appears on the PUD boundary and also outside of the PUD boundary.
  - a. Please provide updated master plan as referenced in comment response memo.
3. The data referencing development standards for the low density future land use needs to relate to the continuation of the nonconforming use.
  - a. The referenced policy is not applicable as the site originally had Mobile Home Future Land Use which was amended for the Pitchfords Landing PUD application. Although the PUD has since expired, the PUD zoning and future land use of Low Density was approved and remains. The mobile home use was made non-conforming in low density future land use, but can be continued. A simple note on the plan indicating the use is nonconforming due to the changed land use may satisfy the comment.
4. Update PCNS as necessary to reflect current property appraiser information. Property appraiser shows just the first PCN (00020-5) for the properties remaining in the PUD.

***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***

**Unresolved Issues:**

It has been determined that the Applicant is required to dedicate right of way of varying widths on Indian River Drive pursuant to Section 4.843.B.4, Land Development Regulations, Martin County, Fla. (2010).

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.

**Note: The applicant did not provide a Title Commitment with this submission.**

**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.

**Note: The applicant did not provide a Boundary Survey of the ROW dedication with this submission. The applicant provided sketch and legal descriptions labeled Parcel B. Revisions are required per the County's Surveying Division.**

**Per comments in the Engineering Section regarding appropriate ROW widths on Indian River Drive, additional information is required.**

***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.

**Landscaping**

**Informational:**

At this current time, due to scope of work proposed, landscape compliance with code is not required. However, it should be understood any future re-development of the project will require compliance with Article 4 Division 15 Landscaping, Buffering, and Tree Protection.

Required landscaping will include establishment of residential bufferyards along NE Indian River Dr. and the railroad right-of-way.

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

This application satisfies the Adequate Public Facilities Standard; it is exempt as it is a development, a development alteration, or an expansion that does not create additional impact on the roadway network. [Martin County, Fla., LDR Article 5, Division 2, Section 5.32 (2009)]

***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 Department***

**Engineering**

**Unresolved Issues:**

1. As previously stated, provide an overall exhibit that includes the existing and proposed right-of-way and how the proposed right-of-way dedication was determined. It is unclear what is being proposed, and if right-of-way dedications already exist in this area. It may be more appropriate to dedicate 10-feet of right-of-way on both sides of SE Indian River Drive.
2. The boundary survey provided depicts right-of-way limits that are inconsistent with Martin County Records (for example, but not limited to: OR BK 1166 PG2028 and OR BK1114 PG2070) . Revise for consistency with existing right-of-way limits.
3. Revise the Site Plan to clearly depict and label the proposed right-of-way dedication and existing dedications.

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

**Electronic Files**

**Findings of Compliance:**

The AutoCAD boundary survey was received and found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2023)

**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. (2023).

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

**Water and Wastewater**

The applicant must include the water, sewer & irrigation sources and consistent timing for connection to County water and sewer services in the submittal application material and PUD Agreement,

This development application is in noncompliance with Martin County's water and wastewater requirements.

**Wellfield Protection**

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

The development application is in noncompliance with the requirements of the Wellfield and Groundwater Protection ordinances.

***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

### Finding of Compliance:

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

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

#### ADA

N/A

No construction is being proposed as part of this application; therefore, staff review for compliance requirements associated with this area of regulations is not applicable.

### ***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 following is a summary of the review for compliance with the standards contained in Article 5.7.D of the Adequate Public Facilities LDR for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities service provider – Martin County Utilities

Findings – Pending

Source - Martin County Utilities

Reference - see Section O of this staff report

Sanitary sewer facilities service provider – Martin County Utilities

Findings – Pending

Source - Martin County Utilities

Reference - see Section O of this staff report

Solid waste facilities

Findings – In Place

Source - Growth Management Department

Stormwater management facilities

Findings – In Place

Source - Engineering Department

Reference - see Section N of this staff report

Community park facilities

Findings – In Place

Source - Growth Management Department

Roads facilities

Findings – Pending

Source - Engineering Department

Reference - see Section M of this staff report

Mass transit facilities

Findings – In Place

Source - Engineering Department

Reference - see Section L of this staff report

Public safety facilities

Findings – In Place

Source - Growth Management Department

Reference - see Section P of this staff report

A timetable for completion consistent with the valid duration of the development is to be included in the Certificate of Public Facilities Reservation. The development encompassed by Reservation Certificate must be completed within the timetable specified for the type of development.

#### ***U. Post-approval requirements***

After approval of the development order, the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Please submit all of the following items in a single hard copy packet and in electronic pdf format (on disk or flash drive) with the documents arranged in the order shown in the list below. The 24" x 36" plans should be submitted rolled and in separate sets as itemized below.

## Draft List:

| Item | Description                                 | Requirement  |
|------|---|--|
| 1.   | Response to Post Approval Requirements List | The applicant will submit a response memo addressing the items on the Post Approval Requirements List.   |
| 2.   | Post Approval Fees                          | The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.                   |
| 3.   | Recording Costs                             | The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.   |
| 4.   | Warranty Deed                               | One (1) copy of the recorded warranty deed if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating that no title transfer has occurred.   |
| 5.   | Approved Master Site Plan                   | One (1) copy 24" x 36" of the approved master site plan.   |
| 6.   | Digital Copy of Master Site Plan            | One (1) digital copy of the plat/site plan in AutoCAD 2010 – 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.  |
| 7.   | 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. NOT APPLICABLE FOR SMRU, CHECK WITH UTILITIES |
| 8.   | Flash/Thumb Drive                           | One (1) blank flash/ thumb drive for digital file recording.   |

## V. Local, State, and Federal Permits

Approval of the development order is conditioned upon the applicant's submittal of all required applicable Local, State, and Federal Permits to Martin County prior to scheduling the pre-construction meeting.

## W. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

| <i>Fee type:</i>         | <i>Fee amount:</i> | <i>Fee payment:</i> | <i>Balance:</i> |
|--------------------------|--------------------|---------------------|-----------------|
| Application review fees: | \$13,800.00        | \$13,800.00         | \$0.00          |
| Inspection fees:         | TBD                | \$0.00              | TBD             |
| Advertising fees*:       | TBD                | \$0.00              | TBD             |
| Recording fees**:        | TBD                | \$0.00              | TBD             |
| Impact fees***:          | TBD                | \$0.00              | 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 are required at building permit.

## ***X. General application information***

Applicant/Owners: Jensen Beach MHP, LLC  
Diana Marrone  
419 W 49<sup>th</sup> Street, Suite 300  
Hialeah, FL 33012

Agent: Cuozzo Planning Solutions, Inc., Donald J Cuozzo  
PO Box 1939, Stuart FL 34995  
[dcuozzo@bdgplan.com](mailto:dcuozzo@bdgplan.com)  
772-485-1600

Engineer of Record: Velcon Engineering and Surveying, LLC  
Darren Guettler, P.E.  
1449 Commerce Center Drive  
Port Saint Lucie, FL, 34986  
772-879-0477  
[darreng@velconfl.com](mailto:darreng@velconfl.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***