



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

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

### **WEST JENSEN PUD PHASE 1B, PARCEL 12.7, PUD REVISED FINAL SITE PLAN (A/K/A Fifth Third Bank)**

Applicant:	BW Jensen Federal LLC
Property Owner:	BW Jensen Federal LLC
Agent for the Applicant:	Bowman Consulting Group
County Project Coordinator:	John Sinnott, Senior Planner
Growth Management Director:	Paul Schilling
Project Number:	W038-110
Record Number:	DEV2023090007
Report Number:	2024_0426_W038-110_Staff_Report_Final
Application Received:	09/28/2023
Transmitted:	10/02/2023
Date of Report:	01/11/2024
Application Received:	02/27/2024
Transmitted:	02/29/2024
Date of Report:	04/26/2024

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

This is a request by Bowman Consulting Group on behalf of BW Jensen Federal LLC for a PUD revised final site plan approval to develop an approximately 2,417 square-foot bank building with drive-through teller lanes. The 1.54-acre site contains a vacant restaurant building located at 4110 NW Federal Highway in Jensen Beach. The site is located at the southwest corner of NW Eugenia Street and NW Federal Highway. Included is a request for a Certificate of Public Facilities Exemption.

The site has a designated future land use of General Commercial and is zoned PUD-WJ, West Jensen Planned Unit Development District. The site consists of parcel 12.7 within Phase 1B of the West Jensen Planned Unit Development/Development of Regional Impact (PUD/DRI), which was originally approved in 1989 and has been subsequently revised. The proposed site/project is consistent with the most recent revised master plan, which was approved on November 22, 2022, as part of the 14<sup>th</sup> Amendment to the PUD zoning agreement. The non-residential portion of Phase 1B consists of approximately 130 acres located along the US-1 and Goldenrod Road corridor. This development has established concurrency pursuant to the approved DRI and does not result in any increases in square footage, area, or intensity of development as previously approved and vested and therefore qualifies for a Certificate of Public Facilities Exemption.

Access will be provided via existing driveways. No direct access will be provided from NW Federal Highway. 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	John Sinnott	772-320-3047	Non-Comply
G	Site Design Review	John Sinnott	772-320-3047	Non-Comply
H	Community Redevelopment Review	John Sinnott	772-320-3047	N/A
H	Commercial Design Review	John Sinnott	772-320-3047	Non-Comply
I	Property Mgmt Review	Ellen MacArthur	772-221-1334	N/A
J	Environmental Review	Shawn McCarthy	772-288-5508	Comply
J	Landscaping Review	Karen Sjolholm	772-288-5909	Non-Comply
K	Transportation Review	Lukas Lambert	772-221-2300	Comply
L	County Surveyor Review	Tom Walker	772-288-5928	N/A
M	Engineering Services Review	Stephanie Piche	772-223-4858	Comply
N	Addressing Review	Emily Kohler	772-288-5400	Comply
N	Electronic File Submission Review	Emily Kohler	772-288-5400	Comply
O	Wellfield Review	James Christ	772-320-3034	Comply
O	Water and Wastewater Review	James Christ	772-320-3034	Comply
P	Emergency Mgmt Review	Sally Waite	772-285-2298	N/A
P	Fire Prevention Review	Doug Killane	772-419-5396	Comply
Q	ADA Review	Stephanie Piche	772-223-4858	Comply
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	John Sinnott	772-320-3047	Exemption

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

This application meets the threshold requirements for processing as a PUD Final Site Plan with a previously approved Master Plan. As such, final action on this request will be taken by the Board of County Commissioners (BCC) in a public meeting pursuant to MARTIN COUNTY, FLA., LDR, §10.5.F.9 (2023).

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

Parcel number: 18-37-41-006-000-00010-0

Address: 4110 Northwest Federal Highway, Jensen Beach, Florida

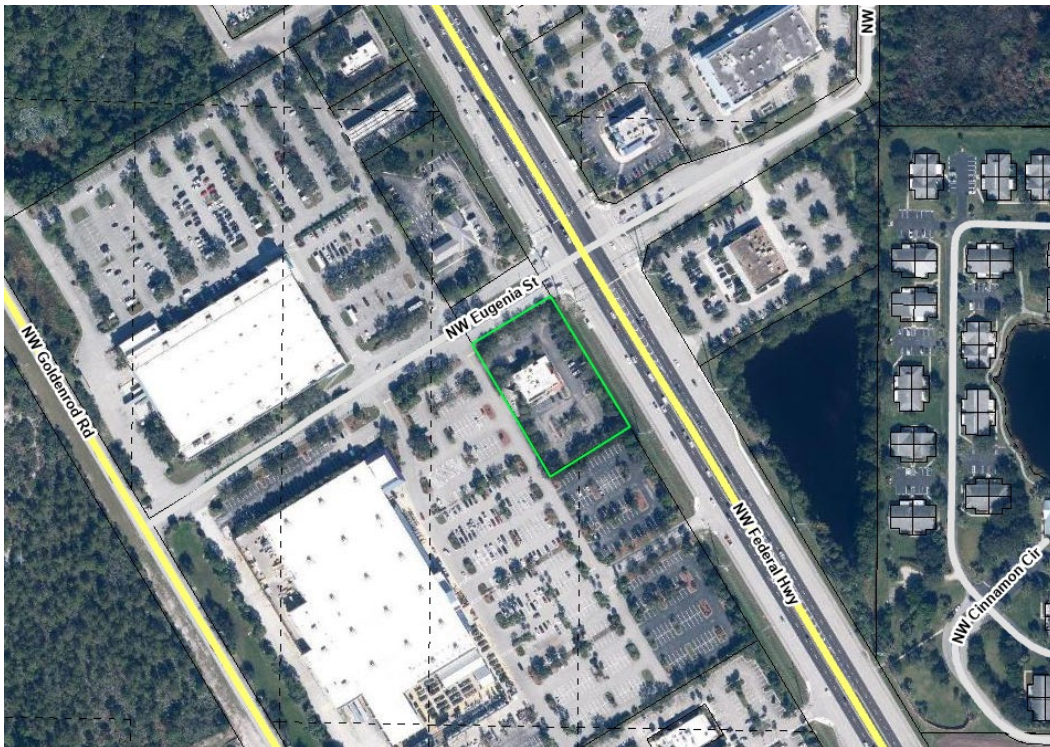
Existing Zoning: West Jensen PUD

Future Land use: General Commercial

Gross area of site: 1.54 acres

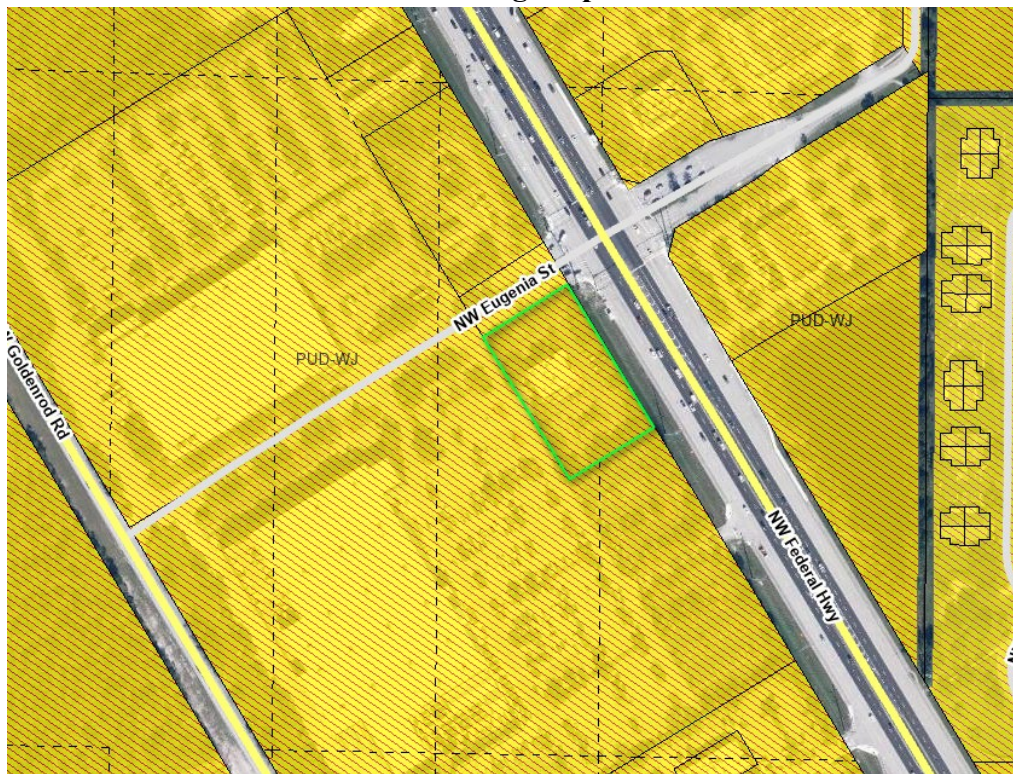
Non-residential gross floor area: 2,417 square feet

**Figure I:  
Location Map**





**Figure II:  
Zoning Map**



**Zoning districts of surrounding properties: West Jensen PUD**

**Figure III:  
Future Land Use Map**



**Future land use designation of surrounding properties: General Commercial**

***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***

**Unresolved Issues:**

**Item #1:**

**General**

1. Unity of Title

- a. For Exhibit A, please use the legal description from the first round submittal which included parcel acreage and parcel control number.

**Item #2:**

**Site Plan**

1. Site Summary table:

- a. Please ensure that the height is consistent with the height shown on the architectural plans. Please see Commercial Design – Item #1 in Section H of this report for the definition of building height.

2. Building Setbacks table:

- a. The provided setback to the south property line (191.3') is not measured from the closest point of the building. Please provide the setback as measured from the south edge of the drive-through structure.

3. Per the Landscaping comments in Section J of this report, please put "30" in the landscape buffers table required column for the north buffer.

4. Provide the revision date on subsequent plans.

## **Additional Information:**

### **Information #1:**

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 the urban design and community redevelopment requirements – Community Development Department***

### **Community Redevelopment**

N/A - The proposed project is not located within a Community Redevelopment Area. Therefore, the Community Redevelopment Area reviewer was not required to review this application.

### **Commercial Design**

## **Unresolved issues:**

### **Item #1**

#### **Building Height**

“For purposes of this section, building height means the vertical distance between (1) the lowest permissible elevation above the existing grade which complies with finished floor elevation requirements as established by flood maps, the Health Department, or building code, along the front of a building and (2) either the highest point of the coping of a flat roof, the deck line of a mansard roof, or the **mean height level between eaves and ridge for gable, hip and gambrel roofs**. For buildings placed along the oceanfront, the oceanside of the building may be considered the front for height measurement purposes.” [MARTIN COUNTY, FLA., LDR §3.14.A (2005)].

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

Please depict the height of the peaked roof on the architectural plans per the LDR definition. This height should be consistent with the height stated in the site summary table on the site plan. Per the LDR, the height should be measured from the mean height level between eaves and ridge for the peaked roof.

### **Item #2**

#### **Primary Facades**

The façades are mislabeled on sheet A-200. The top graphic is the northwest elevation. The bottom graphic is the northeast elevation. Please correct. Update the 4.872.B alternative compliance note to reference the northeast elevation.

### **Item #3**

#### **Minimum Design Elements**

All primary facades on the ground floor shall have at least four of the design features enumerated in MARTIN COUNTY, FLA., LDR §4.872.C.2 (2013) along a minimum of 50 percent of their horizontal length.

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

The northwest façade has satisfactory design elements. However, please explore adding one more design element to the northeast and southeast façade. The northeast and southeast façade do not appear to satisfy the “raised parapet at customer entrance” design element as there is no customer entrance along these façades.

#### ***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.

### **Landscaping**

#### **Unresolved Issues:**

#### **Landscape Bufferyard Requirements**

Landscaped bufferyards shall be required between differing land uses and along certain transportation corridors. It is the intent of the code to encourage the preservation of existing vegetation for use in buffers as opposed to clearing and replanting designed landscapes. [Section 4.663.B., LDR]

**Remedy/Suggestion/Clarification:**

As Previously Requested,

- a. Per the PUD agreement, the north buffer is required to be 30 ft. in width, as is the east buffer. These are not specifically Type 3 buffers but are a requirement of the master plan and PUD agreement. Sheet LC-1 Labels the north buffer to be a Type 1 and the east buffer to be a Type 3. Both buffers should be identified to be “30 ft. Native Buffers” and to consist of 100% native species. Remove the reference in the Landscape Data Chart that the north and east buffers can be minimum of 25% native within the buffer strips.
- b. Plans still indicate the removal of the existing saw palmetto within the east buffer and replanting. **Existing vegetation within the east and north buffers cannot be removed.** Additional plantings can be added to enhance the existing vegetation, but installation may not impact the existing native vegetation and must consist of 100% native species. Revise buffer plantings.
- c. While sufficient quantities of plants have been specified for the north buffer, they are shown to only cover approximately 12’ of the 30’ width. During installation, these plants need to be spaced to cover a wider width of the buffer with only minimal (if any) sod along the sidewalk.
- d. Label areas of proposed sod on the plans.

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

**Traffic**

**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 Bowman dated September 2023. 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 Services Division***

**Engineering**

**Compliance with Adequate Public Facilities Ordinance:**

This project will provide the proposed development sufficient services based upon the adopted LOS for stormwater management facilities.

**Findings of Compliance:**

The application was reviewed for compliance with the following Divisions of the Land Development Regulations. Staff's finding is summarized after each:

Division 8- Excavation, Fill, and Mining: The applicant demonstrated in the Engineer's Opinion of Probable Excavation, Fill, and Hauling that no excavation is proposed and only fill will be brought onto the site; therefore, hauling material from the site is not approved with this Development Order. The applicant demonstrated compliance with Division 8.

Division 9- Stormwater Management: The applicant has demonstrated the proposed development is included in the Master Stormwater Management System and proposed deviations from the previous permit will not affect the existing system.

Division 10- Flood Protection: The site does not fall within a Special Flood Hazard Area. The applicant demonstrated that the minimum finished floor elevation of 16.55-feet NAVD88 is set at or above the previously permitted elevation of 16.53-feet NAVD88.

Division 14- Parking and Loading: The applicant demonstrated compliance with the parking and loading requirements set forth in Division 14 with the design and layout of the proposed on-site parking facilities.

Division 19- The applicant is not proposing to make modifications to the existing roads (NW Federal Highway and NW Eugenia Street). The applicant has demonstrated compliance with Division 19 with the design of the proposed driveway connections to adjacent parking lot.

**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.

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

**Electronic Files**

**Findings of Compliance:**

Both the AutoCAD dwg file of the site plan and boundary survey were found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2024).

**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 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**

**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 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**

**Findings of Compliance:**

The Fire Prevention Division finds this submittal to be in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code. This occupancy shall comply with all applicable provisions of governing codes whether implied or not in this review, in addition to all previous requirements of prior reviews.

**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**

**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 the 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 LDR for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities service provider – Martin County Utilities

Findings – Positive Evaluation

Source - Martin County Utilities

Reference - see Section O of this staff report

Sanitary sewer facilities service provider – Martin County Utilities

Findings – Positive Evaluation

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 – Positive Evaluation

Source - Engineering Services Department

Reference - see Section N of this staff report

Community park facilities

Findings – In Place

Source - Growth Management Department

Roads facilities

Findings - Positive Evaluation

Source - Engineering Services Department

Reference - see Section M of this staff report

Mass transit facilities

Findings – Positive Evaluation

Source - Engineering Department

Reference - see Section K 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.

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.



Item	Description	Requirement
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 revised 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 the site plan in AutoCAD 2010 – 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.
11.	Engineer's Design Certification	One (1) 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 shall be submitted as part of the post-approval process in accordance with Section 10.11, Land Development Regulations, Martin County, Florida.
12.	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.
13.	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 meeting. 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:	\$9,127.00	\$9,127.00	\$0.00
Inspection fees:	\$4,000.00	\$0.00	\$4,000.00
Advertising fees*:	\$0.00	\$0.00	\$0.00
Recording fees**:	\$0.00	\$0.00	\$0.00
Impact fees***:	\$0.00	\$0.00	\$0.00

\* 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/Owner: BW Jensen Federal LLC  
 Timothy A. Simmons  
 3708 W. Swann Avenue #200  
 Tampa, FL 33609  
 260-316-4302  
[rcarlson@brightworkre.com](mailto:rcarlson@brightworkre.com)

Agent: Bowman Consulting Group  
 Kristian Morales  
 910 SE 17<sup>th</sup> Street, Suite 300  
 Fort Lauderdale, FL 33316  
 954-884-5264  
[kmorales@bowman.com](mailto:kmorales@bowman.com)

Engineer of Record: Bowman Consulting Group  
 Andres Mizrahi  
 910 SE 17<sup>th</sup> Street, Suite 300  
 Fort Lauderdale, FL 33316  
 954-884-5262  
[amizrahi@bowman.com](mailto:amizrahi@bowman.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***