A. Application Information

**BANYAN BAY PUD**

Seventh Amendment to the PUD Zoning Agreement
Revised Master Site Plan and Revised Phasing Plan
Phase 2A Final Site Plan

Applicant: Banyan Bay Macks, LLC
Property Owner: Banyan Bay Macks, LLC
Agent for the Applicant: Lucido & Associates, Morris A. Crady, AICP
County Project Coordinator: Catherine Riiska, MS, PWS, Principal Planner
Growth Management Director: Nicki van Vonno, AICP
Project Number: B082-029
Application Type and Number: D062 201700119
Report Number: 2017_1212_B082-029_DRT_Staff_FINAL.docx
Application Received: 04/14/2017
Transmitted: 04/17/2017
Staff Report: 06/29/2017
Workshop: 07/06/2017
Joint Workshop: 07/27/2017
Resubmittal Received: 10/12/2017
Transmitted: 10/13/2017
Staff Report: 12/12/2017
Workshop: 12/14/2017

B. Project description and analysis

This application requests approval of the Seventh Amendment to the Planned Unit Development (PUD) Zoning Agreement, a revised master site plan, a revised phasing plan, and a Phase 2A final site plan, for a residential planned unit development located between South Kanner Highway and the South Fork of the St. Lucie River at the intersection of Kanner Highway and SE Pomeroy Street, within the Primary Urban Services District. The approved PUD Master Site Plan includes a total of 305 dwelling units with associated infrastructure, wetland and upland preserve areas and recreation improvements including waterfront amenities contained within five distinct phases (1, 2A, 2B, 2C, 3) on a 251-acre property for a gross residential density of 1.2 units per acre.

Phase 1 originally received final site plan approval in 2005 and the plat was approved in 2008. Phase 1 improvements include the construction of the project entrance, 74 single family lots, adoption of a Preserve Area Management Plan (PAMP) for the entire project, landscape buffers and a temporary construction access and stockpile area to be located in the area of Phase 2C. As currently approved,
Phase 2A consists of 111 single family lots, Phase 2B consists of waterfront recreational improvements, Phase 2C consists of 48 duplex units and Phase 3 consists of 72 multi-family units. The construction of Phase 1 is substantially complete. The current timetable for the project, including the recent state time extensions for Lake Okeechobee Discharges, Zika virus and hurricane Matthew, requires the applicant to obtain final site plan approvals for Phases 2A, 2B, 2C, and 3, by March 28, 2022, and to complete construction of all phases by March 28, 2024.

The proposed amendment to the PUD Zoning Agreement, includes an update to the timetable for consistency with the state extensions, removal of the security fence along the north property line, a reduction in the proposed waterfront recreational facilities reducing the vessel wet slips from 29 to 6, conversion of the 2 acre Fern Creek flow-through marsh to upland preserve, addition of a temporary construction entrance and access, relocation of the lift station and minor changes to lake configurations. Minor revisions to the phasing plan are proposed for clarity with the PAMP which required wetland and buffer preserve area management activities to be commenced with Phase 1 site work and not parsed via each phase.

The project will be serviced by Martin County Utilities for water, wastewater, and IQ irrigation water sources. Access is provided via a single entrance on S. Kanner Highway and transportation concurrency for the entire PUD project was established by a Proportionate Fair-share Development Agreement as provided in Section 3.1 of the Fifth Amendment to the PUD Agreement, approved on September 24, 2013, and recorded in OR Book 2682 Pages 2387-2396. A review of other concurrency elements has resulted in a positive evaluation; and, the reservation of adequate public facilities, other than transportation, remains deferred until the final site plan approvals of Phases 2B, 2C, and 3.

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:

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D. Review Board action

This application requests to amend the approved Planned Unit Development (PUD) Zoning Agreement, to revise the approved Master Site Plan and Phasing Plan, and to obtain approval for the Phase 2A Final Site Plan. This application is classified as a major development. As such, final action on this request for approval is required by the Board of County Commissioners at a public meeting pursuant to Section 10.5.A.2., Land Development Regulations, Martin County, Fla., (2016).

Pursuant to Section 10.4.A.1., Land Development Regulations, Martin County, Fla., a review of this application is not required by the Local Planning Agency (LPA)

E. Location and site information

Parcel number(s) and address:  
N/A - Multiple  N/A – Multiple (Platted Phase 1)  
41-38-41-000-000-0004000000  Unaddressed (Phase 2A, 2B, 2C, 3)

Census tract:  Not Applicable
Commission district:  2
Community redevelopment area:  Not Applicable
Municipal service taxing unit:  District 2
Planning area:  Port Salerno / 76 Corr
Storm surge zone:  Category 5 Surge Zone
Taxing district:  District E
Traffic analysis zone:  47

Figure 1: Location Map
Figure 2: Subject Site 2017 Aerial

Figure 3: Subject Site with Site Plan and Preserve Overlay
Adjacent existing or proposed development:
To the north: Multi-Family Residential
To the south: Single Family Residential
To the east: Single Family Residential (across S Kanner Hwy)
To the west: N/A, South Fork St Lucie River

Figure 4: Local 2017 Aerial

Figure 5: Local 2017 Aerial with Parcel and Preserve Overlay
Zoning district designations of abutting properties:
To the north: R-3, Multiple-Family Residential District
To the south: PUD-R, Res PUD; A-1, Small Farms; RS-4, Low Density Residential
To the east: R-2A, Two Family Res; PUD-R, Residential PUD (across S Kanner Hwy)
To the west: N/A, South Fork St Lucie River

Figure 6: Zoning Map

Future land use designations of abutting properties:
To the north: Low Density Residential
To the south: Estate Density 2UPA, Rural Heritage, Low Density Residential
To the east: Medium Density, Low Density Residential (across S Kanner Hwy)
To the west: N/A, South Fork St Lucie River

Figure 7: Future Land Use Map
F. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department

Unresolved Issues:

Item #1:
Minimum Open Space
Open space is defined as, "The portion of a development that is permeable and remains open and unobstructed from the ground to the sky, specifically excluding parking areas and sidewalks, whether permeable or impermeable. MARTIN COUNTY, FLA., CGMP SECTION 2.2. (2016)

All Residential development shall maintain a minimum of 50 percent of the gross land area as open space. Wetlands and landlocked water bodies may be used in calculating open space as long as a minimum of 40 percent of the upland property consists of open space. MARTIN COUNTY, FLA., CGMP POLICY 4.13A.7.(1)(b) (2016)

The Residential open space requirement shall apply on a lot-by-lot basis unless the lot has been approved as part of a final site plan which demonstrates compliance on a project-wide basis, for example, by way of setting aside common areas eligible as open spaces. MARTIN COUNTY, FLA., LDR SECTION 3.15.1.A. (2016)

Remedy/Suggestion/Clarification:
The required minimum open space must be calculated based upon the total project area. Therefore, the site plan is required to demonstrate a minimum of 125 acres of open space. The applicant has provided an open space table that appears to be incomplete and cites an upland area total that staff could not duplicate from the information given. Please revise the open space table to demonstrate that a minimum of 50% of the total site area will be retained as open space by addressing the following on the Revised Master Site Plan and the Revised Phasing Plan:

1. On the Revised Master Site Plan, please provide a breakdown of the "provided upland open space" in categories that are consistent with the pervious data table and proposed final conditions. Please also break out the shoreline protection zone upland buffer area and revise the titles of categories as requested in Item #2, Section G.
2. On the Revised Master Site Plan please include the wetland area proposed to account for the balance of open space to demonstrate provision of the overall required 50% of total site area.
3. The revised phasing plan appears to include portions of wetland buffer (Phases 2A, 2C and 3) or shoreline protection zone (Phase 2A and 2B) or upland preserve areas (Phases 2A and 3) within the phase boundaries. Based upon the calculations provided, it appears that all of the wetland buffers, shoreline protection zone, and upland preserve areas are being counted as common open space separately from the single family lots and duplex and multifamily tracts. On the Revised Master Site Plan please add a notation to the 'residential lots', 'duplex tract', and 'multi-family tract' clarifying that these required open areas exclude any established preserve or buffer areas since these areas have contributed to open space separately from the lots and tracts as set forth in the Pervious, Impervious, and Building Data tables.
4. The pervious data table identifies a set amount of 20% pervious area proposed for phase 2C (duplex tract). Does this include the 2 acres of pervious pavers? Please update the open space table to demonstrate the exclusion of the 2 acres of pervious pavers from the open space calculations pursuant to Section 2.2., CGMP, Martin County.
G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department

Unresolved Issues:

Item #1:
Phasing Plan
The application indicates a phasing of the project is sought. [Sections 10.2.B, 10.11.C, and 10.11.D; Section 5.7.4.d.(1), LDR]

Remedy/Suggestion/Clarification:
1. Please revise the phasing plan to show a contiguous preserved shoreline protection area at the waterfront amenities area, consistent with the code requirements and the proposed final site plan for Phase 2B.
2. Please add the wetland, upland and shoreline preserve depictions to the legend and provide total area for each.

Item #2:
Site Plan
A complete site plan is required as part of the application pursuant to Section 10.2.B.5., LDR, Martin County, Fla.

Remedy/Suggestion/Clarification:

Revised Master Site Plan:
1. Previous discussions with staff involved the conversion of only the Fern Creek flow through marsh to upland preserve. The currently proposed revised master site plan appears to have removed or converted an additional two of the five previously approved separate flow-through marsh areas not associated with the Fern Creek area. Please explain why these additional areas for water quality treatment have been removed. (See Section J, Environmental)
2. Please add a site plan legend that identifies the depictions of Upland Preserve and Wetland Preserve and add a category and unique symbol for the proposed flow through marsh tracts.
3. Please depict the continuous shoreline protection area at the waterfront amenities area, consistent with the proposed final site plan for Phase 2B, and separately enumerate the Shoreline Protection Zone preserve area in the data tables and site plan legend.
4. Please revise the site data table categories for clarity as follows:
   a. Revise the titles "Residential Lots" to state "Single Family Residential Lots."
   b. Revise the titles "Duplex Tract" to "Duplex Tract (Ph 2C)."
   c. Revise the titles "Multi-family Tract" to "Multi-family Tract (Ph 3)."
   d. Revise the titles "Recreation Area Tract" to "Recreation Area Tract (Clubhouse)."
   e. Revise the titles "Private Waterfront Facilities" to "Private Waterfront Facilities (Ph 2B)."
   f. Revise the title "Flow-Through Marsh Tract" to "Flow-Through Marsh Tracts" plural.
5. Please revise General Note #3 to reflect the total number of phases as 5, consistent with the proposed project.

Phase 2A Final Site Plan:
1. As previously requested, please show the location and extent of any required impermeable membranes associated with lakes in proximity to wetlands on the proposed final site plan.
2. Previous discussions with staff involved the conversion of only the Fern Creek flow through marsh to upland preserve. The currently proposed revised master site plan appears to have removed or converted an additional two of the five previously approved separate flow-through marsh areas not associated with the Fern Creek area. Please quantify the proposed changes and explain why these additional areas for water quality treatment have been removed. (See Section J, Environmental)

3. Please add a Maximum Allowable Lot Coverage of 80% to the Building and Lot Data table.

4. Please add the Mean High Water Line to the Site Plan, consistent with the revised survey (See Section L).

Additional Information:

Information #1:
No land clearing is authorized prior to the mandatory pre-construction meeting for the project. Property corners and preservation areas shall be located by a licensed land surveyor and clearly marked in the field prior to the pre-construction meeting. 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 on state agency permits, may be granted by the Growth Management Department upon review of required permit materials. MARTIN COUNTY, FLA., LDR § 4.37

Information #2:
The applicant has elected Option 2, regarding Agency permit submittal for a consistency review after project approval. Prior to scheduling the mandatory pre-construction meeting for construction commencement authorization, all applicable local, state, and federal approved permits are to be submitted for review by the County Administrator with remittance of a $600.00 review fee. If an application is made to any permitting agency for a modification to a permit that was required to be issued prior to final site plan approval, the application for the permit modification must be submitted concurrently to Martin County. MARTIN COUNTY, FLA., LDR §10.9.A (2016)

Information #3:
As part of the conditions of approval for all development orders for Major applications, including PUDs, the applicant shall provide annual status reports to the County Administrator to ensure that development occurs according to the terms of the development order. The Monitoring report shall be due on the Anniversary date of the Major Master Plan Approval. MARTIN COUNTY, FLA., LDR §10.11.D.13 AND 10.11.E.13 (2016)

Information #4:
Property Tax Satisfied
Evidence that all property taxes have been paid, and payment is current to November 1 of the most recent tax roll, is required at time of plat. SECTION 197.192, Fla. Stat. (2017)
**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**

No dedication of additional right of way is required or proposed by the Applicant pursuant to the Roadway Classifications set forth in Section 4.843.B, Land Development Regulations, Martin County, Fla. (2001) which includes Table 4.19.1 that lists the minimum right-of-way requirements. Therefore, the Applicant is not required to submit due diligence materials for review by Real Property Management.

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

**Environmental**

**Unresolved Issues:**

**Item #1:**  
Site Plan Review  
The revised Master Site Plan proposes the elimination of a number of flow-through marsh areas that were previously approved and shown on the current MSP. The county issued an environmental waiver with approval of the original development order for this project back in the mid-2000s which authorized wetland impacts for internal roadways. These roads have been built and an analysis by EW consultants submitted with this application shows that the wetland impacts have been mitigated with construction of the existing flow-through marsh in phase 1. However, it is not clear why the additional flow-through marsh areas in other phases were permitted. Were they part of the public benefit provided as part of this PUD, part of stormwater improvements, or were they proposed for another purpose? Please explain.

**Item #2:**  
Land Clearing Methodology  
Pursuant to Section 4.37.B, LDR, Martin County Fla. (2013), for land clearing permits issued in
conjunction with a final site plan approval of a subdivision (standard, minor or major) pursuant to Article 10 of the Martin County Land Development Regulations, the following restrictions shall apply:

In limited cases when it is necessary to retain excess fill in designated areas (i.e., building pads), clearing of native vegetation on subdivision lots, over 6,500 square feet shall be permitted, prior to the issuance of a building permit. The land clearing plan provides for phased clearing of lots. Please add a note indicating that the next phase of lot clearing cannot commence until the previous phase has been adequately stabilized and has passed inspection by county engineering and/or environmental inspectors.

Please demonstrate compliance with the following land clearing requirements by adding notes to the land clearing plan:

Disposal of land clearing debris. Open burning of land clearing debris in the Urban Service District, as defined in the Future Land Use Element of the Comprehensive Plan, by any method other than the oxygenated or pit burning technique that does not add particulate matter or smoke to the air, shall be prohibited. Land clearing debris shall be disposed of in the following manner:

1. Chipped on-site or at a legal chipping facility and delivered for composting to a facility approved for composting; or
2. Delivered to the chipper at the Martin County Landfill and chipped for mulch; or
3. Burned as described above.

Nonvegetative debris including construction and demolition debris shall be disposed of at an approved landfill site.

Item #3: Firewise Protection Standards
The following comments are in response and review of the Florida Wildfire Risk Assessment Scoresheet provided with your application.
If the proposed residential development scores a 75 or more on the Florida Wildfire Assessment Scoresheet (your project scored a 74), please provide analysis and justification for the scores provided in the follow sections of the scoresheet and response to the following:

Section C. Building Construction. Proposed building construction methodology, as identified on the scoresheet, will need to be conveyed to requisite documents and plans for approval including the Development order, Final Site Plan, Declaration of Covenants and Restrictions approved with plat, and future building permits. Please add notes to the FSP regarding the use of fire-resistant building materials so this information can be verified by county officials at the time of building application for a single family home.

Landscape

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 Article 4, Division 15 - Landscaping, Buffering, and Tree Protection. [2013]. Within this project phase the applicant has proposed construction of a 111 lot subdivision. The applicant has submitted landscape plans that provide 10.59 acres of landscape area which equates to 34% of the development area to document compliance with Section 4.663.A.1., Land Development Regulations, Martin County, Fla. (2013). Pursuant to this regulation a minimum of 20% of the total development area shall be landscaped.
Landscaped bufferyards are 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., Land Development Regulations, Martin County, Fla. (2013).

Surrounding land use is residential so non-compatibility buffers are not required. Section 4.663.B.1.a, Land Development Regulations, Martin County, Fla. (2013). However, all adjacent residential subdivisions have been provided with landscape buffers, primarily consisting of large areas of wetland and upland preserves.

Wherever new residential dwelling units are proposed to be located along any minor or major arterial road, excluding Community Redevelopment Overlay Districts, a Type 5 bufferyard shall be required to screen the view of the dwelling units from the street Section 4.663.B.2., Land Development Regulations, Martin County, Fla. (2013). A Type 5 buffer is provided along South Kanner Highway in association with other phases of this development.

Section 4.666.E. Land Development Regulations, Martin County, Fla. (2013) requires that development activity preserve at least ten percent of the total number of protected trees on the site unless it can be shown that the property would be precluded of reasonable use if the trees are not removed. According to the tree survey provided there are only 3 protected trees within this phase of development. These trees are located with the footprint of the interior rights-of-way and cannot be preserved in place. Four additional 16 ft. ht. 4” caliper Live Oak trees are being provided to mitigate for the necessary removal.

Alterations cannot be made to the plans after final site plan approval. Any alteration may require an application to amend the affected approved plans.

The applicant is cautioned to consider the placement of utilities and any underground or above ground site improvement that could cause a conflict with the landscaping and possibly cause a change or amendment.

As-built landscape plans submitted prior to the release of a certificate of occupancy will be checked against the approved drawings. Inconsistencies may block the issuance of the certificate of occupancy and cause the applicant to begin the application process for a change or an amendment to the development order.

Additional Information:

Information #1:
The applicant is required to incorporate the following criteria into the landscape design and such criteria shall be noted on the plans for development adjacent to utilities:

1. This plan has been designed to meet with the tree planting requirements contained within the FPL document entitled 'Plant the Right Tree in the Right Place.'
2. For existing or proposed utilities, no tree shall be planted where it could, at mature height, conflict with overhead power lines. Large trees [height at maturity of more than thirty (30) feet] shall be planted no closer than a horizontal distance of thirty (30) feet from the nearest overhead power line. Medium height tree [height at maturity between twenty (20) and thirty (30) feet]
shall be offset at least twenty (20) feet and small trees [height at maturity of less than (20) feet] require no offset.

3. No tree, shrubs, hedges or vines shall be planted within five (5) feet of any existing or proposed utility pole, guy wire or-pad mounted transformer. Palms should be planted at a distance equal to or greater than the average front length plus two (2) feet from power lines.

Tree species and placement shall be selected so as to minimize conflicts with existing or proposed utilities.

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

**Findings of Compliance:**
The Traffic Division of the Engineering Department finds this application in compliance.

**Compliance with Adequate Public Facilities Ordinance:**
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 (Article 5, Division 2, Section 5.32.D.3.f).

Roadway capacity was reserved September 24, 2013 pursuant to an agreement between the Martin County Board of County Commissioners and SR-76 LLC and the Fifth Amendment to the Banyan Bay Zoning Agreement.

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

**Unresolved Issues:**

**Item #1:**
FEMA, MHWL, Safe Upland Lines
Survey Requirements
1. The Boundary Survey and site plans for this site and all other applicable phase site plans shall adhere to Florida Statutes Chapter 177 as it relates to establishing the Mean-High-Water and jurisdictional line between private and state sovereign lands.
2. Applicable Boundary Survey geometry shall be reflected on the site plan(s).

**Remedy/Suggestion/Clarification:**
The current boundary survey only shows an approximate mean high water line. A mean high water line survey must be included and is to be filed in the Department of Environmental Protections (DEP) mean high water line survey (MHW) repository. The resulting geometry of the mean high water line survey shall be reflected on the site plan.

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

**Unresolved Issues:**

**Item #1:**
Rights Of Way Improvements
1. As previously stated, per FDOT Greenbook, the maximum change in grade without using a vertical curve is 1.10 for a minimum design speed of 25-mph. The change in grade at stations 707+68.3, 705+34.1, 703+00, 606+81.9, 607+81.9, 801+00, 612+26.6, etc...exceed 1.10. Staff is reviewing the percentages of the road slopes that are shown on the Paving, Grading, and Drainage Plan.

2. Include ONE WAY signs for traffic control for the round-a-bout on sheet 7. As previously stated, provide traffic control signs at the cul-de-sac on SW Ardsley Drive (sheet 8) and the cul-de-sac on SW Winchester Drive (sheet 11). The pavement around the two cul-de-sacs is wide enough for two way travel. It is suggested to use ONE WAY signs at the cul-de-sacs. (4.843.H)

3. As previously stated, extend the center island at the cul-de-sac on SW Pennfield Terrace (by lots 71-75) to reduce the open pavement area and prohibit two-way access around the cul-de-sac. The revision to the cul-de-sac reduced the width of the pavement lane around the cul-de-sac; however, the entrance is approximately 80-feet by 50-feet of pavement with only one stop sign for traffic control. It is suggested to extend the circle island out closer SW Pennfield Terrace to reduce the amount of open pavement.

4. As previously stated sidewalks should not terminate at the edge of pavement without a pedestrian cross walk and landing. Provide a crosswalk and landing where sidewalks terminate at the edge of pavement (near the cul-de-sacs). An ADA ramp was added to the plans at the said locations; however, a crosswalk and landing on the opposite side of the street was not provided. Provide the landing and crosswalk or end the sidewalk prior before reaching the pavement.

5. Label the typical symbol for the proposed streetlights or provide the symbol in the legend.

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 with in this subdivision are in compliance. They were named and approved during original master plan approval. They meet all street naming regulations in Article 4, Division 17, Land Development Regulations. Martin County, Fla. (2016).

Electronic File Submittal

Findings of Compliance:
The Information Services Department staff has reviewed the electronic file submittal and finds it in compliance with the applicable county requirements.

Both AutoCAD site plan and boundary survey were received and found to be in compliance with Section 10.2.B.5, Land Development Regulations, Martin County, Fla. (2016)

Both AutoCAD site plan and boundary survey were in State Plane coordinates and found to be in compliance with Section 10.2.B.5, Land Development Regulations, Martin County, Fla. (2016)

The AutoCAD boundary survey was received and found to be in compliance with Section 10.2.B.5, Land Development Regulations, Martin County, Fla. (2016)
O. **Determination of compliance with utilities requirements - Utilities Department**

**Water and Wastewater Service**

**Unresolved Issues:**

**Item #1:**
Drawings Must Be Approved
The construction drawings must be approved by the Utilities and Solid Waste Department prior to sign off by the Department of permit applications and agreements. [ref. Code, LDR, s.10.2.B.5. Code, LDR, Art.10]

**Wellfield and Groundwater Protection**

**Unresolved Issues:**

**Item #1:**
Submit Required Permits
Submit all permits required for water sources and uses per the PUD language:

PUD Exhibit "F" 10. Irrigation:
C. OWNER shall provide an on-site well(s), the number of which to be determined by the OWNER and Martin County Utilities, for supplemental irrigation use. In the event IQ water is not immediately available, OWNER shall use the on-site well(s) for irrigation. Once IQ irrigation is available to the project, the on-site well(s) will be used as a supplemental irrigation source. OWNER shall provide a South Florida Water Management District water use permit for the well(s) prior to final site plan approval of any phase of development, excluding models and the temporary sales trailer. If OWNER is unable to secure a water use permit, as outlined herein, it will necessitate OWNER's use of potable water for irrigation on an interim basis; provided, however, OWNER agrees that such interim use shall not extend more than five (5) years from the date of the PUD Agreement. If the IQ water line extensions are not complete

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

**Fire Prevention**

**Findings of Compliance:**
The Fire Prevention Bureau finds this submittal to be in compliance with the applicable provisions governing construction and life safety standards. 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.

**Additional Information:**

**Information #1:**
Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. [NFPA 1 18.1.1.2.]
Information #2:
The following fire suppression water flow is the minimum for residential use:
The minimum fire flow and flow duration requirements for one and two family dwellings having a fire flow area that does not exceed 5000 square feet shall be 1000 gpm (3785 L/min) for one hour. [NFPA 1 18.4.5.1.1]

Fire flow and flow duration for dwellings having a fire flow area excess in of 5000 square feet shall be not less than specified in Table 18.4.5.1.2 [NFPA 1]

These are the minimum requirements. Additional water flow may be required to supplement fire sprinkler systems or to support other hazardous uses. The developer is responsible to meet any additional flow requirements beyond that which is within the capacity of the utility provider [NFPA 1].

Emergency Preparedness

Findings of Compliance:
The Emergency Management Agency staff has reviewed this development application for compliance with applicable statutes and ordinances and has determined that it is in compliance with the applicable standards and restrictions of the Land Development Regulations. This agency recommends approval of the application.

Additional Information:

Information #1:
New Development Evac Plan
Emergency Management staff recommends that a map showing the storm surge evacuation zones be added to the plan in order to property identify residents who may be required to evacuate. This department can provide an evacuation zone map upon request, if needed.

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

Findings of Compliance:
The General Services Department staff has reviewed the application and finds it in compliance with the applicable Americans with Disability Act requirements.
(2014 FBC, FIFTH EDITION\ACCESSIBILITY)

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

Martin County Health Department

The applicant has indicated that the proposed final site plan contains no onsite potable wells or septic disposal systems. Therefore, the Department of Health was not required to review this application for consistency with the Martin County Code requirements within the Land Development Regulations or Comprehensive Growth Management Plan. MARTIN COUNTY, FLA., LDR SECTION 10.1.F. (2016)
Martin County School Board

Pending:
The School Board staff has reviewed this application for compliance with Florida Statutes, Martin County code and School Board Policy and has determined that mitigation will be required. Meetings are ongoing with the applicant to determine the process for the provision of the required mitigation as set forth in the memo provided as Exhibit 1 to this report.

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

Phase 2A Final Site Plan:
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 - Environmental Services Department
Reference - see Section O of this staff report

Sanitary sewer facilities service provider – Martin County Utilities
Findings – Pending
Source - Environmental Services Department
Reference - see Section O of this staff report

Solid waste facilities
Findings – In Place
Source - Growth Management Department

Stormwater management facilities
Findings – Comply
Source - Engineering Department
Reference - see Section N of this staff report

Community park facilities
Findings - Comply
Source - Growth Management Department

Roads facilities
Findings - Comply
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 – Comply
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.

Revised Master Site Plan:
This development application is eligible for an Evaluation of Adequate Public Facilities and an Affidavit Deferring Public Facilities Reservation (Article 5, LDR). The following evaluation summarizes the Evaluation of Adequate Public Facilities:

    Potable water facilities (Section 5.7.D.3.a, LDR)
Service provider - pending
Source - Environmental Services Department
Reference - see Section O of this staff report

    Sanitary sewer facilities (Section 5.7.D.3.b, LDR)
Service provider - pending
Source - Environmental Services Department
Reference - see Section O of this staff report

    Solid waste facilities (Section 5.7.D.3.c, LDR)
Findings - Positive Evaluation
Source - Growth Management Department

    Stormwater management facilities (Section 5.7.D.3.d, LDR)
Findings - pending
Source - Engineering Department
Reference - see Section N of this staff report

    Community park facilities (Section 5.7.D.3.e, LDR)
Findings – Positive Evaluation
Source - Growth Management Department

    Roads facilities (Section 5.7.D.3.f, LDR)
Findings - Positive Evaluation
Source - Engineering Department
Reference - see Section M of this staff report

    Mass transit facilities (Section 5.7.D.3.g, LDR)
Findings - Positive Evaluation
Source - Engineering Department
Reference - see Section L of this staff report

Public safety facilities (Section 5.7.D.3.h, LDR)

Findings – Positive Evaluation
Source - Growth Management Department
Reference - see Section P of this staff report

An application for an Evaluation of Adequate Public Facilities and an Affidavit Deferring Public Facilities Reservation has been submitted with this application. This deferral process ensures that the county and the developer meet concurrency as early as practical in the development review process. The evaluation provides a current view of the availability of public facilities for the proposed development based upon the concurrency evaluation and concurrency reservation tests.

A "positive" evaluation means that the project passes the evaluation test. (A "negative" evaluation means that the project fails the evaluation test.) A master site plan development order with a Positive Evaluation of Adequate Public Facilities does not authorize site development, is specific to the development order, and is assignable or transferable only to the extent the development order is assignable or transferable. Maintenance of a valid development order is essential to the maintenance of a valid evaluation. An Evaluation of Adequate Public Facilities runs with the land, consistent with the development order on which it was based. (A positive evaluation does not confer concurrency rights and is not binding on the county (see sections 14-4A.3.d.(2) and (3) of the Martin County Comprehensive Growth Management Plan; Section 5.7.C.5, LDR)

U. Post-approval requirements

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.

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:

Post Approval Fees: The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.

Item #3:

Post Approval Impact Fees: Impact fees must be paid after the development order has been approved. Submit a check made payable to Martin County Board of County Commissioners within 60 days of project approval.

Item #4:
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 #5:

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 #6:

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.

Item #7:

Ten (10) 24" x 36" copies of the approved construction plans signed and sealed by the Engineer of Record licensed in the State of Florida. Fold to 8 by 12 inches.

Item #8:

Ten (10) copies 24" x 36" of the approved site plan and one (1) reduced copy 8 1/2" x 11".

Item #9:

Original approved site plan on Mylar or other plastic, stable material.

Item #10:

Six (6) copies 24" x 36" of the approved master site plan.

Item #11:

Original approved master site plan on Mylar or other plastic, stable material.

Item #12:

Within 60 days of approval of the Phase 2A Final Site Plan, the applicant shall make a payment of $758,404.00 to the Martin County School Board, required as mitigation for the project's demands on school capacity.

Item #13:

Ten (10) 24" x 36" copies of the approved landscape plan signed and sealed by a landscape architect licensed in the State of Florida.
Item #14:

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.

Item #15:

One (1) digital copy of master site plan in AutoCAD 2010 - 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.

Item #16:

Original and one (1) copy of the executed approved PUD zoning agreement.

Item #17:

Original of the construction schedule.

Item #18:

Two (2) originals of the Cost Estimate, 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.

Item #19:

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.

Item #20:

A hauling fee of $0.21 per cubic yard of material being hauled from the site in the amount of $5,497.38 shall be paid within sixty (60) calendar days of the project approval.

Item #21:

Original and one (1) copy or two (2) copies of the executed and signed Water and Wastewater Service Agreement with Martin County Regional Utilities and one (1) copy of the payment receipt for Capital Facility Charge (CFC) and engineering and recording fees.

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.

Item #1:
ENVIRONMENTAL PERMITS
The following permits must be submitted prior to scheduling the Pre-Construction meeting:
Florida Fish and Wildlife Conservation Commission (FWC) listed species permit or plan.

**Item #2:**
RIGHT-OF-WAY PERMITS
The following permits must be obtained prior to scheduling a Pre-Construction meeting:

1. FDOT General Use Permits
2. FDOT Driveway / Connection Permit

**Item #3:**
STORMWATER MGMT PERMITS
The following permits must be obtained prior to scheduling a Pre-Construction meeting:

1. South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) Modification
2. South Florida Water Management District (SFWMD) Dewatering Permit
3. Florida Department of Transportation (FDOT) Drainage Connection Permit

**Item #4:**
WATER AND WASTEWATER
The applicant must provide a copy of all required Department of Environmental Protection permits prior to scheduling the Pre-Construction meeting.

**Item #5:**
SFWMD REQUIRED IRRIG PERMITS
The applicant must provide a copy of all required South Florida Water Management District permits 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:

<table>
<thead>
<tr>
<th>Fee type</th>
<th>Fee amount</th>
<th>Fee payment</th>
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<td>Advertising fees*</td>
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<td>Recording fees**</td>
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<tr>
<td>Non-mandatory impact fees</td>
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</tbody>
</table>

* 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.
X. General application information

Applicant: Banyan Bay Macks, LLC
4750 Owings Mills Blvd
Owings Mills, MD 21117

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

Landscape architect: Lucido & Associates
Morris Crady
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

Z. Attachments

Exhibit 1: Martin County School Board, School Concurrency Determination and Mitigation Requirements
Lucido & Associates  
701 E. Ocean Blvd.  
Stuart, Fl. 34994  

Attn: Morris A. Crady, AICP  

RE: Banyan Bay PUD, Phase 2A Application – School Concurrency Determination  
MC Project # B082-029, Mitigation Requirements (Rev. 11/28/17)  

Dear Morris:  

Per our meeting on October 26th, 2017 with Superintendent and Staff, please note the following outcomes regarding the School Concurrency Determination letter and mitigation required on the referenced project.  

1. Applicant will resolve the 19 total student stations that Banyan Bay subdivision will generate based on the School District’s Student Generation Yield.  
2. This will be resolved following the mitigation guidelines that are set forth in the current ILA between Martin County and the School Board approved in 2008.  
3. On page 28 of said document, section (d), outlines the formula for determining proportionate-share of mitigation for capacity deficiencies, “multiply the number of new student stations required to serve the new development by the average cost per student station.”  
4. Based on our most recent School District Education Impact Fee report the cost per student station is $39,916, multiplied by 19 = $758,404.  
5. With these mitigation funds for student station deficiency, Banyan Bay can be approved by the School District to move forward with this phase of the development.  

Thank you and please call me with any questions.  

Kimberly Everman  
Capital Projects / Planning Specialist  
Martin County School District  
772-223-3105 x134  

cc: Robert Raynes – Gunster Oakley  
Laurie Gaylord, - MCSD  
Thomas Sheeran – MCSD  
Garret Grabowski - MCSD  

Laurie J. Gaylord, Superintendent  
School Board Members: Tina McSoley • Michael DiTerlizzi • Rebecca Negron • Marsha Powers • Christia Li Roberts  

"An Equal Opportunity Agency"  

Staff Report - Exhibit 1 - Page 1 of 1