



January 14, 2020
1746

Submitted via Hand Delivery

Ms. Catherine Riiska, MS, PWS
Principal Planner
Martin County
2401 SE Monterey Road
Stuart, Florida 34994
(772) 288-5667

**RE: Magnolia Ridge of Palm City PUD Zoning Agreement and Master Final Site Plan
Martin County Project Number P161-004; Record Number DEV2019010008
Response to November 15, 2019 Staff Report (2nd Resubmittal)**

Dear Ms. Riiska:

In addition to this response letter to the Staff Report dated November 15, 2019, and Workshop held on November 21, 2019, please find enclosed the following items for review:

- One (1) CD containing all PDFs of the revised documents included within this response to comments
- One (1) copy of the deed for the adjacent existing residential property to the South (separated by Danforth Creek)
- Two (2) Original Surveyor's Reports prepared by Michael T. Owen, PMS, dated December 11, 2019 regarding the acreage of the adjacent existing residential property to the South (separated by Danforth Creek)
- One (1) copy of Easement Agreement between Palm City Presbyterian Church, 2700 SW Martin Highway, Palm City, Florida 34990, adjacent to the project site.) – presently being recorded and will be submitted under separate submittal
- One (1) revised copy of the Public Benefits
- One (1) revised copy of the Draft PUD Zoning Agreement
- One (1) copy of the Fountain Schematics and Details
- One (1) Original Revised Title Commitment with attachments
- One (1) copy of the Phase I Environmental Site assessment Letter prepared by Dave Andre, P.E.
- One (1) copy of the Phase I Environmental Site Assessment
- Two (2) Original signed and sealed Sketch and Description of the Drainage Easement Dedication Site
- One (1) revised copy of the Narrative – Landscape Buffer
- One (1) copy of Landscape Letter to Karen Sjoholm from Pete Anderson
- One (1) Fire Hydrant Flow Test
- One (1) signed and sealed Stormwater Management Report
- Two (2) Landscape Plan Sets (signed and sealed)
- Two (2) Floor Plans
- Two (2) Original surveys signed and sealed of the Martin County Drainage Easement Dedication Site
- Two (2) PUD Master Final Site Plans with AutoCAD file on cd
- Two (2) Auto Turn Plans (signed and sealed) with AutoCAD file on cd
- Two (2) Civil Construction Plan Sets (signed and sealed) with AutoCAD file on cd

F. DETERMINATION OF COMPLIANCE WITH COMPREHENSIVE GROWTH MANAGEMENT PLAN REQUIREMENTS – GROWTH MANAGEMENT DEPARTMENT; CATHERINE RIISKA (772) 288-5667

ITEM 1 – DENSITY TRANSITION:

The project must demonstrate compliance with the Density Transition Policies of the Comprehensive Growth Management Plan as set forth under Objective 4.1F., CGMP, Martin County, Fla. (2018).

Remedy/Suggestion/Clarification:

Thank you for the narrative discussion of the applicability of the tiering policy of 4.1F.2.(2) to lands adjacent to the south. However, the narrative did not address the applicable provisions of the density transition requirements other than the tiering subsection. Also, documentation establishing the accuracy of the assumptions in the discussion were not provided and currently available information is inconsistent with those. The applicant is required demonstrate compliance with all applicable Comprehensive Plan requirements as follows:

1. Please demonstrate how the proposed development meets the requirement of Policy 4.1F.2., which requires that, *“Projects immediately adjacent to lands used or designated for lower density use should be given less than maximum density.”*

RESPONSE: Policy 4.1F.2. is not applicable. Lot/parcel sizes on the existing residential developments adjacent to the project are over two (2) acres in size.

2. Please demonstrate how the proposed development meets the requirement of Policy 4.1F.2.(1), which requires, *“In all such cases the project with higher density shall provide for reduced density next to the existing lower density residential area.”*

RESPONSE: The applicable zoning district (RM-8) for the proposed development is greater than the density, per acre, being requested as part of the proposed development. Further, the only residential use located next to the proposed project is located south of the subject property and is separated by Danforth Creek, as well as a large detention area and open space within the proposed development, prior to the first residential unit.

3. Thank you for providing a narrative analysis regarding Subsection (2) Under Policy 4.1F.2, CMGP. However, no documentation was received to demonstrate that the adjacent existing development has a density of 1 unit per 2 acres. Available information from the property appraiser’s office indicates that the adjacent existing single-family property is 1.97 acres (See Exhibit 1 to this report), which equates to a gross density of 0.51 UPA, which is greater than the 0.50 UPA threshold cited in Policy 4.1F.2.(2). However, staff recognizes that this approximated data from the property appraiser’s office is not considered precise enough to be relied upon for this matter. Please submit documentation, such as a survey or similarly reliable instrument, and related supporting graphics if necessary, to accurately establish the density of the adjacent existing single-family development.

RESPONSE: A copy of the deed for the adjacent existing residential use south of the property is provided with this resubmittal along with the Surveyor's Report prepared by Michael T. Owen, PSM, demonstrating that the existing residential parcel south of the proposed development exceeds two (2) acres in size.

4. **If the documentation requested in Comment 3 above establishes that the adjacent development does have a density of 0.50 or less, then please demonstrate how the proposed development meets the requirement of Policy 4.1F.3.(2), which requires that, "...residential lots 2 acres or larger shall be protected by buffers and by 4.1F.2. but the tiering Policy in 4.1F.2(2) shall not apply."**

RESPONSE: The residential units in the proposed development and the existing residential use to the south of the property are separated by Danforth Creek and a large detention area within the project. The southernmost residential unit on the west side of the subject property is located approximately 300 feet away from the existing residential structure on the property located south of, and adjacent to, the proposed development. Enough buffering and separation between the proposed residential uses within the subject property and the existing residential use on the property immediately south have been sufficiently addressed.

5. **The narrative discussion only addresses the adjacent property to the south. Please provide an analysis that also demonstrates how the proposed project meets the density transition policies to the property adjacent to the east, which is also designated for lower density.**

RESPONSE: The Palm City Presbyterian Church is located on the property to the east of the subject property. This existing use is institutional, not residential. As such, the density and transition requirements of Policy 4.1F.2 and Policy 4.1F.3. are not applicable. That said, an existing 25-foot Type-B (now known as Type 2) landscape buffer is provided on the Church property to separate the two adjacent uses. This 25-foot buffer is in addition to landscape enhancements proposed by the Applicant, which includes entering into an easement with the Church to improve existing landscaping and fencing on the Church property, together with maintenance by the Applicant of the same. A copy of the easement agreement is provided.

ITEM 2 – PUD PUBLIC BENEFITS

Thank you for providing a narrative regarding the public benefits being proposed. However, the public benefits narrative does not contain the details needed for staff and Board review. Pursuant to Section 3.244., LDR, Martin County, Florida (2003), applicants for PUD zoning shall have the burden of demonstrating that the proposed PUD zoning standards will protect the health, safety and welfare of the general public to a greater extent than would have been possible pursuant to the standard zoning regulations set forth in this article. Please address the following:

1. **As previously requested, please submit a revised public benefits statement that includes all proposed modifications to the development standards applicable to the existing RM-8 zoning, Article 3 standards, or Article 4 standards, on the site that are being proposed to be modified by the PUD Zoning agreement.**

RESPONSE: A revised Public Benefits Statement is included with this resubmittal.

2. Please explain specifically how the proposed modifications to the standard code requirements will protect the health, safety and welfare of the general public to a greater extent than would have been possible pursuant to the standard zoning and design regulation, and address the following:

- a. Please remove the citation of any elements as public benefits that are not above and beyond code requirements, such as the provision of additional preserve or required compatibility landscape buffers, which are already required for PUD development.**

RESPONSE: The proposed PUD Agreement and Public Benefits Statement have been revised to remove such items that are not above and beyond code requirements.

- b. Please provide detail on what criteria is specifically exceeded and by how much. For example, the statement references “enhanced landscaping”. Please explain where enhanced landscaping is proposed beyond the code requirements and quantify the amount being proposed that are beyond code requirements. Please be advised that a compatibility buffer is required to adjacent lands used or designated for lesser intensity where the tiering provision of the density transition does not apply, so this is already a code requirement and does not provide a benefit above and beyond the requirements.**

RESPONSE: Per code, no plantings are required along the West or South property lines of the parcel. To enhance the landscaping, we are proposing the following plantings that are beyond the code requirements along these property lines. Along the West property line, we are proposing 12 trees (5 East Palatka Holly, 4 Sweetbay Magnolia and 3 Red Maple). Along the South property line, we are proposing 8 trees (6 Slash Pine and 2 Live Oak). All additional trees listed above exceed the code required size and height requirements.

- c. The applicant indicated that an easement would be provided to ensure access to the church attendees and the general public for use of the mulched path in the stormwater area in the rear of the development. The applicant has indicated that a draft easement was enclosed, however staff was unable to locate it in the resubmitted materials and it was not listed in the transmittal memo listing the documents submitted. Please provide and demonstrate how the public will be informed and admitted to the mulch path proposed for public use.**

RESPONSE: Please see the Easement Agreement between Palm City Presbyterian Church and Palm City GA Homes, LLC enclosed with this resubmittal.

- d. The benefits statement interchangeably references a fountain and “foundation” in the first bullet point. Please clarify / correct the proposed activities.**

RESPONSE: Inadvertent references to “foundation” have been removed and replaced with the correct term of “fountain.”

- e. Multiple benefits are proposed to be completed or prior to the issuance of the 15th building permit. Although 28 units are proposed, they are proposed within only 14 2-unit townhome buildings. Does the applicant propose to build these buildings one-half at a time? Additionally, this threshold appears to be inconsistent with the proposed PUD Zoning Agreement Exhibit F. Please provide a deliverable schedule consistent with the proposed**

building activities and require that public benefits be provided prior to the issuance of the first certificate of occupancy.

RESPONSE: The PUD Zoning Agreement has been revised to address this request.

f. Please describe how each proposed benefit will benefit the public.

RESPONSE: Please see the revised Public Benefits Statement and PUD Zoning Agreement Exhibit F for specifics. In summary, the Applicant has agreed to:

- install littoral plantings to act as a filter marsh from such nutrients as phosphorus and nitrogen and help stabilize the lake to prevent erosion; littoral plantings also create a habitat for birds and other wildlife; and construct and install an aerating fountain in the County's Retention Pond providing additional oxygen to the body of water to help starve out nutrients that are conducive to algae growth. The aerating fountain will also help to control the mosquito breeding habitat acting as a sustainable mosquito control solution.
- construct and install a lift station that will not only serve the project but will also be available to serve additional projects in the general vicinity subsequently eliminating the need for Martin County Utilities to construct and maintain multiple lift stations. This creates a tax benefit to the public.
- provide and maintain enhanced landscaping. Enhanced landscaping benefits the public not only by creating beauty; it assists in creating less environmental decline; and provides for a more valuable wildlife habitat.
- save the large specimen pine tree located on the south side of the retention area near Danforth Creek. A unique specimen tree provides the public with both mental health and physical benefits by trapping airborne pollutants and creating more oxygen. In addition, the tree will provide an additional habitat for wildlife.

g. Specifically, regarding the proposed water fountain in the adjacent stormwater lake as a public benefit, please provide design/operational details for the proposed installation and demonstrate the public benefit provided, such as the design specifications that will result in water quality improvements within the waterbody. It appears that a single surface fountain may be insufficient to measurably improve water quality of this size of lake, so if the proposed fountain is not demonstrated to provide any water quality benefits, the applicant may want to consider alternative or additional measures for water quality improvements, such as deep aeration which can be solar powered or the installation of littoral plantings at the bank or as floating littoral beds.

RESPONSE: The PUD Zoning Agreement and Public Benefits Statement relating to the fountain have been revised and updated to provide that the fountain will be designed and constructed to provide aeration, improving the water quality of the County's retention pond adjacent to the subject property. See the enclosed specifications.

h. Please include the specific reference to the PUD Special Condition by number proposed for each public benefit proposed. This benefits analysis must be consistent with the proposed PUD Zoning Agreement, but must also be a stand-alone analysis providing and quantifying the PUD proposed modifications to code requirements and the offsetting public benefits, above and beyond the applicable minimum requirements, for the consideration of staff and the Board.

RESPONSE: An updated and revised Public Benefits Statement is included with this resubmittal.

G. DETERMINATION OF COMPLIANCE WITH LAND USE, SITE DESIGN STANDARDS, ZONING AND PROCEDURAL REQUIREMENTS – GROWTH MANAGEMENT DEPARTMENT – CATHERINE RIISKA – (772) 288-5667

As previously noted, Staff recommends that the applicant's development team seek the assistance of a planning professional. Alternatively, County Planning Staff are fully available upon appointment to meet with the applicant's project manager in order to assist in refining the site data and graphics to address each area of development standards with which the project must demonstrate compliance on the final site plan.

Unresolved Issues:

ITEM #1: SITE PLAN DATA

Please be advised that the following comments must be addressed within the proposed master/final site plan, not the civil construction plans. Please restrict responses to these comments to specifically reference revisions to the site plan, not the civil construction plans. Staff recommends that the applicant's development team seek the assistance of a planning professional for development/refinement of the proposed final site plan to be consistent with but separate from the civil construction plan set.

1. Please revise the Building Data table as follows:
 - a. Eliminate the "gross floor area" which is not regulated for residential use or applicable to residential parking rates.

RESPONSE: The "gross floor area" has been eliminated from the Building Data Table.

- b. Eliminate the building coverage, which is redundant since it is already properly reported in the impervious area table. Only height and minimum building separation are required for building data for this project.

RESPONSE: The building coverage has been eliminated from the Building Data Table.

2. Please remove the typical lot diagram in lower left of site plan, which does not appear to be consistent with the proposed buildout conditions.

RESPONSE: The typical lot diagram in the lower left of the site plan has been removed.

3. Please relocate the proposed minimum lot standards (min lot area, width, setbacks) to a table titled "Lot Data" placed under the "Site Data" tables.

RESPONSE: The proposed minimum lot standards have been relocated to a table titled "Lot Data" under the "Site Data" tables.

4. Please specify that the required side setbacks are for one side, by adding "(one side)" to each listed side setback (0', 5').

RESPONSE: The proposed minimum lot standards have been relocated to a table titled "Lot Data" under the "Site Data" tables.

5. **Please relabel the “Pineland Upland Area Tract” cited in the open space table to data to “Upland Preserve” for consistency.**

RESPONSE: The “Pineland Upland Area Tract” cited in the open space table has been relabeled “Upland Preserve” for consistency.

6. **The site plan indicates that a centerline setback for the buildings is proposed to be less than the standard code requirement, which is 50 feet pursuant to Section 3.16.C.1.a., LDR, Martin County, Fla. Please specify the proposed PUD minimum centerline setback criteria within the setbacks data table on the site plan and within the PUD Zoning Agreement.**

RESPONSE: The PUD Agreement has been revised and updated to include a setback reduction to the centerline of the right-of-way within the development.

7. **Please rename the “Pineland Upland Area Tract” as “Upland Preserve” for consistency within the Preserve Area Calculations under the site data tables.**

RESPONSE: The “Pineland Upland Area Tract” cited in the open space table has been relabeled “Upland Preserve” for consistency.

ITEM #2: SITE PLAN GRAPHICS

1. **As previously requested, please annotate all project boundaries, tracts, and lot lines. The plat will have to be consistent with the approved Master/Final Site Plan.**

RESPONSE: All project tracts and lot lines have been annotated.

2. **It appears that all buildings/lots are proposed to have the same minimum finished floor elevation and the same lot size, so please remove these two individual labels from each lot in the graphics and add a site plan note to specify these standards for improved graphics legibility.**

RESPONSE: Notes 1 and 2 have been added to the site plan indicating minimum finished floor and lot areas.

3. **It appears that all units are proposed to have an 18’ wide driveway, but that half of the units are proposed to have only a 12’ wide garage. Does the applicant propose this to be the buildout condition? Please revise the site plan and/or floor plans for consistency with each other.**

RESPONSE: 14 units have 2-car garages and 14 units have one-car garages. All driveways are going to remain 18 feet wide.

4. **Please provide a dimensioned detail for the proposed retaining walls.**

RESPONSE: Details for the retaining walls have been added to the site plan.

5. **There appears to be a conflict between the 6’ wide mulch path and the boundary/linework associated with the proposed parking at the pool. Please clarify what is proposed in this area and revise or label the site plan as appropriate.**

RESPONSE: The linework has been updated.

6. Does the applicant propose to install a gate in the existing fence on the adjacent church property? It also appears landscaping installation is proposed on the adjacent property. For any off-site improvements to be approved as part of this application, the applicant must provide legal authorization from the property owner.

RESPONSE: No gate is proposed at this time per the Church's request. Please see the Easement Agreement between Palm City Presbyterian Church and Palm City GA Homes, LLC.

7. Please clarify/label the internal right-of-way line versus the dotted line adjacent to it along the internal roadway. If the dotted line adjacent to the right-of-way bold line is proposed to be the setback line, as appears from the legend, its location does not appear to be consistent with the proposed front setback. If it is an easement, please identify it, and clarify its extent. Is it proposed to end prior to being adjacent to the preserve area or continue adjacent to the preserve?

RESPONSE: The dashed line is labeled as a utility easement and will not go through the upland preserve.

8. Please clarify the purpose of the dotted line that appears to depict a 5-foot separation from the southwestern boundary into the southern drainage tract and through the pool patio, roadway terminus and pool parking, and utility tract/easement. The applicant must demonstrate no conflicts with common area or utility tracts and easements.

RESPONSE: The erroneous line has been removed.

9. As previously requested, please revise the site plan legend for consistency with the graphics. For example, remove any elements from the legend that do not apply to this site plan, such as the existing pavement or overhead utilities. Please add elements that require distinction such as existing fence to be replaced and/or new fencing, or clearly label the extent of those differently proposed conditions directly on the graphics. It is not clear where the proposed decorative replacement fencing starts/ends and where the proposed Black vinyl chain link replacement fence starts/ends, and where new or existing fence is proposed to be constructed, remain, or be removed.

RESPONSE: The legend has been updated on the site plan.

ITEM #3: PARKING

1. Please revise the parking data table calculations for consistency with the code criteria and the proposed development. The architectural plans show all units having 3 bedrooms and the parking table states 2 bedrooms. Please be advised that pursuant to Section 4.624., LDR, the required rate is two spaces per unit (does not include number of bedrooms) and should be shown in the parking table as Number of Units = 28, rate is 2/unit, so required parking would be $28 \times 2 = 56$ total "Required Parking".

RESPONSE: The Parking Data Table has been updated to depict the "Required Parking".

2. Please cite the "Provided Parking" in this table, in addition to the required, to state the number of parking spaces provided to demonstrate compliance.

RESPONSE: The Parking Data Table has been updated to depict the “Provided Parking” and “Required Parking”.

ITEM #4: PUD ZONING AGREEMENT

The zoning standards for each PUD shall be set forth in a PUD agreement, which shall be a written, mutual agreement signed by the landowner and the Board of County Commissioners. The PUD agreement shall include a master and/or a final development plan and shall comprehensively set forth all the zoning standards that shall apply to the subject parcel of land and shall be approved pursuant to article 10. MARTIN COUNTY, FLA., LDR SECTION 3.242. (2002)

All PUD zoning agreements, as well as amendments to such agreements, shall be consistent with the CGMP. Applicants for PUD zoning shall have the burden of demonstrating that the proposed PUD zoning standards will protect the health, safety and welfare of the general public to a greater extent than would have been possible pursuant to the standard zoning regulations set forth in this article. MARTIN COUNTY, FLA., LDR SECTION 3.244.A. (2002)

Remedy/Suggestion/Clarification:

Please submit a revised PUD Zoning Agreement to address the following issues:

1. On Page 5, Section 6 regarding change or amendment should reference Section 10.15., LDR, Martin County, Fla. (2019).

RESPONSE: The reference has been updated.

2. Please submit a revised Exhibit E, Timetable, to:

- a. Require building permits (not plat) to be obtained within one year of the master/final site plan approval.

RESPONSE: Exhibit E, Timetable for Development, Item B, has been revised per Martin County comment.

- b. Require construction of the project to be completed within two years after master/final site plan approval.

RESPONSE: Exhibit E, Timetable for Development, Item C, has been revised per Martin County comment.

- c. Require construction of the amenities to be complete prior to issuance of the first certificate of occupancy.

RESPONSE: Exhibit E, Timetable for Development, Item E, has been revised per Martin County comment.

- d. Remove the text referencing “model homes or sales offices” since those are not being proposed as part of the project.

RESPONSE: Temporary model homes and sales offices are proposed as part of the project. References have been updated to “temporary model homes” and “temporary sales offices”. Please see the PUD Zoning Agreement Exhibit F, Item 5 for “Temporary Models” and Item 11 for “Temporary Sales Office”.

3. Please submit a revised Exhibit F, Special Conditions, to:

- a. **Remove Special Condition (SC) #3, currently cited as “intentionally deleted” and renumber the remaining SCs.**

RESPONSE: Acknowledged and completed.

- b. **Please revise SC 5 to require sprinkler systems rather than making them optional as follows, “*Multifamily units constructed as attached townhouse units which may be individually conveyed as platted lots shall provide fire sprinkler systems in accordance with NFPA 13D.*”**

RESPONSE: Per Staff, sprinkler systems will not be required. As such, this condition has been removed from the PUD Zoning Agreement.

- c. **Remove the reference to a community center in SC # 12.B. No community center appears to be proposed.**

RESPONSE: The reference to a community center has been removed from the PUD Zoning Agreement.

- d. **Revise SC 19 to require the provision of public benefits to be completed prior to issuance of the first certificate of occupancy, and not “at” issuance of the first certificate of occupancy or at building permit issuance. The subsections requiring this revision include A.i., A.ii., A.iii., and A.iv..**

RESPONSE: The PUD Agreement has been revised accordingly. See Special Condition 15.

- e. **Revise SC 19.B.i. to reflect the proposed buildout conditions, which propose a 0 (zero) foot setback on one side of each unit.**

RESPONSE: The PUD Agreement has been revised accordingly. See Special Condition 13.A.

- f. **Please delete SC 19.A.v., which is a standard requirement for PUD development and is not considered a public benefit above and beyond the requirements.**

RESPONSE: The PUD Agreement has been revised accordingly. See Special Condition 15.

4. Please also see Exhibit 2 to this report for a red-lined copy of the draft PUD zoning agreement for additional comments/corrections requested.

RESPONSE: The PUD Agreement has been revised accordingly.

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

RESPONSE: Acknowledged.

Information #2:

Timetable of Development - Final

The timetable of development for final site plans require all permits to be obtained within one year of approval and require all construction to be completed within two years of approval. MARTIN COUNTY, FLA., LDR, § 10.1., 5.32

RESPONSE: Acknowledged.

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 §10.13.D.2 (2019)

RESPONSE: Acknowledged.

***I. DETERMINATION OF COMPLIANCE WITH THE PROPERTY MANAGEMENT REQUIREMENTS –
ENGINEERING DEPARTMENT – COLLEEN HOLMES – (772) 288-5794***

Unresolved Issues:

The Applicant is required to provide a Drainage, Access and Maintenance Easement from Danforth Creek to the top of bank to Martin County. The following due diligence materials are required:

Item #1: TITLE COMMITMENT

1. Original Title Commitment for the proposed dedication site(s).

RESPONSE: Please see the enclosed original revised Title Commitment.

2. The Proposed Insured is: Martin County, a political subdivision of the State of Florida.

RESPONSE: Acknowledged.

3. **The Insurable Amount is subject to approval by the Real Property Division.**

RESPONSE: Acknowledged.

4. **Legible copies of all documents listed on the Title Commitment as B-II Exceptions must be provided with the Title Commitment.**

RESPONSE: Copies of the B-II Exceptions have been provided.

NOTE: The drainage easement required is incorrect on the site plan which in turns makes the recently revised sketch and legal also incorrect. The drainage easement must be from top of bank. Correct the legal description on Schedule A of the Title Commitment. Please reference Resolution 18-12.7 on Schedule B-II #7.

RESPONSE: Please see the enclosed revised sketch and legal and revised Title Commitment.

Item #2: SURVEY AND SKETCH AND LEGAL DESCRIPTION

1. **Two (2) original signed and sealed Surveys of the dedication site(s).**

RESPONSE: Two (2) original signed and sealed sketch and descriptions are enclosed with this submittal.

2. **The Survey must be certified to Martin County, a political subdivision of the State of Florida and to the Title Company.**

RESPONSE: The Survey is 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.**

RESPONSE: Acknowledged. The Survey has been revised in accordance with your comment.

4. **Parcel ID number(s) must be included.**

RESPONSE: Acknowledged. The Parcel ID Numbers are included on the Survey.

All title exceptions that can be plotted must be shown on the Survey.

RESPONSE: Acknowledged.

5. **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.**

RESPONSE: Acknowledged.

6. **Two (2) original 8 ½" by 11" signed and sealed Sketch and Legal Descriptions of the dedication site(s) must be provided.**

RESPONSE: See the two (2) enclosed original sketch and legal descriptions of the dedication site.

NOTE: A survey prepared with the benefit of the Title Commitment has not been provided. Corrections to the sketch and legal of the drainage easement have been forwarded to CAPTEC Engineering Inc.

RESPONSE: Please see the enclosed revised Title Commitment, sketch and legal, and survey.

ITEM #3: ENVIRONMENTAL SITE ASSESSMENT

1. **A Phase I Environmental Site Assessment must be provided stating that there are No Recognized Environmental Conditions in accordance with the current standards of the American Society for Testing Material (ASTM15271).**

RESPONSE: Please refer to an excerpt from Section 8, page 15, of the Phase I Environmental Site Assessment (ESA) Report:

We have performed a Phase I Environmental Site Assessment following the general methodology of ASTM Practice E 1527-13 and the Environmental Protection Agency's 40 CFR Part 312 "Standards and Practices for All Appropriate Inquiries; Final Rule (AAI)" for the Magnolia Ridge of Palm City property located at 2810-2840 SW Martin Highway in Palm City, Martin County, Florida. Any exceptions to, or deletions from, this practice are presented in Appendix VI of this report. This assessment has revealed no evidence of Recognized Environmental Conditions (RECs) in connection with the subject property.

Also, please see Letter dated 12/18/19 from David Andre, P.E.

2. **The Phase I report must be dated within 180 days of submission or include a current updated letter from the ESA firm.**

RESPONSE: The Phase I Environmental Site Assessment Report is dated July 18, 2019 which is within the 180-day timeframe required by Martin County. Please see Letter dated 12/18/19 from David Andre, P.E.

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

RESPONSE: Please refer to an excerpt from Section 3.1, page 3, of the Phase I Environmental Site Assessment (ESA) Report:

This report presents the results of Andersen Andre Consulting Engineers, Inc.'s Phase I Environmental Site Assessment, as described herein, and is intended only for use by Palm City GA Homes LLC and by Martin County, a political subdivision of the State of Florida, for the purpose of evaluating the property relative to real estate transactions related to the site. It was prepared in accordance with the agreement between AACE and Palm City GA Homes LLC for consulting services. No entity other than Palm City GA Homes, LLC and Martin County is entitled to rely on this Phase I report unless our express written consent is first obtained.

Also, please see Letter dated 12/18/19 from David Andre, P.E.

J. DETERMINATION OF COMPLIANCE WITH ENVIRONMENTAL AND LANDSCAPING REQUIREMENTS – GROWTH MANAGEMENT DEPARTMENT – KAREN SJOHOLM (772) 288-5209

Landscape

Unresolved Issues:

ITEM #1: STANDARD APPLICATION REQUIREMENTS

The deficiencies noted in this section need to be addressed by the applicant with revised plans and documentation. To ensure a successful review, the following shall be provided with your resubmittal information:

Revision dates/notes on all affected plans.

Plans should be provided with "call-out" revision clouds/notes to identify areas that have been modified from the original submittal.

A summary of changes that are provided with your resubmittal information, the staff report may be used as a template for your responses. It is important that you be specific as to what has been changed and where the changes may be found in the resubmitted materials. Resubmittal comments provided to address deficiencies such as "see the revised plans" should be replaced with more specific language such as "refer to the revised 30' dimension to the NE buffer provided on sheet 3/4 and revised landscape note 3 on sheet 2/4".

A landscape plan is required with this application. The landscape plans must be prepared and sealed by a registered landscape architect and include all information required for submittal as specified in Section 4.662.A, LDR. Indicate the location and type of all the following, both existing and proposed:

1. Property boundaries, land use, rights-of-way and easements.
2. On-site and abutting land use features, including adjacent sidewalks, existing vegetation, natural features and site improvements within 50 feet of the property.
3. Buildings, structures, paving, and adjacent buildings within 50 feet of the property.
4. All overhead, above and underground utilities, including septic tanks, drainfields and RPZ valves.
5. Off-street parking, access aisles, driveways and other vehicular use areas.
6. Surface water bodies and wellfields.
7. Plant installation methods and irrigation sources.
8. Ditches, swales, stormwater treatment structures or slopes exceeding 3V:1H in any proposed landscape areas.

RESPONSE: Acknowledged.

ITEM # 2: LANDSCAPE TABULAR DATA

Landscape plans shall include a table which lists the gross and net acreage, acreage of development and preservation areas, number of trees and tree clusters to be protected within the developed area and within perimeter areas (Ref. Section 4.662.A.10, LDR). Tabular data shall also indicate a calculation of the minimum total number of trees and shrubs required to be planted based upon the proposed developed area and separately based upon quantities required to meet the required bufferyard requirements.

Please also include the following:

1. Irrigated and non-irrigated turf areas shall be quantified and identified on the landscape plan.

RESPONSE: Sheet L3 has been updated to reflect the irrigated and non-irrigated turf areas.

Remedy/Suggestion/Clarification:

The plant schedule indicates 52,353 sq. Ft of Floratam sod but only 21,394 square feet of irrigated sod. Floratam typically must be irrigated to survive, please explain how this sod is to be maintained healthy without irrigation. In addition, the 5 ft. construction setback surrounding the preserve is shown to be cleared, grubbed and sodded with the Floratam. These 5 feet can be cleared but not grubbed without potential damage to the preserve vegetation. Floratam would be a maintenance problem to keep from invading into the preserve, all vegetation adjacent to a preserve is required to consist of native species. It is advised that these 5 feet be retained as natural groundcover.

RESPONSE: The tables have been updated to indicate the Floratam sod areas that are to be irrigated. The remainder of the sod areas are listed as Bahia and they are not to be irrigated. The revised overall plant schedule is listed on sheet L5 and the revised irrigated sod plan is located on sheet L3.

The 5' area around the upland preserve is now proposed to be planted with native shrubs. The new plantings are located on sheet L2. A note has also been added to sheet L2 regarding the clearing but no grubbing in this 5' strip.

ITEM #3: LANDSCAPE BUFFERARD REQUIREMENTS

Landscaped buffer yards 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]

RESPONSE: Acknowledged.

1. Please demonstrate compliance with the following criteria for landscape buffer yards:

Type 4 buffer yard: A 40-foot-wide landscape strip with a six-foot-high opaque fence or wall. At least one tree and 34 shrubs shall be provided for every 300 square feet of required buffer yard. Trees must be at least 14 feet in height with a three-inch caliper and staggered for maximum opacity.

RESPONSE: Please refer to the Landscape Buffer Narrative enclosed addressing the requirement of a landscape buffer and, to the extent required, proposed alternative compliance.

All shrub material used as a part of a dissimilar land use buffer yard shall be a minimum height of 30 inches and have a minimum crown width of 24 inches when planted; shall be species capable of achieving a minimum height of six feet; and shall be located in such a way as to maximize the screening potential. [Section 4.663.C.4., LDR]

RESPONSE: As part of the alternate buffer design we are proposing a double hedge on each side of the property line. To create a layered look the hedge closer to the fence would be 30" tall at the time of planting and the secondary hedge would be 24" tall at the time of planting. Refer to sections on sheet L5.

Requirements for vegetative landscape screens. Where vegetative landscape screens are installed in required buffer yards, they shall be required to form a solid visual screen at time of planting (ref. Section 4.663.B.4., LDR for additional information).

RESPONSE: The proposed double hedge would create a 30" tall solid visual screen at the time of planting. The double hedge would grow to a height of 6' and 3' tall and be maintained at those heights creating a 6' tall solid visual screen. Refer to sections on sheet L5.

Use of buffer yards. Utilities, easements, septic drain fields or other physical improvements shall not be placed in buffer yards, unless approved by the Growth Management Director based on good cause shown. Buffer yards may not be established on single family residential lots.

RESPONSE: The proposed buffer is not located on the single-family residential lots.

2. **Please demonstrate compliance with the following criteria for landscape buffer yards for residential uses along major transportation corridors:**

Screening of construction sites. Provide criteria that required residential buffer yards be installed no later than 60 days after commencement of any site clearing. The Growth Management Director may modify this requirement where the applicant can demonstrate that the land clearing activities will not be readily visible from a minor or major arterial street or because a temporary or permanent source of landscape irrigation cannot reasonably be installed until later in the development process. Any modification of this requirement shall be the minimum necessary to overcome the particular limitations of the site, but in no case shall vertical construction of residential buildings commence until the required buffer yard is installed.

RESPONSE: Notation regarding screening of construction sites can be found on sheet L1.

Remedy/Suggestion/Clarification:

The plans propose to provide 6 feet of landscaping along the east fence and to plant 6 feet on the church property, the church property already is designated as ½ of a Type 4 buffer, please explain how planting within this buffer meets the requirement that 20 feet be provided on the Magnolia Ridge site? What mechanism is proposed to authorize work on property not owned by the applicant? Any request for alternative compliance must demonstrate that the proposed plan fulfills the purpose and intent of this division as well as or more effectively than would adherence to the strict requirements of this division.

See below Code section for required elements.

Sec. 4.667. Alternative compliance.

An applicant may submit a landscape plan which varies from the strict application of the requirements of this division in order to accommodate unique site features or utilize innovative design. An alternative compliance landscape plan shall be approved only upon a finding that it fulfills the purpose and intent of this division as well as or more effectively than would adherence to the strict requirements of this division.

4.667.A Evaluation. The applicant must provide documentation to justify a landscape plan not meeting the minimum standards of this division. Such documentation shall include a quantitative analysis of areas not meeting minimum standards or dimensions, required vs. provided dimensions, and materials not meeting minimum Code requirements. In evaluating proposed alternative compliance landscape plans, considerations shall be given to proposals which preserve native vegetation and use drought-tolerant plantings and other low water use landscape design principles and where the design may accomplish one or more of the following:

- 1. Ensures preservation of the maximum predevelopment vegetation on the site.**
- 2. Is designed to assure that the overall appearance and function of the proposed project is compatible with other properties in the immediate area; is demonstrably responsive to the environmental attributes of soil, slope, hydrology, and vegetative communities unique to the site; is consistent with sound planning and site design principles, and contingent upon:**
 - a. Structures and other improvements are designed as to utilize existing site characteristics of topography, existing vegetative communities, and any unique environmental feature.**
 - b. Conflicts between vehicular and pedestrian circulation are avoided.**
 - c. Planting plans indicate a diversity of plant species in the categories of ground covers, shrubs, and trees.**
 - d. Integration of proposed and existing vegetation is demonstrated in the plans with an emphasis on maintaining native community buffers and corridors, preserving or restoring forest community types, and providing for the natural ecological function of each type by using such techniques as preserving a diversity of upperstory, midstory, and understory.**
 - e. Plant schedules contain botanical and common names, sizes of materials by dimension and containerize, location by dimension, and notation describing species diversity.**
 - f. Planting specifications and species selected for the site are suitable for individual site environmental characteristics of soil slope, aspect, wetness and microclimate.**
 - g. Plans indicate compatibility with adjacent site environmental features.**
- 3. Implements an EcoArt element as approved by the Growth Management Department Director.**

This request does not meet requirements for approval of Alternative Compliance. Some reduction of buffer dimensions may be allowed but this request statement does not demonstrate requirement of meeting or exceeding intent of the Code.

RESPONSE: Refer to the landscape buffer narrative for alternative compliance.

ITEM #4: LANDSCAPE NATIVE TREE PROTECT & SURVEY

A tree survey is required to identify specific native trees required to be protected from development [Section 4.666, LDR]. Please note that trees in proposed preservation areas, palm trees and non-native species need not be identified on this survey. Existing native vegetation shall be retained to act as buffers between adjacent land uses, and to minimize nuisance dust noise and air pollution during construction. The following information shall be provided for trees in the developed area:

RESPONSE: Acknowledged.

A tree survey including approximate position of protected trees, protected tree clusters, landscaping and other vegetation to be preserved or removed. Trees required to be protected include any hardwood native tree having a diameter of eight inches DBH or greater throughout the developed site. Within the perimeter area, protected trees include any native hardwood tree four (4) inches DBH or greater, or any native softwood tree including pine trees 8 inches DBH or greater. Clearly identify the specific tree species required to be protected on the survey; these trees should be flagged in the field for staff verification.

RESPONSE: Protected tree notes have been added to sheet L1 and L2.

The development activity shall 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.

RESPONSE: Acknowledged.

Please provide a justification statement for the proposed removal of any identified protected trees. Specific conditions and criteria providing for protected tree removal may be found in Section 4.666.C., LDR.

RESPONSE: Due to the proposed construction and grade modifications all trees on-site are scheduled to be removed except for the trees in the upland preserve and the legacy pine tree on the south end of the property.

As a condition of the issuance of a permit for removal of a protected tree, a satisfactory plan shall be presented by the applicant for the successful replacement of trees to be removed, based on the schedule found in Section 4.666.D., LDRs. Such schedule may be offset by the tree preservation schedule, for protected trees to be retained on site, as found in Section 4.664.F., LDRs.

RESPONSE: Refer to sheets L1 and L2 for tree removal and mitigation information.

Remedy/Suggestion/Clarification:

Tree #2013 is stated to be off-site and to remain but appears to actually be in the recreational area, please review. The landscape plan shows 2 trees within the east buffer as to remain; which tree numbers are these? Are they located on the church property? They do not appear to be shown on the tree survey.

RESPONSE: The status of tree 2013 has been updated on sheet L1. The two trees along the east buffer are on the church property but they were not part of the original tree survey. I incorporated these trees into the plan based on a site visit. A note has been added to sheet L1 stating that the additional trees to be protected are shown on sheet L2. On sheet L2 notes have been added for the tree protection as well as a reference to the tree protection detail that has been added to sheet L6.

No grades or cross-section are shown for the area by the big pine. How is the approximate 2 foot (?) grade at the top of retention berm to transition down without impacting the pine? Is a tree well to be utilized?

RESPONSE: A tree well detail has been added to sheet L5. The tree well is now indicated on sheet L2.

There is an existing berm along the property line to the east, investigate if existence of this berm would offer an alternative to building another berm directly adjacent. Comment not addressed.

RESPONSE: Please see the Easement Agreement between Palm City Presbyterian Church and Palm City GA Homes, LLC. The berm will be combined.

ITEM 5: CONSTRUCTION STANDARDS – TREE PROTECTION

Please provide for the locations, construction and maintenance requirements of tree protection barricades on the appropriate pages of the landscape and construction plans [Section 4.666.B., LDR]. The following shall be included on the land-clearing page:

Location of protected trees with tree protection barricades, where warranted. Barricades must be constructed around the critical protection zone of each tree or cluster of trees.

RESPONSE: Tree protection location notes have been added to sheet L1 and L2. A typical tree protection detail has been added to sheet L6.

Construction details for the installation of erosion control devices and tree protection barricades. All barricades must be maintained intact for the duration of construction.

RESPONSE: This note has been added to the typical detail on sheet L6.

Construction standards/criteria that states: During periods of development and construction, the areas within the dripline of preserved trees shall be maintained at their original grade with pervious landscape material. Within these areas, there shall be no trenching or cutting of roots; no fill, compaction or removal of soil; and, no use of concrete, paint, chemicals or other foreign substances.

RESPONSE: The above note has been added to the standard detail on sheet L6.

These barricades must be constructed of a minimum of one-fourth-inch diameter rope which is yellow or orange in color and made of nylon or poly. The rope is to be attached to a minimum of 2 x 2 wooden poles, iron rebar, two inches or greater PVC pipe or other material with prior approval of the Growth Management Department. The rope must be a minimum of four feet off the ground and may not be attached to any vegetation.

RESPONSE: A typical barricade detail has been added to sheet L6.

Remedy/Suggestion/Clarification:

The clearing plan shows the entire site except for the preserve and the 1 big pine tree as being cleared; what protection is to be utilized to protect the off-site trees? The silt fence is shown directly on the property line. Add barricade location protection to the clearing plan for the off-site trees.

RESPONSE: The trees off-site but near the property line are now noted on sheets L1 and L2 to be protected. A tree protection detail has been added to sheet L6.

ITEM #6: PRESERVE AREA INTERFACE REQUIREMENTS

Please provide for the following planting requirements, pursuant to Sec 4.663.E., LDR:

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

RESPONSE: The plantings around the perimeter of the upland preserve have been updated to native plantings. Refer to sheet L2 for revised plantings.

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

1. Stormwater management systems. Plantings within dry retention and detention stormwater areas abutting preserve areas shall be restricted to native trees, native shrubs and native groundcovers. Wet retention and detention stormwater areas abutting preserve areas shall be designed and planted as littoral and upland transition zone areas (preserve area interface) and connected to preserve areas pursuant to Article 4, Division 8, LDR, MCC.

RESPONSE: The plantings in the retention ponds have been updated. Refer to sheet L2 for plantings.

2. **Perimeter landscaping. Plantings within perimeter vehicular use landscape areas abutting preserve areas shall be restricted to native trees, native shrubs and native groundcovers pursuant to quantity, size and dimension requirements of section 4.663.A.4., LDR, MCC.**

RESPONSE: The plantings around the perimeter of the upland preserve have been updated to native plantings. Refer to sheet L2 for revised plantings.

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

RESPONSE: The plantings in the retention ponds have been updated. Refer to sheet L2 for plantings.

Remedy/Suggestion/Clarification:

Comment not addressed. Alternative compliance for stormwater retention areas not being contiguous with buffers and preserve areas shall require them to be planted with native vegetation. See last sentence of Section 4.663.E. Revise plans to comply.

RESPONSE: The plantings in the retention ponds have been updated. Refer to sheet L2 for plantings.

Add a note to the site plan and landscape plan to state that stormwater management areas are to be maintained with planted native vegetation, in perpetuity.

RESPONSE: The bottom of the south retention area is now planted with Sand Cordgrass and Southern Blue Flag Iris as indicated on sheet L1. We have been informed by Civil that the retention ponds at the north end of the property do not require native plantings. The slopes of all the retention areas now call for Bahia grass. The requested note regarding native vegetation in the retention pond has been added to sheet L1.

M. DETERMINATION OF COMPLIANCE WITH ENGINEERING, STORM WATER AND FLOOD MANAGEMENT REQUIREMENTS – ENGINEERING DEPARTMENT – STEPHANIE PICHE – (772) 288-5416

Unresolved Issues:

ITEM #1: RIGHT-OF-WAY IMPROVEMENTS

1. **As previously stated, demonstrate that the proposed sidewalk within the SW Martin Highway Right of Way does not exceed a maximum cross slope of 2% and running slope of 5%. The western portion of the sidewalk that is not being modified, should not have any proposed elevations only existing elevations. Provide additional proposed elevations demonstrating maximum slopes are not exceeded. [MARTIN COUNTY, FLA., LDR SECTION 4.843.G (2010)]**

RESPONSE: Elevations have been added to the proposed section of sidewalk within SW Martin Highway's right-of-way.

2. ***The Right of Way Use Permit Application required with this application can be found at: <https://www.martin.fl.us/martin-county-services/right-way-use-permit-application>**

RESPONSE: Acknowledged.

ITEM #2: PRIVATE ROAD MAINTENANCE

1. **As previously stated, all interior roadways depicted on a development's Final Site Plan need to be identified on the Final Site Plan as being either public or private. Additionally, the General Notes on the Final Site Plan must address what entity has the responsibility for maintaining the roadways in a manner acceptable to Martin County. This information must be consistent with similar information contained in the dedication's language of a proposed plat. Although the response letter stated that this was addressed, staff could not locate the referenced notes. [MARTIN COUNTY FLA., LDR SECTION 4.843.I (2010)]**

RESPONSE: SW Magnolia Ridge Lane has been labeled as a private road.

ITEM #3: OFF-STREET PARKING

1. **As previously requested, provide an auto turn exhibit demonstrating that a fire truck can properly turn around using the proposed Tee Turn. Although the response letter states that an auto turn exhibit was included, staff was unable to locate the exhibit within the submitted documents.**

RESPONSE: See the Auto Turn Exhibit included within this submittal.

2. **As previously requested, provide sight distances on the Landscape Plan [MARTIN COUNTY, FLA., LDR SECTION 4.843.F (2010)] [FLORIDA DEPARTMENT OF TRANSPORTATION INDEX #546 (2016)]**

RESPONSE: The sight distances have been added to Sheet L2.

3. **Demonstrate that the proposed parking stalls within the garages meet a minimum ten-foot width and 20-foot depth. [MARTIN COUNTY, FLA., LDR SECTION 4.627.B (2009)].**

RESPONSE: See the enclosed Floor Plan, Sheet A2.1.2.

ITEM #4: CONSISTENCY WITH OTHER PLANS

1. **The limits of the required drainage easement for the maintenance of Danforth Creek shown on the Final Site Plan and Construction Plans must be revised to extend to the top of bank.**

RESPONSE: The limits of the required drainage easement for the maintenance of Danforth Creek have been revised to extend to the existing top-of-bank. Please see the enclosed easement.

2. **As previously stated, provide boundaries and annotations for each proposed lot, tract and right of way. It is unclear what the limits of each tract is. Additionally, it is unclear what tract or right-of-way the 5' area around the upland preserve area belongs to.**

RESPONSE: The 5' area is the required buffer around the Upland Preserve Tract, but it is not part of the Upland Preserve. It is the required 5' buffer. Annotations of the boundaries, lot lines, and tracts were added to the site plan.

Item #5: STORMWATER MANAGEMENT PLAN

1. **Revise the stormwater maintenance plan to describe in detail the operation and maintenance of the stormwater management system (after final certification) in order to ensure the perpetual functioning of the system. This plan should include a detailed checklist of items that must be inspected on an annual basis, or more frequently as necessary, for the proper operation of the system. The stormwater maintenance plan shall ensure that all areas within the stormwater management system have a plan for the removal of nuisance exotics. In addition, the continued monitoring of nuisance exotics shall be included in the maintenance plan to ensure that no regrowth has occurred. [MARTIN COUNTY, FLA., LDR SECTION 4.386 (2015)]**

RESPONSE: The Stormwater Maintenance Plan has been updated to include a detailed checklist and removal of nuisance exotics.

2. **The water quality calculations in section 1.3 state that 0.747 Acre-feet of water quality is met at an elevation of 15.75'NAVD. This is inconsistent with the proposed stage storage table, where the volume is met at 16.25'NAVD**

RESPONSE: The water quality calculations have been updated.

3. **The stage area within the ICPR report is inconsistent with the stage storage table in section 1.5. Revise the ICPR report to include stage storage in lieu of stage area and ensure consistency with the proposed stage storage table in section 1.5.**

RESPONSE: The ICPR Model has been revised to use stage volume to be consistent with the stormwater calculations in the report.

Item #6: STORMWATER MGMT CONSTRUCTION PLANS

1. **The control structure detail CS-1 on Sheet 9 of the Construction Plans does not accurately depict what is shown on Sheet 4 and Sheet 7. Revise for consistency.**

RESPONSE: Control Structure Detail CS-1 has been updated.

2. **Provide a copy of a recorded easement granting permission to grade on the adjacent parcel to the east and assigning the maintenance responsibility in perpetuity.**

RESPONSE: Please see the enclosed the executed easement agreement between Palm City Presbyterian Church and Palm City GA Homes, LLC. The original has been sent to recording and a copy of the recorded easement will be provided by supplemental submitted upon receipt.

3. **Remove all proposed grading on the adjacent Martin County owned parcel to the west. Proposed improvements must match existing elevations at the property line.**

RESPONSE: Grades have been removed and a retaining wall has been added to match the existing elevations at the property line.

4. **Cross Section L-L shows filling on adjacent parcel, but plan view does not show appropriate hatching and notes. Revise for consistency.**

RESPONSE:

5. **Revise Martin County Standard Detail R-38 to include the required notes.**

RESPONSE: The Martin County Standard Detail R-38 has been revised to include the required notes.

Item #7: PUD REVIEW COMMENTS

1. **Exhibit E, Item E: All amenities must be complete prior to the issuance of the 1st Certificate of Occupancy.**

RESPONSE: Exhibit E, Item E has been revised per Martin County's comment.

2. **Exhibit F, Item 6, Hauling of Fill: The Engineer's Opinion of Probable Excavation, Fill and Hauling Form states that no hauling is proposed; therefore, this section must prohibit hauling. Remove the portion of the condition that states "unless incidental to land development work".**

RESPONSE: Exhibit F, Item 6 is now "Retention of Native Vegetation". Hauling of Fill is now Exhibit F, Item 4, and it has been revised per Martin County's comment.

3. **Exhibit F, Item 11, Soil Erosion and Sedimentation: Revise the last sentence as follows, "Construction practices such as seeding, wetting, and mulching which minimize airborne dust and particulate emission generated by construction activity shall be completed progressively and actively maintained as vegetation removal occurs within a given area of a site. Areas to be filled shall be contained to prevent runoff and degradation of buffer zone vegetation within a minimum of 24 hours prior to the filling and shall be stabilized with sod or other suitable method within 30 days of vegetation removal or fill placement.**

RESPONSE: Exhibit F, Item 11 is now "Temporary Sales Office". Soil Erosion and Sedimentation is now Exhibit F, Item 8, and has been revised per Martin County's comment.

4. **Exhibit F, Item 13, Temporary Construction Office: Replace the word "bond" with "security in a form acceptable to the County Attorney".**

RESPONSE: Exhibit F, Item 11 is now "Temporary Sales Office". Soil Erosion and Sedimentation is now Exhibit F, Item 8, and has been revised per Martin County's comment.

5. **Exhibit F, Item 14, Temporary Sales Office: Revise to indicate that the temporary sales office must be removed prior to the 1st Certificate of Occupancy. Replace the word "bond" with "security in a form acceptable to the County Attorney".**

RESPONSE: Exhibit F, Item 14 is now "Water / Wastewater and Irrigation". Temporary Sales Office is now Exhibit F, Item 11, and has been revised per Martin County's comment.

6. **Exhibit F, Item 19, Public and Developer Benefits: All public benefits must be complete prior to the issuance of the 1st Certificate of Occupancy, revise section accordingly. Revise 19.A.i, to include that the Association shall be the owner of the fountain. Revise 19.A.i to include: "A Right-Of-Way Maintenance Agreement shall be executed by Martin County and the Association and shall be recorded in the Official Public Records of Martin County prior to the issuance of a Right-Of-Way Use Permit."**

RESPONSE: Exhibit F, Item 19 has been deleted. Please See Exhibit F, Items 15.A.i thru 15.A.iv.

7. **Exhibit F add a new Item/Section: ACCESS GATE The access gate at the SW Martin Highway entrance shall not prohibit Public Access. In the event that the modification, replacement, or removal of the gate shall occur, access shall continue to be non-restrictive.**

RESPONSE: Please see Exhibit F, Item 13.D of the PUD Zoning Agreement which states, "The access gate at SW Martin Highway entrance shall not prohibit public access. In the event that the modification, replacement or removal of the gate shall occur, access shall continue to be non-restrictive." This is also noted on the plans.

ADDITIONAL INFORMATION:

INFORMATION #1: DEVELOPMENT ORDER CONDITIONS:

A copy of the recorded drainage easement for the Danforth Creek Bank must be provided during Post Approval. 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.

RESPONSE: Acknowledged.

N. DETERMINATION OF COMPLIANCE WITH ADDRESSING AND ELECTRONIC FILE SUBMITTAL REQUIREMENTS – GROWTH MANAGEMENT AND INFORMATION TECHNOLOGY DEPARTMENTS - EMILY KOHLER (772) 288-5692

Electronic File Submittal

Unresolved Issues:

Item #1:

No new AutoCAD master/final site plan dwg digital file was received with your resubmittal. Even if a comply is given with the previous round, a digital file must be submitted.

RESPONSE: Acknowledged. A digital file is included with this submittal.

P. DETERMINATION OF COMPLIANCE WITH FIRE PREVENTION AND EMERGENCY MANAGEMENT REQUIREMENTS – FIRE RESCUE DEPARTMENT – DOUG KILANE – (772) 288-5633

Fire Prevention

Unresolved Issues:

The Fire Prevention Bureau finds this submittal not in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code and referenced

publications. 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.

RESPONSE: Acknowledged.

ITEM #1: NEEDED FIRE FLOW REQUIREMENTS FOR BUILDINGS

Identify the Needed Fire Flow Requirements for all buildings / structures. Fire flow calculations shall be prepared and sealed by a professional engineer currently licensed in the state of Florida for each newly constructed building.

The Needed Fire Flow Requirement must be in accordance with Florida Fire Prevention Code, N.F.P.A. 1, Chapter (latest adopted edition). The Guide for Determination of Needed Fire Flow, latest edition, as published by the Insurance Service Office (ISO). All calculations must be demonstrated and provided.

RESPONSE: The sprinkler requirement has been removed per staff. Please see the enclosed Fire Flow Test Result.

ITEM #2: APPROVED WATER SUPPLY – HYDRANT FLOW TEST

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

RESPONSE: Please see the enclosed Fire Flow Test Result.

ITEM #3: PUD Zoning Agreement

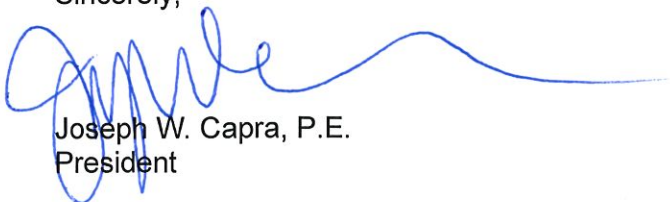
As previously requested, please delete the proposed Special Condition #5 for fire protection, within the draft PUD Zoning Agreement Exhibit F, Special Conditions. The proposed condition is inconsistent with current fire protection codes (NFPA). No special condition is required within the PUD if the applicant is not proposing different conditions than the existing fire protection codes, which will be required to be met at building permit.

Staff recommends that the applicant consider revising this special condition to require sprinklers in the units by changing the term “may” to “shall” regarding sprinkler installation. This commitment would qualify for and count as providing a public benefit.

RESPONSE: Per Staff, Special Condition No. 5 has been deleted from the PUD Zoning Agreement. The PUD does not require sprinklers in the units; therefore, no sprinkler installation is being considered.

We believe all of Martin County’s comments have been addressed. Please do not hesitate to call should you need additional clarification on any response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe Capra', with a long horizontal flourish extending to the right.

Joseph W. Capra, P.E.
President

JWC/HLT/kk
Enclosures