



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

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

### **AGTEC-1 PUD (TURNER GROVES PUD) Rezoning to PUD, PUD Agreement and Master Site Plan**

Applicant:	Turner Groves Ltd Partnership
Property Owner:	Turner Groves Ltd Partnership
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:	T136-002
Application Type and Number:	D008 201400283
Report Number:	2015_1222_T136-002_DRT_Staff_FINAL.docx
Application Received:	12/03/2014
Transmitted:	12/04/2014
Staff Report Issued:	01/22/2015
Joint Workshop:	03/19/2015
Resubmittal Received:	04/23/2015
Transmitted:	04/27/2015
Staff Report Issued:	06/17/2015
Joint Workshop:	07/02/2015
Resubmittal Received:	10/13/2015
Transmitted:	10/15/2015
Staff Report Issued:	12/23/2015
Joint Workshop:	TBD

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

This is an application requesting approval of a rezoning from A-2 to Planned Unit Development (PUD), PUD Zoning Agreement and Master Site Plan for a 7.66 acre portion of the 1,717 acres AgTEC Tract located on SW Martin Highway approximately 4,400 feet west of I-95. The property consists of agricultural land, converted from citrus crops to cattle grazing, with a current zoning of A-2 and a future land use designation of AgTEC. The applicant is proposing to develop approximately 32,100 square feet of buildings for professional office use.

## ***C. Staff recommendation***

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

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Catherine Riiska	288-5667	Non-Comply
F	ARDP	Samantha Lovelady	288-5664	N/A
G	Development Review	Catherine Riiska	288-5667	Non-Comply
H	Urban Design	Catherine Riiska	288-5667	N/A
H	Community Redevelopment	Catherine Riiska	288-5667	N/A
I	Property Management	Colleen Holmes	288-5794	Comply
J	Environmental	Shawn McCarthy	288-5508	Non-Comply
J	Landscaping	Karen Sjöholm	288-5909	Non-Comply
K	Transportation	Stephanie Molloy	288-7945	Non-Comply
L	County Surveyor	Michael O'Brien	288-5418	Comply
M	Engineering	Lisa Wichser	288-5512	Non-Comply
N	Addressing	Emily Kohler	288-5692	Comply
N	Electronic File Submission	Emily Kohler	288-5692	Comply
O	Water and Wastewater	James Christ	320-3034	Comply
O	Wellfields	James Christ	320-3034	Comply
P	Fire Prevention	Doug Killane	288-5633	Non-Comply
P	Emergency Management	Debra McCaughey	219-4942	N/A
Q	ADA	Bob Steiner	221-1396	N/A
R	Health Department	Todd Reinhold	221-4090	N/A
R	School Board	Garret Grabowski	223-3105	N/A
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Catherine Riiska	288-5667	Review Pending

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

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

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

Parcel number(s) and address:

14-38-39-000-000-0001.0-70000	11325 SW Martin Hwy
Existing Zoning:	A-2, Agricultural
Future land use:	FLU-AG, Future Land Use Agricultural
Nearest major road:	SW Martin Hwy and I-95 interchange
Census tract:	Not Applicable
Commission district:	5
Community redevelopment area:	Not Applicable
Municipal service taxing unit:	District 5
Planning area:	Not Available
Storm surge zone:	Not Available
Taxing district:	Not Available
Traffic analysis zone:	Not Available

Adjacent existing or proposed development:

To the north: Agriculture, Cattle

To the south: Undeveloped  
 To the east: Agriculture, Cattle  
 To the west: Agriculture, Cattle

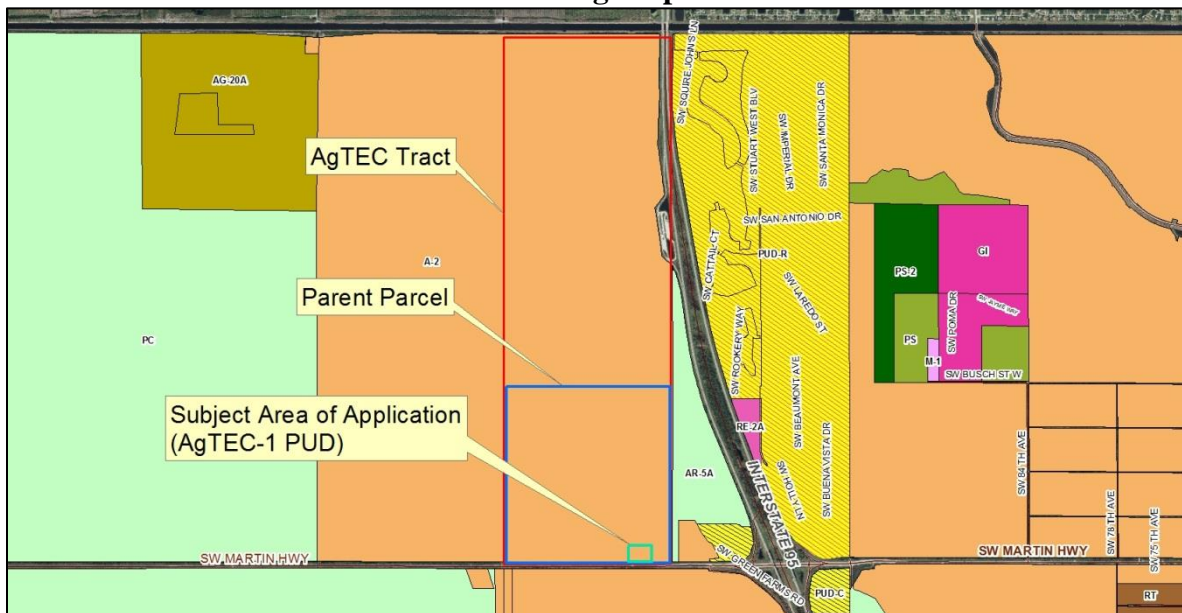
### Location Map and Aerial



Zoning district designations of abutting properties:

To the north: A-2  
 To the south: A-2 (across SW Martin Hwy)  
 To the east: A-2  
 To the west: A-2

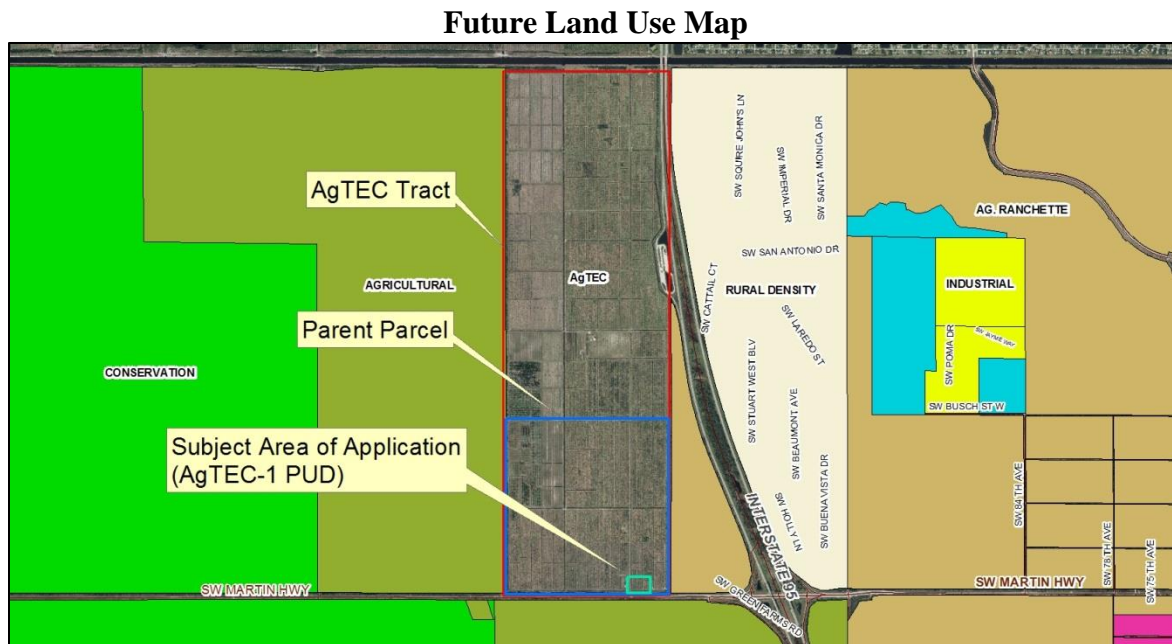
### Zoning Map



Future land use designations of abutting properties:

To the north: AgTEC

To the south: Agricultural (across SW Martin Hwy)  
To the east: AgTEC  
To the west: AgTEC



***F. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department***

Staff recognizes the significant effort put forth by the AgTEC development team in the development of the tools and measures proposed with this resubmittal. The current proposal demonstrates very meaningful progress towards achieving the unified planning goals required for the development of the AgTEC Tract to provide an opportunity for targeted industries and institutions, while also setting the standard for green development in the region through sustainable, environmentally-friendly, and energy efficiency in planning and design, and the accommodation of an evolving agricultural industry.

**Unresolved Issues:**

**Item #1:**

Comp Plan Compliance with AgTEC Policy - GMD

“Policy 4.13A.9. AgTEC policies.

The AgTEC land use category, is intended to allow the continuation of permitted economically viable agriculture, support the development of targeted businesses, tax base and employment opportunities, and facilitate environmental enhancement through the protection of common open space or restoration of natural systems while protecting and enhancing the Martin Grade Scenic Corridor. The AgTEC land use category shall apply solely to the 1,717 acre parcel located west of Interstate 95 and north of S.W. Martin Highway and further described in Exhibit "A" attached to Ordinance #881.

While a primary emphasis for this land use category is to provide an opportunity for targeted industries and institutions, this land use category shall also set the standard for green development in the region through sustainable, environmentally-friendly, and energy efficiency in planning and design, and the

accommodation of an evolving agricultural industry.”

**Remedy/Suggestion/Clarification:**

The following summarizes the Staff findings regarding a demonstration of compliance with the AgTEC Comp Plan Policies. For clarity, any required or recommended changes to the submitted supporting documentation including the PUD Agreement, exhibits and plans will also be addressed by Policy Section below for procedural requirements. Comments in other sections of this report should also be incorporated into the appropriate exhibits and forms, as appropriate.

**Policy 4.13A.9.(1)**

(a) compliance appears to be demonstrated

(b) compliance appears to be demonstrated

(c) compliance does not appear to be demonstrated:

1. The acreages reported under the non-ag and common open space (COS)/ag totals for the current PUD are currently inaccurate. The project proposes a 7.66 non-ag PUD. Therefore the total for the AgTEC uses should be 7.66 ac and the total in COS/Ag should be 2.3 ac.
2. Please remove the "<" within the Cap/Threshold column of the required retail. By definition a minimum value does not allow for less than the target value.
3. Please also provide standard threshold(s) by which the minimum retail is proposed to be established in an orderly manner for subsequent and overall development of the AgTEC Tract. The policy requires a 2.5% provision of retail uses by square footage. Since the current application does not include any retail, it appears that the applicant does not intend to proportionately establish retail with each individual PUD. Please incorporate proposed interim thresholds for inclusion of retail uses into the tracking form.

**Policy 4.13A.9.(2) – compliance appears to be demonstrated**

Please remove this row from the F-2 Tracking form due to this threshold being moot; no development has occurred within the five years since Comp Plan Amendment effective date.

**Policy 4.13A.9.(3) - compliance appears to be demonstrated**

(a) compliance appears to be demonstrated

(b) compliance does not appear to be demonstrated:

Staff concurs that the current AgTEC-1 PUD proposal meets this policy requirement. However, to ensure proceeding development compliance with this policy, please update the text within the tracking form to simply reflect the requirement of ">= 300' from residential use" and remove the reference to "off-site".

(c) compliance appears to be demonstrated (proposed 30' 1 story < 40' 4 stories)

(d) compliance appears not to be demonstrated:

Please revise the PUD Agreement Special Condition # 19 to specify that the required extensions of the City of PSL water and wastewater lines will be completed prior to the issuance of any building permits to ensure compliance with this policy. [Note that this revision will also help ensure a demonstration of compliance with Policy 4.13A.9.(5)]

(e) compliance appears not to be demonstrated:

1. Staff concurs that the current AgTEC-1 PUD proposal complies. However, please provide the specific thresholds applicable to the uses of the tract within the tracking form, until the i. ii. and iii. subsections have been met. Please clarify the requirements for subsequent development pursuant to this policy and provide the appropriate quantities and thresholds in conformance with this policy. Please also update the tracking form with the proposed benchmarks. See Exhibit 1.
2. Policy 4.13A.9.(3)(e)iii, CGMP, states, “An agreement with the City of Port St. Lucie has been



entered into for the construction of the roadway connection to Becker Road, and funded by the applicant consistent with the schedule and geometric needs identified by the Development of Regional Impact or other applicable transportation analyses as agreed by the City of Port St. Lucie." Please submit a copy of this agreement.

**Policy 4.13A.9.(4)** compliance appears not to be demonstrated:

1. Please relabel the "Development Status Tracking Exhibit" (PUD Ex. F-1) as "Conceptual Master Plan" (CMP) for consistency with this policy.
2. Please revise PUD Ex. F-1 to show the minimum required 515.1 acres of common open space required for the entire tract (30%).
3. Please add to the tracking form the proposed common open space bank and label/name it consistently with the term proposed to be used within the PUD Special Conditions, site plan and other materials, including Exhibit F-4.
4. Please add to the tracking form the requirement that 22.5 % of common open space (75% of the 30%) is located within the western half of AgTEC tract. Remove "orientation" row in tracking form (or revise appropriately if it is intended to meet the requirement cited above).
5. Please revise the acreages in the table for the AgTEC-1 PUD to tally only the portion of open space which qualifies as common open space (currently proposed to be 2.3 ac), which is required to be shown on the CMP. Any open space located directly on the AgTEC-1 PUD development site, above the required 10%, may only count towards the 30% if it meets the following:
  - a. is shown on the CMP;
  - b. is demonstrated to consist of large areas that provide interconnectivity of common open space; and,
  - c. is not being utilized as a PUD Public Benefit being provided beyond code requirements.
6. Please revise PUD Special Condition 12 A. to remove the second paragraph for clarity.
7. Please revise PUD Special Condition 12 B. to provide only deliverables proposed to be required by the PUD. (Any narrative analysis or mathematical quantification of public benefits, intended to demonstrate or advocate public benefits provided beyond code requirements, should be removed from the PUD Special Conditions and placed into the Public Benefits Analysis document for clarity):
  - a. Please remove the sentence in the first paragraph indicating "This provision exceeds..." for clarity.
  - b. Please remove the second paragraph.
  - c. Please revise the third paragraph to consist of the final sentence only, removing the rest of the text.
  - d. Please add another subsection or section to require that the applicant will, upon final design determination and final build-out of the C-23 connector canal, notify Martin County and update the CMP and tracking form as appropriate, within a specified time. Include another provision that commits the applicant to reconcile the open space bank acreage with the final site conditions. This should include specific requirements proposed to rectify any previously unanticipated reduction in open space provided via the conceptual open space bank.
8. For the AgTEC-1 PUD, the applicant has proposed the 2.3 acres of 30% required common open space to be located within the open space bank adjacent to the western boundary. Please propose a special condition which commits to provide the following at final site plan:
  - a. Target condition(s) and use(s) proposed for this area prior to and after the connector canal construction.
  - b. A management/maintenance plan consistent with the proposed condition and use of this area.

- c. Please also provide appropriate target intervals/events consistent with the overall open space bank proposal and incorporate such items into the F-2 Tracking Form.

**Policy 4.13A.9.(5)** compliance appears not to be demonstrated:

Please revise the PUD Agreement Special Condition # 19 to include a section that specifies the required extensions of the City of PSL water and wastewater lines will be completed prior to the issuance of any building permits to ensure compliance with this policy. [Note that this revision will also ensure a demonstration of compliance with Policy 4.13A.9.(3)d.]

**Policy 4.13A.9.(6)** compliance appears to be demonstrated

**Policy 4.13A.9.(7)** compliance appears to be partially demonstrated

**(a)** compliance appears to be demonstrated

**(b)** compliance appears not to be demonstrated:

1. Please submit a general TDM implementation plan for AgTEC Tract. Staff concurs that the current development proposal appears to contain appropriate site-specific elements. Additionally, other appropriate elements appear to be included within tracking form, which also includes proposed interim measures that are not required by code. Please provide the rationale for any proposed thresholds, and incorporate the code-required and any proposed thresholds/elements into a single plan to which all development will adhere. The plan should also address the applicants proposal of which elements are anticipated to apply to all or some developments, proposed interim thresholds, and recommended number of elements each development must do or contribute to, etc.

- a. Please incorporate all required and proposed TDM plan thresholds and elements within the tracking form (PUD Ex. F-2).

**(c)** compliance appears not to be demonstrated:

Please select an entity (LEED or PL6B) and incorporate specific design deliverables consistent with the proposed level of achievement within the program/entity.

**(d)** compliance appears not to be demonstrated:

1. Please revise and combine PUD Agreement Special Conditions # 5 and # 9 to incorporate the following:
  - a. Please require the use of reclaimed irrigation water if capacity exists first, and specify that a private well will only be utilized if reclaimed water capacity is not available from the City of Port Saint Lucie.
  - b. Please mandate that each final site plan application shall document the availability of reclaimed irrigation water.
  - c. Please incorporate the requirement that adequate handling/storage for reclaimed water will be demonstrated at final site plan.
  - d. Please add the mandate that the each non-agricultural Final Site Plan application shall include a landscape and irrigation plan that demonstrates a maximum of 15% of the site area consisting of irrigated turf area will not be exceeded.
  - e. Please add the mandate that the landscape plan to be submitted with each Final Site Plan shall utilize native vegetation and xeriscape techniques to ensure viability while minimizing irrigation demands.

**(e)** compliance appears not to be demonstrated:

1. Please provide the information as requested in Section Policy 4.13A.9.(4) comment #8, above.
2. Please verify what natural lands restoration (habitat) is proposed to be included in the overall development of the AgTEC tract. A stormwater treatment area consisting of a flow-through-marsh has been included in the CMP. However, the current proposal to develop up to 3 million

square feet of industrial use before establishing this stormwater treatment area, which only provides natural uses secondary to water treatment, does not appear to meet the AgTEC policies citing the intent to set the standard for sustainable and environmentally-friendly green development. Please propose a plan to include natural lands and hydrologic restoration proportionate to the anticipated progression of non-agricultural development and incorporate it into the CMP, Tracking Form and PUD Special Conditions where appropriate.

(f) compliance appears to be partially demonstrated (Provide info requested in Section 4.13A.9.(4) comment # 8)

(g) compliance appears not to be demonstrated: Please provide.

(h) compliance appears not to be demonstrated

1. Please include any areas proposed to provide secondary habitat functions within the shielding of illumination special condition (e.g. bioswales).

(i) compliance appears not to be demonstrated:

Please provide specific deliverables in PUD Agreement Special Conditions 10 D and 10 E.

(j) compliance appears to be demonstrated

(k) compliance appears to be demonstrated

**Policy 4.13A.9.(8)** compliance appears to be partially demonstrated

(a) compliance appears not to be demonstrated:

1. Please see comments in Section J, Landscaping.
2. Please provide a PUD Special Condition committing to submittal of a maintenance plan at final site plan.
3. Please remove plantings below water control elevation from landscape buffer width total and reconcile with control water elevation and canal open water width.

(b) compliance appears to be demonstrated

(c) compliance appears not to be demonstrated

Please see Section J, Landscaping, and reconcile project water control elevation.

(d) compliance appears not to be demonstrated

Please see attached Exhibit 1, recommended revision to SC 14

(e) compliance appears not to be demonstrated:

Please correct the notation on the CMP to AG-20A

(f) compliance appears not to be demonstrated:

Please revise PUD Special Conditions 4D, 10D and 10E to provide deliverables

(g) compliance not demonstrated:

Please clarify and provide deliverables and PUD Special Conditions to address this at some threshold level.

## **Item #2:**

### **P U D Justification Statement**

Compliance with the CGMP for the definition of a planned unit development must be documented. (Section 2.2, No. 117, Chapter 2, Definitions, CGMP)

Pursuant to Policy 4.1E.8., CGMP, any public benefits offered by the developer must clearly be in excess of the County's minimum standards.

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

The applicant has proposed that the project provides multiple public benefits, beyond the policy and code requirements. However the amount of excess public benefits has been discussed, advocated and



quantified in multiple different documents including the itemized response letter, policy compliance analysis and the PUD Agreement Special Conditions, which should contain only specific deliverable items/actions. Please move all discussions, narratives, calculations and quantifications of proposed excess public benefits into the Public Benefits analysis solely. Please also update the Public Benefits analysis consistent with any plan or calculation changes resulting from the staff comments in this report.

**Item #3:**

**Zoning Conditions**

The Planned Unit Development (PUD) is an alternative to the standard zoning districts in which the landowner and the Board of County Commissioners negotiate the zoning standards that will apply to a specific parcel of land such that the resulting development will be of superior quality and design while protecting the health, safety and welfare of the general public. [Sec. 3.241., LDR]

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 of the zoning standards that shall apply to the subject parcel of land and shall be approved pursuant to article 10. [Sec. 3.242., LDR]

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. [Sec. 3.244., LDR]

**Remedy/Suggestion/Clarification:**

Please revise the language of the Exhibit F Special Conditions consistent with Exhibit 1, Draft PUD Agreement – Staff Notations. In recognition of the negotiable nature of a PUD Agreement, the applicant may incorporate, modify or exclude any of the Staff recommended changes. If the applicant disputes the suitability of the recommended edits, please provide an explanation as to why the applicant’s proposed language is appropriate and demonstrates compliance with AgTEC policy.

1. Please address the highlighted and notated text areas within the main body of the PUD Agreement (pages 1-10) as shown in *Exhibit 1, Draft PUD Agreement – Staff Notations*.
  - a. Please revise the language highlighted in red for consistency with Policy 4.13A.9.(5).
  - b. Please provide an explanation as to why the applicant’s proposed changes to the standard PUD language, highlighted in yellow, is appropriate and demonstrates compliance with AgTEC policy.
2. Please revise the language of the PUD Agreement Exhibit F Special Conditions (pages 19-27) as shown in *Exhibit 1, Draft PUD Agreement – Staff Notations*. In recognition of the negotiable nature of a PUD Agreement, the applicant may incorporate, modify or exclude any of the Staff recommended changes. If the applicant disputes the suitability of the recommended edits, please provide an explanation as to why the applicant’s proposed language is appropriate and demonstrates compliance with AgTEC policy.
3. Please update the signature pages to be consistent with the current Board Chairman.

4. Please revise Exhibit A, Legal Description, to be the legal description consistent with the 1,717 acre AgTEC tract. (The legal description for the AgTEC-1 PUD development shall be the Exhibit A to the Final Site Plan with the “Parcel I.D. Number” relabeled as the “Parent Parcel I.D. Number”.)
5. Please revise the PUD Agreement Exhibit F Special Conditions to accomplish the following:
  - a. Please revise all applicable conditions to be consistent with the re-labeled Conceptual Master Plan, where referenced.
  - b. Please revise all applicable conditions to provide only project design deliverables.
  - c. Please revise all applicable conditions to contain individual requirements within individually identifiable sections or subsections, for clarity.
  - d. Please revise all applicable conditions to include a defined benchmark time/event at which the deliverable will be required.
  - e. Please revise all applicable conditions as appropriate to accommodate any changes or clarifications proposed in response to Staff comments provided in this report.
  - f. Please add a special condition committing all PUD development within the AgTEC future land use to be required to meet commercial design requirements for industrial land uses (Sec. 4.871.B.1.b., LDR).
  - g. See Exhibit 1, attached to this staff report for additional details and recommendations.
6. Please revise the following PUD Exhibits:
  - a. Item D of Exhibit E, Timetable for Development, should require construction of the AgTEC-1 PUD project to be complete within two years of the final site plan approval, not just infrastructure and buildings.
  - b. Exhibit F-1 should be titled "Conceptual Master Plan" consistent with the code.
  - c. Correct the notation on Exhibit F-1 referencing the Agricultural Uses consistent with “ A-20 Zone” to be consistent with the policy requirements.
  - d. Correct the project name within the Exhibit F-1 Legend to reflect “AgTEC-1 PUD”.
  - e. Correct the column headings on the Exhibit F-2 Tracking Form for consistency with the project names, i.e. “PUD 1” should be “AgTEC-1 PUD”.
  - f. Revise Exhibit F-2 Tracking Form to spell out specific thresholds (e.g. “MM”)
  - g. Add approximate acreage quantities where appropriate for referenced policies on Exhibit F-1 (e.g. area of easement buffer, open space bank, area of General Ag/Open Space.)
  - h. Revise the “General Ag/Open Space” to “Agriculture/Common Open Space” on Exhibit F-1 for consistency with the policies.
  - i. Re-order all items within Exhibit F-2 Tracking Form consistent with the CGMP AgTEC Policy sections ordering.
  - j. Label all items with the actual policy subsections and include any changes due to revisions resulting from Staff comments and incorporate the other items identified within this report, especially including Section F and Exhibit 1.
  - k. Exhibit F-3 to show only landscaping associated with the Martin Highway Buffer. Remove or revise the canal/bioswale area adjacent to Martin Highway consistent with Section J, Environmental and Landscaping, and Section G, of this report.

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

## **Unresolved Issues:**

### **Item #1:**

#### List Of Property Owners

Section 10.6.E.1., LDR: Notice of a public hearing.

The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days (seven calendar days if the application is being expedited pursuant to section 10.12) prior to the public hearing by the applicant to all owners of real property located within a distance of 300 feet of the boundaries of the affected property. For development parcels which lie outside of or border the primary urban service district, the notification distance shall be increased to 600 feet. In addition, notice shall be mailed to all homeowner associations, condominium associations and the owners of each condominium unit within the notice area.

Section 10.6.E.2., LDR: List of Property Owners

A list of all owners to be notified pursuant to this section shall be provided by the applicant to the County Administrator no later than two weeks prior to the scheduled time of the public hearing. This list shall be based on the most recent tax roll available and must be certified as to its authenticity and completeness by an attorney at law or title company.

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

The applicant has provided a noticing property owners list based upon the boundaries of the 7.66 acre AgTEC-1PUD development. This proposed Master Site Plan will affect the vesting status of the entire AgTEC Tract consisting of approximately 1,717 acres and includes areas on the western edge of the Tract as required by the policies affecting the entire Tract. As such, the "affected property" should be construed to consist of the entire AgTEC Tract and noticing distances should be applied to the Tract boundaries.

1. Please be advised that revisions to Article 10, including noticing requirements, are in development and that this project will be affected by the new requirements. Specifically, noticing for projects located outside of the primary urban services district will be required to mail public hearing notifications to all property owners within 1,000 feet of the affected property boundaries.
2. Please submit an updated list of property owners to be noticed, at least 14 calendar days prior to the public hearing. This list shall be based on the most recent tax roll available and must be certified as to its authenticity and completeness by an attorney at law or title company.

### **Item #2:**

#### Notice To Adjacent Governments

Notice of all development applications relating to property which is within one mile of another general purpose government shall be mailed by the applicant to the appropriate entity within the jurisdiction at least 14 days prior to the public hearing. [Section 10.6.F., LDR, MCC]

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

Please add the City of Port Saint Lucie to list for noticing of public hearings.

### **Item #3:**

#### Site Plan

A complete site plan is required as part of the application. [Section 10.2 and 10.11 LDR, MCC]

**Remedy/Suggestion/Clarification:**

1. The proposed bioswale adjacent to the Martin Highway right-of-way consists of a segment of canal that appears to be a conveyance canal supporting the overall large agricultural stormwater system. Conveyance canals are typically required to be maintained clear of vegetation and debris and to accommodate a certain volume of conveyance. Therefore, as proposed, this canal segment is unlikely to meet the design requirements for retention and treatment associated with bioswales. (See also Section J, Environmental and Landscaping sections.) Please address the following:
  - a. Please remove the bioswale designation or revise the proposed buildout conditions consistent with the functionality associated with bioswales and enhanced water quality treatment.
  - b. Please revise plans for consistency regarding the water control elevation in the canal adjacent to the Martin Highway right-of-way and adjust open space, landscape buffer and open water dimensions on the site plan accordingly. Currently the control elevation is given as 26.6 on the master drainage plans, 25 on the landscape plan and 22 on the master site plan.
  - c. Please indicate or note the elevation datum utilized on each plan.
  - d. Please separately dimension the proposed canal width at the water control elevation, once a final function is determined (bioswale or conveyance canal).
  - e. Please propose a mechanism by which the canal segment will be managed and maintained consistent with the proposed final design/function and overall stormwater management plan (e.g. will be solely maintained by the AgTEC-1 PUD owner or association; or, will be maintained by agricultural Tract owner solely or in combination with AgTEC-1 PUD owner or association via easement; etc.).
  - f. Please also incorporate the proposed management and maintenance mechanism for this area into the PUD Agreement as appropriate.
  - g. Please be advised that if this canal segment is proposed to be redeveloped as a bio-swale, then other agency permits, which are required to be consistent with County development orders prior to project construction, may require modification.
2. Please indicate the anticipated water elevation for the on-site northerly wet retention area and adjust on-site open space, if necessary. (At final site plan approval, the grading of this area will be required to be consistent with the approved master site plan.)
3. Please dimension/design the proposed loading spaces to demonstrate compliance with the standards required by Section 4.626.B.4.c., LDR.
4. Please dimension the sidewalks proposed for pedestrian connection to north.
5. Please revise the open space table to clearly demonstrate compliance with the specific requirements for open space and common open space for AgTEC PUD development. This should include:
  - a. 'open space, on-site' minimum required (10%) and provided,
  - b. 'common open space, western tract' minimum required (22.5%) and provided,
  - c. 'total common open space' minimum required (30%) and provided; and,
  - d. 'total open space' minimum required (40%) and provided.
6. Please verify that the site plan is consistent with the Master Drainage Plan report. There appear to be inconsistencies. (e.g. Basin total site area is 7.98 acres in the drainage report but 7.66 acres on the site plan, Village Parkway is described as having 0.83 ac. 'green area' in the drainage report but 0.67 ac. of pervious on the site plan, etc.)

**Item #5:**

Timetable Of Development - Master

The timetable of development for master site plans cannot exceed five years from the time of approval.  
[Section 10.1 and 5.32, LDR, MCC]

**Remedy/Suggestion/Clarification:**

Please revise Exhibit E, Item D, to state, "Construction of the *AgTEC-1 PUD project* must be completed within two (2) years of the final site plan approval." for clarity.

**Additional Information:**

**Information #1:**

Notice Of A Public Hearing

The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days (seven calendar days if the application is being expedited pursuant to section 10.12) prior to the public hearing by the applicant to all owners of real property located within a distance of 300 feet of the boundaries of the affected property. For development parcels which lie outside of or border the primary urban service district, the notification distance shall be increased to 600 feet. In addition, notice shall be mailed to all homeowner associations, condominium associations and the owners of each condominium unit within the notice area. [Section 10.6.E.1., LDR, MCC]

See Section G. for comments on the Notice of Public hearing.

**Information #2:**

Timetable Of Development

Pursuant to Policy 4.13A.9.(7)(j) and (k)., CGMP, the applicant shall obtain a Planned Unit Development approval for an initial phase of development within 5 years of the effective date of the CGMP AgTEC Future Land Use amendment (Ordinances 881 and 882), and a final site plan approval for an initial phase of development within 10 years of the effective date of the CGMP AgTEC Future Land Use amendment (Ordinances 881 and 882).

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

N/A

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

**Findings of Compliance:**

All appropriate due diligence requirements associated with this application have been met.

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

## **Environmental**

### **Unresolved Issues:**

#### **Item #1:**

##### **General Compliance-Environmental**

The development status exhibit proposes construction of a Stormwater Treatment Area (STA) in an area that historically appeared to be a natural wetland flowway that was likely surrounded by pine flatwood uplands. Will the STA facilitate restoration of this historic natural wetland system and will restoration include native uplands as well? Is the primary purpose of the STA to improve water quality or is it strictly for historic habitat restoration? Policy 4.13A.9(7)(e), discusses the intention of AgTEC to "incorporate compact development designs which provide large areas of common open space and provide opportunities for natural lands restoration". Please explain.

To ensure that the STA is established proportionately with development of the project, staff recommends the threshold be set with the filing of the first Final Site Plan of the 5th PUD amendment. The STA should be designed in compliance with County environmental standards at the time of Final Site Plan (FSP) submittal and construction of the STA completed prior to issuance of the first building permit CO related to this FSP. Please add this deliverable to the Development Status Tracking Form and the appropriate language in the draft PUD agreement.

## **Landscape**

### **Unresolved Issues:**

#### **Item #1:**

##### **General Landscape Design Standards**

##### **Policy 4.13A.9(8)**

Any PUD zoning within the AgTEC shall, at a minimum, incorporate the following design principles:

- (a) In order to support the "Martin Grade Scenic Corridor", any development within the AgTEC land use designation shall provide a minimum 100 foot building setback from the Martin Highway right-of-way, which shall include a minimum 50 foot buffer preserve area adjacent to the right-of-way.
- (b) A minimum of 90 percent of the native vegetation within the 100 foot building setback shall be preserved.
- (c) Prior to approval of any development plan for buildings abutting Martin Highway, the land owner shall submit a landscape plan that augments the preserved native vegetation with additional native ground cover, understory and canopy trees, with the goal of providing a Type "5" buffer, and/or meeting 50 percent opacity at eye level within 5 years.

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

The buffer area as shown is not in compliance with requirements. While the existing canal has been removed from the dimensions of the 50 foot buffer cross-section, please provide information regarding seasonal water levels to facilitate evaluation of survivability of proposed plantings and determination if



submerged areas can qualify as upland buffer.

The concept of a bio-swale could be a creative and valuable concept, however additional information is required to determine functionality, long-term survivability, and compliance with Code requirements. Please provide more detail regarding design and technical specifications for this swale.

What will be the anticipated/designed water regimen and depths for this bio-swale? With water levels of more than a foot for even short periods of time, it is unlikely that Spartina will survive. Seasonal water levels are not identified on plans but if the 25 foot elevation shown is seasonal or normal, water depths would be up to 6 foot in depth.

It appears that this bio-swale is still connected to off-site canal extensions. How is the integrity of this swale to be protected and maintained? If this small section is still part of an overall agricultural conveyance system maintenance and removal of accumulation will be necessary. How will long-term maintenance be accomplished without impact to planted vegetation?

11.23.15. Comment related to water depths and maintenance not addressed.

12.1.15 Additional details regarding bio-swale design and construction will need to be provided at time of final site plan.

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

##### **Unresolved Issues:**

###### **Item #1:**

Traffic Impact

The Traffic Impact Analysis must be updated to a buildout year of 2023.

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

##### **Findings of Compliance:**

This development application has been reviewed by the Martin County Survey Division, Engineering Department, and found to be in compliance with the applicable Martin County Code requirements.

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

##### **Unresolved Issues:**

###### **Item #1:**

Rights Of Way Improvements

For clarity, place a north arrow on Exhibit F-6.

###### **Item #2:**

Stormwater Mgmt Concept Plan

Note #3 on the Master Drainage Plan addresses removal of structures in the right-of-way in accordance with Special Condition #2 of the PUD Agreement. Special Condition #2 does not address removal of structures in the right-of-way.

### **Additional Information:**

#### **Information #1:**

The 100% on-site retention, curb and gutter construction, expanded STAs and bio-retention swales will be verified during Final Site Plan approval, to be consistent with the conditions of the master plan approval.

### ***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.

#### **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.

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

#### **Water and Wastewater Service**

##### **Findings of Compliance:**

This development application has been reviewed for compliance with applicable statutes and ordinances and the reviewer finds it in compliance with Martin County's requirements for water and wastewater level of service.

##### **Compliance with Adequate Public Facilities Ordinance:**

##### **CONCURRENCY - POTABLE WATER:**

Potable water service to this parcel is to be provided by the City of Port St. Lucie. The service provider is the City of Port St. Lucie. The applicant has provided a letter from the City of Port St. Lucie confirming that potable water treatment plant capacity and water main capacity is available to service the proposed development. Water service capacity must be reserved through the execution of a service agreement with City of Port St. Lucie. The project is in compliance with the Martin County Code [ref. Code, LDR, s.5.32.D.1, 2, and 3.a.(1)(2)(3)(4)(5)(6) and i.(2) Code, LDR, Art.5, Div.2].

##### **CONCURRENCY - SANITARY SEWER:**

Sanitary service to this parcel is to be provided by City of Port St. Lucie. The service provider is City of Port St. Lucie. Through written correspondence, City of Port St. Lucie has confirmed that sanitary sewer treatment plant capacity and facilities are available to service the proposed project. Sanitary sewer service capacity must be reserved through the execution of a service agreement with City of Port St. Lucie. The project is in compliance with the Martin County Code [ref. Code, LDR, s.5.32.D.1, 2, and 3.b.(1)(2)(3) and (4) Code, LDR, Art.5, Div.2].

### **Wellfield and Groundwater Protection**

#### **Findings of Compliance:**

The application has been reviewed for compliance under the Wellfield Protection Program. The reviewer finds the application in compliance with the Wellfield Protection and Groundwater Protection Ordinances.

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

#### **Fire Prevention**

#### **Unresolved Issues:**

##### **Item #1:**

Development Order Requirement

##### **FIRE PROTECTION AND EVACUATION**

All structures that are in excess of 1,000 square feet or two stories or greater in height shall be provided with a fire sprinkler system installed in accordance with NFPA 13, Standard for Automatic Sprinkler Protection, and NFPA 14, Standard for Standpipes. Compliance with all other provisions of the National Fire Protection Association is required. Specifically, stabilized roads and hydrant installation shall be completed before issuance of building permits pursuant to NFPA241.

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

This condition was included in the previous submittal under "Special Conditions" Exhibit F 7A, and omitted in the resubmittal for approval.

#### **Additional Information:**

##### **Information #1:**

Martin County Code of Laws and Ordinances, Section 79.121, adopts NFPA 1 and NFPA 101 as the county's fire prevention code. The Code is to prescribe minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions. This is in accordance with Chapter 633, F.S. All construction, including, but not limited to, fire sprinklers, fire alarms and fire suppression systems, shall be subject to these codes. All documents including specifications and hydraulic calculations are required at the time of the application for a building permit for the property that is the subject of this application for site plan approval.

##### **Information #2:**

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 #3:**

New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. [NFPA 1, 10.12.1.1] Martin County requires a minimum of 6 inch numbers visible from the road and contrasting from the structure.

**Information #4:**

**WATER SUPPLY**

**NEEDED FIRE FLOW REQUIREMENT FOR BUILDINGS**

Identify the Needed Fire Flow Requirements for all buildings / structures. Fire flow calculations shall be prepared 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 18.4.5 (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.

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 and 2].

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

N/A

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

**Martin County Health Department**

N/A

**Martin County School Board**

N/A

***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***

This development application is eligible for a Positive Evaluation of Adequate Public Facilities and an

Affidavit Deferring Public Facilities Reservation (Section 5.32.C., LDR). The following evaluation summarizes the Positive Evaluation of Adequate Public Facilities:

Potable water facilities (Section 5.32.D.3.a, LDR)

Service provider - City of Port Saint Lucie

Findings - Positive

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

Sanitary sewer facilities (Section 5.32.D.3.b, LDR)

Service provider - City of Port Saint Lucie

Findings - Positive

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

Solid waste facilities (Section 5.32.D.3.c, LDR)

Findings - Positive

Source - Growth Management Department

Stormwater management facilities (Section 5.32.D.3.d, LDR)

Findings - Review Pending

Source - Engineering Department

Reference - see Section M of this staff report

Community park facilities (Section 5.32.D.3.e, LDR)

Findings – N/A

Source - Growth Management Department

Roads facilities (Section 5.32.D.3.f, LDR)

Findings - Review Pending

Source - Engineering Department

Reference - see Section K of this staff report

Public safety facilities (Section 5.32.D.3.h, LDR)

Findings – Review Pending

Source - Growth Management Department

Reference - see Section P of this staff report

Public school facilities (Section 5.32.D.3.i, LDR)

Findings - N/A

Source - Growth Management Department

Reference - see Section R 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 (Section 14.5.D., CGMP; Section 5.32.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:**

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 #4:**

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

##### **Item #5:**

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

##### **Item #6:**

One (1) digital copy of master site plan in AutoCAD 2006 or 2007 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.

##### **Item #7:**



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

#### **V. Local, State, and Federal Permits**

After final site plan approval and prior to scheduling the mandatory pre-construction meeting, all applicable local, state, and federal approved permits are to be submitted for review by the County Administrator for consistency with the County Development Order. 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. [Section 10.11.9.c., LDR, MCC]

#### **W. Fees**

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

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$13,800.00	\$13,800.00	\$0.00
Advertising fees*:	TBD		
Recording fees**:	TBD		
Mandatory impact fees:	TBD		
Non-mandatory impact fees:	TBD		

\* Advertising fees will be determined once the ads have been placed and billed to the County.

\*\* Recording fees will be identified on the post approval checklist.

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

Applicant: Turner Groves Ltd Partnership  
Mitch Hutchcraft  
3602 Colonial Ct  
Fort Myers, FL 33913  
239-210-9040

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

Landscape architect: Lucido & Associates  
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 – Draft PUD Agreement – Staff Notations

AgTEC-1 PUD

PLANNED UNIT DEVELOPMENT ZONING AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between TURNER GROVES LIMITED PARTNERSHIP, a Delaware Limited Partnership, hereinafter referred to as OWNER, and MARTIN COUNTY, a political subdivision of the State of Florida, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, OWNER is the fee simple title holder of the property situated in Martin County, Florida, and more particularly described in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, it is the desire of OWNER to develop a Planned Unit Development (hereinafter sometimes referred to as PUD) to be known as AgTEC-1 PUD consisting of a maximum of 4 commercial office buildings and 32,100 square feet of gross floor area along with access roads, parking and supporting infrastructure improvements on approximately 7.66 acres ; and

WHEREAS, a responsible legal entity must be formed which can be a corporation not-for-profit, hereinafter referred to as ASSOCIATION, will be formed to provide for the maintenance of the roads, streets, rights-of-way, and common areas within the AgTEC-1 PUD; and

WHEREAS, Policy 4.13A.9.(3)(a) requires non-agricultural development within the AgTEC future land use category to be approved through the Planned Unit Development (PUD) process; and

WHEREAS, it is the desire of the COUNTY to encourage development pursuant to a PUD to prevent and discourage urban sprawl, promote compatible, consistent, and effective usage of land within the COUNTY's primary urban services district. *(This development is required to be a free standing urban*

*service district per the comp plan policy*) to protect, preserve, and manage natural resources, and to implement the COUNTY's growth management plans.

NOW, THEREFORE, the parties do hereby agree as follows:

1. UNIFIED CONTROL

The OWNER hereby warrants that it has, as a result of fee simple ownership, unified ownership of all real property included in this PUD. Documents certifying title, are attached hereto and incorporated herein as Exhibit B. A Covenant of Unified Control by the OWNER is attached hereto and incorporated herein as Exhibit C.

2. DEVELOPMENT

The OWNER agrees that this PUD will be undertaken and carried out in accordance with the following:

- 2.1 The master site plan approved by the COUNTY, a copy of which is attached hereto as Exhibit D and made a part hereof. Approval of the master site plan authorizes the OWNER to submit the final site plan and subdivision plat in accordance with the terms and conditions of the approved master site plan. Approval of the master site plan by the COUNTY shall not constitute approval to build or construct any improvements, and is not the final approval necessary for construction of the development.
- 2.2 The final site plan and subdivision plat will be reviewed and approved by the COUNTY in accordance with such laws, ordinances and regulations as may be in effect at the time of such approval.
- 2.3 The Timetable for Development is shown in Exhibit E, attached hereto and made a part hereof.
- 2.4 The PUD conditions and requirements agreed to by the COUNTY and the OWNER are set forth in Exhibit F, attached hereto and made a part hereof.

2.5 Permits and authorizations granted in accordance with such laws, ordinances and regulations as may be in effect at the time of such approval.

3. VESTED RIGHTS

The OWNER shall have the right to develop the PUD in accordance with applicable laws, ordinances and regulations, the provisions and requirements of this PUD Agreement, the approved master site plan, final site plan, and the subdivision plat, and conditions set forth in the approved PUD hereinafter sometimes collectively referred to as development orders.

4. COMMON AREAS, COVENANTS, CONDITIONS AND RESTRICTIONS

4.1 The OWNER shall create a Declaration of Covenants, Conditions and Restrictions for AgTEC-1 PUD, hereinafter referenced as "Covenants and Restrictions", which shall be submitted as part of the application for the subdivision plat. A copy of the Covenants and Restrictions shall be recorded at the time of the recording of the subdivision plat, the Covenants and Restrictions shall run with the land and be binding on heirs, assigns, and successors in interest. As part of said Covenants and Restrictions, the responsible legal entities (*Template PUD has ASSOCIATION, which has been modified here. However ASSOCIATION is still used elsewhere in doc e.g. number 4.3 below*) shall be established for the maintenance, operation and management of the common areas. The common areas of the PUD shall be designated as such and shown on the approved master site plan, final +site plan and subdivision plat. The Covenants and Restrictions shall be in conformity with such laws, ordinances and regulations as may be in effect at the time of the approval of the subdivision plat.

4.2 Except for conveyances to governmental entities, it shall be deemed a breach of this PUD Agreement for any land to be conveyed by the OWNER which is not subject to the Covenants and Restrictions. ; (*differs from PUD template which says "...conveyed by the*

*OWNER by way of an instrument which does not contain the Covenants and Restrictions or incorporate them by reference thereto.”)*

- 4.3 The ASSOCIATION shall not be dissolved nor shall it dispose of any common areas, by sale or otherwise, except to an organization **or unit of local government** *(this is new phrase added in – PUD template does not contain this phrase)* conceived and organized to own and maintain the common areas, without first receiving approval of the COUNTY. The COUNTY, as a condition precedent to the dissolution of the ASSOCIATION or disposal of the common areas, may require dedication of the common open areas, utilities or road rights-of-way to the public as deemed necessary.
- 4.4 In the event that the COUNTY determines that the ASSOCIATION, or any successor organization, has failed at any time to maintain the common areas of the PUD in accordance with the approved development orders and applicable laws, ordinances, and regulations, then the COUNTY shall serve written notice by certified mail, return receipt requested, upon such organization and upon each owner of real property within the PUD. The notice shall set forth the manner in which the organization has failed to maintain the common areas in accordance with the approved development orders and applicable laws, ordinances, and regulations, and shall demand that such failure be remedied within thirty (30) days of the receipt of such notice. In the alternative, the ASSOCIATION must appear before the COUNTY at a specified time (at least ten (10) days after but not more than thirty (30) days after the receipt of the notice) either to contest the alleged failure to maintain the common areas or to show cause why it cannot remedy such failure within the thirty (30) day period. **The COUNTY must provide notice of specified time and place for the meeting before the COUNTY.** *(Added Sentence)* If such failure has not been remedied within the thirty (30) day period or such longer period as the COUNTY may allow, then the COUNTY, in order to preserve the taxable values of the real property



within the PUD and to prevent the common areas from becoming a public nuisance, shall hold a public hearing to consider the advisability of the COUNTY entering upon such common areas and maintaining them for a period of up to one (1) year. Notice of such hearing shall be sent by certified mail, return receipt requested, to the ASSOCIATION and to each owner of real property within the PUD and shall be published in a newspaper of general circulation published in Martin County, Florida. Such notice shall be sent and published at least fifteen (15) days in advance of the hearing. At such hearing, the COUNTY **based on competent and substantial evidence provided at the hearing** *(phrase added)* may determine that it is advisable for the COUNTY to enter upon such common areas, take non-exclusive possession of the common areas and maintain the common areas in accordance with the approved development orders and applicable laws, ordinances and regulations, **for a specified time frame** *(phrase added)* up to one (1) year. Such entry, possession and maintenance shall not be deemed a trespass when done in accordance with the procedures set forth above. In no event shall any such entry, possession and maintenance be construed to give the public or the COUNTY any right to use **or ownership of** *(phrase added)* the common areas. **The COUNTY shall be responsible for the actions of its employees, agents, and independent contractors when entering, possessing and maintaining the common areas.** *(Entire sentence added)*

- 4.5 The COUNTY may **based on competent and substantial evidence provided at a public hearing** *(phrase added)* with notice given and published in the same manner as above, return possession and maintenance of such common areas to the organization, or successor organization, abandon such possession and maintenance, or continue such possession and maintenance for an additional one (1) year period. The cost of such maintenance by the COUNTY shall be assessed ratably against the real properties within the PUD, the owners of which have the right to the use and enjoyment of the common

areas and shall become a charge or lien on said properties if not paid within thirty (30) days after the receipt of a statement therefor.

5. DESTRUCTION

In the event that all or a portion of the PUD should be destroyed by a storm, fire, or other common disaster, the OWNER, its grantees, successors or assigns and/or the ASSOCIATION, shall have the right to rebuild and/or repair so long as there is strict compliance with the approved master site plan, final site plan, and subdivision plat.

6. CHANGE OR AMENDMENT

There shall at all times be a strict adherence to the provisions of the PUD Agreement and the approved development orders. Any change or amendment to the PUD Agreement and/or the approved development orders shall only be made in accordance with Section 10.14, Changes and Amendments to Approved Development Orders, Land Development Regulations, Martin County Code.

7. BREACH OF AGREEMENT

7.1 Development of AgTEC-1 PUD shall at all times be in compliance with this PUD Agreement and the approved development orders. Failure to comply with a development order may result in the suspension of that development order, the cessation of COUNTY processing of all applications for development on the subject property and any associated phases, or termination of the development order. No suspension of a development order, cessation of development order review, or termination of a development order can occur without due process of law. *(entire sentence added)*

7.2 Any person who is an aggrieved or adversely affected party as that term is defined in Section 163.3215, F.S. *(phrase added)*, including the Board of County Commissioners, hereinafter sometimes referred to as Board, or any member of the Board of County Commissioners, may file a complaint with the county administrator alleging that a development order has been violated, that unauthorized development has occurred, or

that misrepresentation, fraud, deceit, deliberate error or omission, or a material omission that should have been disclosed regarding information required in a development application has occurred. The complaint must set forth the facts that support the allegations of a violation, misrepresentation, fraud, deceit, deliberate error or omission or material omission and the complaint must be verified. *(Entire sentence added)* In the event that such a complaint is filed, it shall be addressed as set forth in Section 10.8, Suspension of Development Orders for Failure to Comply, Land Development Regulations, Martin County Code.

**7.3** *(This entire section is very reworded from the template quite a bit. Highlighted parts below are very different than wording in template)* Should the Board of County Commissioners become aware of an alleged breach of the PUD Agreement, the Board may schedule a public hearing on the allegations, which must be substantiated by competent and substantial evidence and can thereafter *(this phrase added replacing a simple “to”)* reconsider the development approval and its possible termination pursuant to the provisions of Section 10.5.C., Termination of PUD Development Approval, Land Development Regulations, Martin County Code. In the event that the Board determines that a breach of the PUD Agreement has occurred and voids the development order, the Board may initiate an amendment to the Comprehensive Growth Management Plan to cause the property to revert to its immediately pre-existing future land use designation or the most appropriate designation and rezone the property to a consistent zoning district. Following the termination of the PUD Agreement, all further COUNTY permitting associated with the voided approval shall cease. If the property has been subdivided and sold to third parties, not a party to this agreement, the violation on one parcel shall not be a basis for the cessation of permitting, and the elimination of the PUD zoning and the AgTEC land use category. No action may be taken pursuant to this PUD Agreement that

impacts any AgTEC property that is not the subject of this PUD Agreement. *(These sentences added do not resemble anything in this section in the PUD Template.)*

7.4 The above provisions shall not be interpreted to provide an exclusive remedy, and COUNTY may pursue any appropriate remedy at law or equity in the event OWNER or its successors in interest fail to abide by the provisions of this PUD Agreement.

8. JURISDICTION

This PUD Agreement shall be governed by the laws of the State of Florida, and any and all legal action instituted because of this PUD Agreement shall be instituted in Martin County, Florida.

9. SUCCESSORS AND ASSIGNS

This PUD Agreement shall be binding upon the parties hereto, their successors in interest, heirs, assigns and personal representatives.

10. NOTICE

Any notice, request, demand, consent, approval, or other communication required or permitted by this PUD Agreement shall be given or made in writing and shall be served as elected by the party giving the notice by any of the following methods: (i) hand delivery to the other party; (ii) delivery by commercial overnight courier service; (iii) mailed by registered or certified mail (postage prepaid), return receipt requested; or (iv) mailed by regular U.S. mail. For purposes of notice, the addressees are as follows:

OWNER: Mitch Hutchcraft  
Turner Groves Limited Partnership  
3602 Colonial Court  
Ft. Myers, Florida 33913

COUNTY: County Administrator  
Martin County  
2401 S.E. Monterey Road  
Stuart, Florida 34996

With required copy to:  
County Attorney  
Martin County  
2401 S.E. Monterey Road  
Stuart, Florida 34996

Notice given in accordance with the provisions of this Section shall be deemed to be delivered and effective on the date of hand delivery; or on the second day after the date of the deposit with an overnight courier; or on the date upon which the return receipt is signed, or delivery is refused, or the notice is designated by the postal authorities as not delivered if mailed; or on the second business day after the date of mailing by regular U.S. mail. Either party may change its address for the purpose of this Section by written notice to the other party given in accordance with the provisions of this Section.

11. ENTIRE AGREEMENT

There are no commitments, agreements, or understanding concerning the subject matter of this PUD Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior or contemporaneous representations or agreements, whether oral or written.

12. SEVERABILITY

If any term or provision of this PUD Agreement, or the application thereof to any person or circumstance shall, to any extent, be held invalid or unenforceable (*phrase deleted here "for the remainder of this PUD Agreement"*), then the application of such term or provision to persons or circumstances other than those as to which the term or provision is held invalid or unenforceable shall not be affected, and every other term and provision of this PUD Agreement shall be deemed valid and enforceable to the extent permitted by law. **Nothing set forth in this section shall negate or limit any order issued by a court with jurisdiction over this PUD Agreement.** (*Entire sentence added*)

13. STATUTORY REFERENCES

Any references to laws, ordinances, codes or other regulations shall include amendments to such laws, ordinances, codes or other regulations.

14. ADEQUATE PUBLIC FACILITIES EVALUATION

Owner is voluntarily electing to proceed under Section 14.4.A.3.d.(2) and (3), Comprehensive Growth Management Plan, Martin County Code and Section 5.32.C.4., Land

Development Regulations, Martin County Code and is thereby proceeding without a reservation of capacity and without the ability to *(this phrase replaced “rights”)* obtain final development orders for the subject property unless the Owner establishes that the Owner is in compliance with all development orders and the ordinances and regulations of Martin County *(phrase added)*. The Owner acknowledges the risk that subsequent developers *(this word replaced “development orders”)* may reserve capacity of Category A and C public facilities in the project area and thereby leaving inadequate capacity which could *(phrase added)* necessitate additional capital facility improvements for the project to meet concurrency or the project could be prevented from going forward in accordance with its timetable of development due to the inability to meet the adopted level of service for Category A and C public facilities. *(phrase added)*

IN WITNESS WHEREOF, the parties hereto have caused this PUD Agreement to be made and entered into the day and year first written. The date of this PUD Agreement shall be the date on which this PUD Agreement was approved by the Board of County Commissioners.



**OWNER**

Witnesses

TURNER GROVES LIMITED PARTNERSHIP,  
a Delaware limited partnership

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: Turner Groves Management, LLC,  
a Delaware limited liability company,  
Its General Partner

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ADDRESS: 3602 Colonial Court  
Ft. Myers, FL 33913

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_, \_\_\_\_\_ of TURNER GROVES MANAGEMENT, LLC, a Delaware limited liability company, as General Partner of TURNER GROVES LIMITED PARTNERSHIP, A DELAWARE LIMITED PARTNERSHIP, to me known to be the person described herein and who executed the foregoing instrument and acknowledged before me that he executed same.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2015.

(NOTARIAL STAMP)

\_\_\_\_\_  
Notary Public  
My commission expires:

**COUNTY**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

\_\_\_\_\_  
CAROLYN TIMMANN  
Clerk of the Circuit Court  
and Comptroller

By: \_\_\_\_\_  
ED FIELDING, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

(COMMISSION SEAL)

\_\_\_\_\_  
KRISTA A. STOREY  
Senior Assistant County Attorney

Prepared by:  
Pavese Law Firm  
1833 Hendry Stsreet  
Ft. Myers, FL 33902-1507

**EXHIBIT A**

**LEGAL DESCRIPTION**

## **EXHIBIT B**

### **OWNERSHIP CERTIFICATE**

I, Charles Mann, a member of the Florida Bar, hereby certify that the record title to the property described in Exhibit A to the AgTEC-1 PUD Planned Unit Development Zoning Agreement dated the \_\_\_\_ day of \_\_\_\_\_, 2015 by and between TURNER GROVES LIMITED PARTNERSHIP, and MARTIN COUNTY, is in the ownership of TURNER GROVES LIMITED PARTNERSHIP, a Delaware Limited Partnership.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

Charles Mann  
Pavese Law Firm  
1833 Hendry Street  
Ft. Myers, FL 33902-1507

Florida Bar No. 310750

## **EXHIBIT C**

### **UNIFIED CONTROL**

The undersigned, being the OWNER of the property described in Exhibit A, to the AgTEC-1 Planned Unit Development Zoning Agreement (PUD) dated the \_\_\_\_ day of \_\_\_\_\_, between TURNER GROVES LIMITED PARTNERSHIP and COUNTY, does hereby covenant and agree that: (i) the property described in Exhibit A shall be held under single ownership, and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety; provided, however that individual subdivision lots or fully constructed condominium units, if any, may be conveyed to individual purchasers in accordance with and subject to the terms and conditions of the PUD Agreement.

In addition, the following conveyances shall be permitted:

1. If the PUD is designed and planned to be developed in phases or portions of phases, and each phase or portion of a phase complies with the requirements contained within the PUD Agreement, then each phase or portion of a phase may be conveyed separately upon final site plan and plat approval of that phase or portion of a phase.
2. Common elements, common open areas and developed recreation areas, if any, may be conveyed to a property owners' association or other legal entity so long as such conveyance shall be subject to the express restriction that the subject property will never be used for any purpose other than as common elements, common open areas or developed recreation areas as applicable.
3. Other portions of the subject property may be conveyed by the Owner and used or maintained by governmental, environmental, charitable or other organizations or agencies for such purposes as the Board of County Commissioners of Martin County, Florida may deem appropriate.

Nothing herein contained shall limit, in any manner, the undersigned, or their successors or assigns, to mortgage or encumber the property or any part thereof.

The undersigned further agrees that the conditions, restrictions and limitations contained herein shall be deemed a covenant running with the land and shall remain in full force and effect and be binding on the undersigned, its successors and assigns, until such time as the same may be released in writing by the Board of County Commissioners of Martin County, Florida.

The undersigned further agrees that this instrument may be recorded in the public records of Martin County, Florida.

IN WITNESS WHEREOF, the parties hereto have executed these presents on the dates indicated below.

**OWNER**

Witnesses

TURNER GROVES LIMITED PARTNERSHIP,  
a Delaware limited partnership

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: Turner Groves Management, LLC,  
a Delaware limited liability company,  
Its General Partner

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

ADDRESS: 3602 Colonial Court  
Ft. Myers, FL 33913

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_, \_\_\_\_\_ of TURNER GROVES MANAGEMENT, LLC, a Delaware limited liability company, as General Partner of TURNER GROVES LIMITED PARTNERSHIP, A DELAWARE LIMITED PARTNERSHIP, to me known to be the person described herein and who executed the foregoing instrument and acknowledged before me that he executed same.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2015.

(NOTARIAL STAMP)

\_\_\_\_\_  
Notary Public  
My commission expires:

**EXHIBIT D**  
**MASTER SITE PLAN**

## **EXHIBIT E**

### **TIMETABLE FOR DEVELOPMENT**

- A. This development shall be constructed in accordance with the timetable of development. This development shall be constructed in one phase.
- B. Final site plan approval for AgTEC-1 PUD must be obtained within five (5) years of the master site plan approval.
- C. Construction must commence within one (1) year of final site plan approval.
- D. The development of the ~~infrastructure of the~~ AgTEC-1 PUD project ~~and all buildings~~ must be completed within two (2) years of the final site plan approval.



## EXHIBIT F

### SPECIAL CONDITIONS

**REVISE: One section or subsection = one deliverable & one deadline/benchmark/threshold.**

#### 1. ADDITIONAL REQUIREMENTS

The AgTEC-1 PUD shall comply with all requirements of the Martin County Comprehensive Growth Management Plan. Unless specifically provided for within this PUD Agreement or set forth on the master plan, the AgTEC-1 PUD shall comply with all requirements of the General Ordinances and Land Development Regulations of the Martin County Code.

#### 2. COMPLIANCE WITH COMPREHENSIVE GROWTH MANAGEMENT PLAN

The AgTEC-1 PUD shall ~~comply with~~ strictly adhere to the policies, uses and regulations identified in *Policy 4.13A.9., AgTEC Policies*, and all other requirements of the Comprehensive Growth Management Plan (CGMP) ~~as implemented and approved in the AgTEC-1 PUD.~~

#### 3. DEVELOPMENT-CONCEPTUAL MASTER PLAN STATUS TRACKING EXHIBIT

- A. The AgTEC-1 PUD is identified on, and consistent with the ~~AgTEC Development Status Exhibit Conceptual Master Plan (CMP) and Tracking Form~~ enclosed as Exhibits “F-1”. ~~and “F-2”, respectively.~~ The ~~Development Status Exhibit CMP~~ identifies the conceptual development pattern anticipated for the AgTEC future land use tract pursuant to the AgTEC CGMP Policies. The CMP will be updated by the OWNER and submitted with each development application
- B. The AgTEC-1 PUD is identified on, and consistent with the Development Status Tracking Form enclosed as Exhibit F-2. The Development Status Tracking Form identifies the AgTEC-1 PUD elements and the development thresholds and corresponding performance standards pursuant to the AgTEC CGMP Policies. The tracking form will be updated by the OWNER and submitted with each development application within 30 days of final site plan approval for the AgTEC-1 PUD.
- C. The minimum size for each PUD development, excepting the AgTEC-1 PUD, shall be 50 acres.
- D. The maximum number of PUD developments shall be 10.

#### 4. DRAINAGE/STORMWATER MANAGEMENT

- A. It shall be the OWNER'S sole responsibility to obtain the necessary drainage/stormwater management permits from South Florida Water Management District (SFWMD). In no event shall COUNTY bear the responsibility for aiding the OWNER in obtaining permits from SFWMD or funding the improvements necessary to develop the AgTEC-1 PUD.
- B. In order to ensure that the PUD's drainage/stormwater management system functions as designed and permitted in perpetuity, the responsible legal entity which the OWNER is required to create shall maintain the PUD's drainage/stormwater management system according to the Stormwater Management System Maintenance Plan to be submitted with the final site plan application. The

Maintenance Plan will provide that the responsible legal entity which the OWNER is required to create shall be responsible for performing the specific inspections and maintenance operations on the stormwater management system on-site and off-site as approved by the Board of County Commissioners at final site plan approval in order to ensure it functions as intended and as approved by COUNTY. Neither COUNTY nor SFWMD shall have any responsibility in maintaining the system. **Break into subsections, with each containing a single deliverable and deadline commitment. When is the legal entity proposed to be created and how will they have control/responsibility for “off-site” stormwater?**

- C. The AgTEC-1 PUD as proposed provides for 100% on-site retention, curb and gutter construction, expanded stormwater treatment areas and bio-retention swales, ~~all of which exceed Martin County and SFWMD’s stormwater management and water quality treatment requirements.~~ All drainage swales and stormwater treatment areas within the AgTEC-1 PUD shall be planted with native vegetation to create opportunities for increased utilization by native birds and other wildlife. ~~This provision exceeds the County’s criteria for on-site stormwater retention by more than 50% and for native plantings within drainage swales and stormwater treatment areas by 100%.~~ **Use “Bioswale” term consistent with site plan and demonstrate functionality for WQ treatment: hydraulic retention, planting density/species, maintenance plan etc. If simply proposing natives, then no additional public benefit is provided since the policy requires both natives and xeriscape.**
- D. ~~In cooperation with the COUNTY, the State of Florida and South Florida Water Management District, the OWNER has investigated the opportunity to incorporate additional water storage capacity within the proposed water management system for any future widening of Martin Highway. This requirement has been met by the AgTEC-1 PUD by providing 100% on site stormwater treatment and retention.~~ **Providing 100% onsite retention for the development does not provide water storage for the highway widening. What specifically has the Owner investigated and what was the outcome of the investigation?- this belongs in the Compliance analysis demonstration. What is the proposed deliverable here (and when) that resulted from that investigation?**
- E. ~~The OWNER has investigated financially feasible partnership opportunities with organizations including but not limited to Martin County, SFWMD, Martin Soil and Water Conservation District, IFAS and USDA on possible environmental service opportunities that could serve as demonstration projects to illustrate techniques in water quality enhancement, more environmentally beneficial surface water management activities, or restoration of localized hydrology and natural habitat.~~ **What specifically has the Owner investigated and what was the outcome of the investigation?- this belongs in the Compliance analysis demonstration. What is the proposed deliverable here and when?**

## 5. EFFLUENT IRRIGATION

The OWNER agrees to accept wastewater effluent for irrigation, ~~if~~ when available in sufficient quality ~~at~~ and quantity at the time of final site plan approval. The wastewater effluent use for irrigation must be used in accordance with the South Florida Water Management District and Department of Environmental Protection rules, at such rates and charges as may then be charged by the utility. It shall be the OWNER'S sole responsibility to obtain the necessary permits and extend the reclaimed water main to the site for connection of the irrigation system.

- A. Owner shall design the irrigation system within this project to accommodate irrigation with wastewater effluent and provide adequate area for storage of such effluent.
- B. At the time of each non-agricultural final site plan, the applicant shall document the availability of reclaimed effluent for irrigation.

Please Group this with SC 9 – include deliverables/interim measures – what does the applicant commit to – is this PSL IQ? Where will the IQ lines have to be in PSL (distance parameter?) in order for AgTEC development (all or part?) to “extend the reclaimed water main” – how will this be evaluated throughout the Tract’s development. See Staff Report for additional comments regarding this.

## 6. ENDANGERED SPECIES

- A. In the event that it is determined that any endangered, threatened or species of special concern plant or animal ~~s~~ is resident on or otherwise is significantly dependent upon the AgTEC-1 PUD, the OWNER shall cease all activities which might negatively affect that individual or population and immediately notify Martin County, the Florida Fish and Wildlife Conservation Commission and the United States Fish and Wildlife Service. Construction may resume when proper protection, to the satisfaction of all agencies with jurisdiction is provided by the OWNER.
- B. Gopher Tortoises – No land clearing or construction conducted ~~within the AgTEC-1 PUD limits~~ shall occur ~~if gopher tortoises are present~~ until all gopher tortoises which will be impacted are relocated to upland preservation areas or off-site in accordance with all required permits including, but not limited to, a Florida Fish and Wildlife Conservation Commission relocation permit. A certified environmental professional will supervise clearing in the areas of the gopher tortoise burrows. Tortoises inhabiting burrows in areas to be developed will be captured and relocated using methodology approved by the Florida Fish and Wildlife Conservation Commission and conducted by an environmental professional possessing a valid relocation permit. During clearing and grubbing operations, equipment operators will be notified of the occurrence of ~~if gopher tortoises are determined to be on-site, as determined by the certified environmental professional and any applicable agencies,~~ and instructed to observe for roaming and foraging individuals. Should gopher tortoises be seen during clearing and grubbing, all equipment operations will be stopped and the gopher tortoises will be captured and relocated. Once the tortoise(s) have been safely relocated, equipment operation can resume.
- C. Endemic Species - All gopher tortoise relocation efforts will include trapping of endangered endemic species that may live in the burrow.
- D. Relocation of Tortoises - If the number of tortoises exceeds the carrying capacity of the remaining natural area, the Martin County Growth Management Director will be notified and will be provided with a copy of the Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Conservation Commission. Every attempt shall be made to relocate within Martin County.

## 7. FIRE PROTECTION AND EVACUATION

- A. All structures must be designed and built in compliance with the Standard Building Code, Life Safety Code, and the National Fire Protection Association (NFPA) Fire Protection Code. Stabilized access roads and adequate fire protection shall be completed before the issuance of building permits pursuant to NFPA 241.

- B. The OWNER shall coordinate with the County during the final site plan review process to identify opportunities for Martin County to fund upgrades to proposed public or private facilities such that they may service the public as hurricane shelters, community relief centers or emergency operation centers during declared hurricane events. The OWNER will not have any liability for any use of the property by the public as an emergency operation center.

8. HAULING OF FILL

The OWNER agrees not to haul any fill off of the site of the AgTEC-1 PUD ~~except on adjacent agricultural property under the same ownership~~. The OWNER will coordinate with the County Engineer on the routes and timing of any fill to be hauled to the site . The OWNER shall also comply with all COUNTY excavation and fill regulations. **Any on-site stockpile must be identified on site plans and under control of PUD.**

9. IRRIGATION MINIMIZATION(renumber/group with SC5 to put irrigation conditions together)

- A. In conjunction with any non-agricultural final site plan application, OWNER shall utilize 100% native vegetation and xeriscaping techniques including limiting irrigated turf to a maximum of 15% of the lot area to decrease the overall consumption of irrigation water.
- B. Irrigation water shall be provided by a permitted well ~~or until~~ reclaimed water ~~when is~~ available in sufficient quantity pursuant to special condition XX (renumber per regrouping) of this agreement.
- C. Applicant shall provide final construction plans and install infrastructure extensions to support the initial phase of construction prior to issuance of the first building permit.

Please Group/Combine SC 9 with SC 5 and see comments elsewhere to address this. Use of reclaimed water, when available should be a key element, as soon as available, to ‘set the standard’ for the ‘environmentally sustainable’ AgTEC development.

ADD Special Conditions for PRESERVE AREAS/HABITAT and HYDROLOGIC RESTORATION to include:

XX.

- A. Final location determination, design and construction plans for the restoration of the historical slough area, shown on the CMP as an STA, shall be submitted for review and approval by Martin County.
- B. A management plan for maintenance of the slough STA shall be submitted concurrently with the construction plans for review and approval by Martin County.
- C. The restoration and construction of the historical slough area, shown as an STA on the CMP, shall be completed prior to approval of the first final site plan for the fifth (5<sup>th</sup>) PUD development on the AgTEC tract (Ordinance # 881).

10. MARTIN GRADE SCENIC HIGHWAY

- A. Within 60 days of final site plan approval, the OWNER shall provide a financial contribution in the amount of \$5,000 to support the current plan submitted in accordance with the Florida Scenic Highway Program by Sustaining Community Lands, Inc. on behalf of the Martin Grade Corridor Advocacy Group.

- B. Any development within the AgTEC land use designation shall provide a minimum 100 foot building setback from the Martin Highway right-of-way, which shall include a minimum 50 foot buffer preserve area adjacent to the right-of-way. ~~In order to support the Martin Grade Scenic Highway program, the AgTEC 1 PUD Master Plan includes a minimum 160 foot building setback from the Martin Highway right of way (ROW). The proposed building setback exceeds the minimum building setback required within Policy 4.13A.9.(8)(a) of the CGMP (100 feet) by 50%.~~ **This belongs in compliance/benefits analyses and is met by site plan – not SC of PUD.**

**11. MARTIN HIGHWAY [Items from C&D of SC 10 should be under separate Condition number specifically for MARTIN HIGHWAY (not Martin Grade.)]**

- A. ~~In order to support the Martin Grade Scenic Highway program, the OWNER has provided a Martin Highway Type “5” Landscape Buffer plan attached as Exhibit “F 3”. The landscape plan provides native ground cover, understory and canopy trees consistent with the Type “5” buffer criteria. Owner shall construct the Martin Highway Landscape Buffer in conformance with the Landscape Plan attached as Exhibit F-3.~~
- B. The landscape plan shall be implemented as part of the final site plan infrastructure improvements and completed prior to the issuance of a Certificate of Occupancy (CO).
- C. As part of any widening project of Martin Highway ~~that includes the Martin Highway Grade Scenic Corridor~~, the OWNER will ~~work with~~ assist the County in exploring ~~mutually acceptable~~ alternative traffic patterns, traffic timing and roadway cross sections for the purpose of protecting and enhancing the scenic character of the corridor ~~and the internal traffic circulation.~~ **What is specific deliverable and time/event benchmark?**
- D. With the Final Site Plan application, the Owner shall provide a management and maintenance plan for perpetual maintenance of the Martin Highway Landscape Buffer and the interior landscaping.

**11. MINIMIZE GREENHOUSE GAS EMISSIONS**

- A. ~~The Master Site Plan promotes the use of non-motorized modes of travel and interconnectivity by identifying future vehicular, bicycle and pedestrian connections to the east and north. In addition, the Master Plan provides a 10’ wide bridle path along SW Martin Highway that will connect to the proposed 10’ wide multi-modal path within the proposed SW Village Parkway right-of-way.~~ **Demonstrated on site plan – not an SC.**
- B. In conjunction with final site plan application, the OWNER shall provide a matrix of design and development standards from programs such as the Leadership in Energy and Environmental Design (LEED), Florida Green Building Coalition or other programs to document the project’s commitment to energy efficiency and environmental sustainability. **Please identify what is specifically proposed i.e. deliverables. It is critical in achieving a level of green/sustainable certification through a recognized agency to select that agency at the earliest possible time in the site planning process. The choice of which agency (USGBC-LEED or Florida Green Building Coalition-FGBC) at Master Site Plan will start that commitment at a time to best orient the layout of the project to attain credit towards your certification goal. Also a level of certification or an expectation of that process should be identified and a plan of seamless integration to future**

phases should be included. Please identify which certification process will be pursued and include specific design and development standards to achieve energy efficiency and environmental sustainability.

- C. ~~These elements will~~ The final site plan for the AgTEC-1 PUD project shall include eco-art installations that utilize and illustrate techniques in water quality enhancement and the environmentally beneficial surface water management techniques described in special condition 4C of this agreement. ~~Please Move this last sentence to it's own Section and should be under Stormwater SC 4 or it's own SC – does not apply to greenhouse gas emmissions. Is this also proposed for additional forthcoming PUD developments? Clarify.~~

## 12. OPEN SPACE/CONSERVATION AREA BANK

- A. ~~The AgTEC-1 PUD Master Plan (7.66 acres) provides a total of 3.55 acres (45%) open space including 0.80 acres of common open space within the Martin Highway landscape buffer, 0.67 acres within the SW Village Parkway right-of-way (ROW) and 2.08 acres within the project development area. Demonstrated on site plan – not an SC.~~

~~Policy 4.13A.9.(4) requires 10% of the PUD site development area to be open space (i.e. 0.77 acre). Of the 7.66 acres within the AgTEC-1 PUD site development area, 3.55 acres or 45% consists of open space, which exceeds the 10% open space policy requirement by more than 400%. Move to compliance and/or benefits analysis as appropriate.~~

- B. ~~The OWNER has recorded an easement benefitting the~~ shall designate 100 feet of the South Florida Water Management District (See Exhibit “F-4”) that provides a 300’ wide canal reservation along the entire length of the western boundary of the parent property (15,762 feet) for a total of approximately 108.5 acres , which . This easement area is part of the Generation 1, C-44 pre-requisite project (C-23 Connector Canal)- , to be the XXXXBank. The XXXXBank shall: This provision exceeds the minimum 100’ wide conservation area required in Policy 4.13A.9.(7)(f) of the CGMP by more than 250%. Based on the typical canal cross-section shown in Exhibit “F-5”, approximately 54 acres (50% of the total area within the easement) will be open water and 54 acres will qualify as common open space).

~~Please provide specific design and development standards and thresholds. See also Staff Report comments.~~

~~Since 515.1 acres of common open space (COS) are required for the whole tract – what will be done next? If addressing this as an initial ‘bank’, to which Staff is amenable, then should acknowledge that this bank does not provide full amount of COS and address generally how or when additional land banking will be proposed.~~

~~See also related sections within the staff report and provide information on proposed interim and final uses and conditions of the bank common open space. Please propose an SC in conjunction with that proposal and to provide appropriate maintenance and management plans.~~

~~Each Deliverable must be addressed in individual section or subsection. Provide deadline or benchmark time/event for deliverables – e.g. specifically when will C-23 plan updates be provided – how is this ensured – will each PUD be required to solicit an updated project~~



timeline/projection letter from SFWMD project manager, other mechanism?

~~This canal reservation easement provides approximately 54 acres or 26% of the total common open space/agricultural area required in Policy 4.13A.9.(4). This area may be used as a common area open space “bank” for the AgTEC 1 PUD and future AgTEC PUDs.~~  
Please move to compliance analysis – also math is incorrect as 30% of 1717 acres is 515.1 acres, of which 54 acres only comprises 10%.

~~Based on the AgTEC 1 PUD site area (7.66 acres), the 30% common open space requirement for the project is 2.3 acres. This policy directive is met by withdrawing of 2.3 acres from the 54 acres (+/-) of qualified open space within the canal reservation easement. This deduction will leave approximately 51.7 acres of common area open space available to future AgTEC PUDs as noted in the Decelopment Status Tracking Form.~~

See also related section within the staff report and provide information on proposed interim and final uses and conditions of the bank common open space. Propose an SC in conjunction with that proposal and to provide appropriate maintenance and management plans.

Each Deliverable must be addressed in individual subsection. Provide deadline or benchmark time/event for deliverables – e.g. specifically when will C-23 plan updates be provided – how is this ensured – will each PUD be required to solicit an updated project timeline/projection letter from SFWMD project manager, other mechanism?

### 13. ROADWAYS AND TRANSIT STOPS

- A. The Master Plan provides a minimum 145’ wide private right-of-way (ROW) for the north/south corridor to be known as SW Village Parkway. SW Village Parkway will be open to the public and privately maintained. The AgTEC-1 PUD will construct the initial and adjacent portion of SW Village Parkway as a two-lane standard commercial roadway as shown on the AgTEC-1 PUD Master Plan.
- B. The final design, construction, timing, alignment, cost allocation, and inter-local road connectivity, and widening of all existing interim segments shall be submitted for County approval in strict conformance with the requirements of Policy 4.13A.9.(3)(e) and no later than with the approval of the first final site plan associated with the fifth PUD.
- C. The applicant shall dedicate the Right-of-Way for SW Village Parkway no later than with the approval of the first final site plan associated with the fifth PUD.
- D. Construction of SW Village Parkway shall be completed prior to issuance of any certificate of occupancy associated with the fifth PUD.
- E. ~~will be determined prior to PUD development approvals exceeding 1,000,000 square feet or in conjunction with a transportation planning effort.~~ The ROW and construction costs of the north-south corridor may be impact fee creditable and/or creditable against any proportionate share established as part of an Application for Development, pursuant to state and county regulations.

A conceptual design of the ultimate roadway design, including multimodal paths and future bus stops is attached as Exhibit “F-6”. The conceptual design is subject to change based on duly

adopted development code criteria and specifications in effect at the time of the SW Village Parkway construction plan approvals as required by Policy 4.13A.9.(3)(e).

- F. Final design and construction plans for SW Village Parkway shall be submitted prior to approval of the fifth (5<sup>th</sup>) PUD Zoning application associated with non-agricultural development within the AgTEC future land use Tract (Ordinance # 881).
- G. A bus transit stop will be provided every ½ mile within the ROW of the SW Village Parkway within one year of service becoming available.
  - a. Plans for the installation of the transit stops shall be submitted to Martin County and other applicable agencies for review and approval within 90 days of service becoming available.
  - b. Construction of the approved transit stops shall be completed within 1 year of service becoming available.
  - c.
- H. ~~When service becomes available~~ As part of Final Site Plans for PUD zoning within the AgTEC future land use, the OWNER will create establish a deed restriction or other mechanism to create a program that provides for companies within the AgTEC land use category to provide a financial incentive in the form of a subsidy of at least 50 percent of the annual ticket cost to at least 5 percent of the persons employed at the project site for riding future transit service.
- I. In conjunction with final site plan application ~~and building occupancy~~, the OWNER will establish an on-going ride-sharing information service to persons employed at the project site.

#### 14. SIGN DESIGN GUIDELINES

In conjunction with final site plan application, the OWNER shall submit a ~~conceptual~~ uniform signage plan that complies with the Martin County Regulations in effect at the time of approval and ensures a common design theme, clear requirements for signage location, size and materials, and a limit on the overall amount of signage permitted along the SW Martin Highway frontage.

#### 15. SCREENING

In conjunction with final site plan application, OWNER shall demonstrate that any external service areas are adequately screened from adjacent residential uses. The OWNER shall demonstrate that lighting illumination is shielded and oriented away from adjacent residential uses, or preserve areas, lakes, buffers or stormwater treatment areas planted with native plants and designed to encourage use by native wildlife.

#### 16. SOIL EROSION AND SEDIMENTATION

Site clearing and vegetation removal shall be phased in accordance with the approved final site plan. Construction practices such as seeding, wetting, and mulching which minimize airborne dust and particulate emission generated by construction activity shall be undertaken within thirty (30) days of completion of clearing work. The slopes of constructed ~~lakes~~ stormwater features, including lakes, bioswales, retention areas, canals and equivalent features, from the top of the bank to the control water elevation (landward edge of littoral zone) shall be immediately stabilized and/or sodded to the satisfaction of the Engineering Department upon completion of the grading lake construction.



17. TEMPORARY CONSTRUCTION OFFICE

The OWNER may establish and maintain on the property a temporary construction office in a location approved by the Growth Management Director during the period that the property is being developed and until the issuance of the last certificate of occupancy. A bond for the removal of the construction office shall be supplied to the COUNTY.

18. USES AND DEVELOPMENT STANDARDS

- A. Except as provided for within this PUD Agreement or as set forth on the master site plan, the requirements of ~~Article 3, the Land Development Regulations, Martin County Code, and specifically the uses and development standards of Policy 4.13A.9, of the Martin County Comprehensive Growth Management Plan,~~ shall apply to ~~the development of the AgTEC 1 PUD~~ all development within the AgTEC future land use.
- B. Requirements of Policy 4.13A.9., of the Martin County Comprehensive Growth Management Plan shall apply to all development within the AgTEC future land use.

19. WATER/WASTEWATER SERVICE

- A. Potable water and wastewater treatment services for this project shall be provided by the City of Port St. Lucie as per the Agreement for Future Water and Wastewater Services attached hereto as Exhibit "F-7" and the letter dated August 17, 2015 attached hereto as Exhibit "F-8".
- B. The OWNER shall provide final construction plans and install infrastructure extensions to support the initial phase of construction prior to issuance of the first building permit.

Modify this SC to include specific deliverables and time/event deadlines. How/when will the infrastructure be installed? Please also add prioritization for installation of Reclaimed water lines to contribute to setting the standard for green, sustainable development.

## **EXHIBIT F-1**

### **Development Status Exhibit**

**EXHIBIT F-2**

**Development Status Tracking Form**

## **EXHIBIT F-3**

### **Martin Highway Type 5 Landscape Buffer**

**EXHIBIT F-4**

**SFWMD  
300' Canal Reservation Agreement**

**EXHIBIT F-5**

**SFWMD  
Typical Canal Cross-Section**

**EXHIBIT F-6**

**SW Village Parkway  
Conceptual Design**

**EXHIBIT F-7**

**City of Port St. Lucie Agreement for  
Future Water and Wastewater Treatment Services**



**EXHIBIT F-8**

**City of Port St. Lucie Letter of  
Water and Sewer Availability**