

Todd N. Smith, P.E.
121 Hinchman Ave.
Sebastian, Fl. 32958
772-589-8722



Brian Freeman
~~Mark Zans~~
Indian River Co. Planning Dept.
1840 25th St.
Vero Beach, Fl. 32960

RE: Ocean Concrete LLC
I.R.C. Project #2004110124, App. #57127

Dear Mark:

This letter shall serve as response to your letter dated January 2, 2007.
The following responses are numbered respectively to your comments:

1. Acknowledged
2. Acknowledged
3. Please see attached letter dated March 8, 2006, which was transmitted to Rebecca Grohall, City of Sebastian Growth Management Department. A full set of design plans was also transmitted to Ms. Grohall on that date. Since that date we have received no direct correspondence from the city regarding the conceptual, proposed or final design of this road.

It is our understanding, based on recent events with the city, the reality of and the location of the Fleming Street Extension project is uncertain and undetermined. Since there is no definitive design for this roadway including its proposed location and there are no plans for it to actually become a reality, our project has met the code requirements of the Indian River County land development regulations without having to modify our project for this undetermined road.

Furthermore, it is our position that, any objective coordination or design review with the City of Sebastian is impossible; due to their self created conflict of approving a resolution opposing the project prior to the County reviewing this letter and it's enclosures, which addresses the concerns regarding this project. For the record, it is our position that the City of Sebastian has no jurisdiction over the permitting of this site plan and we would request all design plans and attachments be reviewed on their merits by Indian River County staff, with no jurisdiction being passed to where none exists.

4. The buffers are shown accordingly on the site plan and landscape plan.
5. The appropriate mix of canopy trees has been added to the landscape plan.

6. A two lane widening project for Old Dixie Highway, with an appropriate drainage design, has been detailed on the plans; from the site southwards to US1. The two way widening of Old Dixie Highway from the site to one arterial road has been provided based upon criteria agree upon in meetings with Jim Davis, Public Works Director and in accordance with the land development requirements of I.R.C.

The proposed widening to the South appears to be contingent upon Indian River County approving and recording the proposed maintenance map because of the ROW at the curve on Old Dixie Highway just westward of U.S. 1. It was our understanding, based on the original TRC letter, that the maintenance map would be complete by early summer 2007. It is our understanding, to date, that the county is still working on the completion of the maintenance map.

This letter shall also be considered as an additional request for an update as to the status of the completion of the maintenance map and we respectfully request the county complete the maintenance map with as little delay as possible. For the record, the County has attempted to initiate designating Old Dixie Highway a historic roadway. We do not feel that the County can not proceed forward with that matter, since the County has not exercised their prescriptive rights along Old Dixie Highway, which would definitively identify the area that is being considered by the recent actions of the Historic Resource Committee.

7. There will be no significant impact to these crossings in regards aggregate deliveries to this site. Florida East Coast Railroad mandates splitting the railcars to each side of the crossing while deliveries are being made. The cars are then reconnected to traveling on after completion of a delivery.

The timing for this type of operation, typical of any rail road crossing in the state of Florida, will and must operate within the FEC guidelines for public crossing protocol; the accepted standards for decades of FEC operations. In addition, even if FEC changed their operating procedures noted above, there is over 1500 ft from the southeast corner of the site to the Schuman crossing, which would accommodate the entire amount of rail cars for our project on our entire 1250 ft spur, without having to close the crossing at Schuman Dr..

8. The lights are not on top of the silo, they are 25 feet above grade. They have been added to the legend on the site plan. All site lights proposed for the project will have directional hardware; see the enclosed manufacture's literature for all proposed lights.
9. Parking data has been revised, please refer to updated statistics provided on site plan.
10. Considerably more time and effort has been spent on a natural buffer with opaque feature working in conjunction with masonry wall strategically placed for maximum benefit, opposed to a straight 6 feet wall encompassing the entire west and southwest perimeter of the property. In addition to the extensive landscape implemented in the design, the majority of the operational areas at the southern half of this site are being shielded with the use of masonry walls and vegetation as

noted above.. These walls will not only buffer the surrounding areas but are part of our noise control design as well. We feel the combination of these two types of buffering help to enhance the aesthetic value of the property and achieve the benefits of both types of design methodology.

11. Acknowledged
12. Automatic irrigation system that will use on-site artesian well water. System will be on a timer and will incorporate a moisture censor control.
13. Acknowledged
14. Please see previous response #10 regarding walls added to site. Also, see enclosed report, compiled by Grove Scientific, regarding the sound analysis for the site and the projects compliance with IRC sound requirements.
15. Acknowledged, enclosed is the conditional concurrency application.
16. No concrete block manufacturing is proposed at the site.
17. A table showing all heights of all structures has been added to the site detail page.
18. See response #17
19. See enclosed structural drawings
20. The distances to the crossings have been added to the site plan.
21. No formal permit is required. The FEC reviews the plan and approves or denies the request. A letter has been previously provided to staff with FEC's approval to project.
22. Hours of operation are estimated at 7am to 7pm, Monday thru Friday.
23. Need for outdoor lights is required for operation during daylight savings, as well during the early morning hours. The lighting is also required for safety and security, and lighting requirements per building codes for exits from the proposed buildings.
24. See attached data from the manufacturer regarding the proposed lights.
25. Currently the "SWPPP" permit from Florida DEP has been approved. Additionally, "Generic Permit for Stormwater Discharge from a Concrete Plant" and "General Air Quality" permits from the FDE has been listed on the detail sheet as permits that must be obtained. However, there is no conceptual approval process from FDEP for these permits. The final action on the permit applications is performed after submittal of the final permit applications.

Therefore, we request the approved Generic permit for stormwater discharge from a concrete plant be required prior to the release of the site plan. We request that the Air Quality Permit not be tied to the approval or release of the site plan, but be required prior to issuance of the building permit for the plant. This permit is building related and will be filed for the company that manufacturer's the plant. Besser is the proposed manufacturer of the facility and has been permitting concrete plants throughout the State of Florida for many years. They are fully aware of air quality requirements and have secured many approved FDEP permits for their plants. In order to start the permitting for the air quality permit, we need to contractually commit to the purchase of the plant. We do not want to enter into that contract, until we are assured that we have an approved site plan. Tying this permit to the Building permit issuance does not sacrifice any level of control that the County currently has in assuring the air quality standards are met. If the air

quality permit is not issued by FDEP, this would be grounds for denying the building permit.

Approval of rail site has been granted by Florida East Coast; please refer to previously submitted letter from FEC to county.

26. Please see enclosed report from Wayne Rilko, P.H.D., Professor of Civil and Coastal Engineering Department, University of Florida regarding the project's ability to comply with FDEP air quality requirements.
27. See enclosed survey. Please note that the roadway design has been based on the enclosed survey and the proposed maintenance map; as prepared by Carter & assoc.
28. To date, Old Dixie Highway is not classified as a Historic Roadway. Since it is not classified as a Historic Roadway, there are no additional requirements for this project, at this time, to meet the Indian River County's land development regulations. If the roadway is designated as a Historic Roadway in the future, and design conditions are retroactively enforced on this project, we will modify the plan accordingly.
29. Building data has been verified. Item 3B represents first footprint only. Site data #4 represents square footage of buildings, all floors.
30. 6,626 refers to the gravel road to the East side of the lake, which is now 5,821 sf. This area is included in the impervious area calculations.
31. The spur area has been included as impervious area on the project.
32. The unimproved section will be from the site to the North. See enclosed traffic study. Ocean Concrete has full intention of honoring all restrictions placed upon itself by this site plan. Due to the high profile of this project, if OC was to violate their agreement, regarding the truck travel routes, we would assume complaints would be filed by the public daily.

Should that happen, code enforcement can very easily monitor the daily truck traffic, randomly, by sending an inspector anywhere along the Northern route on a given week day. Should a violation occur, code enforcement can take appropriate action; as with any other project that violates any regulation. Because of the ease of monitoring, this issue has been addressed.

33. Acknowledged. However, we would request the off-site improvements be tied to the approval of the right of way permit, which can be a condition of the release of the site plan and does not need to delay the approval of the actual site plan. Please note that even though the timing of permits are being requested to occur at different points in the site plan process, this project can't open for business until all improvements are constructed, certified and approved by IRC.
34. See response #3. All issues regarding transportation, buffer requirements, lighting and noise are repetitive to the county comments and have been addressed by responses in this letter.

Environmental issues, regarding alleged land clearing, have been resolved with the county by stipulated agreement. For the record, we object to this comment,

based on the grounds that it appears IRC is attempting to give jurisdictional powers where they do not exist.

Planning: Environmental

1. Acknowledged
2. Comment has been satisfied pursuant to stipulated agreement with Indian River County.
3. CRZ zones for trees to remain have been shown on the landscape plan. Protection around the trees will be installed upon the site plan approval and authorization to proceed issued by IRC.
4. SWPPP has been approved and issued. Copies will be provided to IRC at the requested time. All other comments are acknowledged.

Planning Technician

1. Acknowledged

Public Works: Plan/Plat Drainage

1. Acknowledged
2. Acknowledged
3. All required Site Data is located on site plan
4. Boundary and Topographic survey attached
5. See detail sheets for list of permits required.
6. See attached survey showing drainage pattern of site and Old Dixie Highway area.
7. Chain link fence has been added on North and East side of the North lake.
8. Storm water system is a combined system for both on-site and the off-site improvements. Enclosed is the revised report.
9. Comment is acknowledged. Please see Planning Response #33. This letter should be considered a formal request that the offsite improvements be only tied to the ROW permit, to be approved prior to the release of site plan. We will abide by whatever staff's decision is regarding this matter.

Public Works: Plan/Plat R-O-W

1. See planning responses #3 & #34. See enclosed traffic study. Again, we object to the requirement of any written confirmation from the City of Sebastian; who has no jurisdiction over this project. In addition, the modified design has traffic going to the South eliminating the direct impacts to eastbound C.R. 512. Since the Fleming Street Extension has not been designed or approved and its reality is questionable, the IRC code does not requires us to dedicate land regarding this issue, at this time.
The roadway needs and traffic impact associated with this project should be reviewed on its own merits by IRC, who has jurisdiction over these matters.

2. Proper access has been provided to the site. Surveys needed for the proposed design are enclosed. Additionally, the County has retained Carter & Assoc to survey the entire length of Old Dixie Highway, for preparation of their maintenance map. Also, see Planning Response #6.
3. Acknowledged
4. Acknowledged
5. Acknowledged; See roadway cross sections, which show the required SuperPave requirements.
6. The radii have been revised accordingly
7. See Planning Response #6. The roadway has been designed from the site to an arterial highway, pursuant to meetings with Jim Davis, Public Works Director. Additionally, there are no code requirements that mandate the site have access from two arterial points.

Public Works: Plan/Plat Traffic

1. Acknowledged
2. See enclosed Traffic Study. Please be advised this project is staff approved and does not go before Planning & Zoning.
3. Turnaround has been revised accordingly.
4. A dimension has been added to the plan, with a curb in front of the gate posts.

Dept of Health Plan/Plat Review

1. The permit requirement has been added to the list of permits. The potable well has been added to the East side of the office building and meets all required setbacks.
2. The permit is on the list of permits.
3. The drainfield has been revised accordingly.
4. Acknowledged
5. Acknowledged
6. Acknowledged
7. The permit is on the list of permits and shall be obtained prior to the release of the site plan, being a condition of the site plan approval.

CO Utilities: Plan/Plat Water & Sewer

1. Acknowledged

Sheriff's Office

1. Acknowledged

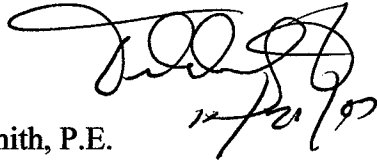
Fire Division Development Review

1. The dry fire hydrants are within 500 ft, as required. Hydrant specifications are listed on the site plan detail sheet.
2. Acknowledged

In response to the letter by Carter and Assoc dated December 26, 2006, all ROW Issues under #1 are acknowledged and do not affect the proposed design. In response to Item #2, the project will be permitted under FDEP and offsite impervious areas do not get included with onsite impervious area, which determine site plan thresholds. In response to Item #2B, storm water system will not artificially lower the water table to create storage for the site. Control elevation of 15.8 was based on wet season water table estimation, as certified by the project's soil engineers. Soil borings at the site shows water table over 11 feet below grade. There will be no seepage above elevation 15.8 except that from surface runoff percolating back down to the lower water table. The pumping system of the storm water is pumping storm water only and will have no effect on the water table. In response to traffic item #3, these issues have been addressed with this resubmitted.

This letter and attachments should address all concerns of staff. Please continue processing the site plan accordingly. Should you have any questions, please call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd N. Smith', with a date '12/21/07' written below it.

Todd N. Smith, P.E.
Fl. Engineer's License #42082