

**Todd N. Smith, P.E.**

121 Hinchman Ave.  
Sebastian, Fl. 32958  
772-589-8722



Brian Freeman  
Indian River Co. Planning Dept.  
1840 25<sup>th</sup> St.  
Vero Beach, Fl. 32960

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

Dear Brian:

This letter shall serve as response to your letter dated December 4, 2007. The following responses are numbered respectively to your comments:

1. Acknowledged
2. Acknowledged. The areas of vehicular landscape areas have been designated on the plan.
3. The tree requirements for the lake pursuant to IRC LDR 926.10(3) have been added to the plan.
4. The trees along the railroad tracts have been added to the plan. It should be noted that the requirement for landscaping along the railroad tracts was not identified in any prior review to the plans.
5. The specifications for the understory trees have been revised.
6. The turf grass species is listed on the plan.
7. Landscaping areas will be protected by setting all trees back 6 ft. from the edge of pavement of all vehicular drive areas, which are the required clear zones. Also, wheel stops and curbs are used as shown on the site plan
8. The discrepancy in the shrub height has been revised on the plans to show 4 ft. high shrubs.
9. For the record, our response was a final submittal and we expected a complete review of staff of all materials submitted. It appears that the County's response letter is premature.
10. The mitigation trees have been clarified on the landscape plan.
11. The 150 watt lights have been removed from the project and the legend.
12. The distance to Schuman Dr. is on the site plan. The FEC policy is standard policy and we assume that the Public Works Department would have direct knowledge of FEC operation procedures within our County. However, we can present a letter from FEC regarding this policy prior to release of site plan if it is needed.
13. The air quality permit will be obtained accordingly.

14. Acknowledged. The concurrency certificate has been applied for.
15. As per discussion with Ken Ostaglio, this project should be exempt from this requirement because the roadway widening project, which is adding pavement to both sides of the road is in an area that is benignly maintained and disturbed by I.R.C. Road and Bridge Department, as per the areas shown on the maintenance map. We have requested a formal exemption as to whether the thresholds for this requirement have been warranted.
16. See response #15.
17. Acknowledged. The plan shows the trees proposed to be relocated in the same general area. The CRZ's have been added to the plan for only the trees within the R.O.W. as per the comment. Other trees shown on the plan are outside of the R.O.W. and are shown for information purposes only.
18. This comment is generic in nature and needs specific clarification. Please provide the LDR citation that specifically addresses the cover sheet requirement and the required format as to what specific information is required to be on the cover sheet as requested. All pertinent information is included in the report in a methodical manner. We will provide the required format when advised as to the specific requirements and format as required by code.
19. The site data is correct. The data in the stormwater report is correct. Please provide specific reference to which quantities the reviewer is having trouble understanding and/or verifying so we can assist him in his review.
20. The required permits have been moved to the Sheet 1 of the plans. Please provide the code citation as to this requirement.
21. The areas for impervious calculations are obvious on the plans. The areas for the drainage developmental areas have been described in the stormwater report, which the reviewer acknowledges in comment #29 as not being reviewed. Our submittal was a final submittal and we expected a final review from staff. It appears that the comment letter from I.R.C. was premature, prior to staff completing the review of all materials to accurately respond with any additional comments, if applicable.
22. The road in question is a service road for the spur and lake maintenance. It is not proposed to be paved. Are maintenance access areas now being required to be paved. Our design meets the requirements of the code and is within acceptable design standards for the function of this maintenance road. For the record all stabilized areas on any project must be directed to a stormwater management tract to meet pollution control requirements of I.R.C. and St. Johns and/or DEP.
23. The off-site areas incorporated in the design have been described in detail in the stormwater report, which the reviewer has acknowledged that it has not been reviewed.
24. A: The area around CB #16 is being graded to blend into the natural grade at that point. The existing grade in that area is on the plans. The stormwater flows from that area along its natural pattern along the existing grade path, which is demonstrated on the plans through the documentation of the existing topography.

B: The drainage along this area will drain as it currently does. Our design has provided a compensatory trade off for the new pavement along this section, by including this equivalent area into our design for the section north of Sta. 14 by not taking credit for any impervious area associated with the existing roadway in the pre-development conditions. Whereby, the compensatory trade off has provided drainage improvements associated with the same equivalent impervious area. This methodology is the same that was used for the design of the stormwater tract, when we proposed the roadway improvements north of the site, which was permitted by St. Johns and reviewed and acknowledged by I.R.C. with no objections. For the record, the original review of the drainage design and its associated methodology was Dave Cox, P.E. This compensatory trade off is described in detail in the stormwater report and is within acceptable practices for designing stormwater systems to accommodate adequate pollution control from long small strips of impervious area. The end result is no net increase of discharge or volume into the receiving drainage system on U.S. 1 where this land all drains to, as well as providing pollution control for the equivalent total amount of new impervious area being proposed.

C: Acknowledged.

D: Acknowledged. Notes have been added to the roadway plans.

E: The road right of way along the proposed widening is adequate to provide a FDOT green book standard road, as discussed with Jim Davis, for being the criteria for the widening project. It appears this comment is pre-mature, since the reviewer acknowledged in comment #28 that the roadway plans have not been reviewed. For the record, the plans submitted to I.R.C. were final site plan responses and no where states preliminary, which is an inaccurate assumption of the reviewer. We expected a complete staff review to our final response, it appears that the comment is pre-mature. Upon a complete review, it will be apparent that the proposed design meets the required design standards and the right-of-way existing and that established by the maintenance map is adequate.

F: The proposed roadway width have been discussed in several meetings with Jim Davis, P.E. and one meeting with Chris Kafer present and agreed to, since they meet the FDOT green book standards.

G: The stabilized shoulder of 6 ft. has been provided in accordance with FDOT green book standards, as required by previous meetings with Jim Davis, P.E.

H: The roadway cross-sections are accurate and adequate to describe all required specifications to the widening of the existing roadway. Proposed grades will match a 1% cross slope on the road at all sections as shown on the details. The existing grades are shown on the plan. Please specify which particular criteria the reviewer feels is not described on the details and plan to properly construct the widening of the road.

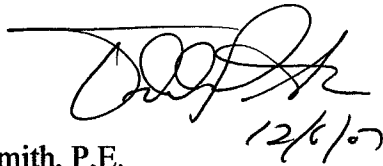
I: Correct. This difference in elevation does not affect the integrity of either the stormwater design or the roadway widening. Please clarify what is being asked by the comment.

25. The outfall historically travels through the swale as shown on the plan. This ditch must continue allowing the historic drainage that travels through it down into the U.S. Highway drainage system. Pre and post discharges have been met, as well as pre and post volumes, which are the additional requirements when downstream facilities provide historic drainage paths and are not covered by easements. This has been standard County policy for many years in the past, regarding the rights of upstream sites to drain through downstream sites, when actual easements are not in place. The final proposed drainage design complies with these requirements.
26. The pavement has been revised to show 6".
27. The off-site areas along the majority of the western boundary and south of the site do not drain through the property. See the existing grades on the plan on the surrounding adjacent property. The western boundary of this site is generally the high point between the property to the west and our site. The other areas at the northwest side of the property eventually drain across Old Dixie Highway into the drainage ditch on the east side of the road, which will continue to receive this runoff. For the record, also note that the soils at the site and just south and west of the site are Type "A" Astatula sands with extremely high percolation rates. Actual runoff from these areas only occurs in the most extreme events.
28. See response 24E.
29. The drainage report should have been reviewed prior to this comment. The questions asked in this comment are accurately addressed in the report. The tailwater conditions have been accommodated in the design, where the outfall discharges back onto the Old Dixie Highway R.O.W. at Elevation 14.5, where it then travels along its existing path down to the U.S. highway 1 drainage system.
30. We feel that the traffic study accurately reflects the trip distribution from the site. We have set up a meeting with Chris Mora to review the assumptions of the study. As per agreements with Jim Davis, P.E. our project does not propose to use the unimproved section of Old Dixie for truck traffic from and to the site. We have previously addressed the issue of enforcement.
31. The well has been relocated outside of 15 ft. from the building foundation.
32. The fire hydrant specifications are on Sheet 5 of the site plan details. We will meet with the Fire Department to determine if there are any other items needed regarding this issue.
33. The Fire Department Review Fee will be paid accordingly.

This letter and attachments should address as much as possible of the incomplete review of staff. As stated previously, we expected a complete final review of all materials submitted on Nov. 21, 2007. We have found some comments inaccurate and others pre-mature. Furthermore, by the County's own acknowledgment, they did not perform a complete final review of our final submittal. If the County would have provided a complete review, we would then have had the opportunity to provide any final responses to any remaining issues prior to Dec. 6, 2007 accordingly.

We also note that the County's refusal to grant a standard request for application extension is in error. This is an obvious and transparent effort by the County to try to cause the permit application to expire rather than issuing a determination on the merits. We will be filing the appropriate appeals. Please continue processing the site plan accordingly and complete any review of previously submitted materials. Should you have any questions, please call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd N. Smith', with a date '12/6/07' written below it.

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

PROJECT APPLICATION RESUBMITTAL FORM

PLEASE COMPLETE THIS FORM AND RETURN  
(with any revisions to applications already submitted and accepted)

(Print or Type)



Project Name: Ocean Concrete, Inc.

Computer Application Request Number: 2004110124 App.# 57127

Acreage: Total Site: 8.51 ac  
Area of Development: 8.51 ac

Has the project area of development, number of units, building area devoted to certain uses, or project intensity of use changed from what was noted on the original application form and plans?

YES\*

NO\*\*

\*If yes, go on to answer the following questions.

\*\*If no, proceed no further.

NOTE: Put N/A where not applicable.

1. If yes, please describe what changes in the project area or intensity are now being made via the revisions being submitted with this form:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. RESIDENTIAL DEVELOPMENT (all or portion of project)

Number of Lots: \_\_\_\_\_ Number of Units: \_\_\_\_\_  
Density (units per acre): \_\_\_\_\_

3. NON-RESIDENTIAL DEVELOPMENT (all or portion of project)

Uses by square feet gross building area (eg. Retail; 5,000 sq.ft.)

Use: \_\_\_\_\_ Square Feet: \_\_\_\_\_  
Use: \_\_\_\_\_ Square Feet: \_\_\_\_\_  
Use: \_\_\_\_\_ Square Feet: \_\_\_\_\_  
Use: \_\_\_\_\_ Square Feet: \_\_\_\_\_

Other measure of use intensity (eg. slips, courts)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_