

AGENDA REQUEST

ITEM NO.	VIII
DATE:	01/05/2010
REGULAR	(X)
PUBLIC HEARING	()
LEG.	()
QUASI-JD	()
CONSENT	()

TO: BOARD OF COUNTY COMMISSIONERS

SUBMITTED BY: Growth Management Department

SUBJECT: Petition of **BPSC Industries, LLC** Major Site Plan located at 2525 Center Road.

BACKGROUND: See attached memorandum.

FUNDS AVAILABLE: N/A

PREVIOUS ACTION: June 6, 2006 – BOCC designated as a Brownfield Area

RECOMMENDATION: Board adoption of Resolution No.10-008 granting BPSC Major Site Plan approval with conditions as outlined in the attached memorandum.

PRESENTED BY:
 Kristin Tetsworth
 Planning Manager

COMMISSION ACTION:

CONCURRENCE:

() APPROVED () DENIED
 () OTHER

 Faye W. Outlaw, MPA
 County Administrator

Coordination/Signatures

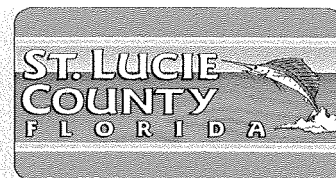
County Attorney () _____
 Daniel S. McIntyre

County Surveyor () _____
 Ron Harris

County Engineer () _____
 Michael Powley

ERD () _____
 Karen Smith

Originating Dept. () _____
 Mark Satterlee



BOARD OF COUNTY COMMISSIONERS

**BPSC Major Site Plan
MJSP 06-014**

◇ **AGENDA ITEM No. VIII**

**BOCC Hearing Date:
January 5, 2010
Tuesday@ 6PM**

GM File Number
MJSP 06-014

Applicant
BPSC Industries, LLC

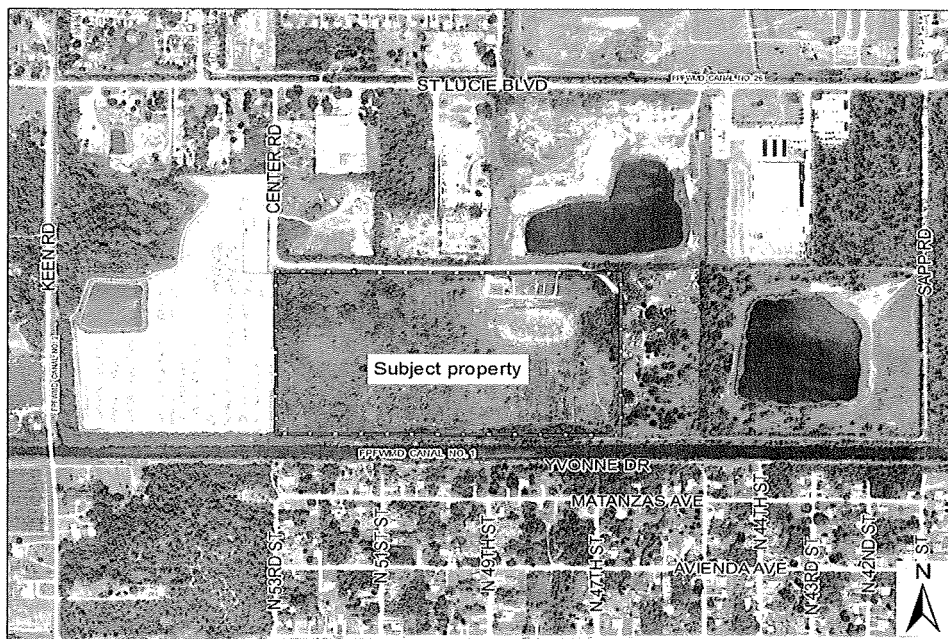
Property Location
2525 Center Road, 1300 feet
South of St. Lucie Blvd.

Future Land Use & Zoning
IND (Industrial) &
IL (Industrial Light)

Staff Recommendation
Board adoption of Resolution
No.10-008 granting BPSC
Major Site Plan approval with
conditions as outlined in the
attached memorandum.

Previous Action
June 6, 2006 – BOCC desig-
nated as a Brownfield Area

Project Staff
Larry Szykowski, AICP



Location: 2525 Center Road, on the south side approximately 1300 feet south of St. Lucie Blvd. where Center Road curves 90 degrees east & parallel to Canal #1

Project Description

Petition of BPSC Industries, LLC Major Site Plan with eight buildings consisting of:

- Warehouse 202,950 square feet
- Office 72,000 square feet;
- Manufacturing 91,000 square feet
- Mezzanine storage 9,000 square feet

The total gross floor area of the project is 374,950 square feet.

Background

This project application was received in 2006 on a Brownfield site that has been remediated under Department of Environmental Protection direction. The petitioner will dedicate 70 feet of right-of-way for the extension of 53rd Street from the south and 10 feet of right-of-way for Center Road. The petitioner has requested a credit for impact fees for the value of the right-of-way dedications. A condition of

approval will be required for a proportionate fair share agreement that will determine the transportation concurrency for this project. Another condition of approval will be required for an alternative tree mitigation method utilizing a land swap for conservation.

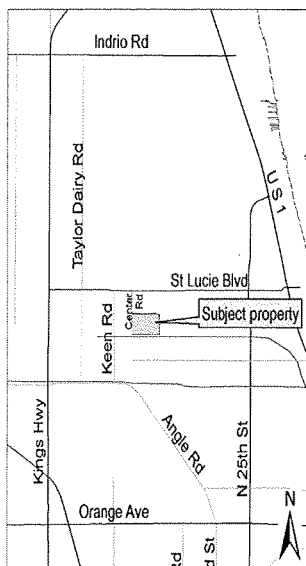
Recommended Board Action

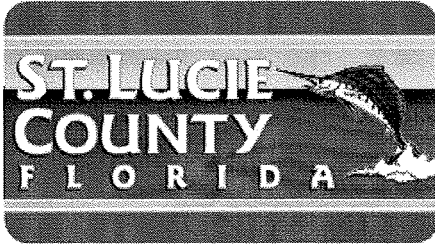
Board adoption of Resolution No.10-008 granting BPSC Major Site Plan approval with conditions as outlined in the attached memorandum.

Notice Requirements: None

Further details are found in the attached staff report or at the Growth Management Department.

**Phone: 772.462.6456
E-mail: szykowl@stlucieco.org**







Growth Management Department

MEMORANDUM

TO: Board of County Commissioners

THROUGH: Mark Satterlee, AICP, Growth Management Director 

FROM: Larry Szykowski, AICP, Senior Planner 

DATE: January 5, 2010

SUBJECT: Petition of **BPSC Industries, LLC** Major Site Plan located at 2525 Center Road.

ITEM NO. VIII

Background:

The petitioner is requesting Major Site Plan approval for a 374,950 square foot, office/warehouse complex with eight buildings on 35.55 acres of a 56.56 acre site at 2525 Center Road. The remaining 21 acres is currently proposed to remain undeveloped. The Development Review Committee (DRC) reviewed the application on October 22, 2009 and certified the project on December 9, 2009.

11.02.07. Standards for Site Plan Review

Consistency with Local Ordinances and Comprehensive Plan:

The proposed eight-building office warehouse use is consistent with the general purpose, goals, objectives, and standards of the St. Lucie County Land Development Code (Section 3.01.03.S; Section 7.04.01; and Section 7.09.04) and the St. Lucie County Comprehensive Plan Policy 1.1.9.5 and Policy 1.1.15.1.

Effect on Nearby Properties:

The office/warehouse use is consistent with the three adjacent parcels to the north, east and west since they are in the same Industrial Light Zoning District. This use will not have an undue adverse effect upon the single-family neighborhood to the south as an eight-foot wall and landscape buffer is proposed on the south side of the development. In addition, there is an 240 foot wide Fort Pierce Farms Water Control District Canal #1 right-of-way situated between the subject property and the residential neighborhood.

Environmental Impact:

The Environmental Resources Department Final Report is attached. As part of an alternative tree mitigation plan, the petitioner has proposed to convey a parcel of land to the County in

addition to plantings on the site. This land conveyance will be a separate item to be considered by the Board of County Commissioners (BOCC) at a future date.

Adequacy of Public Facilities:

The proposed office warehouse development complies with the standards of Chapter V, Adequate Public Facilities of the Land Development Code (LDC.) Section 5.06.02 of the LDC requires a proportionate fair share agreement in order to meet traffic concurrency requirements. That agreement will also come before BOCC as a separate agenda item at a future meeting.

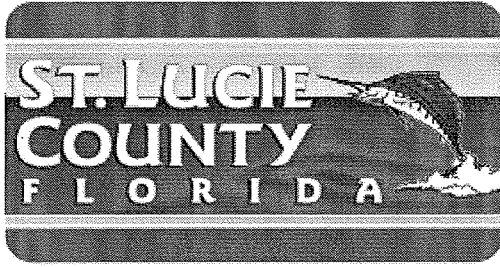
Recommendation:

Board adoption of Resolution No.10-008 granting BPSC Major Site Plan approval with conditions as outlined in this memorandum.

Attachments

Is

cc: Patrick Borrigo, BPSC Industries, LLC
Brian Nolan, ASLA, Lucido & Associates
Ron Harris, St. Lucie County Surveyor
Michael Powley, St. Lucie County Engineer
Christopher Lestrangle, Code Compliance Manager
Amy Mott, Supervisor Environmental Resources Department
Paula Bushby, Supervisor, Zoning Division
File



Environmental Resources Department

Agenda Item Companion Report

TO: Board of County Commissioners

THROUGH: Karen L. Smith, Environmental Resources Department Director

FROM: Jennifer Evans, Environmental Planning Coordinator
Amy Mott, Environmental Regulations Manager

DATE: December 23, 2009

SUBJECT: Resolution 10-008 – Petition of BPSC Industries, LLC for approval of the BPSC Major Site Plan

Department Coordination

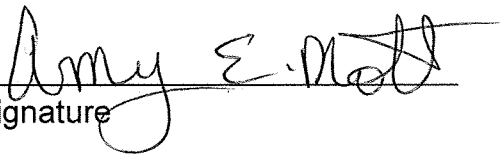
Environmental Resources Department (ERD) worked closely with Growth Management, as well as other members of the Development Review Committee regarding this item.

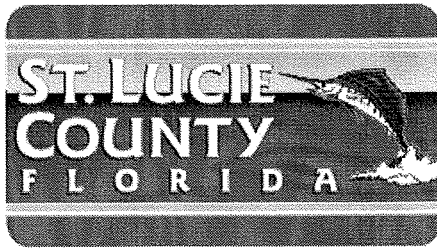
Findings

ERD has included four condition of approval within the attached resolution.

Recommendations

ERD supports Growth Management's recommendation of approval with conditions as outlined in Resolution 10-008.


Signature



ENVIRONMENTAL RESOURCES

FINAL REPORT

TO: Larry Szykowski, DRC Planner

THROUGH: Karen Smith, Environmental Resources Director

FROM: Jennifer Evans, Environmental Planning Coordinator
Amy Mott, Environmental Regulations Manager

DATE: December 29, 2009

SUBJECT: BPSC Industries, LLC, Major Site Plan

A Major Site Plan, known as BPSC (aka Center Road Landfill), was submitted September 13, 2006. The applicant proposes to construct 351,000 square feet of warehousing/office on a 56.56 acre site located south of St Lucie Boulevard on Center Road. The site was historically a landfill and has been designated a "Brown Field" site by the Environmental Protection Agency. As a result of this designation, the Florida Department of Environmental Protection requested the applicant place two feet of soil material to cap the site if developed. The site is currently disturbed with invasive ground covers with a mostly native canopy of Slash Pine and Laurel Oaks. This would result in the loss of all native trees onsite.

Applying the mitigation ratios required by the Land Development Code, the applicant is required to provide a total of 3,331 inches of mitigation. The estimated value to purchase this quantity of trees is \$106,560. This monetary equivalent does not include additional cost incurred for delivery, installation and maintenance.

To meet mitigation requirements, the applicant proposes to convey a parcel of land, known as the Cassens Parcel, to the county per Land Development Code 6.00.05(D)(3)(b)(2), in conjunction with additional onsite plantings. The Cassens Parcel is located adjacent to the county-owned Ten-Mile Creek Preserve and is an integral part of the Greenways and Trails System. The most recent assessment by the St Lucie County Property Appraiser valued this parcel at \$6,400 in 2009. According to a third party appraisal, the highest and best use of this parcel would be as speculative land holding for possible mitigation or annexation to neighboring property due to factors such as lack of legal access and limit to a single unit development. It should be noted this appraisal report also states that no access properties, such as this parcel, sell for 50 to 60 percent of the value of sales with access.

Although there is a significant difference between the Cassen's parcel assessed value and required mitigation value, staff is recommending approval of donation of the Cassen's parcel due to the unique circumstances of this site and the following additional considerations:

- Public health and safety benefit of properly containing a Brownfield site within the County;
- Estimated 2.7 million dollar cost (as provided by the applicant) to properly contain the site;
- Poor condition of the BPSC site (including safety hazards and low ecological value);

- 1,360” of trees with an estimated value of \$43,520 to be planted on the BPSC site in addition to the minimum required landscaping;
- Desirable location of the Cassen’s parcel due to the connectivity to the Greenways and Trails Master Plan and adjacent County preserves;
- Public benefit of the Cassen’s parcel as recreation, including expansion of Ten-Mile Creek canoe trail for ecotourism;
- The Cassen’s parcel high ecological value;
- Inability of the County to directly obtain the Cassen’s parcel in the past due to high price;
- Value of Cassen’s parcel prior to economic downturn;
- Opportunity to obtain additional Environmentally Significant Lands otherwise not feasible considering recommendation by the St Lucie County Lands Acquisition Committee to refrain from any further land purchases without a match;
- Increased cost to the County to accept and plant a large amount of donated trees (an alternative option potentially available to the applicant);
- Inability of the county to accept and plant trees at this time due to low staffing levels.

Conditions of Approval:

- 1) Prior to issuance of a Vegetation Removal Permit or Exemption, the applicant shall have conveyed the parcel of land, known as the Cassens Parcel and identified with parcel identification number 2326-421-0001-000/7, to St. Lucie County in a manner and form acceptable to the County Attorney free and clear of liens and encumbrances.
- 2) Prior to issuance of a Vegetation Removal Permit or Exemption, the applicant shall finalize an improvement agreement acceptable to Environmental Resources Department covering the cost of all required landscaping, irrigation, and related improvements shown in the site plan. A copy of this agreement can be obtained by visiting the SLC Environmental Resources Department website at: [http://www.stlucieco.org/EnvironmentalResources Department/index.htm](http://www.stlucieco.org/EnvironmentalResources%20Department/index.htm).
- 3) Prior to issuance of a Vegetation Removal Permit or Exemption, the applicant shall have obtained and provided Environmental Resources Department with copies of any required federal and state permits. If federal or state agency compliance requires modification to the development plans, the applicant will promptly modify the plans and submit to St. Lucie County for review and approval as required by the Land Development Code. The applicant will not use the County’s development approval to prevent compliance with any federal or state agency requirements.
- 4) Per Section 7.09.05, Category I Invasive Exotic vegetation shall be removed from within the project boundary.



Gordy Road Rec Area

Future canoe livery

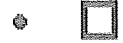
Future bridge

Future trails

Existing trails

Future canoe dock and picnic table

Trail to George Lestrangle preserve



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RESOLUTION NO. 10-008

File Number: MJSP 06-014

**A RESOLUTION GRANTING APPROVAL TO A MAJOR SITE PLAN
PROJECT TO BE KNOWN AS BPSC**

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, based on the testimony and evidence, including but not limited to the staff report, has made the following determinations:

1. BPSC Industries, LLC, presented a petition for Major Site Plan approval for the project to be known as **BPSC** for property located at 2525 Center Road that is on the south side of Center Road, approximately 1300 feet south of St. Lucie Boulevard in the IL (Industrial, Light) Zoning District and as described in Part B, consisting of eight (8) buildings containing:
 - 202,950 square feet of warehouse
 - 72,000 square feet of office;
 - 9,000 square feet of mezzanine,
 - 91,000 square feet of light manufacturing;
 - 374,950 square feet of total floor space; and
 - 365,950 total square feet of building footprints.
2. On June 6, 2006, this Board held a public hearing on the petition of BPF Industries, LLC for the designation of the subject property as a Brownfield Area for the purpose of environmental rehabilitation and economic development. This Board approved the designation of the subject property as a Brownfield Area and declared BPF Industries, LLC as the entity responsible for the Brownfield site rehabilitation and creation of at least ten (10) new permanent jobs.
3. The Development Review Committee has reviewed the site plan for the proposed project and found it to meet all technical requirements and to be consistent with the future land use maps of the St. Lucie County Comprehensive Plan.
4. The proposed project is consistent with the general purpose, goals, objectives and standards of the St. Lucie County Land Development Code, the St. Lucie County Comprehensive Plan, and the Code of Ordinances of St. Lucie County.
5. The proposed project will not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare.
6. All reasonable steps have been taken to minimize any adverse effect of the proposed project on the immediate vicinity through building design, site design, landscaping and screening.

- 1 7. The proposed project will be constructed, arranged and operated so as not to interfere
2 with the development and use of neighboring property, in accordance with applicable
3 district regulations.
4
5 8. The proposed project will be served with water provided by Fort Pierce Utilities
6 Authority and sanitary sewer provided by St. Lucie County Utilities.
7
8 9. The applicant has applied for a certificate of capacity as required under Chapter V, St.
9 Lucie County Land Development Code, which will be issued upon the adoption of the
10 Proportionate Fair Share Agreement.
11

12 **NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of St. Lucie
13 County, Florida:

- 14
15 A. Pursuant to Section 11.02.04 of the St. Lucie County Land Development Code, the
16 Major Site Plan to be known as **BPSC Industries, LLC**, is hereby, approved as shown
17 on the site plan drawings for the project prepared by Lucido & Associates on August
18 16, 2006, last revised on September 30, 2009 and date stamped received by the St.
19 Lucie County Growth Management Department on October 12, 2009, subject to the
20 following conditions:
21
22 1. **No development permits shall be issued until complete sets of sealed constructible final**
23 **engineering plans, supporting calculations and survey data for the site work and offsite**
24 **improvements are approved by the Office of the County Engineer, Public Works**
25 **Department, Utilities Department, Environmental Resources Department, Growth**
26 **Management Department, Fire Department, and any other agency that may be**
27 **determined by the Director of Growth Management to be necessarily involved in the**
28 **review and approval of the constructible final engineering plans for the site work and**
29 **offsite improvements. The determination of whether or not plans submitted by the**
30 **applicant constitute a complete set of constructible plans shall be made by the**
31 **departments involved in the plan review within five business days of the date the plans**
32 **are received in the Department of Growth Management.**
33
34 2. **Within 90 days after receiving final site plan approval, the applicant shall convey the**
35 **required road right of way for 53rd Street (70') and Center Road (10'). Manner and form of**
36 **conveyance shall be acceptable to the County Attorney. The sketch and legal**
37 **description shall be prepared by a Florida licensed surveyor and mapper. Pursuant to**
38 **Section 1-17-33.1 of the Code of Ordinances of St. Lucie County, the applicant may be**
39 **granted credits against road impact fees.**
40
41 3. **Prior to the issuance of a right of way permit, the applicant shall execute a Road**
42 **Improvement Agreement with St. Lucie County and submit a surety for the proposed**
43 **public improvements. The amount of surety shall be 115% of the engineer's estimate of**
44 **probable cost. The amount of surety shall be approved by the County Engineer and the**
45 **form of surety shall be approved by the County Attorney. A copy of the standard**
46 **"Agreement" can be obtained by visiting the St. Lucie County Public Works Department**
47 **website at: http://www.stlucieco.gov/public_works/index.htm.**
48
49 4. **This development order will not take effect until Board adoption of a Proportionate Fair**
50 **Share Agreement that shall be initiated for the development's traffic impacts to the**
51 **following intersections on King Highway: Angle Road and St. Lucie Boulevard.**
52

5. Prior to issuance of a Vegetation Removal Permit or Exemption, the applicant shall finalize an improvement agreement acceptable to Environmental Resources Department covering the cost of all required landscaping, irrigation, and related improvements shown in the site plan. A copy of this agreement can be obtained by visiting the SLC Environmental Resources Department website at: <http://www.stlucieco.org/EnvironmentalResourcesDepartment/index.htm>.
6. Prior to issuance of a Vegetation Removal Permit or Exemption, the applicant shall have obtained and provided Environmental Resources Department with copies of any required federal and state permits. If federal or state agency compliance requires modification to the development plans, the applicant will promptly modify the plans and submit to St. Lucie County for review and approval as required by the Land Development Code. The applicant will not use the County's development approval to prevent compliance with any federal or state agency requirements.
7. Per Section 7.09.05, Category I Invasive Exotic vegetation shall be removed from within the project boundary.
8. Prior to issuance of a Vegetation Removal Permit or Exemption, the applicant shall have conveyed the parcel of land, known as the Cassens Parcel, identified as PID# 2326-421-0001-000/7, to St. Lucie County in a manner and form acceptable to the County Attorney free and clear of liens and encumbrances.

B. The property on which this Major Site Plan approval is being granted is described as follows:

PARCEL 1:

THE WEST 1/2 OF THE S.E. 1/4 OF THE N.W. 1/4 OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 40 EAST; EXCEPTING THEREFROM RIGHTS OF WAY FOR DRAINAGE CANALS AND PUBLIC ROADS. CONTAINING 17.70± ACRES.

PARCEL 2:

THE WEST 795.1 FEET OF THE SOUTH 1167.5 FEET OF THE NORTH 1217.5 FEET OF THE S.W. 1/4 OF THE N.E. 1/4 OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 40 EAST; EXCEPTING THEREFROM RIGHTS OF WAY FOR DRAINAGE CANALS AND PUBLIC ROADS. CONTAINING 21.13± ACRES.

PARCEL 3:

THE SOUTH 583.8 FEET OF THE NORTH 633.8 FEET OF THE EAST 1/2 OF THE S.E. 1/4 OF THE N.W. 1/4 OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 40 EAST; EXCEPTING THEREFROM RIGHTS OF WAY FOR DRAINAGE CANALS AND PUBLIC ROADS. CONTAINING 8.92± ACRES.

PARCEL 4:

THE SOUTH 583.8 FEET OF THE NORTH 1217.6 FEET OF THE EAST 1/2 OF THE S.E. 1/4 OF THE N.W. 1/4 OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 40 EAST; EXCEPTING THEREFROM RIGHTS OF WAY FOR DRAINAGE CANALS AND PUBLIC ROADS. CONTAINING 8.77± ACRES.

ALL LYING AND BEING WITHIN ST. LUCIE COUNTY, FLORIDA CONTAINING 56.56± TOTAL ACRES.

1
2 **Location:** The south side of Center Road, approximately 1300 feet south of
3 St. Lucie Boulevard
4

- 5 C. The St. Lucie County Director of Growth Management is hereby authorized and
6 directed to cause the notation of this resolution to be made on the Official Zoning Map
7 of St. Lucie County, Florida, and to make notation of reference to the date of adoption
8 of this resolution.
9
- 10 D. The Director of Growth Management shall coordinate the issuance of further site
11 Development Permits. No final site construction authorizations or site Development
12 Permits shall be issued until all requirements for such permits are met.
13
- 14 E. This resolution shall be recorded in the Public Records of St. Lucie County. The
15 recording of this resolution does not authorize commencement of any on-site
16 development activities without obtaining such further development permits as may be
17 required. All applicable conditions of approval as set forth above, and applicable code
18 requirements must be met to satisfaction of the County before final site construction
19 permits are issued.
20
- 21 F. A copy of this Order shall be attached to the site plan drawings described in Part A,
22 which plan shall be placed on file with the St. Lucie County Growth Management
23 Director and mailed, return receipt requested to the developer and agent of record as
24 identified on the site plan applications.
25
- 26 G. The conditions set forth in Part A are an integral nonseverable part of the Major Site
27 Plan approval granted by this Resolution. If any condition set forth in Part A is
28 determined to be invalid or unenforceable for any reason and the developer declines to
29 comply voluntarily with that condition, the site plan approval granted by this resolution
30 shall become null and void.
31
- 32 H. This Major Site Development Plan approval shall expire twenty-four (24) months after
33 the date of adoption of the Proportionate Fair Share Agreement, unless an extension is
34 granted in accordance with Section 11.02.06(B)(2), St. Lucie County Land
35 Development Code or unless a building permit is secured.
36
- 37 I. The effective date of this resolution shall be the date of adoption of the Proportionate
38 Fair Share Agreement.
39
- 40 J. This Resolution shall be recorded in the Public Records.
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After motion and second, the vote on this resolution was as follows:

Commissioner Charles Grande, Chairman	XXX
Commissioner Doug Coward, Vice Chair	XXX
Commissioner Paula A. Lewis	XXX
Commissioner Chris Dzadoovsky	XXX
Commissioner Chris Craft	XXX

PASSED AND DULY ADOPTED This 5th Day of January 2010.

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY _____
Chairman

ATTEST:

APPROVED AS TO FORM AND
CORRECTNESS:

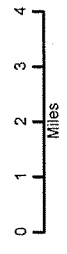
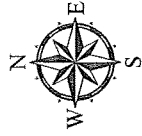
Deputy Clerk

County Attorney

Is
G:\PROJECT FILES\BPSC MJSP 06-014\10-12-2009 Resubmittal\BOCC\Resolution No 10-008 MJSP

BPSC

MJSP-06014

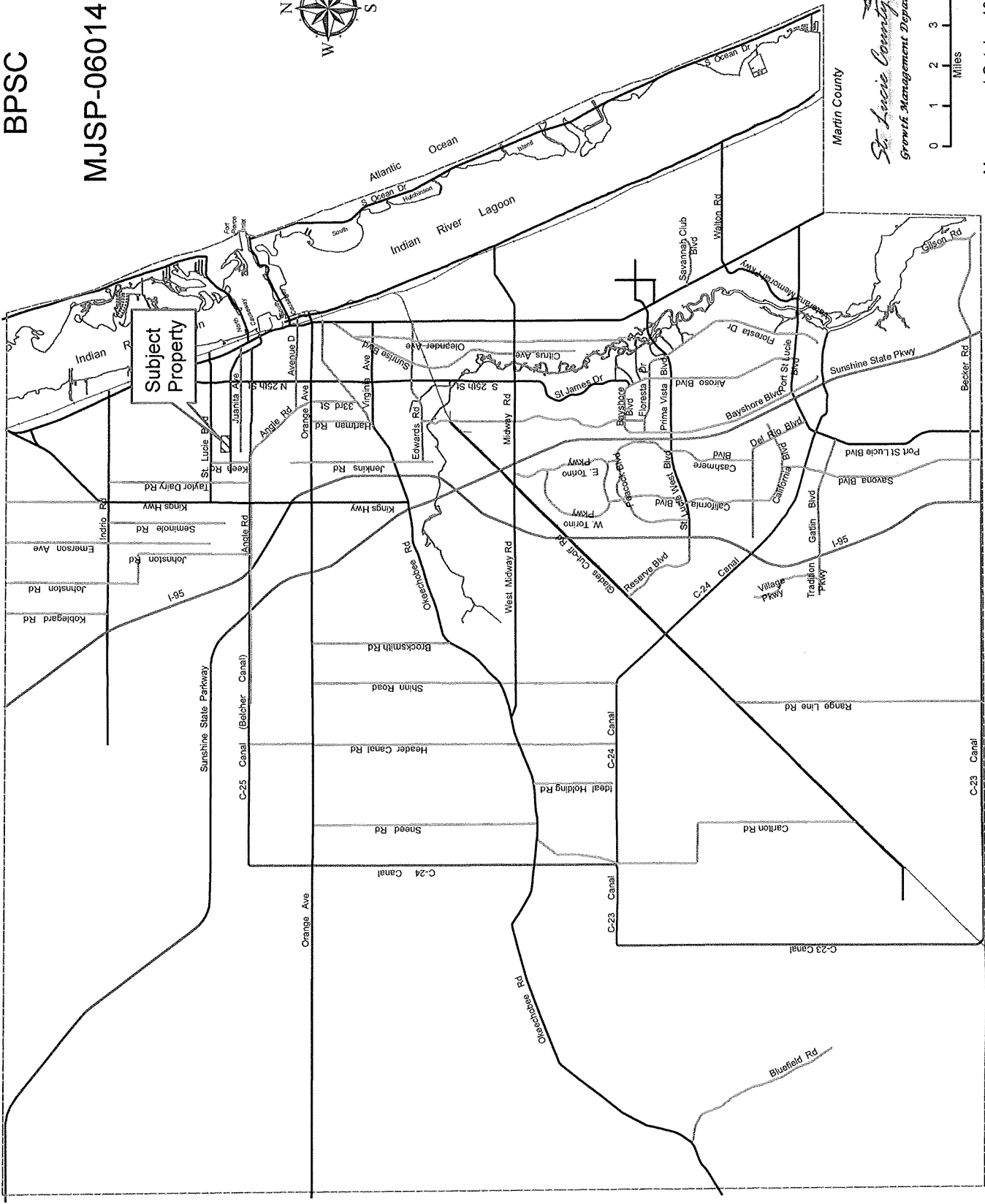


Map prepared October 16, 2009

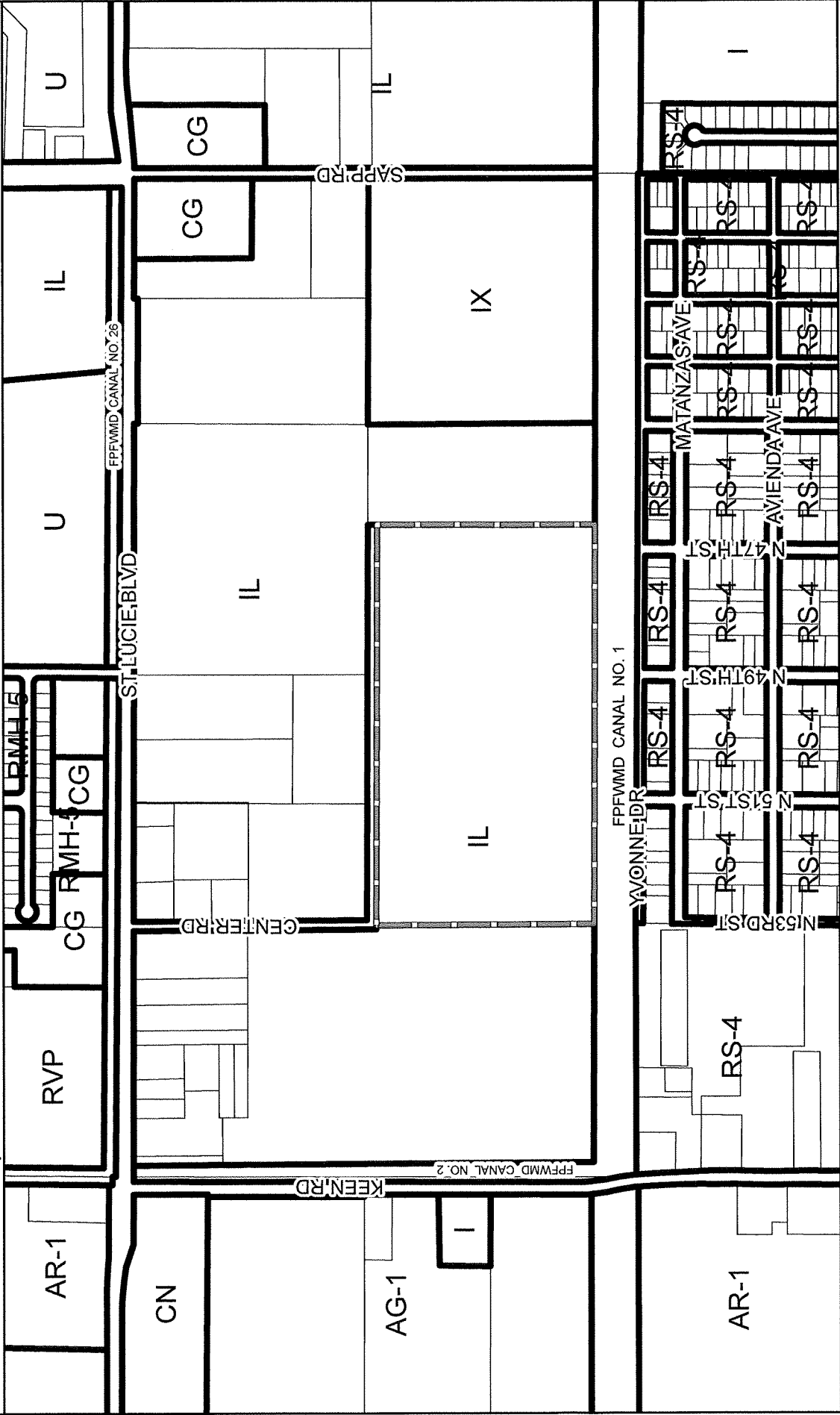
Indian River County

Martin County

Okeechobee County



A petition of BPSC Industries, LLC for a Major Site Plan approval for a project to be known as BPSC in the IL (Industrial, Light) Zoning District consisting of light manufacturing/warehouses/office with a total gross floor area of 374,950 square feet



Subject property

Zoning

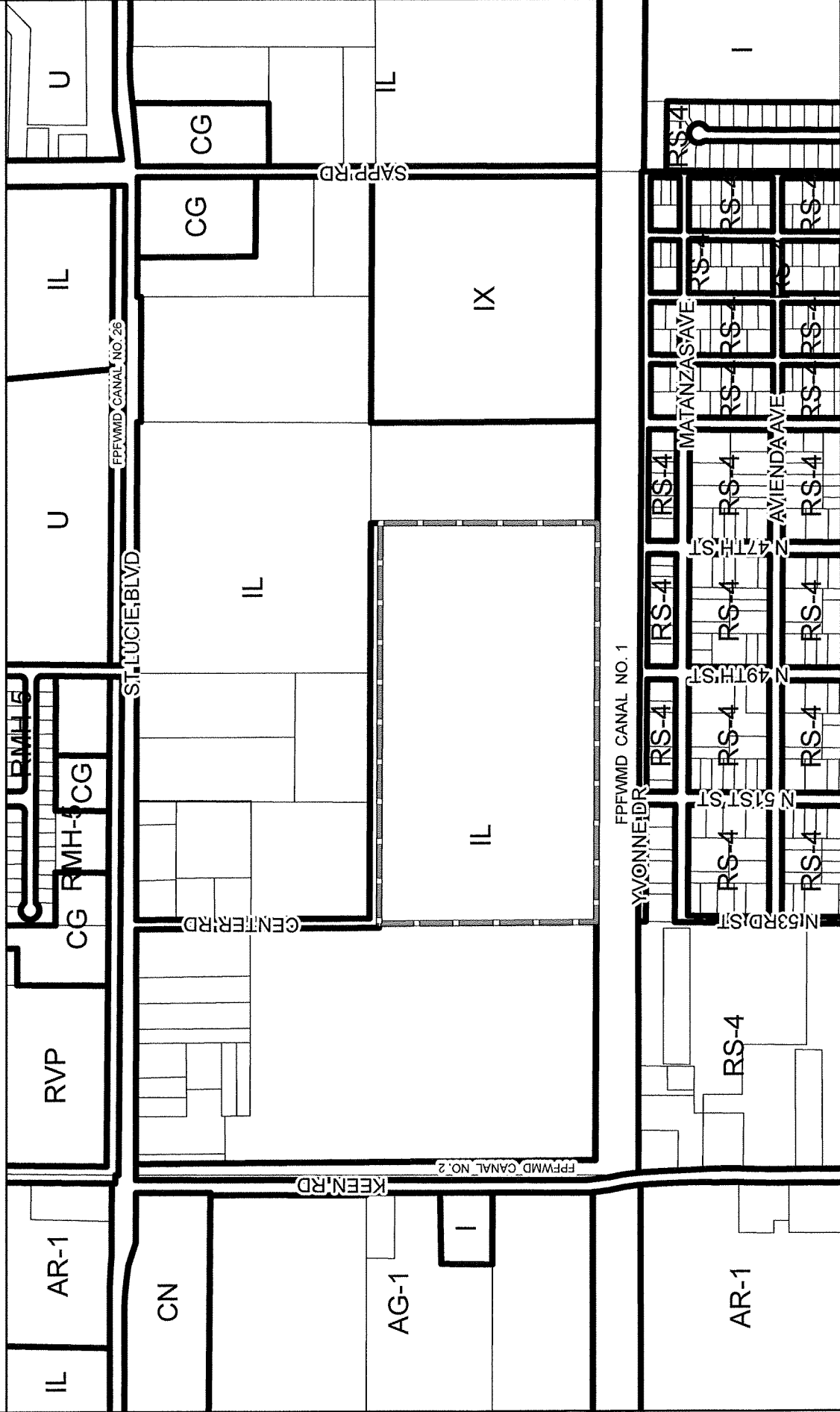
- AG-1 - Agricultural (1 du/ac)
- AR-1 - Agricultural Residential (1 du/ac)
- CG - Commercial General
- CN - Commercial Neighborhood
- I - Institutional
- IL - Industrial Light
- IX - Industrial Extraction
- RMH-5 - Residential Mobile Home
- RS-4 - Residential Single Family (4 du/ac)
- RVP - Recreational Vehicle Park
- U - Utilities

St. Lucie County
Growth Management Department

Map prepared October 16, 2009

MJSP-06014
BPSC

Zoning

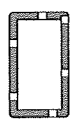


Map prepared October 16, 2009

- IX - Industrial Extraction
- RMH-5 - Residential Mobile Home
- RS-4 - Residential Single Family (4 du/ac)
- RVP - Recreational Vehicle Park
- U - Utilities

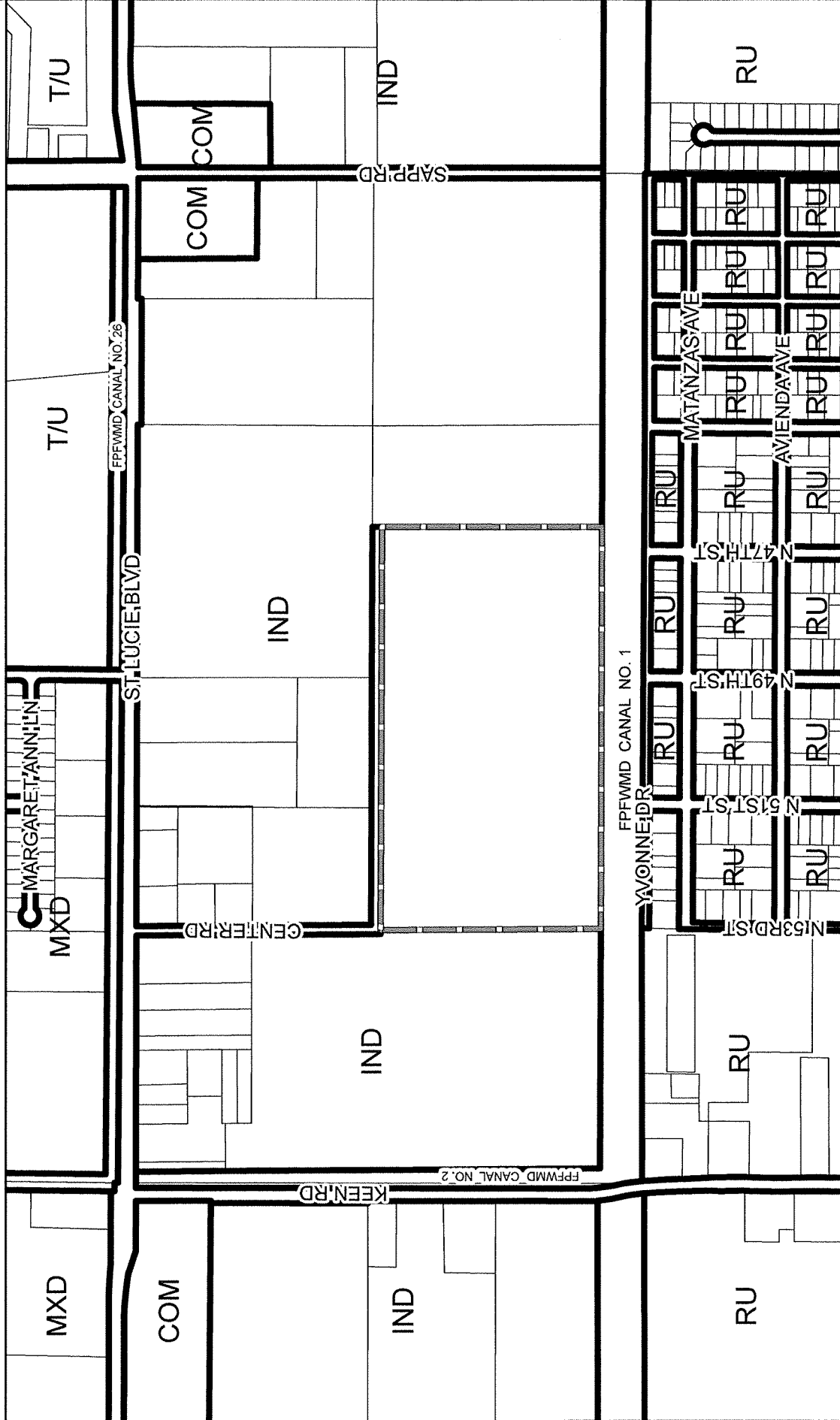
- AG-1 - Agricultural (1 du/ac)
- AR-1 - Agricultural Residential (1 du/ac)
- CG - Commercial General
- CN - Commercial Neighborhood
- I - Institutional
- IL - Industrial Light

Subject property



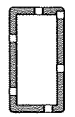
MJSP-06014
BPSC

Future Land Use



- COM - Commercial
- IND - Industrial
- MXD - Mixed Use Development
- RU - Residential Urban (5 du/ac)
- T/U - Transportation/Utilities

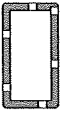
Subject property



St. Lucie County
Growth Management Department

Map prepared October 16, 2009

MJSP-06014
BPSC



Subject property

Aerial flown Jan. 2009



Map prepared October 16, 2009

to: Dev.
Airport
Copy to: FIN
CMB

RESOLUTION NO. 06-036

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, MAKING FINDINGS; DESIGNATING AS A BROWNFIELD AREA WITHIN UNINCORPORATED ST. LUCIE COUNTY, FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT, AS 31 34 40 W 795.1 FT OF S 1167.5 FT OF N 1217.5 FT OF SW 1/4 OF NE 1/4 AND SE 1/4 OF NW 1/4-LESS RDS AND CANALS- (56.62 AC) (OR 689-2644), LOCATED AT 2525 CENTER ROAD, FORT PIERCE, FLORIDA 34946; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided, in Chapter 97-277, Laws of Florida, codified at Sections 376.77-376.84, Florida Statutes, for the designation by resolution, at the request of the property owner, of one or more parcels as a "Brownfield Area," and for the corresponding provision of environmental remediation and economic development; and

WHEREAS, the property owner, BPF Ind., LLC, has requested designation as a Brownfield Area the parcel (31 34 40 W 795.1 FT OF S 1167.5 FT OF N 1217.5 FT OF SW 1/4 OF NE 1/4 AND SE 1/4 OF NW 1/4-LESS RDS AND CANALS- (56.62 AC) (OR 689-2644), located at 2525 Center Road, Fort Pierce, Florida, 34946) depicted on Exhibit A attached hereto and incorporated by reference; and

WHEREAS, on May 22, 2006, the Board of County Commissioners held a public meeting near the area to be designated to provide an opportunity for neighbors and nearby residents to provide comments and suggestions, in accordance with Section 376.80 (2)(a); and

WHEREAS, in Resolution No. 06-035, the Board of County Commissioners determined the subject parcel (31 34 40 W 795.1 FT OF S 1167.5 FT OF N 1217.5 FT OF SW 1/4 OF NE 1/4 AND SE 1/4 OF NW 1/4-LESS RDS AND CANALS- (56.62 AC) (OR 689-2644), located at 2525 Center Road, Fort Pierce, Florida, 34946) should be considered for designation as a brownfield area; and

WHEREAS, St. Lucie County has reviewed the requirements for Brownfield Area designation, as specified in Section 376.80(2)(b), Florida Statutes, and has determined that the proposed area qualifies for designation as a Brownfield Area because the following requirements of Section 376.80(2)(b) have been met:

1. BPF Ind., LLC is the owner of the parcel proposed for designation and has agreed to rehabilitate and redevelop the brownfield site

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 2883918 06/21/2006 at 04:12 PM
OR BOOK 2594 PAGE 2369 - 2371 Doc Type: RESO
RECORDING: \$27.00

2. The rehabilitation and redevelopment of the proposed brownfield area is consistent with the St. Lucie County Comprehensive Plan and is a permissible use under St. Lucie County's land development regulations.
3. Proper notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents and BPF Ind., LLC, has afforded to those receiving notice the opportunity to provide comments and suggestions about rehabilitation.
4. BPF Ind, LLC has provided reasonable assurances that they have sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment plan.
5. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area along with the creation of at least ten (10) new permanent jobs at the brownfield site, which are not associated with implementation, demolition, or construction of the brownfield site.

WHEREAS, St. Lucie County wishes to notify the Florida Department of Environmental Protection of its decision to designate a Brownfield Area for rehabilitation for purposes of Sections 376.77-377.84, Florida Statutes, and

WHEREAS, the procedures set forth in Section 125.66, Florida Statutes, have been followed, and proper notice has been provided in accordance with Sections 376.80(1) and 166.041(4)(b)2, Florida Statutes.

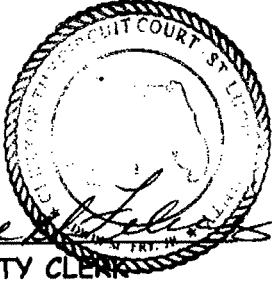
NOW THEREFORE BE IT RESOLVED that the area depicted on Exhibit A, 31 34 40 W 795.1 FT OF S 1167.5 FT OF N 1217.5 FT OF SW 1/4 OF NE 1/4 AND SE 1/4 OF NW 1/4-LESS RDS AND CANALS- (56.62 AC) (OR 689-2644), located at 2525 Center Road, Fort Pierce, Florida, 34946), is hereby designated as a brownfield area. BPF Ind., LLC shall be the entity responsible for brownfield site rehabilitation pursuant to Section 376.80(3), Florida Statutes.

After motion and second the vote on this resolution was as follows:

Chairman Doug Coward	AYE
Vice Chairman Chris Craft	AYE
Commissioner Frannie Hutchinson	AYE
Commissioner Paula A. Lewis	AYE
Commissioner Joseph E. Smith	AYE

PASSED AND DULY ADOPTED this 6th day of June, 2006.

ATTEST:



[Handwritten Signature]
DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY: *[Handwritten Signature]*
CHAIRMAN

APPROVED AS TO LEGAL FORM AND
CORRECTNESS:

[Handwritten Signature]
COUNTY ATTORNEY

From: Deanna Givens
Sent: Thursday, October 22, 2009 8:32 AM
To: Lawrence Szykowski
Subject: FW: Bankruptcy and foreclosures

Deanna Givens
Planning Technician
Growth Management
Givensd@stlucieco.org
772-462-6426

From: Chris Newman
Sent: Thursday, October 22, 2009 8:26 AM
To: Deanna Givens
Cc: Katherine Smith
Subject: RE: Bankruptcy and foreclosures

No bankruptcy or foreclosure.

From: Deanna Givens
Sent: Wednesday, October 21, 2009 12:53 PM
To: Katherine Smith; Chris Newman
Subject: Bankruptcy and foreclosures

Can you please check for any bankruptcy and foreclosures on the following property.

BPSC - 1431-130-0000-010-0

Thank you

Deanna Givens
Planning Technician
Growth Management
Givensd@stlucieco.org
772-462-6426

Please Note: Florida has very broad public records laws. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. It is the policy of St. Lucie County that all County records shall be open for personal inspection, examination and / or copying. Your e-mail communications will be subject to public disclosure unless an exemption applies to the communication. If you received this email in error, please notify the sender by reply e-mail and delete all materials from all computers.

Please Note: Florida has very broad public records laws. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. It is the policy of St. Lucie County that all County records shall be open for personal inspection, examination and / or copying. Your e-mail communications will be subject to public disclosure unless an exemption

OFFICE USE ONLY:

DATE FILED: _____

SP NUMBER: MJSP 06-014

REVIEW FEE: _____

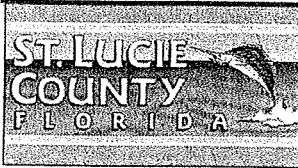
RECEIPT NO: _____

RESOLUTION NO: _____

CONCURRENCY FEE: _____

RECEIPT NO: _____

CERT. CAPACITY NO: _____



**ST. LUCIE COUNTY
GROWTH MANAGEMENT**
2300 Virginia Ave
Fort Pierce, FL 34982
772-462-2822

**APPLICATION FOR MINOR/MAJOR SITE PLAN
AND CERTIFICATE OF CAPACITY**

DIRECTIONS FOR SUBMITTAL

Please complete the requested information and submit all items to the St. Lucie County Growth Management Department, 2300 Virginia Avenue, Ft. Pierce, FL 34982. The proper non-refundable application fee must accompany all applications. For additional details on the information necessary for a submission of a site plan, please refer to Section 11.02.00, St. Lucie County Land Development Code. For assistance in submitting the application, please contact the St. Lucie County Growth Management Department, Planning Division.

REVIEW FEES AND THRESHOLD FOR REVIEW

	Minor Site Plan		Major Site Plan	
Required Review Fee	\$400.00		Less than 10 Acres	\$700.00
			10-50 Acres	\$850.00
			More than 50 Acres	\$1000.00 = \$5/acre over 50 Acres
Concurrency Fee	\$200.00		\$400.00	
Review Thresholds	Residential Development		Residential Development	
	Single Family	3 to 10 Lots	Single Family	>10 Lots
	Multi Family	< 50 Units	Multi Family	=>50 Dwelling Units
	Non-Residential		Non-Residential	
	General Non-Residential	6,000-24,999 sf	General Non-Residential	=>25,000 sf
	Drive-thru Facility	<24,999 sf	Commercial Lodging	< 6 units
	Fuel Dispensing Uses	<24,999 SF		
	Commercial Lodging	< 6 units		
Plat Fee (no improvements)	\$250.00		\$250.00	
Site Plan Extension	\$200.00		\$200.00	

Type of Site Plan (please check one) Minor Site Plan [] Major Site Plan []

Submission of Application

Initial submission shall include the following:

- 1) One (1) original of the completed site plan application.
- 2) Twenty (20) copies of the site plan graphics. (24 inches by 36 inches sheets)
- 3) Twenty (20) copies of the landscape plan.
- 4) Twenty (20) copies of the required boundary and topographic survey.
- 5) Five (5) copies of the Transportation Impact Report (if applicable).
- 6) Five (5) copies of the Environmental Impact Report (if applicable).
- 7) Five (5) copies of the Preliminary Drainage Data.
- 8) Two (2) copies of Aerial.
- 9) One (1) copy of the St. Lucie County Property Appraiser Tax Map (Scale 1:200) with property under petition highlighted.

PLANNING DIVISION

SEP 11 2006

PLANNING DIVISION

All applications for Site Plan approval must be completed and filed with the department before 4:30 PM each business day to meet applicable filing deadlines. For an application submission to be determined complete, all required materials must be present at the time of submission.

Project Information				
Location/Site Address	Just South of St. Lucie Blvd. on Center Road (a.k.a 53 rd Street)			
Site Plan Name	BPSC			
Property Tax ID Number	143113000000100			
Legal Description (attach extra sheets if necessary)	Please see attached documentation for Legal Description			
Section	31	Township	34 South	Range 40 East
Parcel Size	Acres 56.56	Square Footage	246,2894 +/- sf.	
Zoning District	IL	Land Use Classification	IND	
Description of Project	Warehousing/Office			
Type of Construction (Check all appropriate boxes)	<input type="checkbox"/> Residential		Number of Residential Units/Subdivided Lots	
	<input type="checkbox"/> Commercial		Total Square Footage	
	<input checked="" type="checkbox"/> Industrial		Total Square Footage	351,000 sf.
	<input checked="" type="checkbox"/> Please specify		This site has been designated as a Brown Field	
Number and size of outparcels (if applicable)	N/A			

**St. Lucie County
Application for Minor/Major Site Plan Checklist**

Have you shown or provided the following required information?

Boundary & Topographic Information:

(Refer to Section 11.02.09(A)(2), St. Lucie County Land Development Code)

	Yes	No
Aerial Photograph (subject property highlighted?)	✓	
Location Sketch	✓	
Boundary/Topographic Survey	✓	
Positive Outfall	✓	
Floodplain	✓	
Drainage Basin Boundaries	✓	
Preliminary, SFWMD Permit Data	✓	

Site Plan Information:

(Refer to Section 11.02.09(A)(3), St. Lucie County Land Development Code)

	Yes	No		Yes	No
Location, Dimension & Setbacks for all buildings	✓		Parking and loading areas	✓	
Identification of maximum buildable area under review	✓		Water/Wastewater Facilities	✓	
Identification of all easements	✓		Identification of all drainage facilities	✓	
Identification of adjacent driveways	✓		Location of all streets	✓	
Location of all open spaces	✓		Landscaping Plan	✓	
Lighting Plan	✓		Phasing Plan		✓
Transportation Impact Report	✓		Environmental Impact Report	✓	
Vegetation Removal Plan		✓	Sea Turtle Protection Plan		✓

If you have answered **NO** to any item above, please explain why in the space below:

1. At this time a mitigation plan will be provided.of
 2. The proposed project is not proposed to be phased.
 3. The area that the proposed project lies is not applicable to a Sea Turtle Protection Plan.
-
-
-
-
-
-
-
-

SPECIAL NOTICE

(PLEASE READ BEFORE SIGNING ACKNOWLEDGMENTS BELOW)

Submission of this application does not constitute the granting of site plan approval. All appropriate requirements must be met prior to this project being presented for approval to the appropriate authority. St. Lucie County reserves the right to request additional information to ensure a complete review of this project.

ACKNOWLEDGMENTS

Applicant Information (Property Developer)

Name: B.P.S.C. Industries, LLC
Address: 5026 Marina Circle
Boca Raton, Florida 33486
Phone: (954)520.8000 Fax: N/A

Agent Information

Name: Lucido & Associates
Address: 100 Avenue A Suite 2A
Fort Pierce FL 34950
Phone: 772-467-1301 Fax: 772-467-1303

Property Owner Information

This application will not be considered complete without the notarized signature of all property owners of record, which shall serve as an acknowledgment of the submission of this application for site plan approval. The property owner's signature below shall also serve as authorization for the above applicant or agent to act on behalf of said property owner.

[Handwritten signature]
Property Owner Signature

Ronald R. Sayles
Property Owner Name (Please Print)

Mailing Address: 5026 Marina Circle
Boca Raton FL 33486
Phone: (954) 520-8000

STATE OF FLORIDA
COUNTY OF St. Lucie

OFFICE USE ONLY

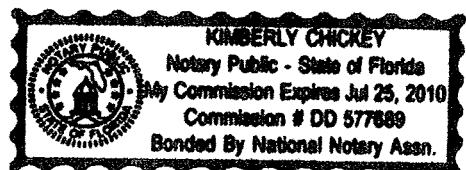
The foregoing instrument was acknowledged before me this 7th
day of Sept, 2006, by Ronald Sayles
who is personally known to me or who has produced FL Driver's License
as identification.

Project Reviewer:
DRC Review:
Approval Date:
Comments:

[Handwritten signature]
Signature of Notary
Kimberly Chickley
Type or Print Name of Notary

Notary Public Title
DD577689 Commission Number

(Seal)



of Section 11.00.03 and 11.00.04. All requests for Planned Development Site Plan extension shall be accompanied by a complete explanation of the reasons that the site plan extension is necessary.

- d. No Final Planned Development Site Plan shall be extended for any period beyond 24 months from the date of original expiration as set forth in the Final Development Order for that Final Planned Development Site Plan without undergoing a complete re-review in accordance with the provisions of Section 11.02.00 and demonstration of compliance with all applicable codes in effect at that time.

C. Abandonment of Construction:

1. In cases where a building permit has been secured, but construction has not commenced and proceeded toward completion, site plan approval shall terminate and become null and void after notice and hearing by the Board of County Commissioners if the Board by a 4/5 vote determines that construction of the approved development plan has been abandoned or suspended. For the purpose of this paragraph, construction shall be considered to be abandoned or suspended if at the hearing it is shown:
 - a. That an active building permit had not been maintained in accordance with the approved site plan and Section 13.00.00, or;
 - b. It is shown to the satisfaction of the Board of County Commissioners that the applicant has not proceeded toward the completion of the permitted structure(s) for a six month period prior to the issuance of a Notice of Intent to Revoke, unless the inactivity is attributable to the deliberate and scheduled phasing of a multiphase project.
 1. A public hearing to consider the revocation of site plan approval shall be scheduled before the Board of County Commissioners in accordance with requirements of Section 11.00.04. Formal notice of this public hearing shall be provided to those parties identified on the Building Permit application.
 2. This section shall not operate to invalidate any site plan prior to the end of the initial twenty four (24) month approval period or any authorized extension thereof.

11.02.07. Standards for Site Plan Review.

Site plan approval shall be granted only if the applicant demonstrates the following:

- A. *Consistency With Local Ordinances and Comprehensive Plan.* The proposed building or use is consistent with the general purpose, goals, objectives, and standards of this Code, the St. Lucie County Comprehensive Plan, and the Code and Compiled Laws of St. Lucie County; and the proposed use complies with all additional standards imposed on it by the particular provisions of this Code authorizing such use and any other requirement of the Code and Compiled Laws of St. Lucie County.

- B. *Effect on Nearby Properties.*
1. The proposed building or use will not have an undue adverse effect upon nearby property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.
 2. All reasonable steps have been taken to minimize any adverse effect of the proposed building or use on the immediate vicinity through building design, site design, landscaping, and screening.
 3. The proposed building or use will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with applicable district regulations.
- C. *Adequacy of Public Facilities.* The proposed building or use complies with the standards of Chapter V, Adequate Public Facilities.
- D. *Adequacy of Fire Protection.* The applicant has obtained from the St. Lucie County - Fort Pierce Bureau of Fire Prevention written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.
- E. *Adequacy of School Facilities.* The proposed building or use will be served by adequate school facilities.
- F. *Environmental Impact.* For developments required to provide an environmental impact report under Section 11.02.09(A)(5), the proposed development will not contravene any applicable provision of the St. Lucie County Comprehensive Plan, or of Chapter VIII, "Natural Environment Analysis", of the St. Lucie County Barrier Island Study Analysis of Growth Management Policy Plan, Kimley-Horn and Associates, Inc. (August, 1982).

11.02.08. Conditions on Site Plan Approval.

A. *Major Site Plan Approvals.* The Growth Management Director shall attach any reasonable condition, limitation, or requirement to a Minor Site Plan approval as is necessary to effectuate the purposes of this Section and to carry out the spirit and purpose of this Code and the St. Lucie County Comprehensive Plan. Such conditions shall be set forth expressly in the Final Development Order approving the site plan and shall include the following:

1. *Traffic Control Devices.* Whenever, as the result of additional traffic generated by a proposed development, it is determined based on the Manual on Uniform Traffic Control Devices that there is a need for installation of traffic control devices (including traffic signals, signing, and pavement markings) to ensure safe traffic circulation onto and off of the site, the site plan shall not be approved except upon the condition that the applicant be responsible for installing all said devices and signs, or make an equitable contribution toward such installation. In the case of those developments accessing onto any portion of the State Highway system, concurring approval, in the

form of a Notice of Intent or other authorized conceptual approval, from the Florida Department of Transportation about any signals or other regulatory devices is required to be obtained before any Final Development Order is issued.

2. *Access Improvements.* A site plan shall not be approved except upon the condition that the applicant provide the access (ingress and egress) improvements determined to be necessary as a result of traffic generated by the development.
3. *Water and Sewer Dry Line Improvements.* If the proposed development is within a water or sewer utility's five (5) year service area, the developer shall construct and dedicate to the County, or at the County's discretion, the applicable service provider, dry water and sewer lines in accordance with standards and specifications of the County and the applicable service provider
4. *Connected to Regional Utility Systems.* A site plan shall not be approved except upon the condition that the development connect to a regional potable water distribution and/or wastewater collection system when the system becomes available to service the development.
5. *Right-of-Way Dedications.* A site plan shall not be approved that does not provide for dedication of the necessary right-of-way as required in Section 7.05.02.
6. *Projects Requiring Other Regulatory Approval.*
 - a. For developments requiring any permit from the United States Army Corps of Engineers, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, or any other state or federal regulatory authority, the Growth Management Director shall not approve unconditionally a Minor Site Plan until it has received from such agency notice of either issuance of or intent to issue the required regulatory permit.
 - b. The Growth Management Director may approve a Minor Site Plan conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit if it can make, on a tentative basis and subject to confirmation, the findings required in Section 11.02.07(E). A site plan approval conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit shall not preclude the Board of County Commissioners, after reviewing the regulatory permit application and other information, from revoking such conditional site plan approval based solely upon an inability to confirm the findings required in Section 11.02.07(F) or from protesting the permit application.
7. *Comprehensive Plan and Code.* The Growth Management Director may add any condition deemed necessary to ensure compliance with the provisions of this Code, the St. Lucie County Comprehensive Plan and the St. Lucie County Code and Compiled Laws..

B. *Major Site Plan Approvals.* The Board of County Commissioners shall attach any reasonable condition, limitation, or requirement to a site plan approval as is necessary to effectuate the purposes of this Section and to carry out the spirit and purpose of this Code and the St. Lucie County Comprehensive Plan. Such conditions shall be set forth expressly in the Final Development Order approving the site plan and shall include the following:

1. *Traffic Control Devices.* Whenever, as the result of additional traffic generated by a proposed development, it is determined based on the Manual on Uniform Traffic Control Devices that there is a need for installation of traffic control devices (including traffic signals, signing, and pavement markings) to ensure safe traffic circulation onto and off of the site, the site plan shall not be approved except upon the condition that the applicant be responsible for installing all said devices and signs, or make an equitable contribution toward such installation. In the case of those developments accessing onto any portion of the State Highway System, concurring approval, in the form of a Notice of Intent or other authorized conceptual approval, from the Florida Department of Transportation about any signals or other regulatory devices is required to be obtained before any Final Development Order is issued.
2. *Access Improvements.* A site plan shall not be approved except upon the condition that the applicant provide the access (ingress and egress) improvements determined to be necessary as a result of traffic generated by the development.
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4. *Connected to Regional Utility Systems.* A site plan shall not be approved except upon the condition that the development connect to a regional potable water distribution and/or wastewater collection system when the system becomes available to service the development.
5. *Right-of-Way Dedications.* A site plan shall not be approved that does not provide for dedication of the necessary right-of-way as required in Section 7.05.02.
6. *Projects Requiring Other Regulatory Approval.*
 - a. For developments requiring any permit from the United States Army Corps of Engineers, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, or any other state or federal regulatory authority, the Board of County Commissioners shall not approve unconditionally a site plan until it has received from such agency notice of either issuance of or intent to issue the required regulatory permit.
 - b. The Board of County Commissioners may approve a site plan conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit if it can make, on a tentative basis and subject to confirmation, the

findings required in Section 11.02.07(E). A site plan approval conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit shall not preclude the Board of County Commissioners, after reviewing the regulatory permit application and other information, from revoking such conditional site plan approval based solely upon an inability to confirm the findings required in Section 11.02.07(F) or from protesting the permit application.

7. *Reduction In Maximum Residential Density.* The Board of County Commissioners shall require a reduction from the maximum density permitted in the zoning district in which a proposed development is to be located when such allowable maximum residential density:
 - a. Would impose an excessive burden, as determined by recognized engineering or other professional standards, on public facilities that would serve the proposed development; or
 - b. Would contravene any goal, objective, or policy of the St. Lucie County Comprehensive Plan, or of Chapter VIII, "Natural Environment Analysis", of the St. Lucie County Barrier Island Study Analysis of Growth Management Policy Plan, Kimley-Horn and Associates, Inc. (August, 1982).
8. *Comprehensive Plan and Code.* The Board of County Commissioners may add any condition deemed necessary to ensure compliance with the provisions of this Code, the St. Lucie County Comprehensive Plan and the St. Lucie County Code and Compiled Laws.

11.02.09. Submittals for Minor and Major Site Plans.

A. *Minor and Major Site Plan Requirements.* Site Plan submittals shall include the following materials:

1. *General Information:*
 - a. The applicant's name and address.
 - b. The applicant's interest in the subject property.
 - c. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the application.
 - d. The street address and a legal description of the property.
 - e. The present zoning classification and existing uses of the subject property proposed to be reclassified.
 - f. Information on land areas adjacent to the proposed development and an indication of the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the land.

- g. A development schedule indicating the approximate date construction of the development or stages of the development can be expected to begin and be completed.
- h. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the development, such as land areas, dwelling units, and commercial facilities.
- i. A statement describing whether the project will utilize existing water and sewer facilities and if so a letter from the service provider stating capacity will be available for the project.

2. Existing Conditions:

- a. An aerial photograph of the property on which the development activity is to take place. The aerial photograph used to satisfy this requirement may be obtained from the St. Lucie County Property Appraiser.
- b. Detailed location sketch of the proposed development designating the section, township and range.
- c. A topographic survey of the entire project site, prepared in accordance with the current standards of Chapter 61G17-6 FAC, which shall include, at a minimum: the project boundaries, a north arrow, a scale indicator, bench mark information (NGVD) and;
 - 1. One (1) foot contours shall be shown and shall extend at least 50 feet around the project site, except that the Growth Management Director may authorize partial relief from this standard when the following conditions exist:
 - a. Existing grade conditions, throughout the site are such that one foot contours would not be discernable. In these instances, contours at two (2) foot intervals may be provided; and/or,
 - b. Existing grade conditions, over the entire site, vary less than two feet above base elevation.
 - 2. A sufficient number of spot elevations shall be shown to support the contour information and to accurately reflect the site topography.

All topographic surveys shall be submitted on a sheet size twenty-four (24") by thirty-six (36") inches and shall be the same scale as the project site plan.

All topographic surveys shall have been prepared within the 24 months prior to the application for site plan being filed and shall reflect current property conditions.

- d. A boundary survey and legal description prepared in accordance with the current standards of Chapter 61G17-6 FAC. All boundary surveys shall be submitted on a sheet size twenty-four (24) inches by thirty-six (36) inches and shall be the same

ENVIRONMENTAL IMPACT REPORT

BPSC 53RD STEET PARCEL
36.55 - ACRES
ST. LUCIE COUNTY, FLORIDA

AUGUST 31, 2005

Prepared by:



4646 SE Pompano Terrace
Stuart, FL 34997
772-220-7817

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**ENVIRONMENTAL IMPACT REPORT
BPSC 53RD STREET PARCEL
36.55 - ACRES
ST. LUCIE COUNTY, FLORIDA**

1.0 INTRODUCTION

The project involves the construction of a warehouse storage facility and associated stormwater system on a \pm 36.55-acre site. The proposed project will be permitted through South Florida Water Management District (SFWMD) with this report supporting the Environmental Resources Permit (ERP) and St. Lucie County site plan review process.

2.0 SITE LOCATION

The project is located within Section 31, Township 34 South, Range 40 East, St. Lucie County, Florida (Figure 1). Specifically the project is located on 53rd Street just south of St. Lucie Airport.

The site is bordered to the east by an existing race track, to the south by a drainage canal and single family residential, to the west by industrial development and to the north by 53rd Street, vacant open land and industrial uses.

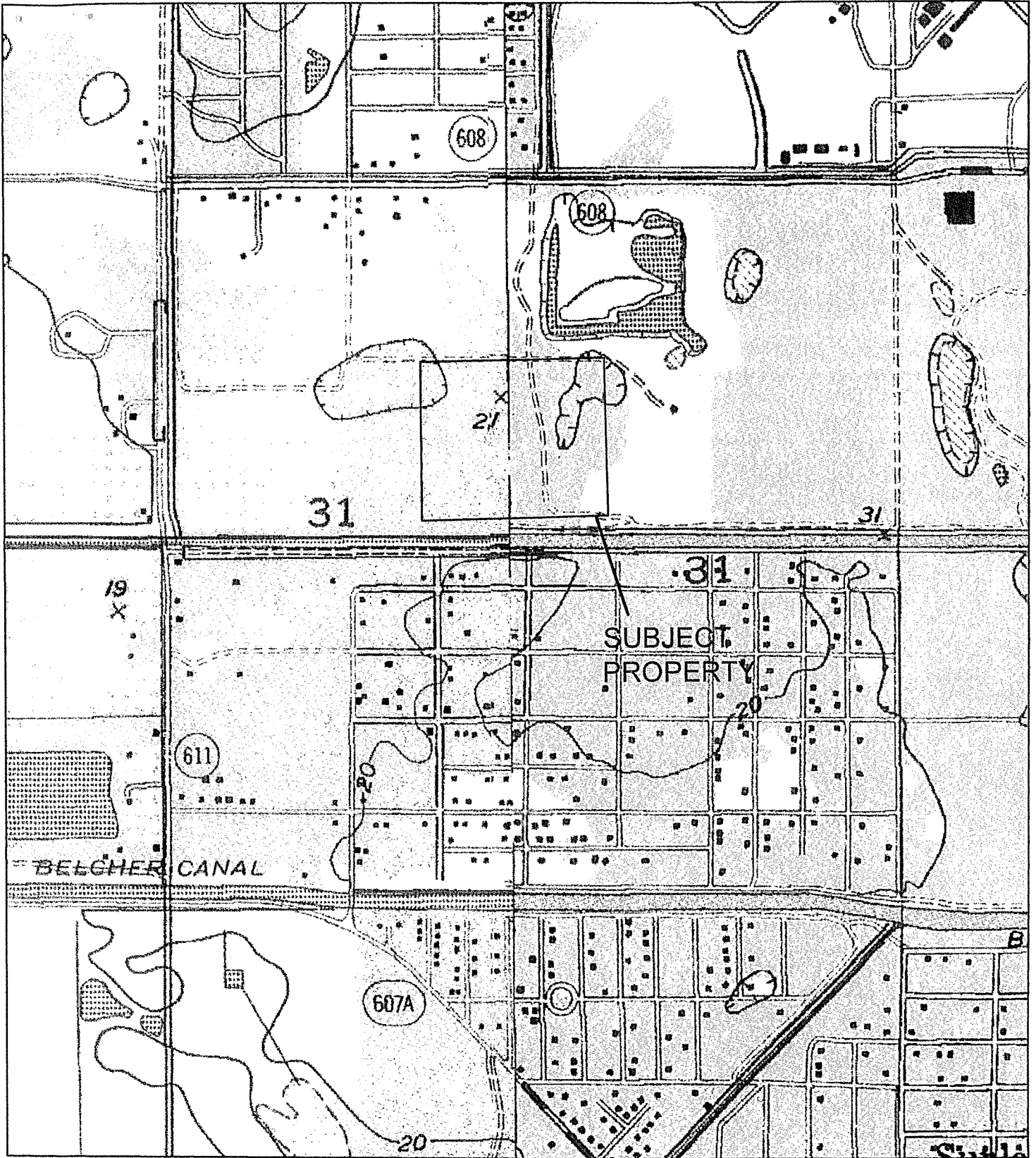
3.0 METHODOLOGY

The assessment methodology consisted of the review of topographic information, soils maps, and recent aerial photographs and County ordinances governing critical habitat and listed species specific to the County.

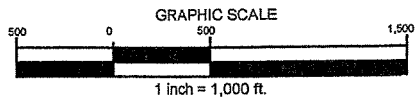
A field reconnaissance of the subject parcel was then conducted which included pedestrian transects through the parcel to map and identify specific habitat and land uses and vegetative cover types. Field notes were taken and an aerial photograph was marked with land use and cover types and any environmental findings.

4.0 TOPOGRAPHY/HYDROLOGY

According to the USGS topographic quadrangle (Ft. Pierce, FL), the site has an average elevation of 21 feet NGVD, with two depressions identified. One of the depressions is located in the northwest corner and the other in the north central portion of the site.



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USGS QUADRANGLE
 BPSC 36.55 AC PARCEL
 ST. LUCIE COUNTY FLORIDA

SOURCE: USGS FT. PIERCE (1983) QUADRANGLE
 SECTION 31, TOWNSHIP 34 SOUTH, RANGE 40 EAST

FIGURE 1
 DATE: 8-29-06
 PROJECT No. 6005.00

Site reconnaissance confirms the depression in the northwest corner of the site, however the previous activities on site have altered the remaining area and the second depression is now covered by the race track and facilities.

Currently the depressions and water feature have been filled and replaced with a race track and associated facilities. A small ditch is currently present near the east property boundary. Minor swales are present as part of the water management system for the race track, and a levee is adjacent (off site) to the south property boundary associated with the drainage canal.

5.0 SOILS

According to the *Soils Survey of the St. Lucie County Area, St. Lucie County, FL* (USDA-SCS, 1977), the soils consist of Pits (Figure 2). The on site soil is characterized as follows:

1. Pits (33). This map unit consists of excavations from which soil and geological material have been removed mostly for use in road construction or in building foundations. Included with Pits is sandy and loamy waste material that is piled or scattered around the edges of the pits. Pits are generally small, but a few excavations are large. Many of the pits have been abandoned. Some are filled with water and are shown as water on the soil map.

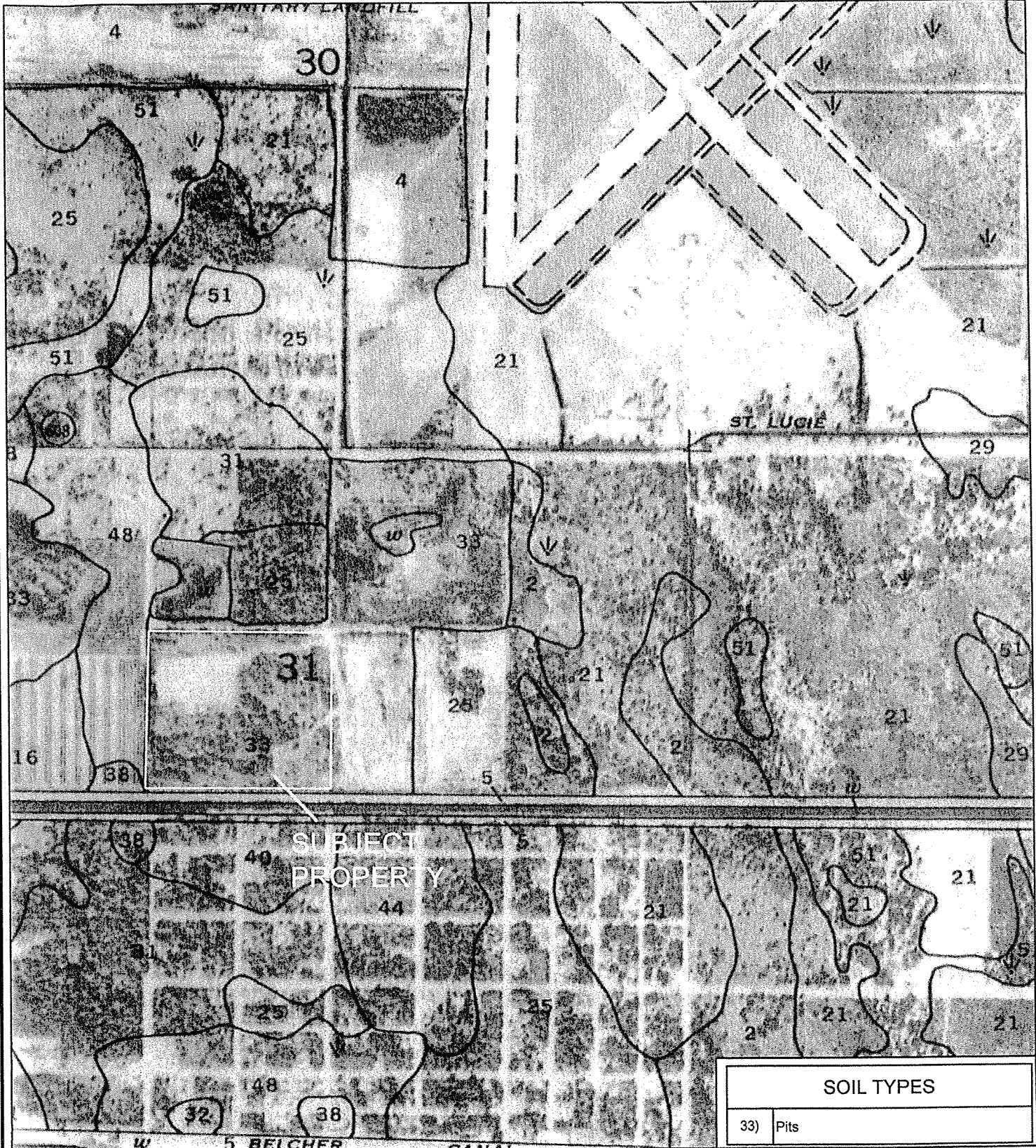
On site reconnaissance indicates Pits may not accurately describe the soils currently on site. If at one time the entire site was classified as pits, all pits have since been filled with waste materials and there are currently no signs of the previous depressions.

6.0 SITE CONDITIONS

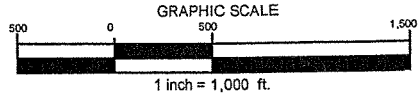
An assessment of the extent, distribution and composition of vegetative communities for the 9.43-acre site was conducted by Chris Sopotnick of Ecological Consulting of Florida (ECF), on several events. The first review occurred on March 28, 2006, prior to mowing activities on site. ECF worked with the client selectively mow the parcel to obtain tree survey data, as well as accurate gopher tortoise data. This process occurred from May - July 2006 with ECF attending three monitoring events.

Pedestrian transects were conducted throughout the site with vegetative communities mapped on a county blue-line aerial photograph.

A description of each community type is provided in the Habitat/Land Use section of this report.



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SOILS MAP
BPSC 36.55 AC PARCEL
 ST. LUCIE COUNTY FLORIDA

SOURCE: USDA NRCS SOIL SURVEY OF ST. LUCIE COUNTY AREA, FLORIDA (1977)
 SECTION 31, TOWNSHIP 34 SOUTH, RANGE 40 EAST

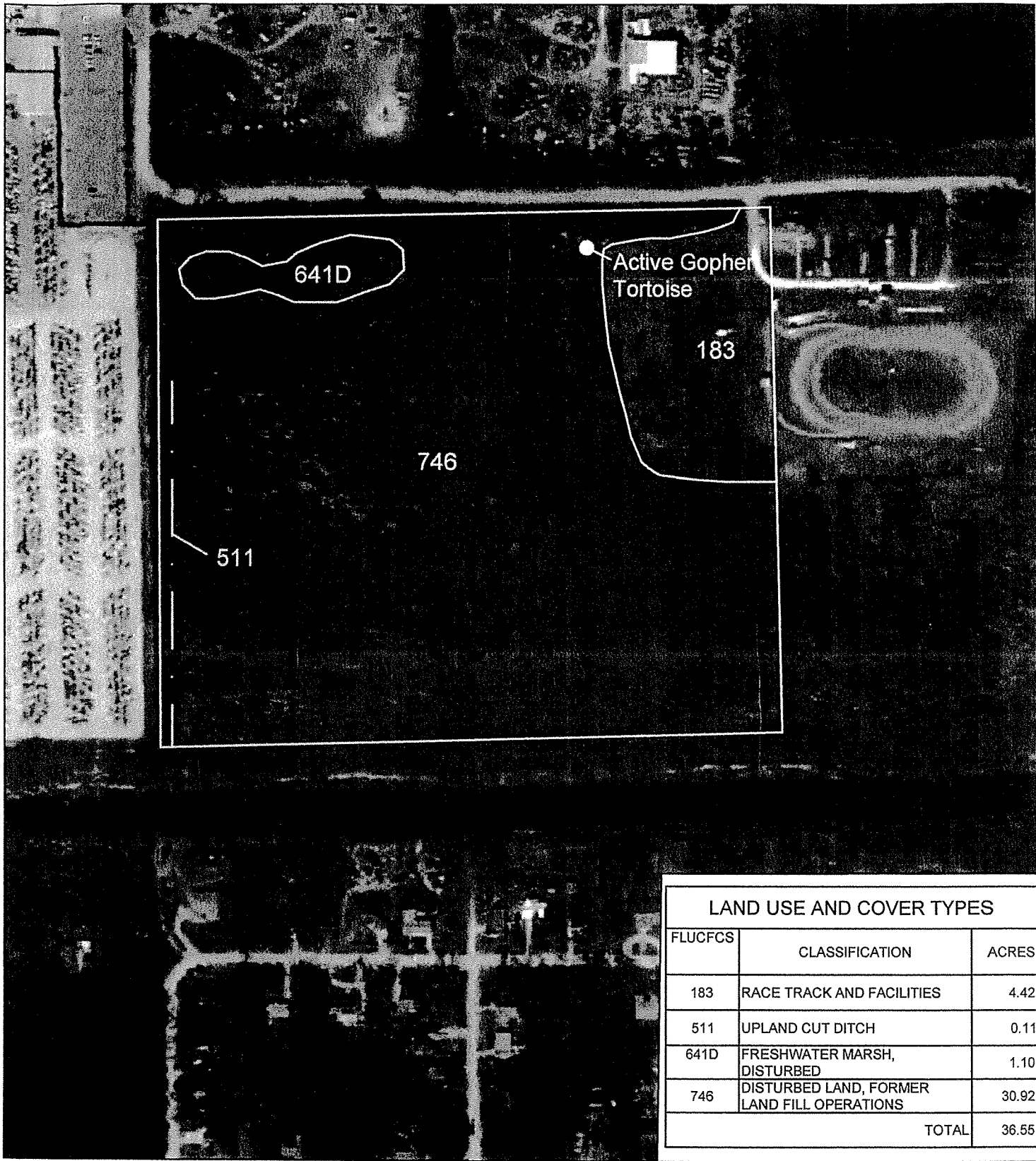
FIGURE 2
 DATE: 8-29-06
 PROJECT No. 6005.00

7.0 HABITAT/LAND USE

Onsite habitats and adjacent land uses have been characterized using the *Florida Land Use Cover and Forms Classifications System* (FDOT, 1985) (FLUCFCS), and are described below and depicted on the Land Use and Cover Map (Figure 3).

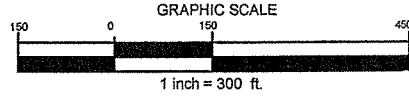
- 183 – Race Track and Associated Facilities: A large portion of the site is classified as race track and associated facilities. This is currently the dominant use of the site, A dirt track and associated buildings are present with the remainder of this land cover type in open land for parking. The open land component is vegetated with bahiagrass (*Paspalum notatum*), with occasional slash pine (*Pinus elliottii*), and cabbage palm (*Sabal palmetto*).
- 511 – Upland Cut Ditch: An upland cut ditch is located near the east property boundary, and is primarily covered by a canopy of Brazilian pepper (*Schinus terebinthefolius*), with some coastal willow (*Salix caroliniana*) present.
- 641D – Freshwater Marsh, Disturbed: A freshwater marsh is found in the northwest corner of the site. This wetland is highly disturbed and is characterized by a dense cluster of primrose willow (*Ludwigia peruviana*), coastal willow, occasional St. John's wort (*Hypericum spp.*), water hyssop (*Bacopa monnieri*), and Brazilian pepper.
- 746 – Disturbed Land, Former Land Fill Operations: This community is the dominant coverage on site. This area has uneven terrain, with scattered construction related debris mixed with the soil and present on the surface. This area has been revegetated since land fill operations ceased. Currently the site has a canopy of slash pine and an occasional laurel oak (*Quercus laurifolia*), with an occasional cabbage palm observed within the sub canopy. The dominate vegetation within this community is a monoculture of giant cane (*Arundinaria gigantea*), with pockets of Brazilian pepper.

FLUCFCS CODE	COMMUNITY NAME	ACRES	PERCENT
183	Race Track and Associated Facilities	4.42	12.1
511	Upland Cut Ditch	0.11	0.3
641D	Freshwater Marsh, Disturbed	1.10	3.0
746	Disturbed Land, Former Land Fill Operations	30.92	84.6
Total Area		36.55	100.0



LAND USE AND COVER TYPES		
FLUCFCS	CLASSIFICATION	ACRES
183	RACE TRACK AND FACILITIES	4.42
511	UPLAND CUT DITCH	0.11
641D	FRESHWATER MARSH, DISTURBED	1.10
746	DISTURBED LAND, FORMER LAND FILL OPERATIONS	30.92
TOTAL		36.55

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LAND USE AND COVER MAP
BPSC 36.55 AC PARCEL

ST. LUCIE COUNTY FLORIDA

SOURCE: USGS FT. PIERCE (1983) QUADRANGLE
 SECTION 31, TOWNSHIP 34 SOUTH, RANGE 40 EAST

FIGURE 3

DATE: 8-29-06

PROJECT No. 6005.00

8.0 CRITICAL HABITAT/ LISTED SPECIES OBSERVATION

The site was reviewed for the presence of habitat conducive to federal and state listed flora and fauna. An initial review documented vegetative communities and noted areas listed as potential habitat. A cursory survey was performed by ECF on March 28, 2006, with a gopher tortoise survey conducted after initial mowing of the area on June 16, 2006. The methodology included meandering pedestrian and vehicular transects throughout the parcel.

One active gopher tortoise (*Gopherus polyphemus*) burrow was noted on site (see Figure 3). Review of the parcel did not encounter any commensal species of the gopher or any additional burrow on this site. The low density of tortoise activity was anticipated based on the original review on March 28, 2006. Due to the previous uses of the site and existing debris noted it was anticipated to be unlikely that gopher tortoise would utilize this parcel.

The Florida Natural Areas Inventory (FNAI) provides a matrix by county of rare and endangered species in Florida. Based on the known distribution and preferred habitats of certain species, the following listed wildlife has the potential to occur on site:

TABLE 2 – FNAI LISTED SPECIES				
COMMON NAME	SCIENTIFIC NAME	EVIDENCE/SIGHTING	STATUS	
			FWC	USFWS
Eastern Indigo snake	<i>Drymarchon corias couperi</i>	Not observed	T	T
Gopher tortoise	<i>Gopherus polyphemus</i>	Not observed	SSC	
Gopher frog	<i>Rana capito</i>	Not observed	SSC	
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	Not observed	SSC	
Bald eagle	<i>Haliaeetus leucocephalus</i>	Not observed	T	T
Burrowing owl	<i>Speotyto cunicularia</i>	Not observed	SSC	
Abbreviations: SSC = Species of Special Concern, T = Threatened USFWS = United States Fish and Wildlife Service, FWC = Florida Fish and Wildlife Conservation Commission,				

None of the other species were identified on site.

Coordination letters have also been sent to the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (USFWS) requesting input and a search of their databases for any other information about the site or nearby sites (Attachment 1). Correspondence from the Division of Historical Resources is attached indicating no significant archaeological or historical resources are recorded on the project site, and due to the location and/or nature of the project it is unlikely that any such site will be affected.

9.0 WETLANDS AND SURFACE WATERS

The site includes one wetland in the northwest corner of the site. This wetland has been highly disturbed by the previous activities on site, and although considered jurisdictional by SFWMD, the wetland is considered low quality due to the inundation by exotic vegetation. There is also a ditch present along the western property boundary. This ditch is classified as other surface water (OSW) and would be regulated by the SFWMD and the US Army Corps of Engineers (ACOE).

Carolyn Farmer of SFWMD attended a field meeting on July 12, 2006 to confirm the limits of jurisdictional wetlands on site. The ACOE has not yet confirmed jurisdictional areas on site. The ACOE will confirm the jurisdictional limits upon receipt of the ERP application.

10.0 CONCLUSION

The subject property contains one wetland, an other surface water and a single active gopher tortoise burrow.

An ERP application with SFWMD is being prepared and will be submitted upon completion. Initial field meetings with SFWMD staff have indicated that due to the low quality of the on site wetland, upon justifying that avoidance and minimization of the wetland is not practicable, the wetland can be permitted with proper offsetting mitigation. In order to have a usable project the applicant has determined that avoidance and minimization of the wetland is practicable. Currently the applicant and design team are evaluating mitigation options to present to SFWMD in the ERP to offset the loss of this wetland. Upon completion of the ERP the County will be copied with the mitigation plan.

The FWC has jurisdiction over the gopher tortoise. An application for relocation of this tortoise will be made 90-days prior to site clearing and after approval of the site plan by the County. The tortoise will be relocated off the project site on land under contiguous ownership by the applicant. No impacts to gopher tortoise are anticipated for this project.

At the local level, St. Lucie County requires a Vegetation Removal Permit, as well as mitigation for native trees that cannot be preserved and incorporated into the development plan. This site includes slash pine, laurel oaks, live oaks and cabbage palms that would require permitting and mitigation by the county if impacted. The landscape architects plan will incorporate tree impacts and a tree mitigation plan to offset the impacts.

REFERENCES

- Florida Department of Agriculture and Consumer Services, Division of Plant Industry. April 2004. Preservation of Native Flora of Florida, Chapter 5B-40005, Florida Administrative Code.
- Florida Department of Transportation. 1999. Florida Land Use, Cover & Forms Classification System Handbook. Tallahassee, Florida. 91 p.
- Florida Fish and Wildlife Conservation Commission. 2004. Florida's Endangered Species, Threatened Species and Species of Special Concern, Official Lists. Tallahassee, Florida. 9p.
- U. S. Department of Agriculture, Soil Conservation Service. 1977. Soil survey of St. Lucie County Area, Florida. 183 p. + maps.
- Florida Natural Areas Inventory, 2006. FNAI Tracking List, St. Lucie County, FL
- St. Lucie County, Resource Protection Ordinance, Chapter Vi, Section 6.00.00

PHOTOGRAPHS

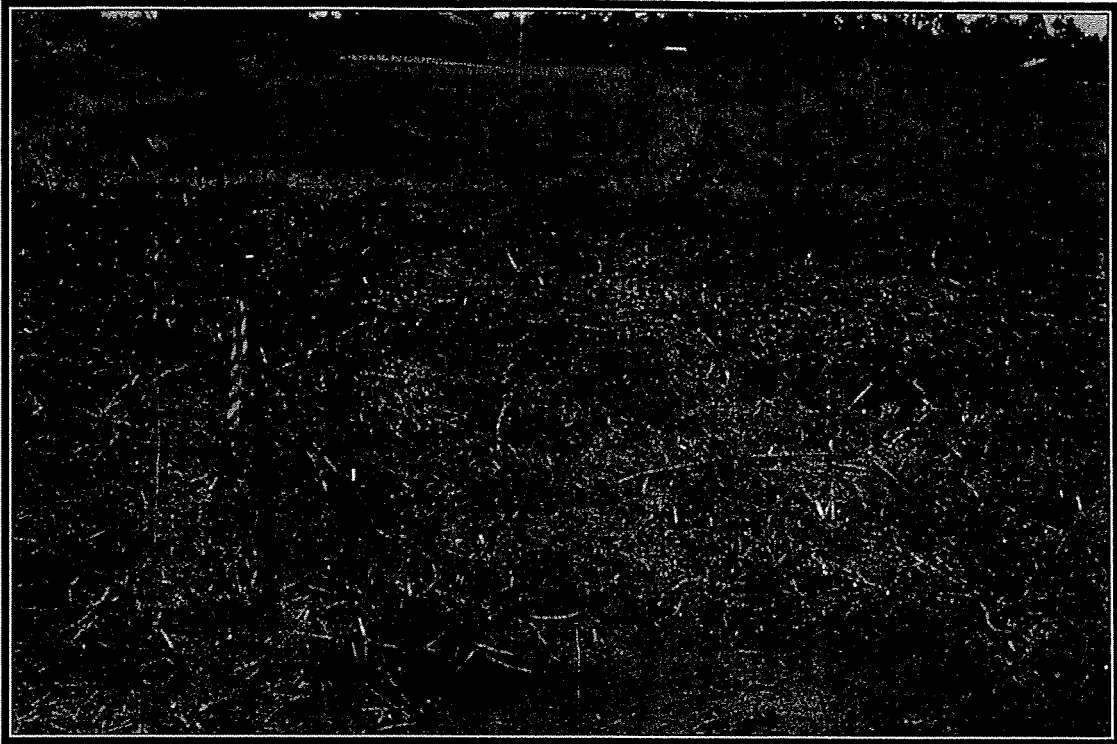


Photo 1. Gopher Tortoise Burrow (FLUCFCS 746)

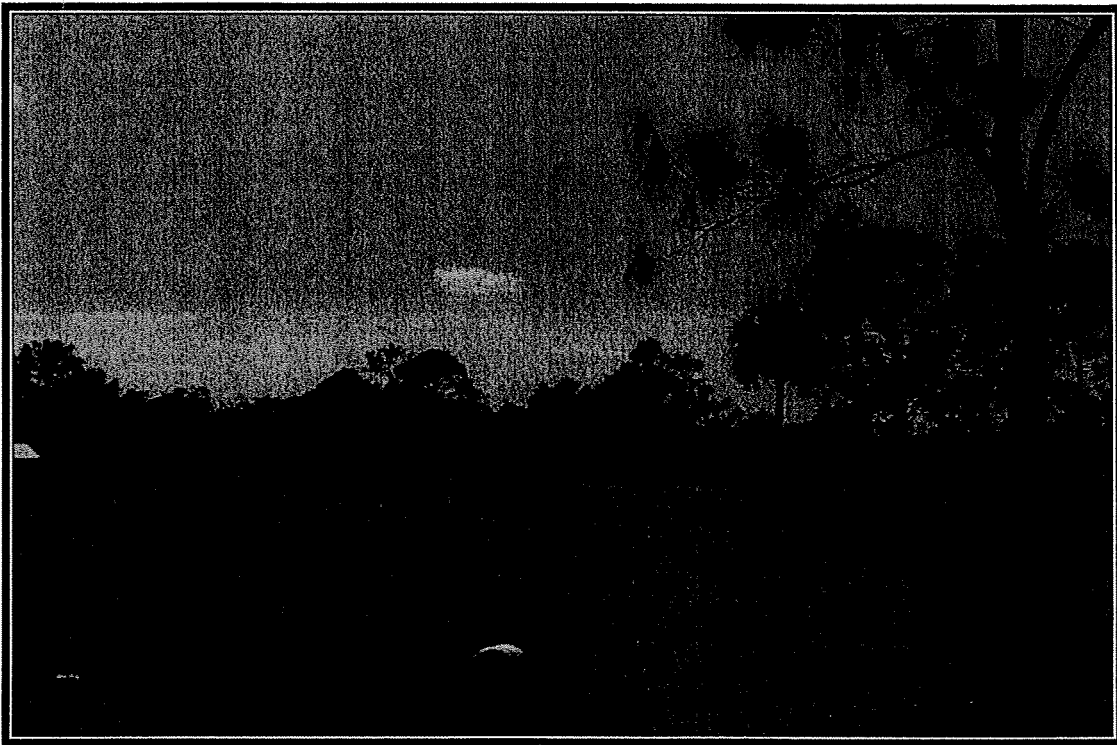


Photo 2. Race Track Parking Area (FLUCFCS 183)

Attachment 1

Copies of Correspondence to the Agencies



ECF
Ecological
Consulting
of Florida

4848 SE Pompano Terrace
Stuart Florida 34997

Ph: 772-220-7817
Fax: 888-230-8514

April 10, 2006

Mr. Jay Slack, Field Supervisor
United States Fish and Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960

**RE: BPCS 56.62 AC Parcel
St. Lucie County, Florida**

Mr. Slack

A Joint Environmental Resource Permit application will be submitted to South Florida Water Management District and the U.S. Army Corps of Engineers for a proposed commercial warehouse development within northern St. Lucie County near the St. Lucie County Airport. The project is currently in the planning stages and as part of the ecological assessment of the site I am requesting correspondence from the agency regarding any known listed species that may be affected by development of the subject property. The property is located in section 31 township 34 south, range 40 east, on 53rd Street just south of the St. Lucie County Airport

The property includes a race track and associated facilities, with the remainder of the site being disturbed lands (formerly a land fill operation) that has revegetated with slash pine and numerous exotic and nuisance vegetative species

Provided for your review is a site location map, quadrangle map, soils map, and land use and cover map (including current aerial)

Please confirm through your database that the project site or nearby areas are not utilized by any Federally listed species. Thank you for your review of this proposed project site. If you should have any comments or questions, please contact me at your earliest convenience. Thank you

Sincerely,

Ecological Consulting of Florida

David C. Sopotnick
Senior Scientist

- ECOLOGICAL ASSESSMENTS
- WETLAND DELINEATIONS
- MITIGATION PLANNING
- PERMITTING SERVICES
- MONITORING SERVICES
- LISTED SPECIES

DCS
Enclosures
6005



ECF

Ecological
Consulting
of Florida

4848 SE Pompano Terrace
Stuart, Florida 34997

Ph: 772-220-7817
Fax: 866-230-8514

April 10, 2006

Ms. Kristin Child
Office of Environmental Services
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

**RE: BPCS 56.62 AC Parcel
St. Lucie County, Florida**

Ms. Child

A Joint Environmental Resource Permit application will be submitted to South Florida Water Management District and the U.S Army Corps of Engineers for a proposed commercial warehouse development within northern St. Lucie County near the St. Lucie County Airport. The project is currently in the planning stages and as part of the ecological assessment of the site I am requesting correspondence from the agency regarding any known listed species that may be affected by development of the subject property. The property is located in section 31 township 34 south, range 40 east, on 65th Street just south of the St. Lucie County Airport.

The property includes a race track and associated facilities, with the remainder of the site being disturbed lands (formerly a land fill operation) that has revegetated with slash pine and numerous exotic and nuisance vegetative species.

Provided for your review is a site location map, quadrangle map, soils map, and land use and cover map (including current aerial).

Please confirm through your database that the project site or nearby areas are not utilized by any state listed species. Thank you for your review of this proposed project site. If you should have any comments or questions, please contact me at your earliest convenience. Thank you.

Sincerely

Ecological Consulting of Florida

David C. Sopotnick
Senior Scientist

DCS
Enclosures
6005

- ECOLOGICAL ASSESSMENTS
- WETLAND DELINEATIONS
- MITIGATION PLANNING
- PERMITTING SERVICES
- MONITORING SERVICES
- LISTED SPECIES



4646 SE Pompano Terrace
Stuart, Florida 34997

Ph. 772-220-7817
Fax. 888-230-8514

April 10, 2006

Ms. Janet Snyder Matthews
Division of Historical Resources
State Historic Preservation Office
500 South Bronough Street
Tallahassee, FL 32399-0250

RE: BPCS 56.62 AC Parcel
St. Lucie County, Florida

Ms. Matthews,

A Joint Environmental Resource Permit application will be submitted to South Florida Water Management District and the U.S. Army Corps of Engineers for proposed commercial warehouse development on a parcel in northern St. Lucie County near the St. Lucie County Airport.

I would like to request a review of this project site by your office for the presence of any historical or archaeological properties that may be affected by the proposed project.

The following information is provided for you review

1. Project Location and Size The project site consists of 56.62 acres. The project is located in section 31, township 34 south, range 40 east, on 53rd Street south of the St. Lucie County Airport
2. Location Maps: Enclosed please find a site location map, and USGS quad map.
3. Description of the Project Site: The property includes a race track and associated facilities, with the remainder of the site being disturbed lands (formerly a land fill operation) that has revegetated with slash pine and numerous exotic and nuisance vegetative species. A land use and cover types map is provided.
4. Nature of the Project/Project Need: The project is currently in the planning stages, and will a commercial warehouse facility with roads and drainage.

Thank you for your review of this proposed project site. If you should have any comments or questions, please contact me at your earliest convenience. Thank you.

Sincerely

Ecological Consulting of Florida

David C. Sopotnick
Senior Scientist

Enclosures
6005

ECOLOGICAL ASSESSMENTS
WETLAND DELINEATIONS
MITIGATION PLANNING
PERMITTING SERVICES
MONITORING SERVICES
LISTED SPECIES



FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. David C. Sopotnick
Ecological Consulting Florida
4646 SE Pompano Terrace
Stuart, Florida 34997

May 10, 2006

Re: DHR No: 2006-03265 / Received by DHR: April 19, 2006
BPCS 56.62 AC Parcel
St. Lucie County

Dear Mr. Sopotnick:

Our office received and reviewed the referenced project in accordance with Chapters 267 and 373, *Florida Statutes*, Florida's Coastal Management Program, and implementing state regulations, for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places* (NRHP), or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

Our review of the Florida Master Site File indicates that no significant archaeological or historical resources are recorded within the project area. Furthermore, due to the location and/or nature of the project it is unlikely that any such site will be affected.

If there are any questions concerning our comments or recommendations, please contact Scott Sorset, Historic Sites Specialist, by phone at (850) 245-6333, or by electronic mail at srsorset@dos.state.fl.us. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,

Frederick P. Gaske, Director, and
State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
(850) 245-6300 • FAX: 245-6436

Archaeological Research
(850) 245-6444 • FAX: 245-6452

Historic Preservation
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Historical Museums
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Southeast Regional Office
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Northeast Regional Office
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Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340