RESOLUTION 2015-XXX
File Number: SPMJ 620144778

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY FOR MAJOR ADJUSTMENT TO MAJOR SITE PLAN FOR A 120 UNIT SENIOR HOUSING LIVING FACILITY TO BE KNOWN AS PRIMA VISTA COMMONS ON 13.83 ACRES OF PROPERTY IN ST. LUCIE COUNTY.

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. DYBRA, PSL Development, LLC presented a petition for a Major Adjustment to Major Site Plan for a 120 unit senior housing facility to be known as Prima Vista Commons, located adjacent to the east of the intersection of Prima Vista Boulevard and Lennard Road for certain property in St. Lucie County, Florida, as depicted on the attached map as Exhibit “A” and described in Part “A” below.

2. On February 1, 2005, the St. Lucie County Board of County Commissioners through Resolution No. 05-011 granted Major Site Plan approval for a 150 unit apartment complex on 33.6 acres.

3. On August 28, 2007, the St. Lucie County Board of County Commissioners through Resolution No. 07-261 granted a Major Site Plan extension with an expiration date of February 1, 2009.

4. On August 28, 2007, the St. Lucie County Board of County Commissioners through Resolution No. 2007-264 accepted right-of-way.

5. On December 21, 2009, the Growth Management Director through GM 09-035 approved a Major Site Plan extension with an expiration date of February 1, 2011.

6. On October 12, 2010, the Board of County Commissioners through Resolution No. 10-003 approved a Road Impact Fee Credit Agreement.

7. January 21, 2011, the Planning and Development Services Director through PDS Order 11-002 approved a Major Site Plan extension with an expiration date of February 1, 2013.

8. April 11, 2014, the Planning and Development Services Director through PDS Order 14-015 approved a Major Site Plan extension with an expiration date of February 1, 2015.
9. The St. Lucie County Development Review Committee has reviewed the petition for a Major Adjustment to Major Site Plan for the project and found it to meet all technical requirements and to be consistent with the Future Land Use Map of the St. Lucie County Comprehensive Plan, subject to the conditions set forth in Part B of this Resolution.

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

A. The property on which the Major Adjustment to Major Site Plan approval is being granted is described as follows:

Lot 1, Prima Vista Commons

B. Pursuant to Section 11.02.07 of the St. Lucie County Land Development Code, the Major Adjustment to Major Site Plan for the project known as Prima Vista Commons is hereby approved as depicted on the site plan drawings prepared by Hahn and Hahn Team, Inc., dated February 9, 2015, for the subject property described in Section A, subject to the following conditions:

1. All previous conditions of approval applicable to the subject property, as contained in PDS Order No. 14-015 and Resolution No. 05-011 have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Chapter 11 of the LDC and the Board of County Commissioners, unless expressly modified herein.

2. Condition A-1 of Resolution No. 05-011 remains:

Prior to the issuance of any Land Clearing Permits for the Prima Vista Commons Site, the developers shall clearly delineate all areas to be preserved and/or protected. Delineation shall be by either silt fencing or another similar type material. All land clearing activities shall be in accordance to the specific conditions/standards outlined in the Land Clearing Permit.

3. Condition A-2 of Resolution No. 05-011 is deleted:

The proposed wetland mitigation/preservation area depicted on the project site plan is recognized as conceptual in nature and subject to Federal and State agency approval. If agency approvals are not obtained or if an alternative plan is found to be more appropriate, the project mitigation plan depicted in the site plan submittal shall be amended accordingly. Such amendment shall be treated as a minor adjustment to the site plan.
4. Condition A-3 of Resolution No. 05-011 remains:

The developer shall provide adequate intersection site lighting of the intersection of the Prima Vista Commons’ project entrance and Lennard Road. The lighting shall be installed utilizing acceptable Engineering Safety Standards.

5. Condition A-4 of Resolution No. 05-011 has been satisfied:

Prior to the issuance of any Building Permits, the developer shall convey to St. Lucie County the right-of-way for Lennard Road as depicted on the project site plan. All conveyances shall be in a manner and form acceptable to St. Lucie County.

6. Condition A-5 of Resolution No. 05-011 has been satisfied:

Prior to the issuance of any building permits for any portion of this site, contracts shall have been let for the construction of Prima Vista Boulevard from the existing paved Lennard Road extension to the intersection of the project entrance. No certificates of occupancy shall be issued until this roadway has been completed and accepted by St. Lucie County.

7. Condition A-6 of Resolution No. 05-011 is deleted:

Prior to the issuance of a Certificate of Occupancy (CO) for any portion of the Prima Vista Commons Apartment complex, the developer of the project shall provide, or cause to provide to the MSBU improvement project for Prima Vista Boulevard, a right and left turn lane at the project entrance.

8. Condition A-7 of Resolution No. 05-011 remains:

As part of the Platting of the property, all conservation easements and environmental dedications shall include St. Lucie County as a signatory or entity that must approve any release, in part or total, of any portion of any conservation easement or dedication.

9. Condition A-9 of PDS Order No. 14-015 is deleted:

Prior to the issuance of a Vegetation Removal Permit or Exemption the applicant shall provide the St. Lucie County Environmental Resources Department with an updated Environmental Impact Report (EIR).

10. Condition A-10 of PDS Order No. 14-015 remains:
The issuance of County development permit does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development including but not limited to state and federal agency approval of wetland impacts, wetland jurisdictional determinations, listed species impacts, final mitigation plans, SFWMD Environmental Resource Permit and Water Use Permit.

11. The following condition is hereby added:

Within 90 days of site plan approval or prior to issuance of a Vegetation Removal Permit or Exemption, whichever comes first, the applicant shall provide the required executed Conservation Easement, approved Preserve Area Monitoring and Management Plan (PAMMP) with an attached affidavit and cashier's check (payable to the Clerk of the Court for recording fees) to the County Attorney for review and approval. A copy of a standard Conservation Easement can be found on the St. Lucie County Environmental Resources Department website at: http://www.stlucieco.gov/pdfs/Conservation_Easement_Form.pdf.

12. The following condition is hereby added:

Prior to the issuance of a Vegetation Removal Permit or Exemption, a gopher tortoise survey per Florida Fish and Wildlife Conservation Commission protocol, shall be provided to the Environmental Resources Department. Should the survey show impacts to gopher tortoises a Florida Fish and Wildlife Conservation Commission permit shall be required.

13. The following condition is hereby added:

Prior to the issuance of a Vegetation Removal Permit or Exemption, the developers, their successor or assigns, shall conduct a pre-construction meeting with construction personnel and Environmental Resources Department staff, addressing vegetation protection measures.

14. The following condition is hereby added:
Prior to the issuance of Building Permit the developers, their successor or assigns, shall satisfy the remaining 635 inches in diameter at breast height (DBH) discrepancy in tree mitigation, by paying into the St. Lucie County Tree Mitigation Fund at a cost of $200 per inch DBH.

15. The following condition is hereby added:

Prior to the issuance of a Building Permit, all invasive exotic vegetation located within the property boundary shall be removed.

16. The following condition is hereby added:

Prior to the issuance of a building permit on-site constructability plans shall be reviewed and approved by the Public Works Department, Water Quality and Engineering Divisions.

17. The following condition is hereby added:

Prior to the issuance of a building permit, architectural drawings (all building sides) shall be submitted and reviewed by the Planning and Development Services Department, Planning Division staff to demonstrate compliance with LDC, Section 7.10.24 – Community Architectural Standards.

C. The approvals and authorizations granted by this Resolution for the purposes of obtaining a building permit shall now expire on March 3, 2017 unless a building permit has been granted, or an extension is granted in accordance with Section 11.02.06(B)(2), St. Lucie County Land Development Code, or a Major Adjustment to the Major Site Plan is granted.

D. The property owner, including any successors in interest, shall obtain all applicable development permits and construction authorizations from the appropriate State and Federal and local regulatory agencies including, but not limited to, the United States Army Corps of Engineers, the Florida Department of Environmental Protection, Florida Department of Transportation, South Florida Water Management District, and the St. Lucie County Environmental Resources and Building Departments prior to the commencement of any development activities on the property described in Part A. Issuance of this permit by the County does not in any way create any rights on the part of the developer to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of this permit if the developer fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that may result in a violation of state or federal law.

E. The conditions set forth in Part B are an integral non-severable part of the site plan approval granted by this Resolution. If any condition set forth in Part B is
determined to be invalid or unenforceable for any reason and the developer declines to comply voluntarily with that condition, the site plan approval granted by this resolution shall become null and void.

F. The Certificate of Capacity, attached as Exhibit B, shall be valid for the same period as this order. If this order expires or otherwise terminates, the Certificate of Capacity shall automatically terminate.

G. A recorded copy of this Resolution shall be attached to the site plan drawings described in Part B, which plan shall be placed on file with the St. Lucie County Planning & Development Services Department Director.

H. ADOPTION

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

Paula A. Lewis, Chair XXX
Kim Johnson, Vice Chair XXX
Frannie Hutchinson, Commissioner XXX
Chris Dzadovsky, Commissioner XXX
Tod Mowery, Commissioner XXX

PASSED AND DULY ADOPTED this 3rd day of March, 2015.

BOARD OF COUNTY COMMISSIONERS

ST. LUCIE COUNTY, FLORIDA

BY ____________________________
Chair

ATTEST: APPROVED AS TO FORM AND CORRECTNESS:

__________________________
DEPUTY CLERK

__________________________
COUNTY ATTORNEY

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EXHIBIT “A”

LOCATION MAP