



RE: Mayfair at Lawnwood - Proposed Development in City of Fort Pierce

Carter, Hugo

to:

'Kori Benton'

03/10/2016 08:22 AM

Cc:

Tracy Telle, "Boisclair, Guy"

Hide Details

From: "Carter, Hugo" <hcarter@sfwmd.gov>

To: 'Kori Benton' <KBenton@City-FtPierce.Com>

Cc: Tracy Telle <TTelle@City-FtPierce.Com>, "Boisclair, Guy" <gboiscl@sfwmd.gov>

History: This message has been replied to and forwarded.

1 Attachment



050608-14_CertAccept_20130402.pdf

The construction of the stormwater management system for the part of the project north of Nebraska Ave. has been certified as complete by the permittee's engineer. For the work south of Nebraska Ave., the District construction permit has expired (see attached letter). A new District permit that complies with current District rules (Rule 60-330, Fla. Admin. Code) will be required prior to construction of a project south of Nebraska Ave.

The District permit file for App. No. 050608-14 (Mayfair At Lawnwood, Phase Three Of Villages Of Longwood) is available on the District's ePermitting website at:

<http://my.sfwmd.gov/ePermitting/DetailedReport.do?applicationNo=050608-14>

If there are any other questions, please contact me.

Hugo A. Carter, P.E.

Section Leader

Martin/St. Lucie Regulatory Office

South Florida Water Management District

561-686-8800 ext 3621

863-462-5260 ext 3621

800-432-2045 ext 3621

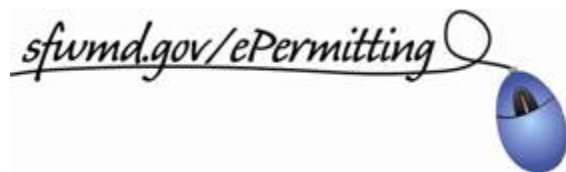
MAILING ADDRESS:

Okeechobee Service Center

3800 N.W. 16th Blvd, Suite A

Okeechobee, FL 34972

To electronically submit a new application or a response to a request for additional information, go to:



From: Kori Benton [<mailto:KBenton@City-FtPierce.Com>]

Sent: Monday, March 07, 2016 9:10 AM

To: Carter, Hugo <hcarter@sfwmd.gov>



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

District Headquarters: 3301 Gun Club Road, West Palm Beach, Florida 33406 (561) 686-8800 www.sfwmd.gov

April 2, 2013

ELIZABETH MCHUGH
OCEAN BANK
780 NW 42ND AVENUE
MIAMI, FL 33126

Dear Ms. Mchugh :

**Subject : Acceptance of Construction Completion Certification
Initiate Permit Transfer & Conversion to Operation Phase
MAYFAIR AT LAWNWOOD, PHASE THREE OF VILLAGES OF
LONGWOOD
Permit No. 56-00463-S-02, Application No. 050608-14
St Lucie County, S16/T35S/R40E**

This letter is to acknowledge receipt of your consulting engineer's construction completion certification pertaining to the subject parcel's surface water management system. The submitted information has been accepted and incorporated into the permit file. By accepting the engineer's certification, the District staff considers the surface water management system permitted under the above listed application number(s) to be constructed in substantial conformance with the plans and specifications approved by the District. Specifically, this certification certifies the water management system north of Nebraska Avenue including control structure S-20. The balance was the project was not constructed. Since construction authorization has expired, a final certification is being issued for this application. IF CONSTRUCTION IS PROPOSED IN THE FUTURE, A PERMIT MODIFICATION WILL BE REQUIRED to construct on the balance of the project. This satisfies your permit's conditions regarding submittal of an engineer's certification for construction completion of the permitted stormwater management facilities.

Although the certification has been accepted, further action by you, as permittee, is required. In accordance with Rule 40E-1 and 40E-4, Florida Administrative Code (FAC) - upon construction completion and acceptance of the engineer's certification of the surface water management system, the permittee shall initiate the permit transfer to the responsible operating entity and the permit conversion to the operation phase.

The permit conversion / transfer Form #0920 should be completed by an officer of the association (operating entity) and submitted (if not previously furnished), along with a copy each of:

1. the ownership transfer or turnover document, i.e. warranty deed, turnover meeting minutes,

etc.

2. the recorded declaration of covenants and restrictions or condominium, with amendments and associated exhibits
3. the filed articles of incorporation with certificate of incorporation
4. all recorded plats
5. the recorded public noticing of the SFWMD permit, if the permit is not attached as an exhibit to the declaration of covenants and restrictions or condominium
6. documentary evidence of satisfaction of permit conditions (other than long term monitoring)

Also available is an affidavit which attests that the items required by the Basis of Review are contained in the documents. If you do not choose to execute the affidavit, you may enter the requisite information in the boxes and return to us in lieu of a checklist. Submitting this completed affidavit or checklist will expedite the legal / institutional review of your request for permit conversion / transfer to the operational phase. In addition, as required by rule 40E-4.361, F.A.C., the permit file must contain documentation that applicable conditions to the permit have been satisfied.

Please be aware that rules 40E-1.6107 and 40E-4.351, F.A.C. also specify "Until transfer is approved by the District, the permittee shall be liable for compliance with the permit. The permittee transferring the permit shall remain liable for any corrective actions that are required as a result of any violations of the permit which occurred prior to the transfer of the permit." As a consequence of noncompliance with these mandates you could be held responsible for adverse impacts to, or conditions of, the surface water management system. Please submit the above or notify District staff of your intentions within thirty (30) days of the date of this letter.

Should you have any questions, please contact Ms. Jennifer Krumlauf at (561) 682-2712.

Sincerely,



Guy Boisclair, Regulatory Professional 4
Environmental Resource Compliance
Okeechobee Service Center
South Florida Water Management District

Enclosure(s)

Form 0920
Affidavit

c: Leo Giangrande, P.E., AECOM



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SURFACE WATER MANAGEMENT
GENERAL PERMIT NO. 56-00463-S-02
DATE ISSUED: October 5, 2005**

Form #0942
08/95

PERMITTEE: MAYFAIR AT LAWNWOOD LLLP
6400 CONGRESS AVENUE STE 2000
BOCA RATON, FL 33487

PROJECT DESCRIPTION: Construction and operation of a surface water management system to serve a 15.80-acre project known as Mayfair at Lawnwood, Phase Three of the Villages of Longwood.

PROJECT LOCATION: ST LUCIE COUNTY, SEC 16 TWP 35S RGE 40E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Permit Application No. 050608-14, dated June 8, 2005. This action is taken pursuant to Rule 40E-1.606 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

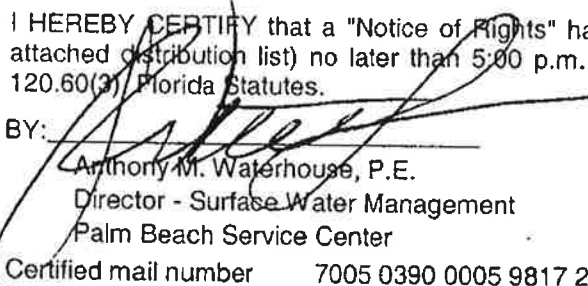
Based on the information provided, District rules have been adhered to and a Surface Water Management General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 19 Standard Limiting Conditions (See Pages : 2 - 3 of 5),
3. the attached 14 Special Conditions (See Pages : 4 - 5 of 5) and
4. the attached 2 Exhibit(s).

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 5th day of October, 2005, in accordance with Section 120.60(3) Florida Statutes.

BY: 
Anthony M. Waterhouse, P.E.
Director - Surface Water Management
Palm Beach Service Center

Certified mail number 7005 0390 0005 9817 2619

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STANDARD LIMITING CONDITIONS

1. The permittee shall implement the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.
2. Water quality data for the water discharged from the permittee's property or into surface waters of the State will be submitted to the District as required by Section 5.9, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District". Parameters to be monitored may include those listed in Chapter 62-302, F.A.C.. If water quality data is required, the permittee shall provide data on volumes of water discharged, including total volume discharged during the days of sampling and total monthly discharges from the property or into surface waters of the State.
3. This permit shall not relieve the permittee of any obligation to obtain necessary federal, State, local or special district approvals.
4. The operation phase of this permit will not become effective until the District's acceptance of certification of the completed surface water management system. The permittee shall request transfer of the permit to the responsible operation entity accepted by the District, if different from the permittee. The transfer request can be submitted concurrently with the construction completion certification.
5. All road elevations shall be set in accordance with the criteria set forth in Section 6.5, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District".
6. All building floor elevations shall be set in accordance with the criteria set forth in Section 6.4, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District".
7. Off-site discharges during construction and development will be made only through the facilities authorized by this permit.
8. A permit transfer to the operation phase shall not occur until a responsible entity meeting the requirement in Section 9.0, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District" has been established to operate and maintain the system. The entity must be provided with sufficient ownership or legal interest so that it has control over all water management facilities authorized herein.
9. The permit does not convey to the permittee any property rights or privileges other than those specified in the permit and Chapter 40E-4, F.A.C..
10. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the permit.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. Within 30 days of issuance of this permit, the permittee or authorized agent shall notify the District (via the supplied construction commencement notice or equivalent) of the actual or anticipated construction start date and the expected completion date.
13. When the duration of construction exceeds one year, the permittee or authorized agent shall submit

STANDARD LIMITING CONDITIONS

- construction status reports on an annual basis (via the supplied annual status report or equivalent) beginning one year after the initial commencement of construction.
14. Within 30 days after completion of construction of the surface water management system, the permittee or authorized agent shall file a written statement of completion and certification by a Florida registered professional engineer. These statements must specify the actual date of construction completion and must certify that all facilities have been constructed in substantial conformance with the plans and specifications approved by the District (via the supplied construction completion/certification or equivalent). The construction completion certification must include, at a minimum, existing elevations, locations and dimensions of the components of the water management facilities. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
 15. Within 30 days of any sale, conveyance or other transfer of any of the land which is proposed for development under the authorization of this permit, the permittee shall notify the District of such transfer in writing via either Form 0483, Request for Permit Transfer; or Form 0920, Request for Transfer of Surface Water Management Construction Phase to Operation Phase (to be completed and submitted by the operating entity), in accordance with Sections 40E-1.6105 AND 40E-4.351, F.A.C..
 16. A prorated share of surface water management retention/detention areas, sufficient to provide the required flood protection and water quality treatment, must be provided prior to occupancy of any building or residence.
 17. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
 18. It is the responsibility of the permittee to insure that adverse off-site water resource related impacts do not occur during construction.
 19. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(4), F.A.C..

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on October 5, 2010.
2. Operation of the master surface water management system shall be the responsibility of the Longwood of Ft. Pierce Homeowners Association (HOA). Operation of the surface water management system within the proposed project area, excluding the outfall pipe for the master surface water management system, shall be the initial responsibility of Mayfair at Lawnwood, LLLP (ultimate responsibility to Mayfair at Longwood Condominium Association, Inc.).

Within one year of permit issuance or concurrent with the engineering certification of construction completion, whichever comes first, the permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the Mayfair at Lawnwood Condominium Association, Inc.

3. An agreement between Mayfair at Lawnwood Condominium Association, Inc. and Longwood of Ft. Pierce HOA, addressing the drainage rights and cost sharing responsibilities of the stated parties for the master and the proposed project surface water management systems, shall be executed. Said agreement shall be submitted by the permittee to the District concurrent with the engineering certification of construction completion.
4. Prior to construction commencement, the permittee shall submit a copy of the executed agreement between Longwood of Ft. Pierce HOA and Mayfair at Lawnwood Condominium Association, Inc., for the storm sewer outfall cross-easement, located within the proposed project area.
5. Discharge Facilities:

Structure: 1

1-4.5' WIDE SHARP CRESTED weir with crest at elev. 19.6' NGVD.
 1-1.25' W X 1' H X 45 deg. TRIANGULAR ORIFICE with invert at elev. 14.5' NGVD.
 770 LF of 2.5 dia. REINFORCED CONCRETE PIPE culvert.
 Receiving body : 19TH Street Canal
 Control elev : 14.5 feet NGVD.

Structure: S19

1-6" WIDE SHARP CRESTED weir with crest at elev. 17.5' NGVD.
 77 LF of 24" dia. REINFORCED CONCRETE PIPE culvert.
 Receiving body : Basin 1 (Nebraska Avenue)
 Control elev : 14.5 feet NGVD.

Structure: S20

1-6" WIDE SHARP CRESTED weir with crest at elev. 17.5' NGVD.
 20 LF of 24" dia. REINFORCED CONCRETE PIPE culvert.
 Receiving body : Basin 1 (Nebraska Avenue)
 Control elev : 14.5 feet NGVD.

Structure: S34

1-6" WIDE SHARP CRESTED weir with crest at elev. 17.2' NGVD.
 Receiving body : Basin 1 (North Lawnwood Circle)
 Control elev : 14.5 feet NGVD.

Structure: S6

SPECIAL CONDITIONS

1-6" WIDE SHARP CRESTED weir with crest at elev. 17.5' NGVD.
35 LF of 24" dia. REINFORCED CONCRETE PIPE culvert.
Receiving body : Basin 1 (S Lawnwood Circle)
Control elev : 14.5 feet NGVD.

Structure: S7

1-6" WIDE SHARP CRESTED weir with crest at elev. 17.5' NGVD.
40 LF of 30" dia. REINFORCED CONCRETE PIPE culvert.
Receiving body : Basin 1 (S Lawnwood Circle)
Control elev : 14.5 feet NGVD.

6. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
7. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
8. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
9. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
10. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
11. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
12. Minimum building floor elevation: BASIN: 1 - 21.50 feet NGVD.
13. Minimum road crown elevation: Basin: 1 - 19.00 feet NGVD.
14. All special conditions and exhibits previously stipulated by permit number 56-00463-S remain in effect unless otherwise revised and shall apply to this modification.

40E-4.321 Duration of Permits

- (1) Unless revoked or otherwise modified pursuant to Rules 40E-4.331 and 40E-4.441, F.A.C., the duration of a surface water management permit issued under this chapter is as follows:
- (a) Two years from the date of issuance for Conceptual Approval, unless within that period an application for a construction and operation permit is filed for any portion of the project. If an application for a construction and operation permit is filed, then the Conceptual Approval remains valid until final action is taken on the application. If the application is granted, then the Conceptual Approval is valid for an additional two years from the date of issuance of the construction and operation permit. Conceptual Approvals which have no applications for construction and operation filed for a period of two years will expire automatically.
- (b) Five years from the date of issuance for a construction permit.
- (c) Perpetual for an operation permit.
- (2) The Governing Board shall issue permit extensions provided that a permittee files a written request with the District showing good cause. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.
- (3) For a Conceptual Approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive amendment, the duration of the Conceptual Approval shall be two years from whichever one of the following occurs at the latest date:
- (a) the effective date of the local government's comprehensive plan amendment,
- (b) the effective date of the local government development order, or
- (c) the date on which the district issues the Conceptual Approval, or
- (d) the latest date of the resolution of any Chapter 120 or other legal appeals.
- (4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.
- (5) Modifications to construction permits issued pursuant to a formal permit application extend the duration of the permit for three years from the date of issuance of the modification. Construction permit modifications do not extend the duration of a Conceptual Approval.
- (6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

NOTICE OF RIGHTS

Section 120.569(1), Fla. Stat. (1999), requires that "each notice shall inform the recipient of any administrative hearing or judicial review that is available under this section, s. 120.57, or s. 120.68; shall indicate the procedure which must be followed to obtain the hearing or judicial review, and shall state the time limits which apply." Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Petition for Administrative Proceedings

1. A person whose substantial interests are affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into administrative proceedings is governed by Rules 28-106.111 and 40E-1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWMD Clerk.

a. Formal Administrative Hearing: If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

b. Informal Administrative Hearing: If there are no issues of material fact in dispute, the affected person seeking an informal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

c. Administrative Complaint and Order: If a Respondent objects to a SFWMD Administrative Complaint and Order, pursuant to Section 373.119, Fla. Stat. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no later than 14 days after the date such order is served. Petitions must substantially comply with the requirements of either subsection a. or b. above.

d. State Lands Environmental Resource Permit: Pursuant to Section 373.427, Fla. Stat., and Rule 40E-1.511(3), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), a petition objecting to the SFWMD's agency action regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands (SLERPs), must be filed within 14 days of the notice of consolidated intent to grant or deny the SLERP. Petitions must substantially comply with the requirements of either subsection a. or b. above.

e. Emergency Authorization and Order: A person whose substantial interests are affected by a SFWMD Emergency Authorization and Order, has a right to file a petition under Sections 120.569, 120.57(1), and 120.57(2), Fla. Stat., as provided in subsections a. and b. above. However, the person, or the agent of the person responsible for causing or contributing to the emergency conditions shall take whatever action necessary to cause immediate compliance with the terms of the Emergency Authorization and Order.

f. Order for Emergency Action: A person whose substantial interests are affected by a SFWMD Order for Emergency Action has a right to file a petition pursuant to Rules 28-107.005 and 40E-1.611, Fla. Admin. Code, copies of which are attached to this Notice of Rights, and Section 373.119(3), Fla. Stat., for a hearing on the Order. Any subsequent agency action or proposed agency action to initiate a formal revocation proceeding shall be separately noticed pursuant to section g. below.

g. Permit Suspension, Revocation, Annulment, and Withdrawal: If the SFWMD issues an administrative complaint to suspend, revoke, annul, or withdraw a permit, the permittee may request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Fla. Stat., within 21 days of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-107.004(3), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

2. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the SFWMD's final action may be different from the position taken by it previously. Persons whose substantial interests may be affected by

any such final decision of the SFWMD shall have, pursuant to Rule 40E-1.511(2), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), an additional 21 days from the date of receipt of notice of said decision to request an administrative hearing. However, the scope of the administrative hearing shall be limited to the substantial deviation.

3. Pursuant to Rule 40E-1.511(4), Fla. Admin. Code, substantially affected persons entitled to a hearing pursuant to Section 120.57(1), Fla. Stat., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), Fla. Stat., which may be granted at the option of the Governing Board.

4. Pursuant to Rule 28-106.111(3), Fla. Admin. Code, persons may file with the SFWMD a request for extension of time for filing a petition. The SFWMD, for good cause shown, may grant the extension. The request for extension must contain a certificate that the petitioner has consulted with all other parties, if any, concerning the extension and that the SFWMD and all other parties agree to the extension.

CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SFWMD relating to permit decisions constitutes an unconstitutional taking of property without just compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 90 days of the rendering of the SFWMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SFWMD to compel the SFWMD to enforce the laws of Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code. The complaining party must file with the SFWMD Clerk a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SFWMD does not take appropriate action on the complaint within 30 days of receipt, the complaining party may then file a civil suit for injunctive relief in the 15th Judicial Circuit in and for Palm Beach County or circuit court in the county where the cause of action allegedly occurred.

7. Pursuant to Section 373.433, Fla. Stat., a private citizen of Florida may file suit in circuit court to require the abatement of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works that violate the provisions of Chapter 373, Fla. Stat.

DISTRICT COURT OF APPEAL

8. Pursuant to Section 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

LAND AND WATER ADJUDICATORY COMMISSION

9. A party to a "proceeding below" may seek review by the Land and Water Adjudicatory Commission (FLAWAC) of SFWMD's final agency action to determine if such action is consistent with the provisions and purposes of Chapter 373, Fla. Stat. Pursuant to Section 373.114, Fla. Stat., and Rules 42-2.013 and 42-2.0132, Fla. Admin. Code, a request for review of (a) an order or rule of the SFWMD must be filed with FLAWAC within 20 days after rendition of the order or adoption of the rule sought to be reviewed; (b) an order of the Department of Environmental Protection (DEP) requiring amendment or repeal of a SFWMD rule must be filed with FLAWAC within 30 days of rendition of the DEP's order, and (c) a SFWMD order entered pursuant to a formal administrative hearing under Section 120.57(1), Fla. Stat., must be filed no later than 20 days after rendition of the SFWMD's final order. Simultaneous with filing, a copy of the request for review must be served on the DEP Secretary, any person named in the SFWMD or DEP final order, and all parties to the proceeding below. A copy of Rule 42-2.013, Fla. Admin. Code is attached to this Notice of Rights.

PRIVATE PROPERTY RIGHTS PROTECTION ACT

10. A property owner who alleges a specific action of the SFWMD has inordinately burdened an existing use of the real property, or a vested right to a specific use of the real property, may file a claim in the circuit court where the real property is located within 1 year of the SFWMD action pursuant to the procedures set forth in Subsection 70.001(4)(a), Fla. Stat.

LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

11. A property owner who alleges that a SFWMD development order (as that term is defined in Section 70.51(2)(a), Fla. Stat. to include permits) or SFWMD enforcement action is unreasonable, or unfairly burdens the use of the real property, may file a request for relief with the SFWMD within 30 days of receipt of the SFWMD's order or notice of agency action pursuant to the procedures set forth in Subsections 70.51(4) and (6), Fla. Stat.

MEDIATION

12. A person whose substantial interests are, or may be, affected by the SFWMD's action may choose mediation as an alternative remedy under Section 120.573, Fla. Stat. Pursuant to Rule 28-106.111(2), Fla. Admin. Code, the petition for mediation shall be filed within 21 days of either written notice through mail or posting or

publication of notice that the SFWMD has or intends to take final agency action. Choosing mediation will not affect the right to an administrative hearing if mediation does not result in settlement.

Pursuant to Rule 28-106.402, Fla. Admin. Code, the contents of the petition for mediation shall contain the following information:

(1) the name, address, and telephone number of the person requesting mediation and that person's representative, if any;

(2) a statement of the preliminary agency action;

(3) an explanation of how the person's substantial interests will be affected by the agency determination; and

(4) a statement of relief sought.

As provided in Section 120.573, Fla. Stat. (1997), the timely agreement of all the parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Fla. Stat., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the dispute, the SFWMD must enter a final order incorporating the agreement of the parties. Persons whose substantial interest will be affected by such a modified agency decision have a right to petition for hearing within 21 days of receipt of the final order in accordance with the requirements of Sections 120.569 and 120.57, Fla. Stat., and SFWMD Rule 28-106.201(2), Fla. Admin. Code. If mediation terminates without settlement of the dispute, the SFWMD shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Fla. Stat., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action.

VARIANCES AND WAIVERS

13. A person who is subject to regulation pursuant to a SFWMD rule and believes the application of that rule will create a substantial hardship or will violate principles of fairness (as those terms are defined in Subsection 120.542(2), Fla. Stat.) and can demonstrate that the purpose of the underlying statute will be or has been achieved by other means, may file a petition with the SFWMD Clerk requesting a variance from or waiver of the SFWMD rule. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have concerning the SFWMD's action. Pursuant to Rule 28-104.002(2), Fla. Admin. Code, the petition must include the following information:

(a) the caption shall read:

Petition for (Variance from) or (Waiver of) Rule (Citation)

(b) The name, address, telephone number and any facsimile number of the petitioner;

(c) The name, address telephone number and any facsimile number of the attorney or qualified representative of the petitioner, (if any);

(d) the applicable rule or portion of the rule;

(e) the citation to the statute the rule is implementing;

(f) the type of action requested;

(g) the specific facts that demonstrate a substantial hardship or violation of principals of fairness that would justify a waiver or variance for the petitioner;

(h) the reason why the variance or the waiver requested would serve the purposes of the underlying statute; and

(i) a statement of whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from or waiver of a SFWMD rule must clearly so state in the caption of the petition. In addition to the requirements of Section 120.542(5), Fla. Stat. pursuant to Rule 28-104.004(2), Fla. Admin. Code, the petition must also include:

a) the specific facts that make the situation an emergency; and

b) the specific facts to show that the petitioner will suffer immediate adverse effect unless the variance or waiver is issued by the SFWMD more expeditiously than the applicable timeframes set forth in Section 120.542, Fla. Stat.

WAIVER OF RIGHTS

14. Failure to observe the relevant time frames prescribed above will constitute a waiver of such right.

28-106.201

INITIATION OF PROCEEDINGS

(INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

- (2) All petitions filed under these rules shall contain:
- (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
 - (c) A statement of when and how the petitioner received notice of the agency decision;
 - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
 - (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
 - (f) A demand for relief.

28-106.301 INITIATION OF PROCEEDINGS
(NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

- (2) All petitions filed under these rules shall contain:
- (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
 - (c) A statement of when and how the petitioner received notice of the agency decision;
 - (d) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
 - (e) A demand for relief.

28-107.004 SUSPENSION, REVOCATION, ANNULMENT, OR WITHDRAWAL

- (3) Requests for hearing filed in accordance with this rule shall include:
- (a) The name and address of the party making the request, for purposes of service;
 - (b) A statement that the party is requesting a hearing involving disputed issues of material fact, or a hearing not involving disputed issues of material fact; and
 - (c) A reference to the notice, order to show cause, administrative complaint, or other communication that the party has received from the agency.

42-2.013 REQUEST FOR REVIEW PURSUANT TO SECTION 373.114 OR 373.217

- (1) In any proceeding arising under Chapter 373, F.S., review by the Florida Land and Water Adjudicatory Commission may be initiated by the Department or a party by filing a request for such review with the Secretary of the Commission and serving a copy on any person named in the rule or order, and on all parties to the proceeding which resulted in the order sought to be reviewed. A certificate of service showing completion of service as required by this subsection shall be a requirement for a determination of sufficiency under Rule 42-2.0132. Failure to file the request with the Commission within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.
- (2) The request for review shall identify the rule or order requested to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with particularity:
- (a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;

(b) How the rule or order sought to be reviewed affects the interests of the party seeking review;

(c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;

(d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all the factual bases in the record which the petitioner claims support such determination(s); and

(e) The action requested to be taken by the Commission as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

28-107.005 EMERGENCY ACTION

- (1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall summarily suspend, limit, or restrict a license.
- (2) The 14-day notice requirement of Section 120.569(2)(b), F. S., does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.569, 120.57, and 120.60, F.S.

40E-1.611 EMERGENCY ACTION

- (1) An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.
- (2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

Last Date For Agency Action: 07-OCT-2005

GENERAL SURFACE WATER MANAGEMENT STAFF REPORT

Project Name: Mayfair At Lawnwood, Phase Three Of Villages Of Longwood

Permit No.: 56-00463-S-02

Application No.: 050608-14 **Associated File:** 050909-15 WU

Application Type: Surface Water Management (General Permit Modification)

Location: St Lucie County, S16/T35S/R40E

Permittee : Mayfair At Lawnwood Lllp

Operating Entity : Mayfair At Lawnwood Condominium Association, Inc.

Project Area: 15.8 acres

Project Land Use: Residential

Drainage Basin: NORTH ST LUCIE

Receiving Body: Master system

Class: N/A

Special Drainage District: NA

Conservation Easement To District : No

Sovereign Submerged Lands: No

PROJECT PURPOSE:

Construction and operation of a 15.80-acre, multi-family residential project known as Mayfair At Lawnwood.

PROJECT EVALUATION:**PROJECT SITE DESCRIPTION:**

The site is located in the City of Ft. Pierce, east of the 19th Street Canal, between North Lawnwood Circle and Quincy Avenue. The overall project master surface water management (SWM) system was previously authorized and constructed. The project is the third and final phase of the previously permitted project and is located at the western portion of the Villages of Longwood project; please refer to Exhibit 1 for a site location map.

There are no other surface waters or wetlands within the proposed project area.

PROJECT BACKGROUND:

Conceptual approval by the District for the 92.6 acre Hospital Corporation of America site, including construction and operation approval for 26.6 acres known as the Pines, was granted on September 14, 1978, as Permit No. 56-00249-S. The Pines subdivision included a 2.0-acre lake (wet detention area).

On September 13, 1982, conceptual approval was granted for the Longwood Village project under Permit No. 56-00463-S (Application No. 05142-C). The 66-acre Longwood Village was part of the originally permitted 92.6 acre Hospital Corporation of America site. Longwood Village is a multi-family residential subdivision with associated facilities. The surface water management system consists of a storm sewer system that conveys subdivision runoff to 3.7 acres of lakes (wet detention areas). Discharge from the lakes is through an orifice and weir to approximately 800 LF of 30 inch diameter RCP, with an ultimate outfall to the 19th Street Canal.

Construction and operation approval for the Villages of Longwood (previously the Longwood Village site) was granted on August 11, 1983, under Permit No. 56-00463-S (Application No. 03023-E). The Villages of Longwood project area contains the master surface water management (SWM) system that also serves the Pines project area. Two additional 19th Street Canal crossings were proposed at Lawnwood Circle North and Nebraska Avenue. The construction completion certification for the Master Surface Water Management System, including the installation of all storm sewer piping along the 66-acre project roadways to the 19th Street Canal, was submitted in June 2005, with approval in July 2005.

PROPOSED PROJECT:

The proposed project is the construction/operation of the stormwater management system specifically serving Mayfair at Lawnwood, 15.80 acres of multi-family, residential development. Mayfair at Lawnwood is the third and final phase of the conceptual surface water management permit for the Villages of Longwood. The percent impervious land use of the proposed project area is slightly higher than that accounted for in the master surface water management system. Dry detention areas are provided within the proposed project area to offset this minor land use change. In addition, the Engineer of Record has elected to install exfiltration trenches to provide additional stormwater storage for the proposed project.

Runoff discharged from the proposed project area will be directed to the master system of lakes that was previously permitted and constructed under Permit No. 56-00463-S, for treatment and storage. The existing master surface water management system discharges to the South 19th Street Canal. The existing outfall piping from Nebraska Avenue to the South 19th Street canal will be realigned (30" diameter RCP).

LAND USE:

As shown in the table below, "This Phase" refers to the proposed project area (Mayfair at Lawnwood). "Total Project" reflects permit number 56-00463-S.

Construction:

Project:

	This Phase	Total Project	
Building Coverage	4.20		acres
Impervious		34.80	acres
Pavement	5.10		acres
Pervious	6.50	27.50	acres
Water Mgnt Acreage		3.70	acres
Total:	15.80	66.00	

WATER QUANTITY:

Discharge Rate :

In the table below are the design storm events and the minimum elevations taken from Permit No. 56-00463-S

The proposed project is consistent with the design assumptions for the master surface water management system. Therefore, the surface water management system for this project has not been designed to limit discharge for the design event to a specified rate. Additional storage is provided within the dry detention areas to offset the minor land use changes.

The outfall of the master surface water system to the South 19th Street Canal is being relocated approximately 10 feet north of its present location. The proposed (relocated) Villages of Longwood culvert, as shown on Exhibit 2.01B (Sheet PGD-2), consists of 176 LF of 30" dia. RCP; the existing culvert is the same type and diameter. This proposed culvert will connect to the existing outfall piping at proposed structure S19A.

Discharge Storm Frequency : 10 YEAR-3 DAY

Design Rainfall : 8.83 inches

Basin	Allow Disch (cfs)	Method Of Determination	Peak Disch (cfs)	Peak Stage (ft, NGVD)
1	17	Pre Vs. Post	15	20.1

Finished Floors :

Building Storm Frequency : 100 YEAR-3 DAY

Design Rainfall : 12.91 inches

Basin	Peak Stage (ft, NGVD)	Proposed Min. Finished Floors (ft, NGVD)	FEMA Elevation (ft, NGVD)
1	21.1	22	20

Road Design :

Road Storm Frequency : 10 YEAR-1 DAY

Design Rainfall: 6.5 inches

Basin	Peak Stage (ft, NGVD)	Proposed Min. Road Crown (ft, NGVD)
1	19	19.69

Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NGVD)	WSWT Ctrl Elev (ft, NGVD)	Method Of Determination
1	15.80	14.5	14.50	Previously Permitted

Receiving Body :

Basin	Str.#	Receiving Body
1	1	19TH Street Canal
1	S19	Basin 1 (Nebraska Avenue)
1	S20	Basin 1 (Nebrasks Avenue)
1	S34	Basin 1 (North Lawnwood Circle)
1	S6	Basin 1 (S Lawnwood Circle)
1	S7	Basin 1 (S Lawnwood Circle)

Discharge Structures: Note: The units for all the elevation values of structures are (ft, NGVD)

Bleeders:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev.
1	1	1	Triangular Orifice	1.25'	1'			45 deg.	14.5

Culverts:

Basin	Str#	Count	Type	Width	Height	Length	Dia.
1	1	1	Reinforced Concrete Pipe	0	0	770'	2.5

Weirs:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Elev.
1	1	1	Sharp Crested	4.5'				19.6 (crest)

SWM(Internal) Structures: Note: The units for all the elevation values of structures are (ft, NGVD)

Culverts:

Basin	Str#	Count	Type	Width	Length	Dia.
1	S19	1	Reinforced Concrete Pipe		77'	24"
1	S20	1	Reinforced Concrete Pipe		20'	24"
1	S6	1	Reinforced Concrete Pipe		35'	24"
1	S7	1	Reinforced Concrete Pipe		40'	30"

Weirs:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Elev.
1	S19	1	Sharp Crested	6"				17.5 (crest)
1	S20	1	Sharp Crested	6"				17.5 (crest)
1	S34	1	Sharp Crested	6"				17.2 (crest)
1	S6	1	Sharp Crested	6"				17.5 (crest)
1	S7	1	Sharp Crested	6"				17.5 (crest)

WATER QUALITY :

As shown in the table below, additional treatment/storage within this proposed construction phase is provided to offset a slight increase in the currently proposed land use. Runoff from the proposed project area will be directed through exfiltration trenches and dry detention areas prior to connection to the master surface water system. The exfiltration trench is not required to meet district criteria. No adverse water quality impacts are anticipated as a result of the proposed project.

Basin	Treatment Method		Vol Req'd (ac-ft)	Vol Prov'd (ac-ft)
1	Treatment	Wet Detention	.11	.11

LEGAL ISSUES:

An agreement in principal has been reached between Mayfair at Lawnwood Condominium Association, Inc. and Longwood of Ft. Pierce HOA, addressing the drainage rights and cost sharing responsibilities of the stated parties for the master and the proposed project surface water management systems. An executed copy of said agreement shall be submitted to the District concurrent with the engineering certification of construction completion.

Prior to construction commencement, a copy of the executed agreement between Longwood of Ft. Pierce HOA and Mayfair at Lawnwood Condominium Association, Inc., for the storm sewer outfall cross-easement, located within the proposed project area, shall be submitted to the District.

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

RELATED CONCERNS:

Water Use Permit Status:

The applicant has indicated that a groundwater well will be used as a source for irrigation water for the project. Water Use application number 050909-15 has been submitted / is being processed concurrently for this project. The applicant has indicated that a dewatering permit is not required.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

Historical/Archeological Resources:

No information has been received that indicates the presence of archaeological or historical resources or that the proposed activities could cause adverse impacts to archaeological or historical resources.

DCA/CZM Consistency Review:

The District has not received a finding of inconsistency from the Florida Department of Environmental Protection or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

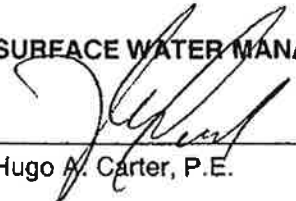
Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

DIVISION APPROVAL:

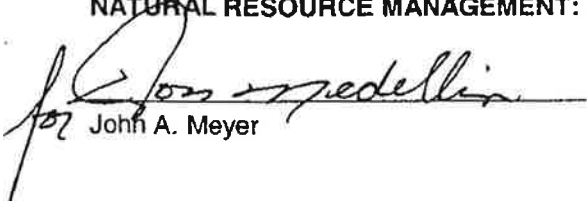
SURFACE WATER MANAGEMENT:



Hugo A. Carter, P.E.

DATE: 4 Oct-05

NATURAL RESOURCE MANAGEMENT:



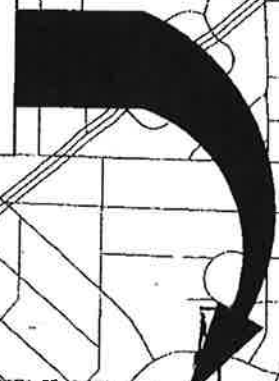
John A. Meyer

DATE: 29 Sept. 05

ST. LUCIE COUNTY
SECTION 16, TOWNSHIP 35S, RANGE 40E



**PROJECT
LOCATION**



**Mayfair at Lawnwood
Phase Three of Villages of Longwood
LOCATION MAP**

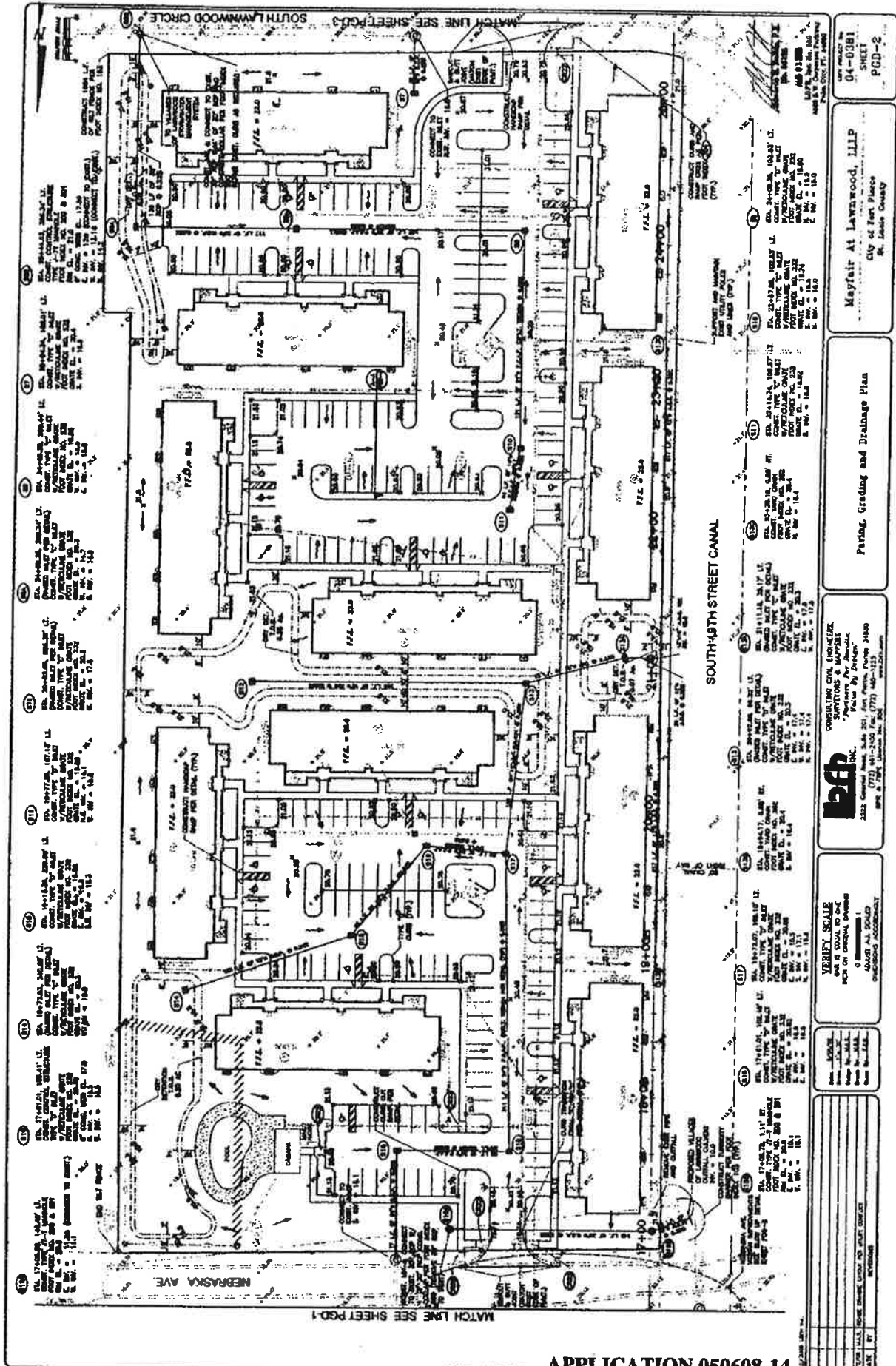
Application 050608-14

Exhibit 1 2005 LBFFH Inc.

lbffh CONSULTING CIVIL ENGINEERS,
SURVEYORS & MAPPERS
"Partners For Results,
Value By Design"
INC.
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Scale: NTS	PROJECT NAME: Mayfair At Lawnwood		
Sheet 1	Date 05/02/05	FILE NO. 02001LOCATE	Project No. 04-0381
Computed: OTB			
Checked: OTB			

Urpwing Name: P:\04-0381\Permit\SPW\040118\LOCATE.dwg Layout Name: LBFFH - Plotted by: Tara Bomber - Date: 5/18/2005 - 10:15 AM - LBFFH, Inc.



STAFF REPORT DISTRIBUTION LIST

MAYFAIR AT LAWNWOOD, PHASE THREE OF VILLAGES OF LONGWOOD

Application No: 050608-14

Permit No: 56-00463-S-02

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- X City of Port St Lucie - Planning Div
- X Florida Fish & Wildlife Conservation Commission -
Imperiled Species Mgmt Section
- X St Lucie County - Planning Div
- X St. Lucie County Community Development Director
- X St. Lucie County Engineer - Chris Lastrange
- X St. Lucie County Environmental Resource Manager

OTHER INTERESTED PARTIES

- X Sierra Club - Central Florida Group P.O. Box 941692
- X Water Management Institute - Michael N. Vanatta