

August 27 - Proposed Amendments/Clarifications to Ordinance 2019-26 and Narrative/Development Standards to Address Fox Lea Farms concerns and Proposed Stipulations

1. Amend Section 3 of Ordinance 2019-26 to add the underlined and bolded text:

The “Murphy Oaks Planned Unit Revised Binding Master Plan Narrative” consisting of 13 pages along with revised Landscape Plan Sheets LA-01 thru LA-08 received and date stamped on July 2, 2019; the revised Planned Unit Development Binding Master Plan, Sheet 1 of 1, received and date stamped on July 1, 2019; the “Conceptual Entry/Signage” plan consisting of one page received and date stamped on July 5, 2018; and all information and materials formally submitted with the application, as revised, together with the associated Murphy Oaks Developer’s Agreement, establish the official record for the rezone petition related to the property described below and are hereby adopted by reference. **Development of the project shall be consistent with the Development Standards and Design Standards set out in the Binding Master Plan Narrative, the Binding Master Concept Plan, the Landscape Plan and the Conceptual Entry/Signage Plan.** The City Council also hereby approves the four (4) requested Code modifications, as referenced in the Murphy Oaks Planned Unit Revised Binding Master Plan Narrative. To the extent there is any discrepancy between the documents, the most restrictive provision shall apply. All of the foregoing, with the conditions, safeguards, and stipulations contained therein, shall become the standard of development for the Murphy Oaks planned unit development.

2. Amend “Additional Development Standard #1” on P. 10 of the Narrative to add the underlined and bolded text:

All development shall substantially comply with the Binding Master Concept Plan, **the Landscape Plan, and the Development Standards and Design Standards set out herein.**

3. Add a new “Additional Development Standard #8” on P. 11 of the Narrative as follows:

Surficial Aquifer System Monitoring and Mitigation Plan. Fox Lea Farm has expressed concern that dewatering activities associated with the construction of the project’s storm water management ponds could adversely affect the ability of Fox Lea Farms to maintain proper footing conditions, by increasing the need for watering the surface of the rings and leaving insufficient water in its irrigation pond or wells to provide adequate watering. The Developer has provided a study of anticipated short-term effects on ground water levels from the dewatering activities associated with construction of the project’s storm water ponds that indicate any affects will be short-term and within a range that should not adversely affect Fox Lea Farms activities, wells and irrigation pond. To ensure these activities do not have an adverse effect on Fox Lea Farms’ operation, the Developer will monitor and mitigate any potential impacts to Fox Lea Farm as follows:

- A. **Timing.** The monitoring and mitigation activities and facilities shall be in place and operating no less than two weeks prior to the commencement of site construction work

on the stormwater ponds and shall remain in place for 180 days after the new ponds are constructed and filled to their design level, or until ground water levels at Fox Lea Farm have returned to their pre-construction state, whichever is later.

B. Monitoring wells and staff gauge.

1) Number and location of monitoring wells. At least one monitoring well shall be established on the subject property, south of Pond 1 (as depicted on the Binding Development Concept Plan) near the Fox Lea Drive property line. If Fox Lea Farms agrees to execute such consents and easements as may be necessary upon request by the Developer, three monitoring wells shall be established on Fox Lea Farm's property at the location previously identified by Fox Lea Farms. If Fox Lea Farm does not agree to place the proposed monitoring wells on its property, at least two other monitoring wells shall be established along the subject property's southern property line.

2) Specification of monitoring wells. The construction of the shallow monitor wells will meet all applicable standards set by ASTM international, the Florida Department of Environmental Protection (FDEP), the Southwest Florida Water Management District (SWFWMD), and/or applicable Sarasota County regulations, respectively and if required by law. Each monitor well would extend to a depth of 15 feet below land surface (ft. BLS) and will be constructed with 10 feet (ft.) of 10 slot PVC screen (0.01-in.) and, at a minimum, approximately 7-ft. of Schedule 40 PVC well casing. The wells are proposed to be installed by direct push methodology to assure plumbness and, prior to monitoring, be developed to remove fine sediments that may have been introduced into the screens during installation. Each monitor well will have a lockable, metal protective casing extending approximately 2.5 to 3 feet above land surface (ft. ALS) and a 2-ft. by 2-ft. concrete well pad. Following well installation and development, a Florida licensed land surveyor will measure and provide elevations for: (1) ground surface at the well pad; (2) top of metal protective casing (lid down); (3) top of PVC well casing at an identifiable notch.

3) Staff gauge. If Fox Lea Farms agrees to execute such consents and easements as may be necessary upon request by the Developer, a staff gauge shall be installed on the northern shoreline of the irrigation pond on Fox Lea Farms' property. The staff gauge will be constructed with 5 ft. of 10 slot PVC screen (0.01-in.) resting on the bottom of the pond clamped to a black steel pipe driven into the pond bottom for vertical support of the well screen. Following staff gauge installation, a Florida licensed land surveyor will measure and provide the elevation for the top of PVC well screen at an identifiable notch.

C. Monitoring equipment and monitoring. pressure transducers at each monitor well and staff gauge will be installed along with a telemetry system. This will allow for the collection of water level data without interfering with Fox Lea Farm activities. The Diver® system by Van Essen, or a similar system, be installed for this project, to allow water level measurements to be monitored via a desktop web interface. The pressure transducers will be programmed for hourly measurements with telemetry data uploaded to the web interface every twelve (12) hours. Water levels will be monitored for no less than two (2) weeks prior to initiating construction dewatering and will continue until all construction dewatering activities have been terminated and the newly excavated ponds rebound back to approximate static water table conditions.

- D. Data collection and sharing. The Developer's engineers shall monitor, collect and save the data from the monitoring wells and staff gauge. Upon request, the data and real-time access to viewing the measurements will be provided to a representative of Fox Lea Farm. At least weekly, the Developer's engineers shall review and assess the data to determine whether an adverse impact to water levels at Fox Lea Farm has occurred or is likely to occur, and shall report on the conditions to the Developer and, on request, to Fox Lea Farm's representative.
- E. Avoidance and mitigation of adverse impacts to Fox Lea Farm.
- 1) Adverse impact. The following will be considered to be adverse impacts from dewatering activities from the construction of the project's stormwater ponds if any of the following conditions occur: (1) if the proposed staff gauge is installed and measurements are available, the water levels in the pond fall more than 2' below the 14 day average level prior to the commencement of dewatering; or (2) if the staff gauge is not installed, then (a) water levels measured at a monitoring well on south property line of the subject property fall by more than 5' below the 14 day average level prior to the commencement of dewatering, or (b) if monitoring wells are established on the Fox Lea Farm property, water levels at well locations 1 and 2 fall more than 3' below the 14 day average level prior to the commencement of dewatering, or water levels at well location 4 fall more than 2' below the 14 day average. An adverse impact shall be considered corrected if the water levels returns to levels that would not be an adverse impact.
 - 2) Mitigation. Should an adverse impact from dewatering activities on the subject property occur, the Developer shall take one or more of the following actions until the adverse impact is corrected:
 - a. Dewatering to Fox Lea Farm Irrigation Pond. Provided the Developer can obtain the necessary consents and permits, the Developer will direct some or all of the dewatering product from the construction of Pond 1 to Fox Lea Farm's irrigation pond until the adverse impact is corrected. This may be accomplished through hoses, temporary pipes, or trucks.
 - b. Dewatering to Fox Lea Drive drainage ditch. Provided the Developer can obtain the necessary consents and permits, the Developer will discharge some or all of the dewatering product from Pond 1 to the drainage ditch in the Fox Lea Drive right-of-way until the adverse impact is corrected.
 - c. Reduction or cessation of dewatering activities. If other mitigation is unavailable or is insufficient to correct the adverse impact within 72 hours, the Developer shall reduce dewatering volumes by 50% until water levels increase at the staff gauge by .5' or at any of the well sites by 1'. If water levels continue to fall for more than 96 hours, dewatering shall cease until the water levels increase by those amounts.

4. Add "Additional Development Standard #9" to the Narrative as follows:

Inspection by Fox Lea Farms. Fox Lea Farms may name a licensed and insured professional engineer or contractor as an inspector, and identify that representative to the Developer, or the construction manager on-site. Fox Lea Farm's Inspector will be

permitted to enter and inspect the subject property upon reasonable notice to, and permission from, the construction manager, which shall not be unreasonably withheld. Fox Lea Farms and its Inspector shall indemnify Developer and any contractor working on the property against any claims based on injury suffered by the Inspector while on the subject property prior to conducting any inspection.

5. Add "Additional Development Standard #10" to the Narrative as follows:

Communication and coordination of development activities. To ensure that Fox Lea Farms may maintain effective communications with the contractors working on the site during construction, and that contractors are aware of the activities at Fox Lea Farm, the Developer shall do the following:

- A. Contact information. The Developer shall provide Fox Lea Farm with the name, phone number, and email address of the representative of the contractor or engineer in charge of construction on the property (the "Construction Manager"), the phone number for the construction trailer on site, and the identity (name, license, address and company phone number) of the contractor and any major subcontractors (site work, land clearing, excavation, utilities) working on site.
- B. Construction schedule information. No fewer than 30 days before the commencement of site development work, the Construction Manager shall provide Fox Lea Farms with the proposed schedule of construction activities. The Construction Manager shall provide an updated schedule at least every 60 days after construction commences until all horizontal site and development work is complete.
- C. Provision of Fox Lea Farm information to contractors. The "Fox Lea Description and Information" included in the Developer's Agreement shall be provided to all contractors and subcontractors working on the property, shall be posted and available in the construction trailer, and shall be posted on the Permit Board during site construction activities.