COUNCIL ITEM 11A
DATE 7/9/12

RESOLUTION NO. 12-R69

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, MAKING FINDINGS OF FACT AND DETERMINING CONCLUSIONS OF LAW PERTAINING TO THE RIVERLAND/KENNEDY APPLICATION FOR DEVELOPMENT APPROVAL, A DEVELOPMENT OF REGIONAL IMPACT, AND CONSTITUTING THIS RESOLUTION AS AN AMENDED AND RESTATED DEVELOPMENT ORDER BY THE CITY OF PORT ST. LUCIE IN COMPLIANCE WITH LAW; AND PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, on July 19, 2004, the City of Port St. Lucie, Florida ("City"), entered into that certain Annexation Agreement to establish the terms and conditions upon which approximately 9,451 acres of agricultural land in unincorporated St. Lucie County, Florida ("Western Annexation Area"), would be annexed into the City for the purpose of urban development; and

WHEREAS, the signatories to the Annexation Agreement included St. Lucie Associates II, LLLP, and St. Lucie Associates III, LLP, the owners of 2,550 acres known as Riverland Groves; and Horizons Acquisition 5, LLC, owner of 1,295 acres known as Kennedy Groves, both located in the Western Annexation Area; and

WHEREAS, Riverland/Kennedy, LLP, ("Developer") is a Florida limited liability partnership with its principal place of business in Sunrise, Florida, and is the successor in interest of Horizons Acquisition 5, LLC, and St. Lucie Associates II, LLLP, and St. Lucie Associates III, LLP, for purposes of this development order; and

WHEREAS, the Riverland/Kennedy Development of Regional Impact ("Project") is a proposed mixed-use development of regional impact to be located on approximately 3,845 acres located in the Western Annexation Area, as more particularly described in Composite Exhibit "A" ("DRI Property"); and

WHEREAS, on August 16, 2004, the Treasure Coast Regional Planning Council ("TCRPC") convened a pre-application conference at which the predecessors in interest to the Developer and various agencies addressed methodology issues and other preliminary matters concerning the Project; and

WHEREAS, on September 13, 2005, pursuant to section 380.06, F.S., the predecessors in interest to the Developer filed an Application for Development Approval for the Project, to be located on the DRI Property, and supplemented it with two sufficiency responses (dated February 28, and May 18, 2006) and,

WHEREAS, on June 7, 2006, the predecessors in interest to the Developer submitted a revised Application for Development Approval, which

incorporated and reflected the original Application for Development Approval and the sufficiency responses; and

WHEREAS, complete copies of these submissions and other review materials were provided to the City of Port St. Lucie ("City"); the Florida Department of Community Affairs ("DCA); TCRPC, and other review agencies; and

WHEREAS, under contract to the City, the TCRPC prepared the Western Annexation Traffic Study (dated January, 2006) ("WATS") for the Project and other proposed developments within the Western Annexation Area, and

WHEREAS, on May 24, 2006, the application and supporting materials were determined to be sufficient for purposes of review; and

WHEREAS, notice regarding public hearings for the Application for Development Approval was provided by publication in the Port St. Lucie News on June 16, 2006; and

WHEREAS, on August 18, 2006, the TCRPC recommended approval of the Application for Development Approval with conditions; and

WHEREAS, on September 6, 2006, the Planning and Zoning Board of the City of Port St. Lucie held a public hearing on the Application for Development Approval and recommended approval with conditions; and

WHEREAS, on September 25, 2006, the City Council of the City of Port St. Lucie ("City Council") held a public hearing to consider the Project, the TCRPC regional report, and comments upon the record made at said public hearing, afforded all interested persons an opportunity to be heard and present evidence, and adopted Resolution No. 06-R78, approving the Project subject to conditions; and

WHEREAS, on May 16, 2007, the Developer submitted Notification of Proposed Change No. 1 ("NOPC No. 1") to TCRPC to amend certain conditions of approval for the Project regarding transportation and affordable housing, with complete copies to the City, DCA and other review agencies; and

WHEREAS, the Legislature has enacted and the Governor has signed into law Chapter 2007-204, Laws of Florida, which provides that "all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension[,]" and such extensions are not a substantial deviation and may not be considered when determining whether a subsequent extension is a substantial deviation; and

WHEREAS, on August 7, 2007, the Planning and Zoning Board of the City of Port St. Lucie held a public hearing on NOPC No. 1 and recommended approval; and

WHEREAS, on August 27, 2007, the City Council held a public hearing to consider NOPC No. 1, the TCRPC regional report, and comments upon the record made at said public hearing, ~~and~~ afforded all interested persons an opportunity to be heard and present evidence, and adopted Resolution No. 07-R70, approving the Project subject to conditions; and

WHEREAS, on March 8, 2011, the Developer submitted Notification of Proposed Change No. 2 ("NOPC No. 2") to TCRPC to amend certain conditions of approval for the Project regarding the phasing, buildout and expiration dates; transportation; environmental and natural resources; and human resource issues, with complete copies to the City, DCA and other review agencies; and

WHEREAS, on June 2, 2011, Governor Scott signed into law House Bill 7202, which extends for 4 years all commencement, phase, buildout and expiration dates (including associated mitigation requirements) for projects that are currently valid developments of regional impact, regardless of any previous extension. HB 7207 further provides that the 4-year extension is not a substantial deviation; and

WHEREAS, on June 13, 2011, by virtue of Executive Order 11-128, Governor Scott declared a state of emergency for the entire State of Florida due to the ongoing danger of wildfires. Governor Scott subsequently extended Executive order 11-128 two times – once for 60 days (to October 4, 2011) by virtue of Executive Order 11-172 issued on August 5, 2011 and then for an additional 30 days (to November 3, 2011) by virtue of Executive Order 11-202 issued on October 4, 2011. The duration of the emergency declaration was thus 126 days (i.e., from July 1,2011 to November 3, 2011).

Chapter 2011-142, Laws of Florida, provides that a declaration of state of emergency by the Governor tolls specified permits and authorizations, including development orders and build-out dates, for the duration of the emergency declaration, and extends such permits and authorizations for 6 months in addition to the tolling period.

WHEREAS, on June 5, 2012, the Planning and Zoning Board of the City of Port St. Lucie held a public hearing on NOPC No. 2 and recommended approval; and

WHEREAS, on July 9, 2012, the City Council held a public hearing to consider NOPC No. 2, the TCRPC letter, and comments upon the record made at said public hearing, and afforded all interested persons an opportunity to be heard and present evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:

FINDINGS OF FACT

The City Council, having considered all the documents, comments, testimony and evidence presented to it, finds as follows:

1. The above recitals are true and correct, and are incorporated into this Development Order by this reference.

2. The Project as modified is consistent with the State Comprehensive Plan.

3. The Project as modified is consistent with the Port St. Lucie Comprehensive Plan and the Port St. Lucie Land Development Regulations.

4. The Project as modified is consistent with the TCRPC's Riverland/Kennedy Development of Regional Impact Assessment Report dated August 2006.

5. The Project is not located in an area of critical state concern designated pursuant to section 380.05, F.S.

6. This Development Order includes adequate provisions for the public facilities needed to accommodate the impacts of the proposed development pursuant to the requirements of Section 380.06, F.S.

7. NOPC No. ~~1~~ 2 and its supporting documentation were reviewed as required by Chapter 380, F.S., and the local land development regulations and are incorporated into this Development Order by this reference.

8. NOPC No. ~~1~~ 2 does not constitute a substantial deviation from the Development Order adopted by the City Council on September 25, 2006 and is otherwise approved, subject to the conditions set forth in this Development Order.

CONCLUSIONS OF LAW

The City Council, having made the findings of fact set forth above, makes the following conclusions of law:

9. The City Council is the governing body with legal jurisdiction over the DRI Property and is authorized and empowered by Chapter 380, F.S., to issue this Development Order.

10. The Project as modified is approved for development pursuant to section 380.06, F.S., on the DRI Property attached as Composite Exhibit "A", subject to the conditions of approval set forth in Exhibit "B" of this Development Order and the Equivalency Matrix attached as Exhibit "C", both of which are incorporated into this Development Order by this reference.

11. Development shall be located substantially as depicted on the Master Development Plan (Map H) attached as Exhibit "D", which is incorporated into this Development Order by reference.

12. Development shall be consistent with the Port St. Lucie Comprehensive Plan, the Port St. Lucie Land Development Regulations and this Development Order.

13. Within 10 days after adoption of this Development Order, the City Clerk shall render copies of this Development Order with all attachments, certified as complete and accurate, by certified mail (return receipt requested) to the Developer, DCA and TCRPC as required by Rule 9J-2.025(5), F.A.C.

14. This Development Order shall take effect, following rendition, as provided by law.

15. Notice of the adoption of this Development Order or any amendment shall be recorded by the Developer, within 30 days after its effective date, in accordance with sections 28.222 and 380.06(15)(f), F.S., with the Clerk of the Circuit Court of St. Lucie County, Florida. The notice shall specify that this Development Order runs with the land and is binding on the Developer, its agents, lessees, successors or assigns. A copy of such notice shall be forwarded to the Port St. Lucie Planning and Zoning Department within seven days after recordation.

16. The Project as modified_shall not be subject to down-zoning, unit density reduction or intensity reduction or other reduction of approved land uses before the expiration date of this Development Order, unless either (a) the Developer consents to such a change, or (b) the City demonstrates that a substantial change in the conditions underlying the approval of the Development Order has occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City as essential to the public health, safety or welfare.

17. This Development Order shall not preclude the City from requiring the payment of impact fees and/or other fees for development or construction within the Project, provided such fees are assessed in accordance with a duly adopted ordinance and are charged to all other similarly situated developers for the same activities within all other areas of the City.

18. In the event that the Developer violates any condition of this Development Order, or otherwise fails to act in substantial compliance with this Development Order, the City may stay the effectiveness of this Development Order on the identifiable tract or parcel, or portion of the tract or parcel owned by the person or entity violating the condition, and within the DRI Property described in Exhibit "A", after a stated compliance date. The Developer shall be given a written notice of violation by the City and a reasonable period of time to cure the violation. The Developer may petition the City Council for review of the notice of violation, prior to the stated compliance date, and said review shall be conducted at a public hearing. Filing of a petition for review shall delay the effectiveness of the notice of violation until the review has been conducted. If the violation has not been cured or corrected by the stated compliance date, all further development permits, approvals and services for the development said tract or parcel, or portion of tract or parcel, shall be withheld until the violation is corrected. For purposes of this condition, the terms "tract" and "parcel" shall mean "any quantity of land capable of being described with such definiteness that its boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit, located within the DRI Property legally described in Exhibit 'A' attached hereto and the Master Development Plan (Map H) in the ADA."

19. Upon request, and in accordance with the City's adopted certificate of concurrency fee, in the development review fee schedule, the City shall provide to the Developer a letter stating whether the portion of the Project at issue is in compliance with applicable conditions of this Development Order.

20. Pursuant to Section 380.06(5)(c), F.S., the Project shall be bound by the rules adopted pursuant to Chapters 373 and 403, F.S., in effect at the time of issuance of this Development Order.

21. Compliance with this Development Order shall be monitored through normal City permitting procedures, the procedures listed in the specific conditions of approval, and review of the biennial report. The local official responsible for assuring compliance with this Development Order is the Director of Planning and Zoning.

22. This Developer Order shall be binding upon the Developer and its assigns or successors in interest. Any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.

23. It is declared to be the City's intent that, if any section, subsection, sentence, clause, condition or provision of this Development Order is held to be invalid by a court of competent jurisdiction, the remainder of this Development Order shall be construed as not having contained said section, subsection, sentence, clause, condition or provision and shall not be affected by such holding.

PASSED AND ADOPTED on this 9th day of July, 2012.

CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA

_____

JoAnn M. Faiella, Mayor

ATTEST:

_____

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

_____

Roger G. Orr, City Attorney

RESOLUTION 12-R69

COMPOSITE EXHIBIT "A"

LEGAL DESCRIPTION OF DRI PROPERTY

EXHIBIT "A"

Legal Description

The following is a legal description of the Riverland/Kennedy development site.

TRACT 1

Being a parcel of land lying in Sections 18 and 19, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964, and revised January 1965; thence along said East right-of-way line North 00°08'30" East a distance of 5,299.86 feet to the point of beginning; thence North 00°00'21" East along said East right-of-way a distance of 1,672.32 feet; thence South 89°50'39" East along a line that is parallel to and 23 feet Southerly of as measured at right angles of the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 5,203.43 feet; thence South 00°04'29" West a distance of 2,985.64 feet; thence North 89°48'47" West a distance of 1,403.45 feet; thence North 00°10'23" East a distance of 1,316.04 feet; thence North 89°53'48" West a distance of 3,800.22 feet to the point of beginning.

TRACT 2

Being a parcel of land lying in Section 16 and 17, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609, as shown on the Florida Department of Transportation right-of-way map dated 11/5/64 and revised January, 1965; thence along said East right-of-way line North 00°08'30" East a distance of 5299.86 feet; thence continue along said East right-of-way line North 00°0'21" East, a distance of 1695.32 feet; thence South 89°50'39" East along North line of those lands described in Official Record Book 477, Page 560; Public Records, St. Lucie County, Florida, a distance of 10415.79 feet; thence South 00°26'45" West, a distance of 23.00 feet to the Point of Beginning; thence South 89°50'39" East, along a line parallel with and 23.00 feet Southerly of, as measured at right angles, said North line, a distance of 325.77 feet; thence South 00°09'36" West, a distance of 346.66 feet; thence North 89°34'48" West, a distance of 327.49 feet; thence North 00°26'45" East, a distance of 345.16 feet, to the Point of Beginning.

TRACT 3

Being a parcel of land lying in Sections 15, 16, 21 and 22, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965; thence along said East right-of-way line North 00°08'30" East, a distance of 5,299.86 feet; thence continue along said East right-of-way line North 00°0'21" East a distance of 1,695.32 feet; thence South 89°50'39" East along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 13,054.71 feet; thence South 00°08'07" West a distance of 23.00 feet, to the point of beginning; thence South 89°50'39" East along a line parallel with and 23.00 feet Southerly of said North line a distance of 2,786.05 feet; thence South 00°03'59" West a distance of 2,981.70 feet; thence North 89°52'17" West a distance of 2,789.64 feet; thence North 00°08'07" East a distance of 2,983.03 feet to the point of beginning.

TRACT 4

Being a parcel of land lying in Sections 19, 20, 21, 22, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965; thence along said East right-of-way line North 00°08'30" East, a distance of 5,299.86 feet; thence continue along said East right-of-way line North 00°0'21" East, a distance of 1,695.32 feet; thence South 89°50'39" East along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 15,942.73 feet to the Northeast corner of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida; thence South 00°05'34" West, along the East line of those lands described in said Official Records Book 557, Page 676, a distance of 4,326.38 feet; thence North 89°49'45" West, a distance of 100.00 feet, to the point of beginning; thence South 00°03'59" West, a distance of 2,663.35 feet; thence North 89°51'58" West, a distance of 1,216.64 feet; thence North 46°07'25" West, a distance of 348.56 feet; thence North 89°51'58" West, a distance of 323.58 feet; thence South 45°44'22" West, a distance of 344.49 feet; thence North 89°51'58" West, a distance of 809.89 feet; thence North 89°49'36" West, a distance of 2,513.26 feet to the Southwest corner of said Section 21 and the Northeast corner of Alan Wilson Grove as recorded in Plat Book 12, Page 50, Public Records of St. Lucie County, Florida; thence North 89°51'07" West, along the South line of those lands described in said Official Records Book 477, Page 560, a distance of 2,644.43 feet;

thence North 89°53'37" West along said South line, a distance of 2,643.99 feet; thence North 89°45'07" West, along said South line, a distance of 496.49 feet; thence North 00°04'55" East, a distance of 1,362.59 feet; thence South 89°46'09" East, a distance of 3,175.72 feet; thence North 00°10'32" East, a distance of 1,309.15 feet; thence South 89°49'45" East, a distance of 7,967.68 feet to the point of beginning.

TRACT 5

Being a parcel of land lying in Section 28, Township 37 South, Range 39 East, St. Lucie County, Florida, being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965; thence along said East right-of-way line, North 00°08'30' East, a distance of 5,299.86 feet; thence continue along said East right-of-way line North 00°0'21" East, a distance of 1,695.32 feet; thence South 89°50'39" East, along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 15,942.73 feet; thence South 00°5'34" West along the East line of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida, a distance of 7,589.65 feet; thence South 89°59'09" West, a distance of 98.50 feet to the point of beginning; thence South 00°03'59" West, a distance of 2,001.74 feet; thence North 89°51'37" West a distance of 2,600.04 feet; thence North 00°05'22" East, a distance of 1,994.75 feet; thence North 89°59'09" East, a distance of 2,599.23 feet to the point of beginning.

TRACT 6

Being a parcel of land lying in Section 33, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965; thence, along said East right-of-way line, North 00°08'30" East, a distance of 5,299.86 feet; thence continue along said East right-of-way line North 00°0'21" East, a distance of 1,695.32 feet; thence South 89°50'39' East, along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 15,942.73 feet; thence South 00°05'34" West, along the East line of those lands described in Official Records Book 477, Page 576, Public Records of St. Lucie County, Florida, a distance of 13,516.19 feet; thence North 89°47'44" West, a distance of 95.77 feet to the point of beginning, thence South 00°03'59 West, a distance of 2,637.63 feet; thence North 89°48'22" West, a distance of 2,616.79 feet; thence North 00°15'31" West, a distance of 669.74 feet;

thence North 78°38'37" West, a distance of 82.27 feet; thence North 00°16'40" West, a distance of 632.00 feet; thence South 89°50'28" East, a distance of 147.25 feet; thence North 00°29'50" West, a distance of 1,320.48 feet; thence South 89°47'44" East, a distance of 2,570.80 feet to the point of beginning.

TRACT 7

Being a parcel of land lying in Sections 15, 16, 17, 18, 19, 21, 22, 27, 28, 33 and 34, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map, dated November 5, 1964 and revised January 1965; thence, along said East right-of-way line, North 00°08'30" East, a distance of 5299.86 feet; thence continue North along said East right-of-way line, North 00°00'21" East, a distance of 1672.32 feet, to the Point of Beginning; thence continue North 00°00'21" East, a distance of 23.00 feet, to the Northwest corner of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida; thence South 89°50'39" East, along the Northerly line, of said described lands, a distance of 15,942.73 feet, to the Northeast corner of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida; thence South 00°05'34" West, along the East line of those lands described in said Official Records Book 557, Page 676, a distance of 17,341.95 feet, to the North right-of-way line of the South Florida Water Management District Canal C-23; thence North 89°54'26" West, along the North line, of said C-23 canal, a distance of 94.00 feet; thence North 00°03'59" East, a distance of 17,319.06 feet; thence North 89°50'39" West on a line parallel with and 23.00 feet Southerly of, as measured at right angles, to the North line of those lands described in said 0fficial Records Book 477, Page 560, a distance of 15,840.71 feet to the Point of Beginning.

TRACT 8

Being a parcel of land lying in Sections 16, 17, 19, 20 and 21, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609, as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965, said point being the Point of Beginning; thence along said East right-of-way line, North 00°08'30" East, a distance of 5299.86 feet; thence South 89°53'48" East, a distance of 3800.22 feet; thence South 00°10'23" West, a distance of 1316.04 feet; thence South 89°48'47" East, a distance of 1403.45 feet; thence North 00°04'29" East, a distance of 2985.64 feet; thence

South 89°50'39" East, along a line that is parallel with and 23 feet Southerly of, as measured at right angles, to the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 5212.19 feet: thence South 00°26'45" West, a distance 345.16 feet; thence South 89°34'48" East, a distance of 327.49 feet; thence North 00°09'36" East, a distance of 346.66 feet; thence South 89°50'39" East, along the aforesaid parallel line, a distance of 2313.27 feet; thence South 00°08'07" West, a distance of 2983.03 feet; thence South 89°52'17" East, a distance of 2789.64 feet; thence South 00°03'59" West, a distance of 1321.65 feet: thence North 89°49'45" West, a distance of 7967.68 feet; thence South 00°10'32" West, a distance of 1309.15 feet; thence North 89°46'09" West, a distance of 3175.72 feet; thence South 00°04'55" West, a distance of 1362.59 feet to the South line of Section 19 and the South line of those lands described in the aforesaid Official Records Book 477, Page 560; thence North 89°45'07" West, along the aforesaid South line of Section 19, a distance of 2125.58 feet, to the South quarter corner, of said Section 19; thence North 89°59'37" West, along the said South line of said Section 19, a distance of 2574.08 feet to the Point of Beginning.

TRACT 9

Being a parcel of land lying in Sections 28 and 33, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at the intersection, of the North line of Section 30, Township 37 South, Range 39 East, and the East right-of-way line of State Road 609, as shown on the Florida Department of Transportation right-of-way map, dated November 5, 1964 and revised January 1965, thence along said East right-of-way line North 00°08'30" East, a distance of 5299.86 feet; thence continue North along said right-of-way North 00°0'21" East, a distance of 1695.32 feet, thence South 89°50'39" East, along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 15,942.73 feet, to the Northeast corner, of those lands described in Official Records Book 577, Page 676, Public records of St. Lucie County, Florida; thence South 00°05'34" West, along the East line of those lands described in said Official Records Book 557, Page 676, a distance of 9591.65 feet; thence North 89°51'37" West, a distance of 97.58 feet, to the point of beginning; thence South 00°03'59" West, a distance of 3924.43 feet; thence North 89°47'44" West, a distance of 2570.80 feet: thence South 00°29'50" East, a distance of 1320.48 feet; thence North 89°50'28" West, a distance of 147.25 feet; thence South 00°16'40" East, a distance of 632.00 feet; thence South 78°38'37" East, a distance of 82.27 feet; thence South 00°15'31" East, a distance of 669.74 feet; thence South 89°48'22" East, a distance 2616.79 feet; thence South 00°03'59" West, a distance of 1188.32 feet, to the North right-of-way line, of the South Florida Water Management District Canal C-23; thence North 89°54'26" West, along said North right-of-way line, a distance of 2482.99 feet; thence North 00°21'02" East, a distance of 1158.72 feet; thence North 89°45'28" West, a distance of 2797.52 feet, to a point on the West line of said Section 33. Said line also being the East line of the Allan Wilson Grove, as

recorded in Plat Book 12, Page 50, Public Records of St. Lucie County, Florida; thence North 00°28'07" West, along said West line of Section 33, a distance of 3988.85 feet, to the Northwest corner of said Section 33, thence North 00°28'37" West, along the West line of Section 28, a distance of 5203.53 feet, to the Northwest corner of said Section 28; thence South 89°49'36" East, a distance of 2513.26 feet; thence South 00°04'40" East, a distance of 607.61 feet; thence North 89°59'09" East, a distance of 247.31 feet; thence South 00°05'22" West, a distance of 1994.75 feet; thence South 89°51'37" East, a distance of 2600.04 feet to the Point of Beginning.

TRACT 10

Being a parcel of land lying in Section 28, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection, of the North line of Section 30, Township 37 South, Range 38 East and the East right-of-way line of State Road 609, as shown on the Florida Department of Transportation right-of-way map, dated November 5, 1964 and revised January 1965, thence along said East right-of-way line, North 00°08'30" East, a distance of 5299.86 feet; thence continuing North along said East right-of-way North 00°0'21" East, a distance of 1695.32 feet, thence South 89°50'39" East, along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 15,942.73 feet, to the Northeast corner of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida; thence South 00°05'34" West, along said East line, of said lands, a distance of 6989.66 feet; thence North 89°51'58" West, a distance of 98.78 feet, to the Point of Beginning; thence South 00°03'59" West, a distance of 600.24 feet; thence South 89°59'09" West, a distance of 2846.55 feet; thence North 00°04'40" West, a distance of 607.61 feet thence South 89°51'58" East, a distance of 809.89 feet; thence North 45°44'22" East, a distance of 344.49 feet; thence South 89°51'58" East, a distance of 323.58 feet; thence South 46°07'25" East, a distance of 348.56 feet; thence South 89°51'58" East, a distance of 1216.64 feet to the Point of Beginning.

TRACT 11

Being a parcel of lands lying in Section 33, Township 37 South, Range 39 East, St. Lucie County, Florida, being more particularly described as follows:
Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609, as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965; thence, along said East right-of-way line, North 00°08'30" East, a distance of 5299.86 feet; thence North 00°0'21" East, continuing along said East right-of-way line, a distance of 1695.32 feet, to the Northwest corner of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida; thence South 89°50'39" East, along the North

line of those lands described in said Official Records Book 477, Page 560, a distance of 15,942.73 feet to the Northeast corner of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida; thence South 00°05'34" West, along those lands described in said Official Records Book 557, Page 676, a distance of 17,341.95 feet, to the North line of the South Florida Water Management District Canal C-23; thence North 89°54'26" West, along said North line of C-23 canal, a distance of 2576.99 feet, to the Point of Beginning; thence continue North 89°54'26" West, along said North right-of-way line, a distance of 2780.87 feet to the West line of said Section 33 and the East line of the Allan Wilson Grove, as recorded in Plat Book 12, Page 50, Public Records of St. Lucie County, Florida; thence North 00°28'07" West, along said West line of Section 33, a distance of 1166.06 feet; thence South 89°45'28" East, a distance of 2797.52 feet; thence South 00°21'02" West, a distance of 1158.72 feet, to the Point of Beginning.

OVERALL TRACTS

The following is a sum total of the legal descriptions of the individual tracts listed above:

Being a parcel of land lying in Sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 33 and 34, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Begin at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map, dated November 5, 1964 and revised January 1965, thence, along said East right-of-way line, North 00°07'39" East, a distance of 2649.52 feet; thence continue North along said East right-of-way line, through the following 2 courses, North 00°09'04" East, a distance of 2650.14 feet; thence North 00°00'42" West, a distance of 1695.52 feet, to the Northwest corner of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida; thence South 89°51'42" East, along the Northerly line, of said described lands, a distance of 15,942.73 feet, to the Northeast corner of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida; thence South 00°04'31" West, along the East line of those lands described in said Official Records Book 557, Page 676, a distance of 17,342.11 feet, to the North right-of-way line, of the South Florida Water Management District Canal C-23; thence North 89°55'29" West, along the North line of said C-23 canal, a distance of 5361.56 feet; to the West line of said Section 33 and the East line of the Allan Wilson Grove, as recorded in Plat Book 12, Page 50, Public Records of St. Lucie County, Florida; thence North 00°28'18" West, along said West line of said Section 33, a distance of 5151.78 feet, to the Northwest corner of said Section 33; thence North 00°28'58" West, along the West line of said Section 28, a distance of 5203.80 feet, to the Northwest corner of said Section 28 and the Northeast corner of said Alan Wilson Grove; thence North 89°51'13" West, along the South line of said Section 20, a distance of 2644.45 feet to the South quarter corner, of Section 20; thence

continue North 89°53'42" West, along the South line of said Section 20, a distance of 2644.09 feet to the Southeast corner, of said Section 19; thence North 89°45'15" West, along the South line of said Section 19, a distance of 2622.20 feet, to the South quarter corner of said Section 19; thence continue North 89°59'37" West, along the South line of said Section 19, a distance of 2573.92 feet to the East right of way line of Range Line Road (State Road 609) and the Point of Beginning.

EXHIBIT "B"

CONDITIONS OF APPROVAL

Application for Development Approval

1. The Riverland/Kennedy Development of Regional Impact Application for Development Approval is incorporated herein by reference. It is relied upon, but not to the exclusion of other available information, by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval, as modified by Development Order conditions, is a condition for approval.

   For purposes of this Development Order, the Application for Development Approval ("ADA") shall include the following items:

   a. Application for Development Approval dated September 13, 2005;

   b. Supplemental information dated February 28, 2006; May 18, 2006; and June 7, 2006;

   c. Western Annexation Traffic Study ("WATS") Final Report dated January 2006; and

   d. Annexation Agreement dated July 19, 2004, and revised May 16, 2005, ~~and~~ July 11, 2005, and November 16, 2009, except to the extent that any term of the Annexation Agreement is subsequently amended by the parties thereto ("Annexation Agreement").

Commencement and Process of Development

2. In the event the Developer fails to commence significant physical development within three years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further Development of Regional Impact review by the Treasure Coast Regional Planning Council, Florida Department of Community Affairs, and City of Port St. Lucie pursuant to Section 380.06, Florida Statutes. However, this time period shall be tolled during the pendency of any appeal pursuant to Section 380.07, F.S. For the purpose of this paragraph, construction shall be deemed to have initiated after placement of permanent evidence of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation or land clearing, such as the construction of roadways or other utility infrastructure. The City of Port St.e acknowledges that the commencement of significant physical development occurred within three years from the effective date of the Development Order, which satisfies this condition.

EXHIBIT "B"

Phasing

3. A) The phasing of the Riverland/Kennedy Development of Regional Impact is approved as follows:

Phase	Years	Residential (DU)*	Retail (SF)	Research & Office (SF)	Light Industrial (SF)	~~Private~~ Institutional & Civic (SF)
1	~~2006-2013~~ 2006-2018	2500	192,000	136,125	136,125	25,000
2	~~2014-2018~~ 2019-2023	7901	540,668	408,375	408,375	215,327
3	~~2019-2023~~ 2024-2028	1299	160,000	408,375	408,375	87,000
4	~~2024-2028~~ 2029-2033	0	0	408,375	408,375	0
Total	~~2006-2028~~ 2006-2033	11,700	892,668	1,361,250	1,361,250	327,327

* Residential units consist of 8,424 single family units and 3,276 multi-family units.

~~A) The Developer is authorized to develop the DRI Property as follows:~~

~~LAND USE~~	~~DENSITY / INTENSITY~~	~~ACRES~~
~~Residential (DUs)~~ ~~Single-family~~ ~~Multi-family~~	~~8,424 DU~~ ~~3,276 DU~~	~~3,340~~
~~Retail (GSF)~~	~~892,668 GSF~~	~~85~~
~~Research & Office[1] (GSF)~~ ~~Light Industrial[1] (GSF)~~	~~1,361,250 GSF~~ ~~1,361,250 GSF~~	~~125~~
~~Institutional and Civic (GSF)~~	~~327,327 GSF~~	~~30~~
~~Schools[2]~~	~~–~~	~~75~~

~~EXHIBIT "B"~~

~~LAND USE~~	~~DENSITY / INTENSITY~~	~~ACRES~~
~~Recreation/Open Space~~ ~~Regional Park~~ ~~Other~~	~~—~~ ~~—~~	~~50~~ ~~140~~
~~TOTAL~~	~~—~~	~~3,845~~

~~NOTES:~~

~~1. Research & Office and Light Industrial both located in 125-acre Employment Center.~~

~~2. Schools include one K-8 school and one high school.~~

~~Provided, however, that~~ The development of a use in any phase may commence prior to completion of development in the preceding phase so long as all specific conditions for mitigation of transportation impacts are implemented according to the schedule in this Development Order, as it may be modified from time to time, and all other conditions of this Development Order are satisfied.

In addition to those uses described above, the Developer is authorized to develop ancillary and support uses including but not limited to adult congregate living facilities, wireless communication and cable television towers, digital network facilities, civic buildings, community centers, irrigation treatment plant and pumping facilities, libraries, places of worship, public service facilities, recreational facilities and schools as permitted within the New Community Development District.

B) In order to accommodate changing market demands, at the Developer's request in an application for a specific development permit, and without the Developer filing a notification of proposed change pursuant to section 380.06(19), F.S., the City may increase or decrease the amount of an approved land use by applying the Equivalency Matrix attached to this Developer Order as Exhibit "C", which is incorporated into this Development Order by this reference. The use of the Equivalency Matrix ~~shall~~ does not allow impacts to water, wastewater, solid waste, transportation or affordable housing to exceed the aggregate impacts projected in the ADA. In addition, to ensure the basic character of the Riverland/Kennedy DRI ~~project~~ is not altered, no land use may be increased by an amount which exceeds the numeric criteria in Section 380.06(19)(b), F.S.~~, and the aggregate amount of non-residential uses within the DRI Property may not be reduced below the minimum established for the DRI Property by the Annexation Agreement. The mix of land uses shall be consistent with that allowed in the Port St. Lucie~~ Comprehensive Plan. The Developer shall report, in each biennial report required by this Development Order, use of the Equivalency Matrix in Exhibit

"C" to increase the amount of one approved land use with a concurrent reduction in one or more other approved land uses.

Buildout Date

4. The Riverland/Kennedy Development of Regional Impact shall have a buildout date of December 31, ~~2028~~ 2033, unless otherwise amended pursuant to the conditions of this Development Order and Section 380.06, Florida Statutes.

Expiration and Termination Date

5. This Development Order shall expire and terminate on December 31, ~~2035~~ 2040 unless extended as provided in Section 380.06(19)(c), Florida Statutes.

Biennial Report

6. The biennial report required by subsection 380.06(18), Florida Statutes, shall be submitted every two years until the expiration of this Development Order on the anniversary date of the adoption of the Development Order to the City of Port St. Lucie, Treasure Coast Regional Planning Council, ~~Florida Department Community Affairs~~ State land planning agency, and such additional parties as may be appropriate or required by law. The contents of the report shall include those items required by this Development Order and Rule 9J-2.025(7), Florida Administrative Code. The City of Port St. Lucie Planning and Zoning Director shall be the local official assigned the responsibility for monitoring the development and enforcing the terms of the Development Order. Notice of transfer of all or portions of the DRI Property shall be filed with the City of Port St. Lucie and included in the biennial report.

General Provisions

7. Any modifications or deviation from the approved plans or requirements of this Development Order shall be made according to and processed in compliance with the requirements of Section 380.06(19), Florida Statutes and Rule 9J-2, Florida Administrative Code.

8. The definitions found in Chapter 380, Florida Statutes shall apply to this Development Order.

9. Reference herein to any governmental agency shall be construed to mean any future instrumentality that may be created or designated as a successor in interest to, or which otherwise possesses the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.

10. This Development Order shall be binding upon the Developer and its assignees or successors in interest.

REGIONAL PLANNING

Master Development Plan

11. Prior to final approval of any zoning application in the Riverland/Kennedy Development of Regional Impact, the City will require the Developer to prepare a conceptual master plan to provide long-term guidance and direction for the project by showing the general location of all residential and non-residential land uses, arterial and collector roads, arterial and collector potable water, wastewater and reclaimed water infrastructure, stormwater facilities, school sites, civic and institutional sites, other major facilities, major access points and multi-use trails and greenways. The conceptual master plan shall demonstrate consistency with the NCD (New Community Development) land use category. The conceptual master plan shall be consistent with the Master Development Plan (Map H) attached to this Development Order as Exhibit "D" but shall not be adopted as an amendment to this Development Order. The conceptual master plan shall be presented to the City's Planning and Zoning Board and the City Council for consideration and approval; provided, however, that notwithstanding the foregoing, the conceptual master plan shall only be a generalized reference tool which is not regulatory but rather a planning reference to provide long range guidance related to those lands being considered for development approval. The conceptual master plan shall be revised by the Developer from time to time as needed to show approved and proposed development, and the City and the Developer shall agree on the mutually acceptable process for doing so.

Greenway

12. Consistent with the City's local comprehensive plan and the Annexation Agreement, the project shall include a continuous, multi-purpose greenway along Range Line Road with an average width of 50 feet and a minimum width of 30 feet, from Range Line Road's eastern right-of-way boundary. The greenway shall be provided in each development parcel within the DRI Property which is adjacent to Range Line Road as a condition of the recording of a residential subdivision plat or final site plan approval for each such development parcel. An appropriate easement shall be placed upon this greenway in perpetuity. The easement shall allow (a) road crossings and pedestrian access; (b) sites for receiving and disposing of irrigation-quality effluent; and (c) landscaping and irrigation. In addition, within the greenway and adjacent to Range Line Road, the Developer shall grant the City a 30-foot perpetual non-exclusive utility easement; provided, however, such utility easement shall allow for (a) landscaping and irrigation, including with reclaimed water; (b) road crossings and pedestrian access; and (c) similar

surface uses, with the City's written authorization, which will not interfere with efficient operation of the City's utilities or unduly hinder maintenance. Any landscaping or irrigation system within the utility easement shall be approved by the City's Utilities Systems Department prior to planting or constructing same.

TRANSPORTATION

Rights of Way

13. ~~Prior to July 1, 2007, and subject to the requirements of the Annexation Agreement, the Developer shall dedicate to the City of Port St. Lucie, free and clear of all liens and material encumbrances, the right-of-way within the project along N/S C (Community Boulevard), Becker Road, E/W 1, E/W 2, E/W 3, E/W 4 (Paar Drive), N/S A, N/S B, N/S BC and all intersections thereof, with a reservation unto the Developer or community development district, for purpose of constructing and thereafter maintaining roads and other improvements, until acceptance by the City of Port St. Lucie.~~ Riverland/Kennedy has previously dedicated the following road rights-of-way within the project to the City: Becker Road (150 feet), Paar Drive (150 feet), E/W 3 from Community Blvd. to N/S B (150 feet), E/W 3 from N/S B to Rangeline Road (75 feet), E/W 2 (100 feet), Discovery Way (150 feet), N/S A (150 feet), N/S B from Becker Road to Paar Drive (30 feet), N/S B from Paar Drive to E/W 3 (75 feet), N/S B from E/W 3 to Discovery Way (150 feet), N/S BC (100 feet), and Community Boulevard (75 feet). Riverland/Kennedy will dedicate an additional 45 feet for N/S B from Becker Road to Paar Drive which will bring the Riverland/Kennedy dedication for this segment to 75 feet.

As part of this development order, N/S BC will be eliminated and N/S B widened to a 150-foot corridor. In order to provide the total corridor width of 150 feet for N/S B from Becker Road to Paar Drive, Riverland/Kennedy will dedicate an additional 45 feet for this segment of N/S B. In addition, E/W 2 will be eliminated as this road was never included as part of either the ULI study or the WATS traffic study.

No building permits for the Riverland/Kennedy Development of Regional Impact shall be issued until the dedication as noted above for the additional 45 foot right-of-way along the existing right-of-way for N/S B and all intersections thereof, has been dedicated free and clear of all liens and material encumbrances to the City of Port St Lucie with a reservation unto the developer or community development district, for purposes of constructing and thereafter maintaining roads and other improvements, until acceptance by the City of Port St. Lucie, subject to the requirements of the Annexation Agreement.

EXHIBIT "B"

After Riverland/Kennedy dedicates the road right-of-way for N/S B, the City will return the previously dedicated 100-foot right-of-way for N/S BC and the 100-foot right-of-way for E/W 2 to Riverland/Kennedy by special warranty deed.

Further, the alignment of Community Blvd. from Discovery Way to Becker Rd. will be realigned in accordance with the attached Exhibit "F". Each Developer of both the Southern Grove DRI and the Riverland/Kennedy DRI will convey by deed the 150' right-of-way for Community Blvd. which falls within each of their respective properties as per Exhibit "F". The right-of-way includes an additional 660 feet south of Becker Rd. for which each Developer will convey 75' each from their respective properties. These conveyances must be made to the City prior to December 1, 2012 and will be held by the City in escrow until both required conveyances are made. No later than December 31, 2012 the City will record a release of the prior deeded conveyances for Community Blvd. between Discovery Way and Becker Rd. and the City will record the new right-of-way for Community Blvd. including the new extended right-of-way south of Becker Rd. as noted above.

14. In addition to the aforementioned roadway networks, the Developer shall further enhance the transportation network by providing a system which shall include but not be limited to public collector roads. The roads identified herein shall not include internal networks for gated communities.

15. A) At any time, the Developer may undertake monitoring to ascertain the level of service on facilities where Riverland/Kennedy Development of Regional Impact has significant impact (project is estimated to contribute an amount of traffic equal to or greater than 5% of the maximum service volume under the adopted level of service standard) in order to determine whether the date or trip threshold by which a transportation improvement required by this Development Order may be extended. If the monitoring demonstrates that the facility or facilities will operate at the adopted level of service standard without the improvement at the date or trip threshold by which this Development Order would otherwise require such improvement, then notwithstanding any other provision of this Development Order the date by which such improvement is required shall be extended on terms approved pursuant to the procedure in Condition 16. The methodology of the monitoring shall be agreed upon by the City of Port St. Lucie, Florida Department of Transportation, and Treasure Coast Regional Planning Council. In the event that a methodology cannot be agreed upon among all parties, the City of Port St. Lucie shall be the final arbiter. No new mitigation measures and/or modifications to the roadway network within the WATS Area shall be required on account of such monitoring.

B)The City of Port St. Lucie may require the Developer to undertake monitoring to ascertain the level of service on transportation facilities within

the DRI as specified in Table 1 and/or Table 2 ~~properties that participated in the WATS ("WATS Area")~~ in order to determine whether the date or trip threshold by which a transportation improvement ~~within the WATS Area~~ required by this Development Order, should be accelerated. If the monitoring demonstrates that a facility or facilities will operate below the adopted level of service standard prior to the date or trip threshold by which this Development Order would otherwise require such improvement, then the date or trip threshold by which such improvement is required shall be accelerated on terms approved pursuant to the procedure in Condition 16. If the monitoring demonstrates that a facility or facilities will operate below the adopted level of service standard prior to the date or trip threshold by which this Development Order would otherwise require such improvement, then the date or trip threshold for such improvement shall be accelerated based on the results of such monitoring, provided that the accelerated schedule for the improvement shall allow 24 months for engineering, permitting and construction of the improvement. The methodology of the monitoring shall be agreed upon by the City of Port St. Lucie, Florida Department of Transportation, and Treasure Coast Regional Planning Council. In the event that a methodology cannot be agreed upon among all parties, the City of Port St. Lucie shall be the final arbiter. No new mitigation measures and/or modifications to the road network ~~within the WATS Area~~ identified in Tables 1 and 2 shall be required on account of such monitoring.

16. In accordance with Section 380.06(15)(c)5, Florida Statutes, and Rule 9J-2.0245(7)(a)1.b., F..A.C., changes to roadway improvement conditions which are subject to the monitoring program outlined in Condition 15 shall not be subject to the substantial deviation determination/notice of proposed change process, unless otherwise required by the criteria listed in Section 380.06(19)(b), Florida Statutes. Changes to roadway improvements conditions shall be transmitted for approval to the Florida Department of Transportation, ~~Florida Department of Community Affairs~~ State land planning agency, and Treasure Coast Regional Planning Council. The agencies should complete the review within 90 days after submittal by the Developer.

17. A trip generation analysis shall be prepared by the applicant and approved by the City of Port St. Lucie prior to each site plan or residential subdivision plat approval. The net new external trip generation analysis shall present calculations for the p.m. peak hour and shall be performed using trip generation rates and equations included in the Western Annexation Area Traffic Study (WATS) for the ITE land use categories outlined in Exhibit "E". The trip generation analysis shall be based on the land data included with each site plan and residential subdivision plat approval and account for internal capture and passer-by, as appropriate, to determine net trips generated by the development. The Biennial Report shall include a cumulative calculation of the trip generation for all previous site plan approvals, residential subdivision plat approvals and building permits.

EXHIBIT "B"

Development order conditions shall be evaluated using the trip generation analysis for building permits to determine triggering of any transportation conditions. The City may, at its discretion, require the developer to submit the cumulative trip generation analysis on an annual basis based on development activity within the DRI. An Excel spreadsheet file or other acceptable digital format shall be submitted by the developer with the cumulative trip generation analysis report.

Riverland/Kennedy Access Road Improvements

18. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold or residential units identified in Table 1, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 1 under "Required Improvement"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; or 3) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

Table 1

Riverland/Kennedy Access Roads

Road	From	To	Trip Threshold*	Residential Units	Improvement
Community Blvd.	Discovery Way	South for 2,500 Ft.	0	0	2L
Secondary Emergency Access Road at E/W #1 between Community Blvd. and Rangeline Rd.			0	0	Emergency Access Road
Improvements for a full 2 lane by 2 lane intersection at Discovery Way and Community Blvd.			0	0	2x2 intersection
Community Blvd.	Discovery Way	E/W 3	773	600	2L
Discovery Way	Community Blvd.	West for 2,500 Ft.	1,545	1,200	2L
E/W 3	Community Blvd.	West for 2,500 Ft.	2,318	1,800	2L

*Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips

Riverland/Kennedy DRI Roadway Improvements

19. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold or residential units identified in Table 2, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 2 under "Required Improvement"; 2) a local government development agreement

consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

Table 2

Riverland/Kennedy DRI Road Improvements

Road	From	To	Trip Threshold	Residential Units	Improvement
Phase 1					
Community Blvd.	E/W 3	Paar Dr.	3,219	2,500	2L
Community Blvd.	Paar Dr.	Becker Rd.	3,219	2,500	2L
E/W 3	Community Blvd.	N/S B	3,219	2,500	2L
Phase 2 – See note 1 below					
N/S B	Discovery Way	E/W 3	10,935	10,400	2L
Paar Dr.	Community Blvd.	N/S B	10,935	10,400	2L
Discovery Way	Community Blvd.	N/S B	10,935	10,400	2L
Discovery Way	N/S B	N/S A	10,935	10,400	2L
Discovery Way	N/S A	Rangeline Rd.	10,935	10,400	2L
Becker	Community	N/S B	10,935	10,400	Widen to 4LD
N/S A	Discovery Way	E/W 3	10,935	10,400	2L
Phase 3					
Community Blvd.	Discovery Way	E/W 3	13,461	11,700	Widen to 4LD
Community Blvd.	E/W 3	Paar Dr.	13,461	11,700	Widen to 4LD
Becker	Community	N/S B	13,461	11,700	Widen to 6LD
N/S B	Paar Dr.	Becker Rd.	13,461	11,700	Widen to 4LD
Discovery Way	Community Blvd.	N/S B	13,461	11,700	Widen to 4LD
Paar Dr.	Community Blvd.	N/S B	13,461	11,700	Widen to 4LD
Phase 4					
N/S A	Discovery Way	E/W 3	13,461	11,700	Widen to 4LD
N/S B	E/W 3	Paar Dr.	13,461	11,700	Widen to 4LD
N/S B	Discovery Way	E/W 3	13,461	11,700	Widen to 4LD
E/W 3	Community	N/S B	13,461	11,700	Widen to 4LD
E/W 3	N/S B	N/S A	13,461	11,700	Widen to 4LD

*Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips
L=Lane D=Divided

EXHIBIT "B"

Note 1: No building permits shall be issued for development that generates more than 7,077 total net external p.m. peak hour trips or 6,450 residential units, whichever comes last, until: 1) contracts have been let for 4 of the 7 roadway widening or construction projects identified in Phase 2 of Table 2 under "Required Improvement", 2) a local government development agreement consistent with Sections 163.3220 through 163.3243, F.S. has been executed for these "Required Improvements"; 3) the monitoring program included in Condition 15 does not requires these improvements; or 4) these improvements are scheduled in the first three years of the applicable jurisdictions's Capital Improvements program or FDOT's adopted work program.

External Roadways – West of I-95

20. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trips indicated in Table 3 or after December 31st of the year indicated in Table 3, ~~2010~~ whichever comes last, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program.

Table 3
External Road Improvements – West of I-95

Year	*Trip Threshold	Road	From	To	Required Improvement	Status
2018	2,927	Tradition Pkwy.	Village Pkwy.	I-95	6LD	Satisfied
2018	13,461	Village Pkwy.	Tradition Pkwy.	Crosstown Pkwy.	4LD	Satisfied
2018	13,461	Tradition Pkwy.	Community Blvd.	Village Pkwy	4LD	Satisfied
2018	13,461	Community Blvd.	Tradition Pkwy.	Westcliffe Lane	2L	
2018	13,461	Westcliffe Ln.	N/S A	Village Pkwy	2L	
2022	13,461	Crosstown Pkwy.	N/S A	Village Pkwy	4LD	
2022	13,461	Crosstown Pkwy.	Village Pkwy.	Commerce Center Dr.	Widen to 6LD	
2022	13,461	Tradition Pkwy.	N/S A	Village Pkwy	4L D	
2022	13,461	N/S A	Crosstown Pkwy	Glades Cut-Off Rd.	2L	
2026	13,461	Crosstown Pkwy.	Range Line Rd.	N/S A	2L	
2026	13,461	Village Pkwy.	Tradition Pkwy.	Westcliffe Lane	6LD	Satisfied
2026	13,461	Village Pkwy.	Westcliffe Lane	Crosstown Pkwy.	Widen to 6LD	

*Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips
LD=Divided

EXHIBIT "B"

External Road Improvements – East of I-95

21. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold identified in Table 4 or after December 31st of the year of failure identified in Table 4, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 4 under "Required Improvements"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. The City of Port St. Lucie will use its best efforts to undertake the road improvements in Table 4 by the dates and trip thresholds indicated.

Table 4
External Road Improvements – East of I-95

Year	**Trip Threshold*	*Road*	*From*	*To*	*Required Improvement*	*Status*
2023	1,367	Becker Road	I-95	Rosser Blvd	6 L D	Satisfied
2024	13,461	Paar Dr	Rosser Blvd.	Savona Blvd.	Widen 4 L D	
2024	13,461	Paar Dr	Savona Blvd	Port St. Lucie Blvd	Widen 4 L D	
2018	2,197	Becker Rd	Turnpike	Southbend Blvd	Widen 4 L D	Satisfied
2021	13,461	Rosser Blvd	E/W 3	Gatlin Blvd.	Widen 4 L D	
2029	13,461	Port St. Lucie Blvd	Paar Dr.	Darwin Blvd.	Widen 4 L D	
2019	13,461	Port St. Lucie Blvd.	Becker Rd	St. Lucie County Line	Widen 4 L D	
2026	13,461	Rosser Blvd	Paar Dr.	E/W 3	Widen 4 L D	
2030	13,461	Port St. Lucie Blvd.	Darwin Blvd.	Gatlin Blvd.	Widen 6 L D	
2025	13,461	Becker Rd	Southbend Blvd	Gilson Rd	Widen 4 L D	
2025	13,461	California Blvd	Crosstown Pkwy	St Lucie West Blvd	Widen 4 L D	
2018	13,461	Becker Rd	I-95	Florida's Turnpike	Widen 4 L D	Satisfied
2022	13,461	Paar Dr	I-95	Rosser Rd **	4 L D	
2028	13,461	Crosstown Pkwy	I-95	Bayshore Blvd.	6 L D	Satisfied

* Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips

** This segment includes a bridge over 1-95; provided, however, that the bridge over I-95 shall be subject to monitoring every three years, for development that generates more than 13,461 total net external p.m. peak hour trips or in 2024, whichever comes later, to evaluate the need for improvements.

L= Lane D=Divided

22. A traffic re-analysis shall be undertaken by the Developer and submitted to the City and FDOT ~~if,~~ for any development that generates more than 14,372 cumulative total net external p.m. peak hour trips or by December 31, ~~2020~~ 2028, whichever comes last, if the six laning of the Crosstown Parkway-Bayshore Blvd. to US1 segment is: 1) not under contract; 2) not included in a local government development agreement consistent with sections 163.3220 through 163.3243, F.S.; 3) required by the monitoring program included in Condition~~s 14 and~~ 15, if applicable; or 4) not scheduled in the first three years of the City's adopted Capital Improvement Program or FDOT's adopted work program. The traffic re-analysis shall be prepared in a manner consistent with the methodology utilized in the WATS, or at the election of the Developer, utilizing an alternative methodology acceptable to the City, DCA, and FDOT. If the traffic re-analysis shows that the incomplete segment will result in additional or increased significant impacts to state or regionally significant roads external to the WATS area as identified in the WATS, no building permits shall be issued for any development that generates more than 13,461 cumulative total net external p.m. peak hour trips or after December 31, ~~2020~~ 2028 whichever comes last, until the Development Order has been amended to include mitigation to address such additional or increased significant impacts consistent with Rule 9J-2.045, F.A.C.

~~**External Roadways**~~

~~17. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2010, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the following roadways:~~

~~a) Village Parkway from Tradition Parkway (Gatlin Boulevard) to Crosstown Parkway: 4 Lane-divided~~
~~b) Tradition Parkway (Gatlin Boulevard) from Community Boulevard to Village Parkway: 4 Lane-divided~~
~~c) Community Boulevard from Tradition Parkway (Gatlin Boulevard) to Westcliffe Lane (E/W XY): 2 Lanes~~
~~d) Westcliffe Lane (E/W XY) from N/S A to Village Parkway: 2 Lanes~~

~~18. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2014, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed and attached as an exhibit to the Development Order; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the following roadways:~~

~~a) Crosstown Parkway from N/S A to Village Parkway: 4 Lane-divided~~
~~b) Crosstown Parkway from Village Parkway to I-95: 6 Lane-divided~~
~~c) Tradition Parkway (Gatlin Boulevard) from N/S A Village Parkway: 4 Lane-divided~~
~~d) N/S A from Crosstown Parkway to Glades Cut Off Road: 2 Lanes~~

~~19. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2018, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed and attached as an exhibit to the Development Order; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the following roadways:~~

~~a) Crosstown Parkway from Range Line Road to N/S A: 2 Lane-divided~~

~~20. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued for development that generates more than the net external p.m. peak hour trip threshold identified in Table 1 or after December 31 of the year of failure identified in Table 1, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 1 under "Improvements"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted~~

EXHIBIT "B"

~~Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the roadway widening or construction projects included in Table 1.~~

~~Table 1~~
~~Riverland/Kennedy DRI~~
~~Roadway Improvements~~

~~Road Segment~~	~~Trip Threshold~~	~~Year of Failure~~	~~Improvement~~
~~Tradition Parkway (Gatlin Boulevard) – Village Parkway to I-95~~	~~2,927~~	~~2010~~	~~6LD~~
~~Tradition Parkway (Gatlin Boulevard) – Village Parkway to I-95~~	~~3,219~~	~~2013~~	~~8LD~~
~~Village Boulevard – Tradition Parkway (Gatlin Boulevard) to Westcliffe Lane (E/W XY)~~	~~4,173~~	~~2020~~	~~6LD~~
~~Village Boulevard – Westcliffe Lane (E/W XY) to Crosstown Parkway~~	~~7,072~~	~~2022~~	~~6LD~~

~~21. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued for development that generates more than the net external p.m. peak hour trip threshold identified in Table 2 or after December 31 of the year of failure identified in Table 2, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 1 under "Improvements"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the roadway widening or construction projects included in Table 2. The City of Port St. Lucie will use its best efforts to undertake the road improvements in Table 2 by the dates and trip thresholds indicated.~~

~~Table 2~~
~~Riverland/Kennedy DRI~~
~~Roadway Improvements Within the City of Port St. Lucie~~

~~Road Segment~~	~~Trip[1] Threshold~~	~~Year of Failure~~	~~Improvement~~

EXHIBIT "B"

~~Becker Road – I-95 to Rosser Blvd.~~	~~1,367~~	~~2015~~	~~6LD~~
~~Paar Drive – Rosser Blvd. to Savona Blvd.~~	~~1,531~~	~~2016~~	~~4LD~~
~~Paar Drive – Savona Blvd. to Port St. Lucie Blvd.~~	~~1,586~~	~~2016~~	~~4LD~~
~~Becker Road – Florida's Turnpike to Southbend Blvd.~~	~~2,197~~	~~2010~~	~~4LD~~
~~Rosser Boulevard – E/W 3 to Gatlin Blvd.~~	~~2,681~~	~~2013~~	~~4LD~~
~~Port St. Lucie Boulevard – Paar Dr. to Darwin Blvd.~~	~~2,862~~	~~2021~~	~~4LD~~
~~Rosser Boulevard – Becker Rd. to Paar Dr.~~	~~2,940~~	~~2015~~	~~4LD~~
~~Port St. Lucie Boulevard – Becker Rd. to St. Lucie County Line~~	~~3,592~~	~~2011~~	~~4 Lanes~~
~~Rosser Boulevard – Paar Dr. to E/W 3~~	~~8,250~~	~~2018~~	~~4LD~~
~~Port St. Lucie Boulevard – Darwin Blvd. to Gatlin Blvd.~~	~~7,072~~	~~2022~~	~~6LD~~
~~Becker Road – Southbend Blvd. to Gilson Rd.~~	~~9,336~~	~~2017~~	~~4LD~~
~~California Boulevard – Crosstown Pkwy. To St. Lucie West Blvd.~~	~~13,116~~	~~2017~~	~~4LD~~
~~Becker Road – I-95 to Florida's Turnpike~~	~~N/A~~	~~2010~~	~~4LD~~
~~E/W 3 – I-95 to Rosser Road [2]~~	~~N/A~~	~~2014~~	~~2 Lanes~~
~~Paar Drive – I-95 to Rosser Road [2]~~	~~N/A/~~	~~2014~~	~~4 LD~~
~~E/W 3 – I-95 to Rosser Road [2]~~	~~N/A~~	~~2018~~	~~Widen to 4LD~~
~~Paar Drive – I-95 to Rosser Road [2]~~	~~N/A~~	~~2018~~	~~Widen to 6LD~~
~~E/W 3 – I-95 to Rosser Road [2]~~	~~N/A~~	~~2022~~	~~Widen to 6LD~~
~~Crosstown Parkway – I-95 to Bayshore Blvd.~~	~~N/A~~	~~2013~~ 2020	~~6LD~~

~~[1] Total Riverland/Kennedy DRI Net External PM Peak Hour Trips~~

~~[2] These segments include a bridge over I-95; provided, however, that the bridge over I-95 shall be subject to monitoring every three years, commencing at the start of Phase 3 in 2016, to evaluate the need for the improvement.~~

Roadway Improvements Outside the City of Port St. Lucie

23.~~21B~~) Based on the results of the Western Annexation Traffic Study, no building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold identified in Table ~~3~~5 or after December 31 of the year of failure identified in Table ~~3~~5, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 3 under "Required Improvements"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

EXHIBIT "B"

Table ~~35~~
~~Riverland/Kennedy DRI~~
Roadway Improvements Outside the City of Port St. Lucie

Year	**Trip Threshold*	*Road*	*From*	*To*	*Required Improvement*	*Status*
2030	2,386	S.W Allapattah Rd	CR 714	Martin County Line	4 L D	
2019	3,592	S.W Citrus Blvd	St. Lucie County Line	SR 714	Widen 4 LD**	
2021	6,107	SR 714/Martin Hwy	Port St. Lucie Blvd	Florida's Turnpike	Widen 4 L D	
2018	6,393	CR 714/Martin Hwy	Florida's Turnpike	High Meadows Ave	Widen 4 L D	
2019	7,555	CR 714/Martin Hwy	High Meadows Ave	Berry Ave	Widen 4 L D	
2019	9,796	Midway Road	Torino Pkwy	Selvitz Road	Widen 4 L D***	
2024	14,045	Midway Road	Selvitz Road	25th Street	Widen 4 L D***	

* Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips
** Provided sufficient right-of-way exists for the improvement
*** This condition may be satisfied by a payment to St. Lucie County based on the *Settlement Agreement Including Impact Fee Credit Agreement* between the Developer and St. Lucie County.

~~Road Segment~~	~~Trip * Threshold~~	~~Year of Failure~~	~~Improvement~~
~~Range Line Road – CR 714 to Martin County Line~~	~~2,386~~	~~2022~~	~~4LD~~
~~Port St. Lucie Blvd – St. Lucie County Line to SR 714~~	~~3,592~~	~~2011~~	~~4 Lanes**~~
~~SR 714/Martin Hwy. – Port St Lucie Blvd to Florida's Turnpike~~	~~6,107~~	~~2013~~	~~4LD~~
~~CR 714/Martin Hwy. Florida's Turnpike to High Meadows Av.~~	~~6,393~~	~~2010~~	~~4LD~~
~~CR 714/Martin Hwy. – High Meadows Av. to Berry Av.~~	~~7,555~~	~~2011~~	~~4LD~~
~~Midway Road – Torino Pkwy to Selvitz Road~~	~~9,796~~	~~2011~~	~~4LD~~
~~Midway Road – Selvitz Rd to 25th St.~~	~~14,045~~	~~2016~~	~~4LD~~

~~* Total Riverland/Kennedy DRI Net External PM Peak Hour Trips~~
~~** Provided sufficient right-of-way exists for the improvement~~

24.~~21.C.~~ A traffic re-analysis shall be undertaken by the Developer and submitted to the City, TCRPC, ~~DCA~~ State land planning agency, and FDOT by the date that development within the Riverland/Kennedy DRI generates more than 3,592 total net external p.m. peak hour trips or by December 31, ~~2011~~ 2019, whichever comes last, if the four-laning of the Port St. Lucie Boulevard – St. Lucie County Line to SR 714 segment is: 1) not under contract to construct the roadway; 2) not included in a local government development agreement consistent with section 163.3220 through 163.3243, F.S.; 3) required by the monitoring program included in Conditions ~~14 and~~ 15

, if applicable; or 4) not scheduled in the first three years of an adopted Capital Improvements Program or FDOT's adopted work program. The traffic re-analysis shall be prepared in a manner consistent with the methodology utilized in the WATS, or at the election of the Developer, utilizing an alternative methodology acceptable to the City, DCA, FDOT and TCRPC, and shall be limited to a determination of the effect, if any, of the delay in four laning the segment of Port St. Lucie Boulevard (S.W. Citrus Blvd.) – St. Lucie County Line to SR 714 on road external to the WATS area. If the traffic re-analysis shows that the delay will result in additional or increased significant impacts to state or regionally significant roads as identified in the WATS, no building permits shall be issued after development within the Riverland/Kennedy DRI generates more than 3,592 total net external p.m. peak hour trips or December 31, ~~2011~~ 2019, whichever comes last, until the Development Order has been amended to include mitigation to address such additional or increased significant impacts consistent with Rule 9J-2.045, F.A.C

~~**Roadways within WATS Area**~~

~~22. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2010, until: 1) contracts have been let to build the following roads with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S., has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the City's satisfaction that sufficient funds will be available to complete the following improvements:~~

~~Becker Road from Range Line Road to N/S A: 2 Lanes~~
~~Becker Road from N/S A to I 95: 4 Lane-divided~~
~~E/W 3 from N/S A to Community Boulevard: 2 Lanes~~
~~N/S A from Becker Road to E/W 3: 2 Lanes~~
~~Community Boulevard from Becker Road to E/W 1: 2 Lanes~~
~~Community Boulevard from E/W 1 to Gatlin Boulevard: 4 Lane-divided~~
~~Village Parkway from Becker Road to Gatlin Boulevard: 4 Lane-divided~~

~~23. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2014 until: 1) contracts have been let to build the following roads with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S., has been executed; 3) the monitoring~~

~~program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the City's satisfaction that sufficient funds will be available to complete the following improvements:~~

~~Becker Road from Range Line Road to N/S A: Widen to 4 Lane divided~~
~~Becker Road from N/S AB to I-95: Widen to 6 Lane divided~~
~~Paar Drive from Range Line Road to N/S BC: 2 Lanes~~
~~Paar Drive from N/S BC to I-95 western right-of-way: 4 Lane divided~~
~~E/W 3 from Range Line Road to N/S A: 2 Lanes~~
~~E/W 3 from Community Boulevard to I-95 western right-of-way: 2 Lanes~~
~~E/W 1 from Range Line Road to Community Boulevard: 2 Lanes~~
~~E/W 1 from Community Boulevard to Village Parkway: 4 Lane divided~~
~~N/S A from E/W 3 to E/W 1: 2 Lanes~~
~~N/S A from E/W 1 to Tradition Parkway (Gatlin Boulevard): 4 Lane divided~~
~~N/S A from Tradition Parkway (Gatlin Boulevard) to Crosstown Parkway: 4 Lane divided (May be constructed concurrently, but no later than, with the construction of Crosstown Parkway from N/S A to Village Parkway.)~~
~~N/S AB from Becker Road to Paar Drive: 2 Lanes~~
~~N/S B from Becker Road to E/W 1: 2 Lanes~~
~~N/S BC from Becker Road to Paar Drive: 2 Lanes~~
~~Village Parkway from E/W 1 to Gatlin Boulevard: Widen to 6 Lane divided~~
~~Tradition Parkway (Gatlin Boulevard) from N/S A to Range Line Road: 4 Lane divided~~

~~24. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31,2018 until: 1) contracts have been let to build the following roads with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S., has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the City's satisfaction that sufficient funds will be available to complete the following improvements:~~

~~Paar Drive from N/S A to N/S BC: Widen to 4 Lane divided~~
~~Paar Drive from Village Parkway to I-95 western right-of-way: Widen to 6 Lane divided~~
~~E/W 3 from Community Boulevard to I-95 western right-of-way: Widen to 4 Lane divided~~
~~E/W 1 from N/S B to Community Boulevard: Widen to 4 Lane divided~~
~~N/S A from Becker Road to E/W 1: Widen to 4 Lane divided~~

EXHIBIT "B"

~~Community Boulevard from Becker Road to E/W 1: Widen to 4 Lane-divided~~

~~Village Parkway from E/W 1 to Gatlin Boulevard: Widen to 8 Lane-divided*~~

~~*If required by the City.~~

~~25. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2022 until: 1) contracts have been let to build the following roads with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S., has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the City's satisfaction that sufficient funds will be available to complete the following improvements:~~

~~E/W 3 from N/S A to Village Parkway: Widen to 4 Lane-divided~~
~~E/W 3 from Village Parkway to I-95: Widen to 6 Lane-divided~~
~~N/S AB from Becker Road to Paar Drive: Widen to 4 Lane-divided~~
~~N/S B from Paar Drive to E/W 1: Widen to 4 Lane-divided~~
~~N/S BC from Becker Road to Paar Drive: Widen to 4 Lane-divided~~
~~Village Parkway from Becker Road to E/W 1: Widen to 6 Lane-divided~~

~~26. Intersection lane geometry for all arterial roads between I-95 and Range Line Road included in Master Development Plan (Map H) attached to this Development Order as Exhibit "D" shall, for all 6 lane by 6 lane, 4 lane by 6 lane and 4 lane by 4 lane intersections within rights-of way greater than 100 feet, include dual left-turn lanes and an exclusive right-turn lane in all approaches. For all other arterial road intersection types, the Developer shall submit to the City, for approval, an intersection analysis to designate the lane geometry for each intersection.~~

E/W 3 and I-95 Interchange

~~27.~~ 25. A traffic study shall be prepared for development that generates more than 13,461 total net external p.m. peak hour trips or by ~~no later than~~ January 1, 2019, whichever comes last, to evaluate the need for an interchange along I-95 with E/W 3. The methodology for this traffic study shall be discussed with the Developer, and agreed upon by the City of Port St. Lucie and Florida Department of Transportation. The traffic study shall estimate traffic projections at buildout of all DRI developments that participated in the WATS..

~~28.~~ 26. If the study required by Condition ~~27~~ 25 justifies an interchange along I-95 with E/W 3, then no building permits shall be issued for development that

generates more than 13,461 total net external p.m. peak hour trips or after December 31, 2020, whichever comes last, until the development order has been amended to include provisions for such an interchange and such interchange has been authorized by the Federal Highway Administration and/or FDOT, as applicable. Such amendment to the Development Order shall not be subject to a substantial deviation determination, unless otherwise required by criteria in section 380.06(19)(b), F.S.

Other Issues

~~29.~~ 27. Intersection lane geometry for all arterial roads between I-95 and Range Line Road included in Master Development Plan (Map H) attached to this Development Order as Exhibit "D" shall, for all 6 lane by 6 lane, 4 lane by 6 lane and 4 lane by 4 lane intersections within rights-of way greater than 100 feet, include dual left-turn lanes and an exclusive right-turn lane in all approaches. For all other arterial road intersection types, the Developer shall submit to the City, for approval, an intersection analysis to designate the lane geometry for each intersection.

~~30.~~ 28. All roads expressly addressed in the transportation conditions of this Development Order shall be open to the public.

~~31.~~ 29. Commencing in 2008 and continuing every other year thereafter, the Developer shall submit a Biennial Status Report indicating the status (schedule) of guaranteed transportation network modifications. This Biennial Status Report shall be attached to and incorporated into the Biennial Development of Regional Impact Report required by Condition 6.

The Biennial Status Report shall list all roadway modifications needed to be constructed, the guaranteed date of completion for the construction of each needed modification, the party responsible for the guaranteed construction of each modification, and the form of binding commitment that guarantees construction of each modification. Except for improvements which are re-scheduled or determined to be not needed pursuant to monitoring under Condition 15, no further building permits for the Riverland/Kennedy Development of Regional Impact shall be issued at the time the Biennial Status Report reveals that any needed transportation modification included in the Development Order is no longer scheduled or guaranteed, or has been delayed in schedule such that it is not guaranteed to be in place and operational or under actual construction for the entire modification consistent with the timing or trip threshold criteria established in this Development Order.

~~32.~~ 30. In the event that a transportation improvement which the Developer is required to provide pursuant to this Development Order is instead provided by a dependent or independent special district, the improvement shall be deemed to have been provided by the Developer.

31. The Developer is responsible for the mitigation of all environmental impacts of all right-of-ways within the Riverland/Kennedy DRI.

ENVIRONMENTAL AND NATURAL RESOURCES

Wetlands

~~32~~ 32. The Developer, Property Owners Association created by the Developer, or other acceptable entity shall comply with all wetland mitigation requirements of the U. S. Army Corps of Engineers and South Florida Water Management District. Any wetland permit issued by the South Florida Water Management District and the U.S. Army Corps of Engineers for all or any portions of the Riverland/Kennedy DRI Property shall satisfy all City rules, regulations, codes, permitting and other requirements pertaining to wetlands and littoral plantings for the portion or portions of Riverland/Kennedy subject to any such permits. ~~Any mitigation required for impacts to existing wetlands shall be completed on the project site to the extent required by agencies with regulatory jurisdiction. Details of the wetland maintenance and enhancement procedures and management schedule shall be provided in the Conservation Area Management Plan.~~

~~33.~~ [Deleted in its entirety] ~~The Developer shall preserve or create a buffer zone of native upland edge vegetation around all preserved and created wetlands on site. The upland buffers shall be designed to be consistent with the buffer requirements of the South Florida Water Management District and the U. S. Army Corps of Engineers. Created upland buffers shall include canopy, understory, and ground cover of native upland species. Details of the upland buffer maintenance and management schedule shall be provided in the Conservation Area Management Plan.~~

~~34.~~ [Deleted in its entirety] ~~By January 1, 2008, the Developer, or a property association created by the Developer ("Association"), shall prepare a Conservation Area Management Plan for the upland buffers, created wetlands, and preserved surface waters identified on the Riverland/Kennedy Master Development Plan (Map H) attached to this Development Order as Exhibit "D". The plan shall: 1) identify management procedures and provide a schedule for their implementation; 2) include procedures for maintaining suitable habitat for state and federally listed species; and 3) include methods to remove nuisance and exotic vegetation as specified in this Development Order. The management plan shall be approved by the City of Port St. Lucie in consultation with the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission prior to commencement of site clearing activities on the project site. The Conservation Area Management Plan required by this condition shall constitute the~~

~~management plan required by Section 157.26 of the City's Land Development Regulations.~~

Listed Species

~~35~~33. The Developer or an Association or community development district shall maintain Wood Stork foraging habitat on site by ensuring no additional net loss of wood stork prey ~~wetland function and value~~. All surface waters created on the site, where appropriate, shall include features specifically designed to provide preferred foraging habitat for this species. The features should include areas designed to concentrate prey during dry down periods. The Developer shall comply with all U.S. Fish and Wildlife Service recommendations regarding the design and creation of foraging habitat for this federally endangered species. ~~Details of the wetland creation design, procedures, and management schedule shall be provided in the Conservation Area Management Plan.~~

~~36~~34. In the event that it is determined that any additional representative of a state or federally listed plant or animal species is resident on, or otherwise significantly dependent upon a development parcel, the developer of such parcel shall cease all activities which will negatively affect that individual population and immediately notify the City of Port St. Lucie, and such developer shall provide proper protection to the satisfaction of the City of Port St. Lucie in consultation with the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission.

Exotic Species

~~37~~35. Prior to obtaining a certificate of occupancy for any future structure located on a particular development parcel, the developer of such parcel shall remove from that parcel all Melaleuca, Brazilian pepper, Old World climbing fern, Australian pine, downy rose-myrtle, and any other nuisance and invasive exotic vegetation listed under Category I of the Florida Exotic Pest Plant Council's "2005 List of Invasive Species." Removal shall be in a manner that minimizes seed dispersal by any of these species. There shall be no planting of these species on site. Methods and a schedule for the removal of exotic and nuisance species should be approved by the City of Port St. Lucie. The entire site, including wetlands and conservation areas, shall be maintained free of these species in perpetuity in accordance with all applicable permits.

Stormwater Management

~~38~~36. The developer of each development parcel shall design and construct a stormwater management system within such development parcel to retain the maximum volumes of water consistent with South Florida Water

Management District criteria for flood control. The stormwater management system shall be designed and constructed to provide stormwater treatment and attenuation/storage, in accordance with South Florida Water Management District requirements, for the ultimate build-out of all public rights-of-way located within the DRI Property. All discharged water from the surface water management system shall meet the water quality standards of Florida Administrative Code Rule 17-3.

~~39~~37. All elements of the stormwater management system shall be designed to prevent negative impacts to adjacent areas and to the receiving bodies of water. A water quality monitoring program shall be established if required by any applicable federal, state or local agency having jurisdiction.

~~40~~38. The Developer shall work with the City of Port St. Lucie to minimize the amount of impervious surface constructed for automobile parking on the project site. The Developer and the City should consider the use of pervious parking lot materials where feasible.

~~41~~39. The surface water management system shall utilize Best Management Practices to minimize the impact of chemical runoff associated with lawn and landscape maintenance. The Developer shall coordinate with the South Florida Water Management District to formulate and implement Best Management Practices to reduce the use of pesticides and fertilizers throughout the project.

~~42~~40. Maintenance and management efforts required to assure the continued viability of all components of the surface water management system shall be the financial and physical responsibility of the Developer, a community development district, a special assessment district, or other entity acceptable to the City of Port St. Lucie. Any entities subsequently replacing the Developer shall be required to assume the responsibilities outlined above.

Water Supply

~~43~~ 41. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has provided written confirmation from the City of Port St. Lucie Utility Systems Department that adequate capacity of treated potable water is available to serve the development parcel and the Developer has provided or others have provided (or have provided surety in a form acceptable to the City) for the necessary water system extensions to serve the development parcel.

~~44~~ 42. The preferred source of irrigation water shall be treated wastewater effluent at such time as this source is made available to the site. The Developer shall connect each development parcel to the City of Port St.

Lucie's reclaimed water system when the system is within 300 feet of the subject development parcel. The project shall be equipped with an irrigation water distribution system to provide reclaimed water to all domestic residential lots when it becomes available. No individual home wells shall be constructed on the project site. Prior to availability of a sufficient supply of reclaimed water, other water supply sources may be used for landscape irrigation subject to meeting South Florida Water Management District permitting criteria in effect at the time of permit application.

~~45~~ 43. In order to reduce irrigation water demand, xeriscape landscaping shall be encouraged throughout the project. At a minimum, the xeriscape landscaping shall meet the requirements of the City of Port St. Lucie.

~~46~~ 44. The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, xeriscape landscape techniques, and other water conserving devices and/or methods specified in the Water Conservation Act, Section 553.14, Florida Statutes. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of Port St. Lucie by the South Florida Water Management District.

Wastewater Management

~~47~~ 45. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has been provided written confirmation from the City of Port St. Lucie Utility Systems Department that adequate capacity for wastewater treatment is available to serve such development parcel and the Developer or others have provided (or have provided surety in a form acceptable to the City) for the necessary wastewater system extension to serve such development parcel.

Solid Waste and Hazardous Materials

~~48~~ 46. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has provided written confirmation from St. Lucie County or other provider acceptable to the City that adequate solid waste disposal services and facilities will be available when needed for that parcel. Development shall only occur concurrently with the provision of adequate solid waste disposal services and facilities.

Air Quality

~~49~~ 47. During land clearing and site preparation, soil treatment techniques appropriate for controlling unconfined particulate emissions shall be undertaken. If construction on a parcel will not begin within thirty days of

clearing, the soil shall be stabilized until construction on the parcel begins. Cleared areas may be sodded, seeded, landscaped or mulched to stabilize the soil. Minimal clearing for access roads, survey lines, fence installation, or construction trailers and equipment staging areas is allowed without the need for soil stabilization. The purpose of this condition is to minimize dust production and soil erosion during land clearing and to prevent soil particulates from becoming airborne between the time of clearing and construction. Development within the DRI Property shall comply with all applicable National Pollutant Discharge Elimination System requirements.

HUMAN RESOURCE ISSUES

Housing

~~50~~ 48. The Port St. Lucie Comprehensive Plan does not require any affordable housing mitigation or contribution by the Developer. However, the Developer has offered to provide voluntary support for affordable housing by means of this local condition. The Developer shall pay a voluntary affordable housing assistance fee of $500, or a mutually agreed upon amount, for each residential unit constructed on the Property, payable at the time of building permit application, into an affordable housing trust fund or other dedicated account established by the City. The City shall determine how to disburse the moneys in such trust fund to encourage affordable housing through such means as (a) acquisition of land; (b) a program of down payment assistance; (c) prepaying of points for qualified homebuyers; (d) rehabilitation of existing affordable housing; ~~(3)~~ (e) construction of new affordable housing by private developers or not-for-profit entities; or (f) other appropriate affordable housing strategies.

As an alternative to the above condition, the Developer may choose to participate in a program developed by the City of Port St. Lucie that will provide sufficient workforce housing in proportion to the population, based upon a program of the City of Port St. Lucie upon its adoption in the City of Port St. Lucie Comprehensive Plan.

Prior to the beginning of each phase subsequent to Phase 1, the supply of affordable housing shall be re-calculated using the East Central Florida Regional Planning Council Housing Methodology (revised June 1999) or, at the election of the Developer, an alternative methodology acceptable to the City and ~~DCA~~ the State land planning agency. If the supply calculation for any subsequent phase shows that there is not an adequate supply of affordable housing reasonably accessible to the ~~Project~~ Riverland/Kennedy DRI to meet the demand from non-residential development in that phase, the Development Order shall be amended to include measures to mitigate the unmet housing need consistent with Rule 9J-2.048, F.A.C. The

voluntary affordable housing assistance fee provided for in this Condition ~~50~~ 46 shall be credited against any required mitigation.

Schools

~~51~~49. The Developer has entered into an Educational Facilities Impact Fee Credit Agreement dated June 12, 2007, as may be amended from time to time, with the School Board of St. Lucie County. This agreement addresses site dedications and associated impact fee credits as well as impact fee payments and impact fee prepayments for construction of school facilities on these sites. The City of Port St. Lucie has entered into an interlocal agreement with the St. Lucie County School District pursuant to which the City of Port St. Lucie will convey the school sites described in the Agreement to the St. Lucie County School District as and when needed by the St. Lucie County School District. ~~No residential subdivision plat shall be recorded nor final residential site plan approved for any development parcel after July 1, 2007 until the Developer has secured a development agreement with the St. Lucie County School District that assures the following:~~

~~a. The dedication to the City of Port St. Lucie, pursuant to the Annexation Agreement, of one K-8 school site of not less than 25 acres, provided that drainage (after all required water quality pretreatment is provided on site at no cost to the Developer) for the K-8 school site can be accommodated off-site. The net acreage must not include any required upland or wetland preservation areas. Alternatively, if collocated with a park site, and recreational areas can be shared, the site can be reduced to 20 acres.~~

~~b. The dedication to the City of Port St. Lucie, pursuant to the Annexation Agreement, of one high school site of not less than 45 acres, provided that drainage (after all required water quality pretreatment is provided on site at no cost to the Developer) for the high school site can be accommodated off-site. The net acreage must not include any required upland or wetland preservation areas.~~

~~c. The Developer will allocate not less than 10 acres of its 50-acre regional park dedication as required by the Annexation Agreement for a high school football stadium adjacent to the high school site, subject to approval by the City of Port St. Lucie. The net acreage must not include any required upland or wetland preservation areas.~~

~~d. For the proposed total development program of 11,700 dwelling units, of which 1,200 are proposed to be age-restricted, and with current student generation rates for St. Lucie County, the~~

~~Developer shall contribute a proportionate share of all costs necessary to construct, according to State of Florida and St. Lucie County School District standards, the school facilities for the sites identified in this condition, not to exceed the total amount of educational facilities impact fees for the DRI Property (based upon generally applicable St. Lucie County educational impact fees in effect from time to time), so that there will be adequate school facilities to accommodate the impacts of the development. Such facilities shall be operated and maintained by the St. Lucie County School District.~~

~~e. The development agreement with the St. Lucie County School District shall provide for a formula for the reimbursement of educational impact fees that would normally be assessed of dwelling units within the proposed development in exchange for the conveyance of the school sites described in subparagraphs (a) and (b) above.~~

~~f. The City of Port St. Lucie will use good faith efforts to enter into an appropriate interlocal agreement with the St. Lucie County School District pursuant to which the City of Port St. Lucie will convey the school sites described in subparagraphs (a) and (b) above to the St. Lucie County School District as and when needed by the St. Lucie County School District.~~

Police and Fire Protection

~~52~~ 50. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has received a statement from the City of Port St. Lucie Police Department indicating that adequate facilities and police protection are in place to serve the development parcel. The methodology used to determine the demand created as a result of the project and the standards used to determine adequate police protection shall be approved by the City of Port St. Lucie Police Department.

~~53~~ 51. ~~No residential subdivision plat shall be recorded nor final site plan approved for any development parcel after July 1, 2007 until t~~ The Developer has entered into a mutually agreed upon Developers Agreement with the St. Lucie County Fire District dated November 15, 2006 for improvements necessary to provide Fire and Emergency Medical Services to the project. ~~The methodology used to determine the demand created as a result of the project and the standards used to determine adequate fire rescue services shall be approved by the St. Lucie County Fire District.~~

EXHIBIT "B"

Hurricane Preparedness

~~54.~~ 52. The Developer shall construct one or more on-site buildings to provide a minimum 24,520 SF of hurricane evacuation shelter space for the residents of the Riverland/Kennedy Development of Regional Impact. As an alternative, the Developer may elect to make an equivalent payment to the City for the hurricane shelter space required by this condition and, upon making such payment, the Developer shall have satisfied this condition and shall bear no further responsibility or liability under it. If the space is constructed by the Developer on site, construction will commence before the start of hurricane season during the year that each phase is scheduled to end. If the Developer is to construct same, then a minimum of 5,247 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 1; a minimum of 16,551 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 2; and a minimum of 2,722 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 3. Emergency shelter requirements may be accomplished through providing a combination of safe spaces within home(s) and/or constructing community hurricane shelter spaces or dual use of a facility (including schools) constructed or retrofitted to State of Florida hurricane code within the development. The hurricane shelter mitigation techniques provided shall be approved by the City of Port St. Lucie and St. Lucie County Division of Emergency Management and be consistent with Chapter 9J-2.0256(5) (a), Florida Administrative Code and with Red Cross Standards 4496. If the Development Order is changed to allow an alternate number of residential units, then the numbers in this condition would change proportionately.

~~55~~ 53. The Port St. Lucie Comprehensive Plan does not require hurricane preparedness mitigation or contribution by the Developer. However, the Developer has previously made a voluntary contribution of $150,000.00 to the City to enhance hurricane preparedness. This contribution provided sufficient funds to finance space for the City's Emergency Operations Center and adequate special needs public hurricane evacuation shelter space for residents of the project.

Parks and Recreation

~~56~~ 54. Prior to ~~January 1, 2008~~ issuance of the first development permit, the Developer shall prepare a plan to be approved by the City of Port St. Lucie Parks and Recreation Department for the provision of neighborhood and community recreational sites and facilities to meet the demand created by residential development in the DRI Property. At a minimum, the plan shall 1) provide for the conveyance to the City, in accordance with the requirements of the Annexation Agreement, of 140~~0~~1 acres of net usable area of public park sites (including the 50 acres of regional park described below), with no

individual park site to be less than 10 acres; 2) show the locations of proposed park sites; 3) provide a schedule for conveyance of the public park sites, ~~with all such park sites to be conveyed by no later than December 31, 2016,~~ and 4) comply with a requirement of 5 acres of public parks per 1,000 population, consistent with the level of service required for parks and recreational facilities in the City of Port St. Lucie Comprehensive Plan at the time of the adoption of the original development order. Neighborhood and community recreational facilities shall be available to serve projected demand in accordance with the plan approved by the City of Port St. Lucie Parks and Recreation Department. Nothing in this condition ~~56~~ 54 shall require the Developer to construct or pay for recreational facilities on public park sites provided by the Developer pursuant to this condition or the Annexation Agreement.

~~On or before October 31, 2007~~ Prior to the issuance of the 6,001 building permit for the Riverland/Kennedy DRI Property, and subject to the Annexation Agreement, the Developer shall convey to the City 50 net usable acres for a regional park as required by the Annexation Agreement, in the general location shown on the Master Development Plan (Map H) attached to this Development Order as Exhibit "D".

The provision of public beach access and boat ramp facilities is a local issue which the City and St. Lucie County address through impact fees, taxes, grants, and other assessments. With those funding sources, the City and St. Lucie County can expand existing or construct new public beach access and boat ramp facilities which may be needed to accommodate the residential development approved by this Development Order.

Historic and Archaeological Sites

~~57~~ 55. In the event of discovery of any archaeological artifacts during construction of the project, construction shall stop within a 30-foot radius/buffer and immediate notification shall be provided to the City of Port St. Lucie and the Division of Historical Resources, Florida Department of State. Construction may resume within the affected area after the City and the Division of Historical Resources have determined the appropriate mitigation pursuant to Rule 9J-2.043, F.A.C., if any are warranted, and such measures have been implemented by the Developer.

Energy

~~58~~ 56. The final site and building designs shall comply with Florida Thermal Efficiency Code Part VII, Chapter 553, Florida Statutes. Where practical, the project shall also incorporate measures identified in Council's energy plan guide entitled, Energy Planning in the Twenty-First Century: A Guide for Florida Communities, updated January 2003.

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EXHIBIT "C"

LAND USE EQUIVALENCY MATRIX

Riverland/Kennedy DRI - NOPC #2
Exhibit "C" - Table 1: Equivalency Matrix

Change To: / Change From:	Single Family du	Multi-Family du	Retail sf	Research and Office sf	Light Industrial sf	Civic sf	Institutional sf
Single Family du	1	2.16	0.29	0.68	0.82	0.15	0.28
Multi-Family du	0.46	1	0.13	0.32	0.38	0.07	0.13
Retail sf	3.48	7.53	1	2.38	2.87	0.54	0.98
Research and Office sf	1.47	3.17	0.42	1	1.21	0.23	0.41
Light Industrial sf	1.22	2.63	0.35	0.83	1	0.19	0.34
Civic sf	6.48	14.01	1.86	4.42	5.33	1	1.82
Institutional sf	3.56	7.7	1.02	2.43	2.93	0.55	1

Riverland/Kennedy DRI - NOPC #2
Exhibit "C" - Table 2: PM Peak Hour Buildout Trip Generation

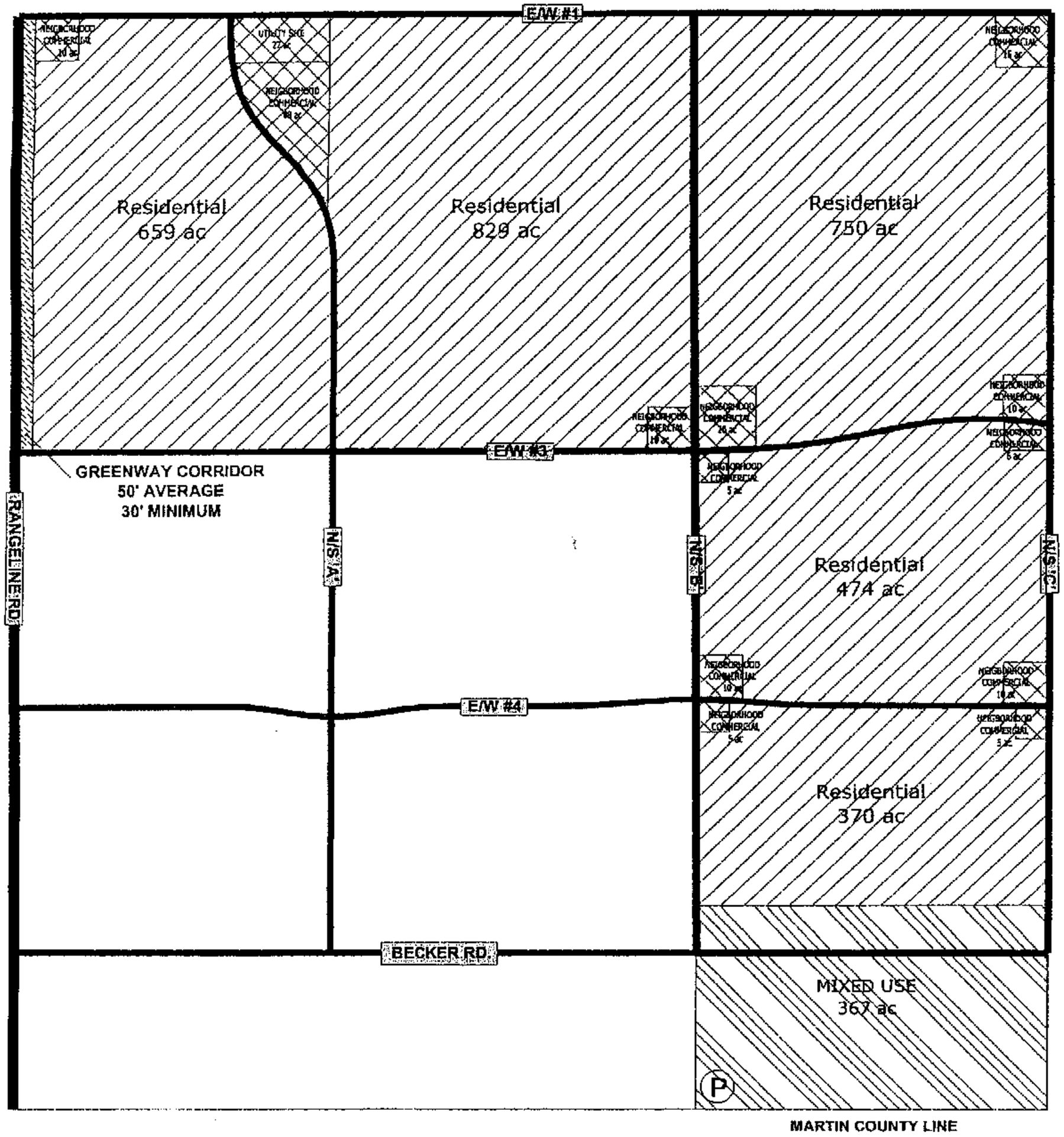
Land Use	ITE Land Use Code	Size	Gross P.M. Peak Hour		Internal Capture		Passer-By Capture		Net P.M. Peak Hour		Total	Two-Way External Trip Rate	
			In	Out	In	Out	In	Out	In	Out			
Single Family du	210	8,424	4,534	2,662	263	206	0	0	4,271	2,456	6,727	0.798	d.u.
Multi-Family du	230	3,276	895	440	78	48	0	0	817	392	1,209	0.369	d.u.
Retail sf	820	892,668	2,333	2,526	227	304	878	968	1,228	1,254	2,482	2.78	ksf
Research and Office sf	710	1,361,250	273	1,330	5	3	0	0	268	1,327	1,595	1.17	ksf
Light Industrial sf	110	1,361,250	160	1,174	3	5	0	0	157	1,169	1,326	0.97	ksf
Civic sf	N/A	101,781	278	277	14	15	0	0	264	262	526	5.17	ksf
Institutional sf	N/A	327,327	399	599	31	36	0	0	368	563	931	2.84	ksf

ITE Trip Generation Manual, 7th Edition

Riverland/Kennedy DRI - NOPC #2 - Exhibit "C"
Table 3: Utility/Employment Equivalency Comparison

Land Use	Base Size	Single-Family Residential Size	Multi-Family Residential Equivalent Size	Retail Equivalent Size	Research & Office Equivalent Size	Light Industrial Equivalent Size	Civic Equivalent Size	Institutional Equivalent Size
Single-Family	1 du	N/A	2.16 du	0.29 sf	0.68 sf	0.82 sf	0.15 sf	0.28 sf
Water	250 gpd		540 gpd	36.25 gpd	85 gpd	123 gpd	18 gpd	33.60 gpd
Wastewater	212.5 gpd	N/A	459 gpd	30.74 gpd	72.08 gpd	104.96 gpd	15.30 gpd	28.56 gpd
Solid Waste	6.03 lb/day		13.02 lb/day	8.70 lb/day	68 lb/day	49.20 lb/day	4.50 lb/day	8.40 lb/day
Aff. Housing	N/A		0.00 emp	0.46 emp	0.27 emp	0.33 emp	0.50 emp	0.93 emp
Multi-Family Residential	1 du	0.46 du	N/A	0.13 sf	0.32 sf	0.38 sf	0.07 sf	0.13 sf
Water	250 gpd	115 gpd		16.25 gpd	40 gpd	57 gpd	8.40 gpd	15.60 gpd
Wastewater	212.5 gpd	97.75 gpd	N/A	13.78 gpd	33.92 gpd	48.64 gpd	7.14 gpd	13.26 gpd
Solid Waste	6.03 lb/day	2.77 lb/day		3.90 lb/day	32 lb/day	22.80 lb/day	2.10 lb/day	3.90 lb/day
Aff. Housing	N/A	0.00 emp		0.21 emp	0.13 emp	0.15 emp	0.23 emp	0.43 emp
Retail	1,000 sf	3.48 du	7.53 du	N/A	2.38 sf	2.87 sf	0.54 sf	0.98 sf
Water	125 gpd	870 gpd	1,882.50 gpd		297.50 gpd	430.50 gpd	64.80 gpd	117.60 gpd
Wastewater	106 gpd	739.50 gpd	1,600.13 gpd	N/A	252.28 gpd	367.36 gpd	55.08 gpd	99.96 gpd
Solid Waste	30 lb/day	20.98 lb/day	45.41 lb/day		238 lb/day	172.20 gpd	16.20 lb/day	29.4 lb/day
Aff. Housing	1.6 emp	0.00/emp	0.00 emp		0.95 emp	1.15 emp	1.80 emp	3.26 emp
Research and Office	1,000 sf	1.47 du	3.17 du	0.42 sf	N/A	1.21 sf	0.23 sf	0.41 sf
Water	125 gpd	367.50 gpd	792.50 gpd	52.50 gpd		181.50 gpd	27.60 gpd	49.20 gpd
Wastewater	106 gpd	312.38 gpd	673.63 gpd	44.52 gpd	N/A	154.88 gpd	23.46 gpd	41.82 gpd
Solid Waste	100 lb/day	8.86 lb/day	19.12 lb/day	12.60 lb/day		72.60 lb/day	6.90 lb/day	12.30 lb/day
Aff. Housing	0.40 emp	0.00 emp	0.00 emp	0.67 emp		0.48 emp	0.77 emp	1.37 emp
Light Industrial	1,000 sf	1.22 du	2.63 du	0.35 sf	0.83 sf	N/A	0.19 sf	0.34 sf
Water	150 gpd	305 gpd	657.50 gpd	43.75 gpd	103.75 gpd		22.80 gpd	40.80 gpd
Wastewater	128 gpd	259.25 gpd	558.88 gpd	37.10 gpd	87.98 gpd	N/A	19.38 gpd	34.68 gpd
Solid Waste	60 lb/day	7.36 lb/day	15.86 lb/day	10.50 lb/day	83 lb/day		5.70 lb/day	10.20 lb/day
Aff. Housing	0.4 emp	0.00 emp	0.00 emp	0.56 emp	0.33 emp		0.63 emp	1.13 emp
Civic	1,000 sf	6.48 du	14.01 du	1.86 sf	4.42 sf	5.33 sf	N/A	1.82 sf
Water	120 gpd	1620 gpd	3,502.50 gpd	232.50 gpd	552.50 gpd	799.50 gpd		218.40 gpd
Wastewater	102 gpd	1377 gpd	2,977.13 gpd	197.16 gpd	468.52 gpd	682.24 gpd	N/A	185.64 gpd
Solid Waste	30 lb/day	39.07 lb/day	84.48 lb/day	55.80 lb/day	442 lb/day	319.80 lb/day		54.60 lb/day
Aff. Housing	3.33 emp	0.00 emp	0.00 emp	2.98 emp	1.77 emp	2.13 emp		6.06 emp
Institutional	1,000 sf	3.56 du	7.70 du	1.02 sf	2.43 sf	2.93 sf	0.55 sf	N/A
Water	120 gpd	890 gpd	1,925 gpd	127.50 gpd	303.75 gpd	439.50 gpd	66 gpd	
Wastewater	102 gpd	756.50 gpd	1,636.25 gpd	108.12 gpd	257.58 gpd	375.04 gpd	56.10 gpd	N/A
Solid Waste	30 lb/day	21.47 lb/day	46.43 lb/day	30.60 lb/day	243 lb/day	175.80 lb/day	16.50 lb/day	

Development Order
Exhibit 'D'
NOPC 2 - Map H



Riverland / Kennedy DRI

Single Family Residential including Schools & Support Facilities, Civic, Institutional, Parks / Recreational, Places of Worship, Conservation / Mitigation

Mixed Use Residential including Schools & Support Facilities, Civic, Institutional, Parks / Recreational, Places of Worship, Commercial

Neighborhood Commercial Center includes Commercial, Office, Institutional, Civic, Parks / Recreational, Hotel/Inn, Places of Worship, Conservation / Mitigation

Roadways per Annexation Agreement

(P) Regional Park

0 500 1000 2000 3000

Graphic Scale

J:\Architecture\Landscape Architecture\Riverland\Riverland DRI\Riverland NOPC 2 Map H 07-18-11 Monochrome Version 03-21-12.dwg

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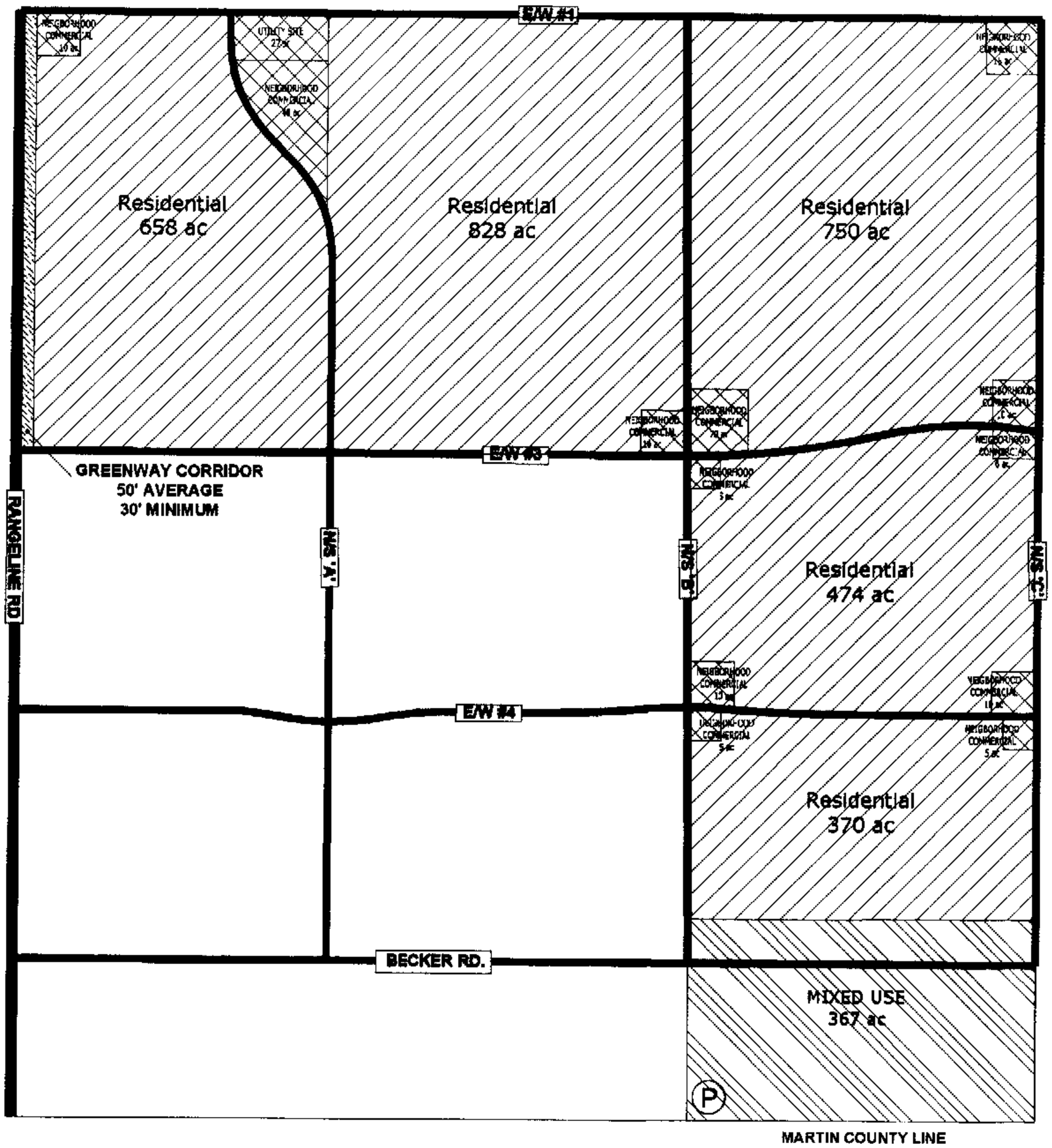
EXHIBIT "D"

MASTER DEVELOPMENT PLAN (MAP H)

Development Order
Exhibit 'D'
NOPC 2 - Map H



Riverland / Kennedy DRI

Single Family Residential Including Schools & Support Facilities, Civic, Institutional, Parks / Recreational, Places of Worship, Conservation / Mitigation

Mixed Use Residential including Schools & Support Facilities, Civic, Institutional, Parks / Recreational, Places of Worship, Commercial

Neighborhood Commercial Center includes Commercial, Office, Institutional, Civic, Parks / Recreational, Hotel/Inn, Places of Worship, Conservation / Mitigation

Roadways per Annexation Agreement

Regional Park

0 500 1000 2000 3000

Graphic Scale

J:\Architecture\Landscape Architecture\Riverland\Riverland DRI\Riverland NOPC 2 Map H 06-15-12.dwg

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EXHIBIT "E"

TRIP GENERATION RATES AND EQUATIONS

Riverland-Kennedy Development of Regional Impact (Exhibit E - Page 1)
Trip Generation/Pass-By Rates and Equations

Table 1

PM Peak Hour Trip Generation Rates and Equations (1)

Land Use	ITE Code	Unit	PM Peak Hour Trip Rate/Equation (2)
Single Family Residential	210	d.u.	Ln(T)=0.90*Ln(x)+0.53; (63% in)
Multi Family Residential	230	d.u.	Ln(T)=0.82*Ln(x)+0.32; (67% in)
Adult Housing Detached	251	d.u.	Ln(T)=0.75*Ln(x)+0.35; (61% in)
Adult Housing Attached	252	d.u.	T=0.24*(x)-16.45; (61% in)
Light Industrial	110	s.f.	T = 0.98*(x); (12% in)
Commercial Retail	820	s.f.	Ln(T)=0.66*Ln(x)+3.40; (48% in)
Research & Office (<500 ksf)	710	s.f.	T = 1.49*(x); (17% in)
Research & Office (>500 ksf)	710	s.f.	T = 1.12*(x)+78.81; (17% in)
Civic (3)	na	s.f.	T = 5.45*(x); (50% in)
Institutional (4)	na	s.f.	T = 3.05*(x); (40% in)
Elementary School	520	students	T = 0.14*(X); (45% in)
High School	530	students	T = 0.14*(X); (47% in)
Park	412	acres	T = 0.06*(x); (41% in)

(1) These trips rates/equations are to be used to calculate the overall gross PM peak hour trips for each TAZ within a DRI. Consistent with the Western Annexation Traffic Study (WATS) this is to be accomplished by first summing the total development within a TAZ and then applying the equations/rates. The office square footage thresholds above (<500ksf or >500ksf) pertain to the total office square footage within a TAZ.

(2) T = Gross PM Peak Hour Trips

(3) Civic uses include libraries, governmental buildings, cultural buildings, or other uses of public and social importance.

(4) Institutional uses include daycare facilities, places of worship, lodges, or fraternal/veterans organizations.

Table 2

Pass-By Capture Percentages

Category	Methodology (1)
Commercial Retail	The following sequence is from the WATS and was used to determine the pass-by capture percentage for commercial retail trips: * if (75% x Proposed Square Footage) ≤ 50,000, use 25% pass-by * if (75% x Proposed Square Footage) ≤ 200,000, use 15% pass-by * if (75% x Proposed Square Footage) > 200,000, use 10% pass-by

(1) Consistent with the WATS, pass-by trips for commercial retail uses within a TAZ are to be calculated by first calculating the internal commercial retail trips within the TAZ based on Table 3 internalization rates. Then, identify the resulting external trips from the commercial retail uses with that TAZ. Finally, the pass-by rates summarized in Table 2 should be applied to 75% of the external commercial retail trips to arrive at the pass-by trips for the TAZ.

Riverland-Kennedy Development of Regional Impact (Exhibit E - Page 2)
Internal Capture Details

TABLE 3	
Internal Capture between Various Uses within the Same Development	
Category	**Internal Capture Percentage (1)**
from Residential to Office // to Office from Residential	1% // 1%
from Office to Residential // to Residential from Office	2% // 3%
from Residential to Commercial // to Commercial from Residential	38% // 9%
from Commercial to Residential // to Residential from Commercial	11% // 33%
from Residential to Civic/Inst. // to Civic/Inst. from Residential	2% // 20%
from Civic/Inst. to Residential // to Residential from Civic/Inst.	20% // 2%
from Office to Commercial // to Commercial from Office	22% // 4%
from Commercial to Office // to Office from Commercial	3% // 15%
from Office to Civic/Inst. // to Civic/Inst. from Office	1% // 5%
from Civic/Inst. to Office // to Office from Civic/Inst.	5% // 1%
from Commercial to Civic/Inst. // to Civic/Inst. from Commercial	2% // 20%
from Civic/Inst. to Commercial // to Commercial from Civic/Inst.	15% // 2%
from School to Office // to Office from School	2% // 1%
from Office to School // to School from Office	1% // 2%
from School to Residential // to Residential from School	50% // 3%
from Residential to School // to School from Residential	5% // 50%
from School to Commercial // to Commercial from School	5% // 2%
from Commercial to School // to School from Commercial	2% // 5%
from School to Civic/Inst. // to Civic/Inst. from School	1% // 1%
from Civic/Inst. to School // to School from Civic/Inst.	1% // 1%
(1) Note that these percentages shall be incorporated into an internal capture matrix to establish a TAZ's overall internal capture.	

TABLE 4	
Internal Capture Percentages between TAZs within Riverland-Kennedy	
Category	**Internal Capture Percentage (1)**
Phase 1 (3,982 Gross Trips)	10.6%
Phase 2 (15,123 Gross Trips)	20.1%
Phase 3 (17,613 Gross Trips)	14.9%
Phase 4 (18,470 Gross Trips)	13.8%

(1) Consistent with the WATS, upon calculating the net new external trips for each TAZ, Table 4 percentages should be applied to account for interaction between TAZs within the DRI to arrive at the net new external trips for the DRI as a whole.

Example 1:

Cumulative Proposed Uses in TAZ 1 = 100 single family residential units
Rate/Eqn to use (from Table 1): Ln(T)=0.90*Ln(x)+0.53; (63% in)
Phase: 1

Gross PM Peak Hour Trips from TAZ 1		
Total	Inbound	Outbound
107	68	39

Internal Capture Trips from TAZ 1*		
Total	Inbound	Outbound
11	7	4

*This represents the number of trips from TAZ 1 that interact with other TAZs within the DRI (10.6% in Phase 1 from Table 4)

Final Net New PM Peak-Hour Trips from TAZ 1*		
Total	Inbound	Outbound
96	61	35

*Net new external trips from cumulative proposed development in TAZ 1

Example 2:

Cumulative Proposed Uses in TAZ 2 = 55,000 s.f. retail
Rate/Eqn to use (from Table 1): Ln(T)=0.66*Ln(x)+3.40; (48% in)
Phase: 2

Gross PM Peak Hour Trips from TAZ 2		
Total	Inbound	Outbound
422	203	219

Pass-By Trips from TAZ 2		
75% x 55,000 = 41,250 (Pass By = 25% for <50ksf)		
Total*	Inbound	Outbound
79	38	41

*79 pass-by trips equals 75% of 422 total trips multiplied by a 25% pass-by rate from Table 2

Net New PM Peak Hour Trips from TAZ 2 (includes interaction with other DRIs within Riverland Kennedy)		
Total	Inbound	Outbound
343	165	178

Internal Capture Trips from TAZ 2*		
Total	Inbound	Outbound
69	33	36

*This represents the number of trips from TAZ 2 that interact with other TAZs within the DRI (20.1% in Phase 2 from Table 3)

Final Net New PM Peak-Hour Trips from TAZ 2*		
Total	Inbound	Outbound
274	132	142

*Net new external trips from cumulative proposed development in TAZ 2

Example 3:

Cumulative Proposed Uses in TAZ 3 =

15,000 s.f. pharmacy 60,000 s.f. publix 5,000 s.f. fast-food restaurant 4,000 s.f. drive-in bank 126,000 s.f. shopping center	→ 210,000 s.f. of retail
35,000 s.f. office 15,000 s.f. office	→ 50,000 s.f. of office
100 multi-family residential units 50 multi-family residential units	→ 150 m.f. residential units

Rate/Eqn to use (from Table 1): Ln(T)=0.66*Ln(x)+3.40; (48% in)
T = 1.49*(x); (17% in)
Ln(T)=0.82*Ln(x)+0.32; (67% in)

Phase: 3

	Gross PM Peak Hour Trips from TAZ 3		
	Total	Inbound	Outbound
retail	1022	491	531
office	75	13	62
m.f. units	84	56	28
total	1181	560	621

	Internal Capture Trips within TAZ 3 (calculated via matrix using rates in Table 3)		
	Total	Inbound	Outbound
retail	45	25	20
office	17	2	15
m.f. units	30	19	11
total	92	46	46

	Pass-By Trips from TAZ 3 (from Table 2)		
	75% x 210,000 = 157,500 (Pass By = 15% for >50ksf <200ksf)		
	Total*	Inbound	Outbound
retail	110	53	57

*110 pass-by trips equals 75% of (1022 - 45) total trips multiplied by a 15% pass-by rate from Table 2

	Net New PM Peak Hour Trips from TAZ 3 (includes interaction with other DRIs within Riverland Kennedy)		
	Total	Inbound	Outbound
retail	867	413	454
office	58	11	47
m.f. units	54	37	17
total	979	461	518

Internal Capture Trips from TAZ 3*		
Total	Inbound	Outbound
146	69	77

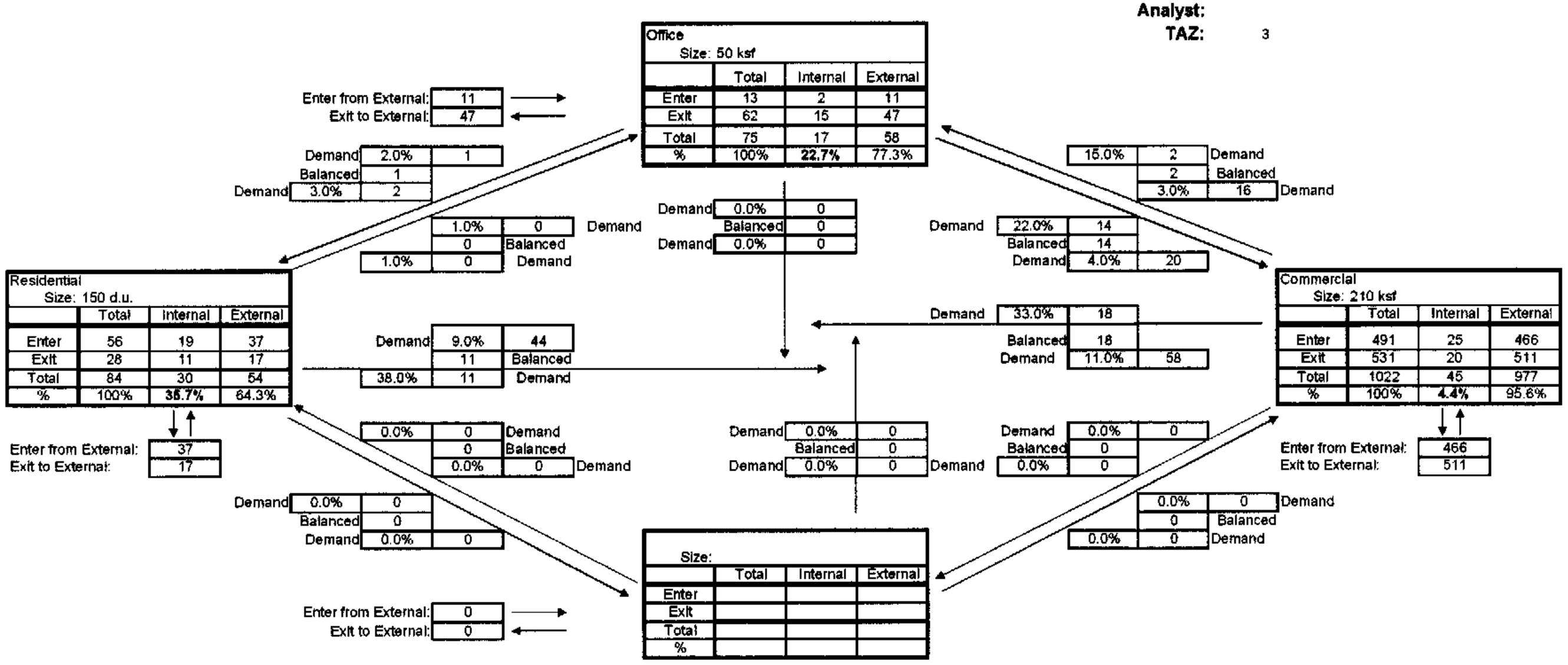
*This represents the number of trips from TAZ 3 that interact with other TAZs within the DRI (14.9% in Phase 3 from Table 3)

Final Net New PM Peak-Hour Trips from TAZ 3*		
Total	Inbound	Outbound
833	392	441

*Net new external trips from cumulative proposed development in TAZ 3

ITE MULTI-USE PROJECT INTERNAL CAPTURE WORKSHEET (Exhibit E - Page 5)

Project Number: Example #3
Project Name: Riverland Kennedy
Scenario: Phase 3
Analysis Period: PM Peak
Analyst:
TAZ: 3

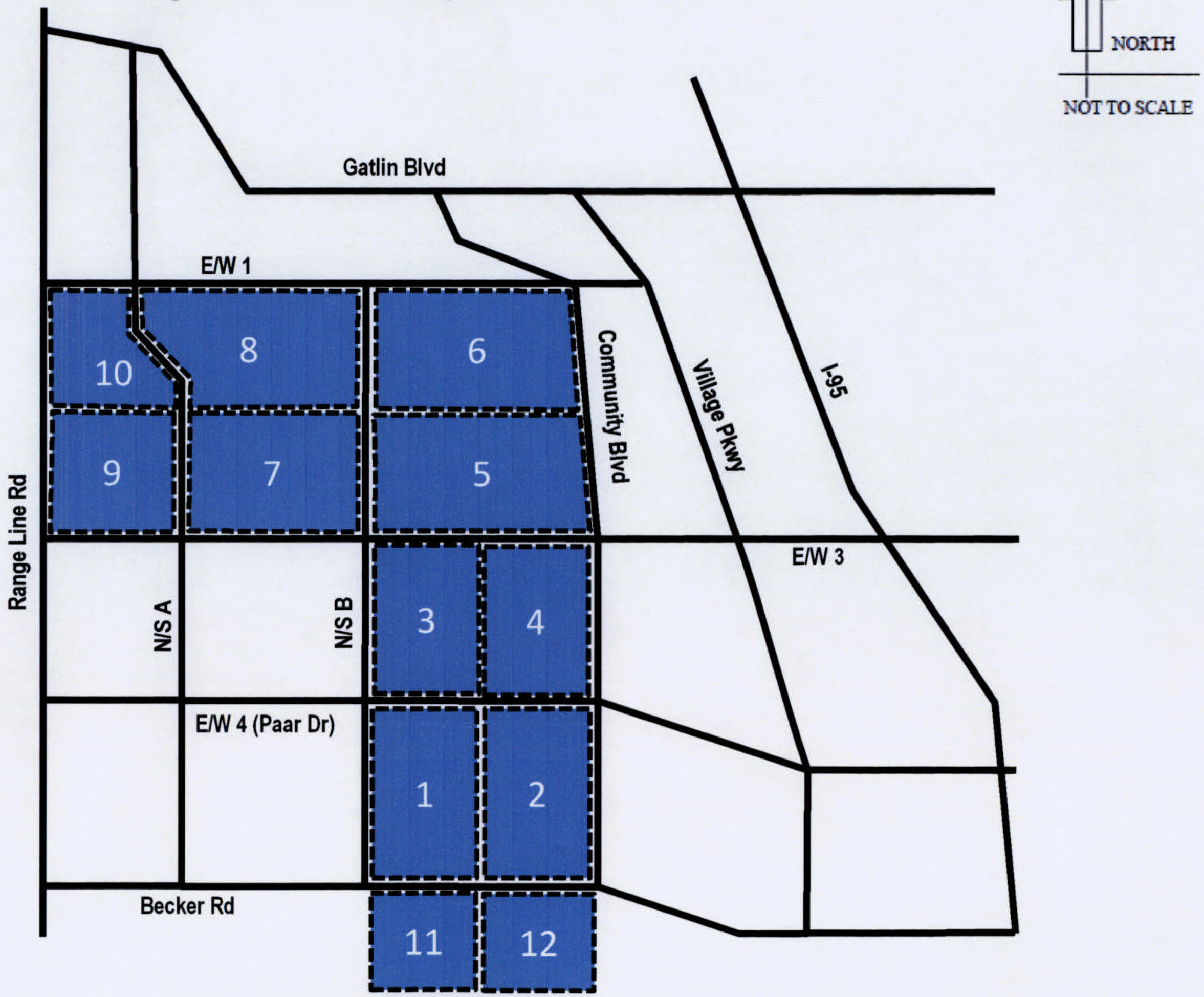


NET EXTERNAL TRIPS FOR MULTI-USE DEVELOPMENT

Category	Land Use A	B	C	D	Total
Enter	11	37	0	466	514
Exit	47	17	0	511	575
Total	58	54	0	977	1,089
Single Use Trip Gen Estimate	75	84	0	1,022	1,181

Overall Internal Capture = **7.79%**

Riverland Kennedy DRI TAZ Map (Exhibit E – Page 6)

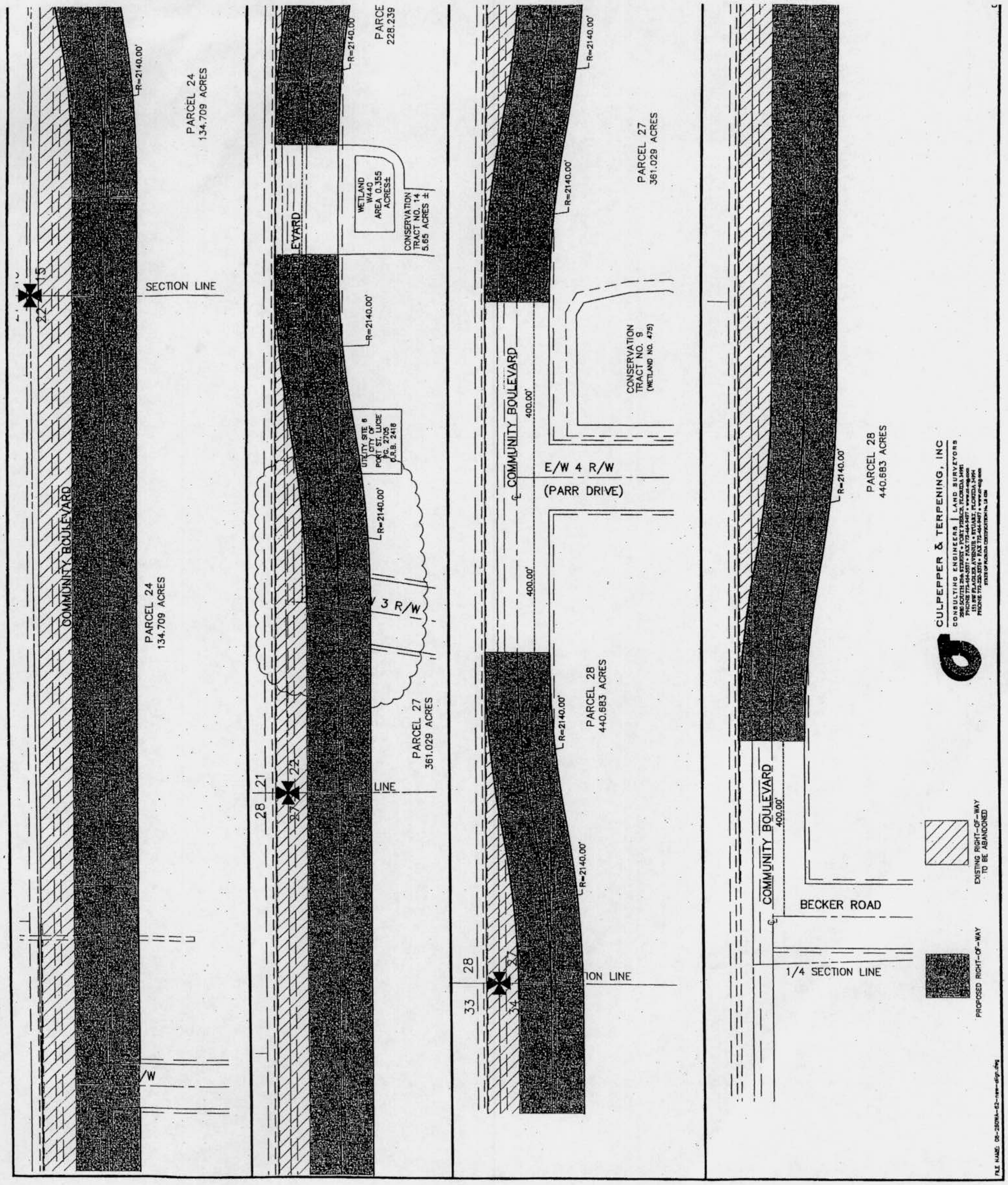


RESOLUTION 12-R69

EXHIBIT "F"

COMMUNITY BOULEVARD ALIGNMENT

Exhibit "F"


PARCEL 24
134.709 ACRES
SECTION LINE
COMMUNITY BOULEVARD
R=2140.00'
PARCEL 27
361.029 ACRES
PARCEL 28
440.683 ACRES
WETLAND W440 AREA 0.355 ACRES±
CONSERVATION TRACT NO. 14 5.65 ACRES ±
UTILITY SITE & CITY OF PORT ST. LUCIE P.G. 2705 O.R.B. 2418
E/W 4 R/W
(PARR DRIVE)
400.00'
CONSERVATION TRACT NO. 9 (WETLAND NO. 475)
BECKER ROAD
1/4 SECTION LINE
EXISTING RIGHT-OF-WAY TO BE ABANDONED
PROPOSED RIGHT-OF-WAY
CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS

PORT ST. LUCIE CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL ___

DATE: 7-9-12

ORDINANCE __ RESOLUTION X MOTION

PUBLIC HEARING 7-9-12 LEGAL AD PUBLISH DATE 6-22-12 (copy attached)

NAME OF NEWSPAPER St. Lucie News Tribune

ITEM: P11-026. Riverland Kennedy Development of Regional Impact (DRI) Notice of Proposed Change

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RECOMMENDED ACTION: The Planning & Zoning Board on June 5, 2012 recommended approval of the proposed amendment to the Riverland/Kennedy DRI development order by a vote of 4 to 2 with one member abstaining. See attached minutes.

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EXHIBITS: A. Staff Analysis & Recommendation
B. Resolution

SUMMARY EXPLANATION/BACKGROUND INFORMATION: The proposed amendment is to change conditions of approval for the project regarding the development plan; phasing, buildout, and expiration dates; transportation; environment and natural resources; human resource issues; and the Master Development Plan (Map H).

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

SUBMITTING DEPARTMENT: Planning Department DATE: 7/3/12

NOTICE OF PUBLIC MEETING THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE ADOPTION HEARING FOR THE CITY OF PORT ST. LUCIE COMPREHENSIVE PLAN AMENDMENT

THE CITY OF PORT ST. LUCIE proposes to amend its Comprehensive Plan with text changes to the Future Land Use Element as shown in this advertisement listed below. THE CITY COUNCIL of the City of Port St. Lucie will hold a PUBLIC HEARING on this item (File #P11-098/Ordinance #12-13) on **July 9, 2012** at **7:00 PM** in the CITY COUNCIL CHAMBERS in the City Hall Building A, located at 121 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida.

P11-098. Riverland/Kennedy, LLP and Riverland/Kennedy II, LLC – Comprehensive Plan Amendment – Large scale. A request to amend the text of the Future Land Use Element of the City's Comprehensive Plan. The proposed changes are to amend policies regarding the NCD District Future Land Use designation and policies establishing the Riverland/Kennedy NCD District. Figure 18, the Conceptual Master Plan for the Riverland/Kennedy NCD District, is proposed to be amended.

NOTICE: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

Planning and Zoning Department — PUBLISH: June 22, 2012

NOTICE OF PUBLIC HEARINGS RIVERLAND KENNEDY – DEVELOPMENT OF REGIONAL IMPACT NOTICE OF PROPOSED CHANGE

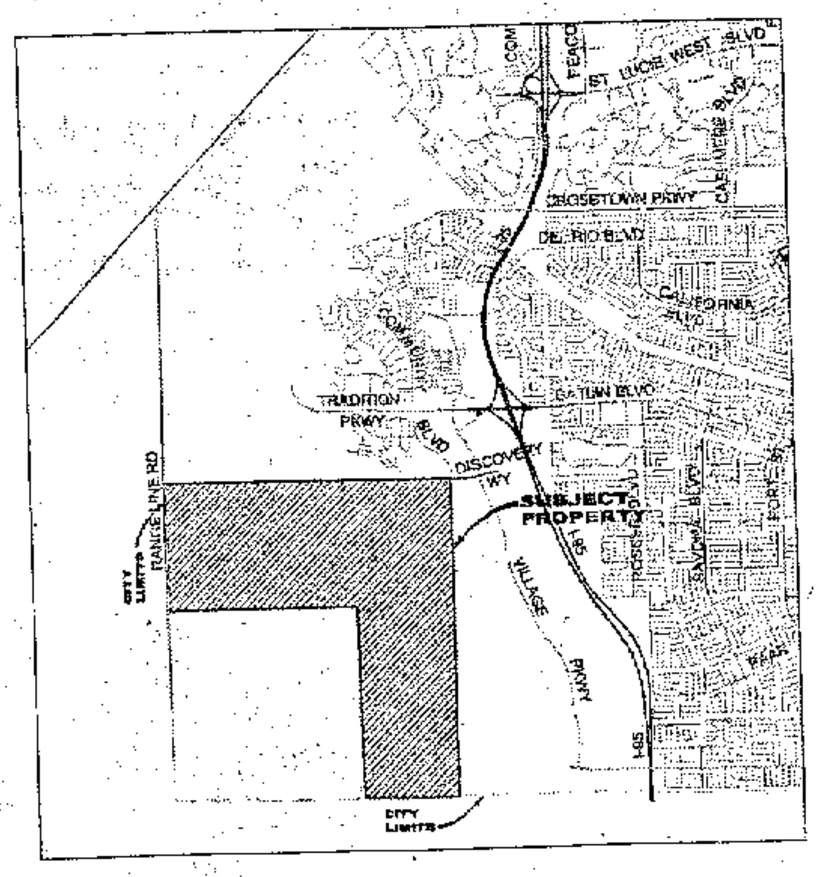
Public notice is hereby given by the CITY OF PORT ST. LUCIE of a PUBLIC HEARING for the proposed change to the Riverland/Kennedy Development of Regional Impact **file number P11-026 (Resolution #12-R69)**. This amendment provides for changes to the approved Development Order. The request is to amend certain conditions of approval for the project regarding the phasing, expiration and termination dates; transportation; environmental and natural resources; and human resource issues. The property is located south of the proposed extension of Discovery Way, west of the proposed extension of Community Boulevard and east of Range Line Road. Legal Description: Sections 15-22, 27, 28, 33 and 34, Township 37 South, Range 39 East.

The public hearing will be held at the **July 9, 2012** meeting of the City Council at **7:00 PM** in the City Hall Council Chambers, Building "A", 121 SW Port St. Lucie Blvd., Port St. Lucie, The proposed Resolution 12-R69, information on the report and the development of regional impact application may be reviewed between the hours of 8:00 AM and 5:00 PM at the City's Planning & Zoning Department, City Hall, Building "A", 121 SW Port St. Lucie Blvd., Port St. Lucie, Florida.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's office at 772-871-5157 for assistance.

Members of the public are welcome to attend the Public Hearing and provide oral or written comments on the matter. Written comments may be submitted to: 121 SW Port St. Lucie Blvd., Port St. Lucie, Florida, Attn.: Planning and Zoning Department.

General Location Map: The project as shown below is generally located:



NOTICE: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based. Items listed in this public notice may not appear in the same order on the Board's final agenda. Please contact the Planning & Zoning Department at 871-5212 to obtain a copy of the final agenda.

Planning & Zoning Dept — Publish: June 22, 2012

City of Port St. Lucie

Planning and Zoning Department Memorandum

TO: CITY COUNCIL – MEETING OF JULY 9, 2012

THROUGH: DANIEL HOLBROOK, DIRECTOR OF PLANNING AND ZONING

FROM: ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING

RE: RIVERLAND/ KENNEDY DEVELOPMENT OF REGIONAL IMPACT (DRI) NOTICE OF PROPOSED CHANGE (PROJECT NO. P11-026) – 2nd AMENDMENT TO THE DEVELOPMENT ORDER

DATE: JULY 2, 2012

OWNERS/APPLICANTS: Riverland/Kennedy LLP

AGENT: Glenn Ryals, Riverland/Kennedy LLP

LOCATION: The property is located south of the proposed extension of Discovery Way, west of the proposed extension of Community Boulevard, and east of Range Line Road.

LEGAL DESCRIPTION: A parcel of land lying in Sections 15-22, 27, 28, 33, 34, Township 37 South, Range 39 East, City of Port St. Lucie, Florida

SIZE: Approximately 3,845 acres.

CURRENT LAND USE DESIGNATION: NCD (New Community Development District).

CURRENT ZONING: St. Lucie County Agricultural, one unit per five acres (AG-5).

PROJECT BACKGROUND: The original Riverland/Kennedy DRI Development Order (Resolution 06-R78) was approved by the City Council on October 9, 2006. The development plan divided the project into major districts or uses consistent with the NCD land use category policies. The land use categories included Residential, Mixed Use, Employment Center, and Neighborhood Commercial. In total, the development program includes 11,700 residential units; 892,668 square feet of retail; 1,361,250 square feet of research and office; 1,361,250 square feet of light industrial; and 327,327 square feet of institutional and civic uses.

An amendment to the Development Order (Resolution 07-R70) was approved by the City Council on August 27, 2007. The reason for the amendment was to address concerns raised by the Department of Community Affairs (DCA) after the Development Order was adopted by the City and transmitted to the Department, regarding traffic impacts and affordable housing.

PROPOSED CHANGES TO THE DEVELOPMENT ORDER: The notice of proposed change (NOPC) to the approved DRI proposes changes to the development order conditions regarding the phasing, buildout, and expiration dates; transportation; environment and natural resources; and human resource issues. Map H, the master development plan, is also proposed to be amended. All of the proposed changes are shown as ~~strike through~~ and underline in the attached resolution. The changes are summarized below.

Phasing, Buildout and Expiration Dates

The phasing, buildout and expiration dates are proposed to be extended by five years consistent with state statute and law. The proposed buildout and expiration dates are December 31, 2033 and December 31, 2040 respectively. A table showing the number of acres for each land use is proposed to be deleted. The number of acres of each land use is shown on the revised Map H.

Transportation

The transportation conditions in the existing development order are based on the Western Annexation Traffic Study (WATS). This study assumed that the Southern Grove, Riverland/Kennedy, Western Grove, and Wilson Grove DRIs would develop at a similar pace and led to uniform traffic conditions in each development order. It was assumed that all the DRIs would coordinate their contributions for building the necessary segments of the roadway network. The proposed traffic conditions separate the responsibilities of the road improvements required for Riverland/Kennedy from the other DRIs so that Riverland/Kennedy is not relying on roadway improvements to be built by others. The City's Engineering Department devised a methodology to proportionally assign roadway links to be built by the developers of the three DRIs within the City's SW annexation area. The distribution is based on lane miles corresponding to the traffic impact of each development. A table and map detailing this distribution is attached.

Environmental and Natural Resources

The proposed development order modifies condition number 32 (new condition 30) regarding wetlands to indicate that all wetland mitigation shall comply with the

requirements of the South Florida Water Management District in addition to the U.S. Army Corps of Engineers. Also, any wetland permit issued by those agencies shall satisfy all City requirements. Condition number 33 requiring a buffer zone around all preserved and created wetlands and condition number 34 requiring a Conservation Area Management Plan are proposed to be deleted because it is anticipated that those items will be addressed in the U.S. Army Corps of Engineers permit. Condition number 35 (new condition 31) is proposed to be amended to ensure no additional loss of wood stork prey rather than wetland function and value.

Human Resource Issues

The proposed development order includes several minor changes to the conditions related to human resource issues. Most of these conditions were proposed by the developer to reflect current conditions and agreements. These include modifications to the schools condition to reference an agreement with the St. Lucie County School District; modifications to the fire protection condition to reference an agreement with the St. Lucie County Fire District; and modifications to the parks and recreation conditions to be consistent with the requirements of the SW Annexation Agreement.

Map H, Master Development Plan

The Master Development Plan, Map H, is proposed to be amended to be consistent with the proposed changes to Figure 18, Riverland/Kennedy NCD District Conceptual Master Plan, of the City's Comprehensive Plan (P11-098).

ANALYSIS:

The proposed changes to the development order conditions are presumed to be Substantial Deviations per Chapter 380.06(19), Florida Statutes, requiring further DRI review. However, the applicant asserts that clear and convincing evidence has been presented to rebut these presumptions and that the changes are therefore not considered substantial deviations. City has received a letter dated January 9, 2012 (attached) from the Treasure Coast Regional Planning Council indicating that it is Council's opinion that the proposed changes do not rise to the level of a substantial deviation, however they requested that a response be provided to their April 6, 2011 letter. They attached comments from the Florida Department of Community affairs and the Florida department of Transportation, which they also requested to be addressed.

Transportation Conditions

The comments from the Treasure Coast Regional Planning Council, the Florida Department of Community Affairs (Florida Department of Economic Opportunity), and the

Florida Department of Transportation have been addressed by the applicant in the attached letters.

Exhibit "F" of the proposed development order shows a new alignment for Community Boulevard. The right-of-way for Community Boulevard, which has already been deeded to the City, straddles the property line between the Riverland/Kennedy and Southern Grove properties. Due to a concern that Riverland/Kennedy's proportion of roadway lane mileage is slightly larger than the other DRIs, Southern Grove agreed to shift the majority of the road over to their property. The proposed alignment meanders to avoid some wetlands.

A concern has been raised that Riverland/Kennedy has not been given the responsibility to build the first two lanes of Becker Road through their property in the City's allocation of the roadway segments. Wilson Groves has the responsibility of building the first two lanes of Becker Road from Village Parkway to Community Boulevard. Southern Grove is responsible for widening the segment to six lanes. Wilson Groves is also responsible for building the first two lanes from Community Boulevard to N/S B, with Riverland/Kennedy responsible for widening to six lanes.

The right-of-way for Becker Road has been deeded to the City as required by the Annexation Agreement dated July 19, 2004 between the developers and the City. Per the annexation agreement, the developers were also required to pay to the City the estimated cost of construction of a two-lane roadway section on Becker Road through their properties to Range Line Road within 60 days of the City owning the right-of-way and signing a contract for the construction of Becker Road. The City has not enforced this section of the agreement since there has been no development approved. However, through the agreement, the City has the ability to request the money and build the road. Once Becker Road is built, if the capacity is exceeded, then the monitoring condition will ensure that it widened to meet traffic demand.

Environmental and Natural Resources

The TCRPC does not object to the proposed changes to the environmental and natural resources conditions, because these conditions apply to only a small acreage of highly impacted wetlands. Through the U.S. Army Corps of Engineers permitting process, the developer is proposing to create and enhance the equivalent on-site mitigation to offset approximately 14.4 acres of existing low quality wetland areas. Reliance on the South Florida Water Management District and U.S. Army Corps of Engineers requirements is adequate to address regional concerns and is also consistent with the Third Amendment to the Annexation Agreement with the City. In addition the City can ensure through the development review process that the surface waters onsite are designed to concentrate prey and provide foraging habitat for the Wood Stork.

Human Resource Issues

The TCRPC commented that the City may want to consider accelerating the conveyance of the 50 acre regional park site to an earlier date certain rather than prior to the issuance of the 6,001 building permit. The proposed language is consistent with the Third Amendment to the Annexation Agreement dated November 16, 2009.

Map H, Master Development Plan

The E/W #2 collector road is proposed to be removed from Map H since it was never required by the Western Annexation Traffic Study (WATS) when the development in the western annexation area were originally reviewed and approved. Objective A.1.1 of the Western Annexation Sub-Element of the City's Comprehensive Plan calls for the grid network of roads to include arterial and collector roads spaced approximately one to two miles apart. With the deletion of E/W #2, there will be four east/west arterial roads within a 3.25 mile distance from north to south. Local roads will be designed as the project develops.

Other changes to Map H include the deletion of the 125 acre Employment Center area and the expansion and relocation of the Mixed Use area. The Neighborhood/Village Commercial areas are proposed to be slightly revised. The Employment Center area was originally required to be given to the City by the annexation agreement. This requirement was changed to a 50 acre civic site by the Third Amendment to the Annexation Agreement dated November 16, 2009. Per the Third Amendment, the civic site will be located south of Becker Road in the expanded Mixed-Use area.

There is a comprehensive plan amendment application (P11-098) related to this DRI amendment, which also includes a revised master plan to be consistent with the proposed DRI changes. The City Council held a public hearing on the transmittal of the proposed comprehensive plan amendment and transmitted the proposed comprehensive plan amendment to the Department of Community of Economic Opportunity (DEO) and the reviewing state agencies for comment. The DEO and state agencies will send any comments to the City within 30 days of receipt of the amendment. The City Council must hold public hearings to take action on the adoption of the DRI amendment and the proposed comprehensive plan amendment at the same meeting.

STAFF RECOMMENDATION:

Staff recommends approval of the attached Development Order resolution for the Riverland/Kennedy DRI.

PLANNING AND ZONING BOARD ACTION:

At their meeting of June 5, 2012, the Planning and Zoning Board recommended approval of the DRI amendment by a vote of 4 to 2 with one member abstaining. The minutes of the meeting are attached.

ADDITIONAL CORRESPONDENCE AND MEETING:

A letter was received from FDOT dated June 5, 2012 with suggested development order condition language to address their concern about the level of service for I-95 and the interchanges. The applicant has responded to the letter.

The developers were all invited to a meeting which was held on June 26th at City Hall. Southern Grove and Wilson Groves have both submitted additional information for staff's review and consideration.

Anne Cox

From: April Stoncius
Sent: Thursday, June 21, 2012 1:06 PM
To: Anne Cox
Subject: RE: June P&Z meeting

Enclosed please find the section of minutes that you requested.

Thank you,

April

B. P11-026 RIVERLAND/KENNEDY – DRI/NOTICE OF PROPOSED CHANGE

Ms. Cox said, "The Riverland/Kennedy DRI encompasses approximately 3,845 acres, and is located west of the Southern Grove DRI, and east of Range Line Road. The proposed changes to the Development Order include changes to conditions regarding the phasing, buildout, expiration dates, transportation, environment and natural resources, and human resource issues. This item was tabled at the April 3, 2012, meeting due to concerns about wetlands, hurricane shelters, and traffic. The applicant has addressed the concerns in their letter dated April 16, 2012, which is attached to the staff report. The hurricane shelter condition has been reinstated, and documentation has been provided to address the concerns about the wetlands. Traffic has also been addressed in that letter. The City received a letter from the Florida Department of Transportation, which was dated May 3, 2012, in which they concluded that no additional impacts would occur to the state's Strategic Intermodal System roadways as a result of the proposed change. The applicant has also responded to the Treasure Coast Regional Planning Council's letter of January 9, 2012, and previous comments that were issued by the Council. The Treasure Coast Regional Planning Council issued another letter dated May 24, 2012, expressing additional concerns about the proposed traffic conditions. They have also stated that it is their belief that the proposed conditions will result in a substantial deviation, causing additional unreviewed regional impacts. Substantial deviations are subject to further developments of impact review by the state and the Treasure Coast Regional Planning Council, per Chapter 380.06(F)(5), Florida Statutes. It is up to the local government to determine at a public hearing whether or not the proposed change would require further DRI review. If the local government determines that the proposed change does not require further DRI review and approves the proposed change, it can be subject to appeal by the State Land Planning Agency."

Ms. Cox continued, "The applicant prepared a response to the Treasure Coast Regional Planning Council's letter of May 24, 2012, and we received it late last week. It was emailed to the Board. Staff met with the applicant and the Treasure Coast Regional Planning Council's staff yesterday to go over these concerns. There are several minor comments in the letter, which can be easily addressed in the Development Order. Staff is working with the TCRPC and the applicant to address the concerns about the roadway network, and the phasing of roadway improvements. We have also received a letter from the representative of the Wilson Grove DRI, which is located to the south and west of this project. It has been passed out to you on the dais for this meeting. Ms. Chesser with Engineering is going to continue the staff presentation addressing traffic."

Ms. Chesser said, "Under the Development Order, Conditions 13 and 14 deal with right-of-ways, which are provided by Riverland/Kennedy. It eliminates a road north/south BC, and it widens a

parallel road north/south B to four lanes, which was agreed to by staff and the developers. It also eliminates east/west 2, which is a road that was not identified in the WATS. It was an additional road that staff thought would be helpful in the network, but upon review, we did agree to eliminate it. It also realigns Community Boulevard to avoid an existing canal. It is going to be done between Riverland/Kennedy and the Southern Grove Development. It also identifies additional right-of-ways at the end of Community to allow access into the Southern Grove property. A series of public non-gated collector roads will also be built by the developer. Conditions 15A, 15B, 16, and 17 deal with the monitoring of the development. The two key conditions on this have to do with the developer's ability to monitor roads where he has significant impacts. If it is shown that the road construction can be delayed, rather than building a road to nowhere for a date certain, and the development doesn't warrant a road being built, the developer has the ability to delay the construction of the road. The second part is that the City can require the developer to monitor the roads that are to be constructed. If it is shown through the monitoring, then the City can request the developer to accelerate the road building process. Those two elements are what we find to be a key element of the splitting of the roads to make this road system work. The other monitoring conditions deal with the traffic generation analysis that they will need to prepare with each Site Plan."

Ms. Chesser continued, "Conditions 18 and 19 are where the controversy lies. The roads that are inside the Riverland/Kennedy development, and as shown on the Development Order, have Tables 1 and 2. No building permits can be issued for the development that generates more than the total trip or residential unit threshold until the developer has caused that road segment to be built. In Table 1, those roads are triggered prior to the end of Phase 1. The WATS, which is the original Western Annexation Traffic Study, included all three of the developers' phasing plans that developed and identified Phase 1 through Phase 4. In Table 2, you will see different phases and road segments that will be developed. The east/west 1 is extended, and that is going to be an improved secondary access road that is not necessarily paved, but it is a way for emergency vehicles to get in and out of the development as a second access. In Phase 2, you will see more roads developing. The developer will widen the existing two lanes of Becker that should be developed by another developer to make it a four-lane road. The connections for Becker are not being built by Riverland/Kennedy. They were done by other developers. They are all inter-related and intertwined. In the third Phase, the road network is further build out, and some of the two-lane roads go to four lanes. The four-lanes at Becker become a six-lane road. It will take the three developers to build all of the roads, and do their part for it to work. Condition 20 outlines the external roadways west of I-95, which are stop conditions. The developer isn't required to build these roads; however, he cannot further his development if these roads are not in place. Condition 21, external roads east of I-95, is a stop condition. The developer cannot continue his development until these roads are built. He doesn't necessarily have to build them, but the City has the ability to stop further issuance of building permits. Condition 22 deals with the construction of the Crosstown Parkway, which is the responsibility of the City to build. However, through the traffic study and analysis, it was determined that this road is needed to be a part of the overall network in order for things to work smoothly, so it is also a stop condition for the developer. Conditions 23 and 24 deal with the roadways outside of the City, which are roads that are in Martin County or St. Lucie County. It has essentially remained the same as the original WATS, and they are stop conditions also. Conditions 25 and 26 deal with the interchange at I-95 and east/west 3, as we are asking the developer to provide a traffic study to evaluate the need for an interchange once he comes to 13,461 trips. At that point, the developer will need to provide us with a traffic study to determine if an interchange is needed. Traffic Conditions, 27, 28, 29, 30, and 31 have to do with other traffic issues such as intersection geometry. All roads that are listed in the DO need to be open to the public and cannot be gated, and the developer must mitigate environmental impacts for the right-of-ways within their development."

Secretary Ojito said, "If they had to build a road that would affect another developer, and they either are not willing to build it or are unable to build it, is there a performance bond that would require the road to

be built by that developer?" Ms. Chesser advised, "If they come to a point where they need to build a road, the City would not issue building permits and they would not be able to develop." Secretary Ojito asked, "If another developer is affected by the fact that the road needs to be widened, how is that enforced?" Ms. Chesser replied, "That goes back to our monitoring conditions, which is a condition where the City can require the developer to monitor the road. Once it is found that the road is over capacity, we can look at the system. If another access point is needed to get in or out, because they are overwhelming another road, we can ask that developer to expand a certain roadway or provide another roadway." Secretary Ojito clarified, "There would be some type of performance bond to make them build the road." Mr. Holbrook advised, "There is a performance bond which is a part of the agreement or the DO. In the Southwest Annexation area we are dealing with three different Developments of Regional Impact. They can move forward or not at different paces, depending upon the market. There are always other things that can stall the project. If a developer is relying on another development to have access, they have the ability to approach the City to request that the roads be improved, because those roads' right-of-ways are all under City ownership." Chair Blazak said, "We have one intersection that is going to be a concern, which is Gatlin and Community. How are we assured the capacity is maintained, and there is a reserve capacity at that intersection? If somebody wants to bring 1,000 jobs in the biotech area, how are we assured what the capacity is at that intersection? I don't see anything that stops this from letting that happened." Ms. Chesser stated, "The original studies looked at all three of the developers. That is why we tried to keep the phasing very similar to what the original WATS offered. I received a call from the Planning and Zoning Department to look at the percentages, as far as Riverland/Kennedy going north and south. Within the original WATS, it was about 50%/50%, as to the traffic going north or south at the segment adjacent to the interchanges on Gatlin and Tradition Parkway. In Phase 2, 30% goes north, and 70% goes south. Phase 3, it increases a little bit to 35% north, and 65% south. Phase 4, 30% north, and south 60%. Based on the WATS and on the original traffic studies that were conducted, the roads have the capacity for this developer to put those percentages of traffic on the roads." Chair Blazak pointed out, "You have no reference in here that is tied back to the percentages. How can Riverland/Kennedy go through Phase 3, and still put traffic out to the north?" Ms. Chesser responded, "If things go well when they start developing, the economy is going to be such that all of the other developers are going to follow suit. When Phase 3 comes along, and we need additional connections to the south, then it will happen by virtue of the other developers. If they don't, we can look at our monitoring situation and conditions where we can ask them to monitor the roads. If the capacity isn't there, we will ask them to provide another road to speed it up." Chair Blazak said, "I still feel that if all of a sudden there is no capacity left on this roadway, and we have someone that wants to bring in jobs, they will be forced to make improvements that they shouldn't have to. This area was set up to attract jobs. I would like to see a trigger, rather than we shall or we will monitor it. If 50% of the traffic is supposed to only go north, and we reach that 50%, we need to do something else. I don't think we can shall, or will through this. It is jeopardizing a lot of things." Ms. Chesser explained, "When we met with the developer and the Treasure Coast Regional Planning Council yesterday, this was a topic that we discussed. We realize that there are some issues that we still need to work out. The developers have been coming to the table and are willing to work with us, so we can work through these types of issues. We will work on it. I believe it is something we can accomplish before we go to the City Council."

Chair Blazak opened the Public Hearing.

GLENN RYALS, Riverland/Kennedy, said, "Several issues have been worked out from the last time that we were here and it got tabled. The hurricane shelters were asked for, and were a concern of Ms. Sanders. It was the wish of the Council to have it in, and when Southern Grove went through, they added it back in. Condition 3 was deleted in the prior DO, but we have agreed to put it in as a footnote. There were some comments from Treasure Coast Regional Planning Board regarding Exhibit E, and we worked out all of those yesterday. There was a small issue that they wanted to check on, which was the exhibit that had to do with how we calculate trips for the project. The biggest issue that Treasure Coast

Regional Planning has is the bifurcation of the road agreement. It creates issues, because if one developer doesn't build their roads, then what happens with the other ones. The City wants to make sure everyone has access roads. If there is a good economy, no developer with all of the money that is invested out there is going to sit there while everyone else is building commercial centers and houses. Under that assumption, the grid does come together. We stuck to the phasing of the WATS. As Phase 1 gets built out, it might not happen at exactly the right time, and that is where the City was comfortable with relying on the monitoring conditions. We can delay a road, and they can accelerate a road, if it is needed. There have been some comments that we don't have a lot of science behind what we are doing, but we are using the WATS that all of the developers use to start with. Our traffic consultant, Chris Wallace, originally did Wilson Grove. He attended the first meeting with the Treasure Coast Regional Planning, and he wasn't needed. They didn't want to talk to him, because they indicated that these are really not technical issues in a traffic modeling sense. We are following the traffic modeling, but we have a political issue. It is a situation where we have tried to divide the roads up among three developers, but there are going to be timing issues."

Mr. Ryals continued, "It is not perfect, but the City was comfortable with their monitoring conditions. Wilson Grove did their DO. When that happened, we were told by the City that we would do it together. For whatever reason, the City chose to start doing them separately. They did Wilson Grove, and they had a lot of objections. They did Southern Grove, and had a huge increase in their entitlements. It will infringe on our entitlements, because they are going to get more commercial, and we are going to get less. We are not going to get some of what we planned for. They got what they wanted, but we had a lot of issues. The real issue is that we can't guarantee that a certain road gets built. If we build all of our Phase 1 roads, they will all be dead ends. It doesn't do anybody any good for us to build all of our Phase 1 roads up front. Also, we would have the CRA and the City to help us build and pay for those roads. We are going to build our roads as we build the development. The real issue was that in Phase 2, there were a lot of residential homes, which was what our input was when we did the WATS. At the time, we loved the market and thought we would have four different product lines. We were going to sell 1,000 units per year, and by ten years into the project, we should have had 10,000 units sold. Here we are two years after we should have already had the Phase 1 roads done, and things aren't what we thought. Now we have geared it to where we are going to build the roads. We have to build two-lane roads to get to our development. We cannot build 10,000 units, unless we build a lot of our two-lane roads. That is all of our Phase 2 Conditions, with the exception of Becker Road. We agreed yesterday when we met with Treasure Coast Regional Planning, to put a footnote into the Phase 2 Condition that when we get halfway through the trip threshold, we will build four of the seven links. It should overcome most of the concerns. We used the same model, and have used a traffic consultant. We bifurcated, and that is the problem that Treasure Coast has. We would appreciate it if you would approve it or deny it today. We would not like to be tabled again, because there is no further conversation to have. It is all politics at this point."

JASON MATSON, Kimley-Horn & Associates, said, "For the past five years my firm has represented the Southern Grove property and PSL Acquisitions. This item was tabled at the April Planning and Zoning Board meeting where there were several concerns related to traffic. The primary concerns were a lack of a traffic study, and a lack of an agreement among the DRI developers in the Southwest Annexation area. Those same two issues continue to be outstanding. Both Wilson Grove and Southern Grove recently amended their DO's to disconnect from the other developers to be able to proceed individually. In their amended DO's, specific transportation conditions from the WATS were included for Wilson and Southern Grove to share the WATS network. We presented a traffic data analysis that was a three-year process, which was fairly strenuous for our client. It supported changes to the phasing. As noted the TCRPC letter of May 24, 2012, 'Council believes these inconsistencies, which are carried forward in the revised DO conditions, will cause additional and unreviewed regional impacts resulting in a Substantial Deviation under Section 380.06(19)(a), Florida Statutes. Delaying Riverland/Kennedy's

improvements until the end of the phases would negatively impact the existing roads within the adjacent DRI's, the City, and I-95 for which no supporting traffic studies have been submitted. Monitoring Condition 15 would be ineffective in ensuring the necessary roadway network is constructed when needed, because this condition does not require the monitoring of the entire WATS roadway network.'"

Mr. Matson continued, "I really want to key on those two points. The first point is backloading the improvements. The Phase 2 number of units is 10,400 that represent nearly 90% of their residential development program. The current DO condition that is being proposed is that they are allowed in Phase 2 a certain number of units on this network. Because the conditions are backloaded, or not required until the end of the Phase, theoretically, we could proceed with up to 10,400 units on a network. We weren't privy to the meeting yesterday with the Treasure Coast Regional Planning Council, so we are interested in their input. All we have is their May 24, 2012, letter, which indicates issues. Monitoring 15 only applies to the roads within Riverland/Kennedy. They do not apply to roads and segments outside of their DRI. If there are undue adverse impacts to certain segments, and we believe there will be based on the updated phasing, there is no consequence in Condition 15 to require this project to address impacts on other properties. The Southern Grove property has conditions that say if Tradition and Becker reach LOSD, we have to begin the process of a third interchange. Literally, this additional traffic could be imposed on those two interchanges. We would have to proceed with a study, and they are allowed 13,400 trips. We have presented a traffic analysis that shows there are segments that could be impacted nearly 100% more in the early phasing due to the backloading of improvements. We are not opposed to the changes in their Development Order, but we want the changes to be fair to everyone. We want to make sure that it does not cause any undue adverse impact, especially early on in the development program. We look forward to your comments."

KEN BEDNAR, Fowler, White & Boggs, P.A., said, "I represent the Wilson Grove DRI developer, who owns the adjacent land to the west of the parcel. I also have with me Shaun MacKenzie, a professional traffic engineering expert. You may recall, he testified at the last proceeding on April 3, 2012. He was involved in the preparation of the WATS 1, WATS 2, and is familiar with the traffic patterns and studies. I am requesting that he be allowed to testify as to the new issues that have been brought up by the applicant. An expert testimony will aid this Board in making a determination as to whether or not this should be approved, or if it should be tabled. There is a lot more information that needs to be reviewed before a determination is made to do your job of protecting the City, and the future residents of those neighborhoods. Last time this Board unanimously voted to table this application, because there was no traffic study. Also, there was confusion as to what the phasing of the roads was going to do to the traffic, especially on certain roadways. Nothing has changed since that hearing. I heard Mr. Ryals speak for five minutes, and he said nothing about a traffic study. At the last meeting, Ms. Chesser confirmed that there was a significant deviation between this applicant's NOPC, the WATS, and the original Annexation Agreement. All three of these developers signed an Annexation Agreement before they decided to split, which everyone relied upon. There was also a WATS done, and everyone agreed to abide by it. There is a huge difference between my client, Southern Grove, and the other DRI applicant. Both of us, at great expense, did traffic analysis studies that supported our position. This applicant has not done that. It is very important to understand why they didn't do it. Another issue was who was supposed to build the initial two lanes of Becker Road across the southern border of Riverland/Kennedy's property. It is the obligation of Riverland/Kennedy to do so. Mr. Portnoy, who is the Vice President, admitted over a year ago and agreed it was their responsibility to do so. Mr. Ryals confirmed it again at the last hearing. We have the right to build that road, and back charge Riverland/Kennedy, plus 18%, so that they are held in check to do it. They are trying to backload the requirement to build the roadways to support over 10,000 homes. The Treasure Coast Regional Planning Council saw that, and in its May 24, 2012, letter it indicated it constituted a substantial deviation, which said, 'The revised condition would create unreviewed regional transportation impacts, which would result in a substantial deviation. Roadway improvements should be provided at the beginning of the

Phase, and not at the end of it. All trip thresholds should be revised to ensure the impact is mitigated concurrent with development.' This applicant doesn't want to build the roadway until they are allowed to build 10,000 homes. Common sense would dictate to all of us that they are never going to build the 10,001 home that would trigger them to build $10 million worth of roadways. They are going to walk away from this project, leaving the City and everyone wondering who is going to build the road. They are asking to be relieved of their obligation to do so. They are trying to claim that there is some kind of agreement, and that they are still shouldering the same burden as everyone else, but they are not. It is not the numbers, it is the phasing and the time scheduling of doing so. We strongly urge that you table this, as there is not enough information. The applicant has asked for an approval or a denial on this, so that they can go to the City Council next. We believe that it is totally inappropriate, and is not in the best interest of the City. We are not against the entire project or their NOPC, but these particular issues, which we think will have a huge potential impact on the people who are going to live there, and the obligation the City is going to have to build those roads when they are relieved of their obligation to do so."

SHAUN MACKENZIE, MacKenzie Engineering and Planning, said, "I am a professional traffic engineer, and represent the Wilson Grove property. (**Clerk's Note**: A PowerPoint presentation was shown at this time.) Mr. MacKenzie stated, "Nothing in the Development Order has changed since we came before you. No traffic studies have been submitted. In their May 24, 2012 letter, the Treasure Coast Regional Planning Council raised significant issues regarding substantial deviation. It means that their application would have to go back to the drawing board and start over, which is a pretty big deal. They are looking to put 10,000 trips or homes on a very limited amount of infrastructure. In Phase 1, there is a potential for a lot of road congestion, and in Phase 2, there is a potential for a lot more road congestion. This developer has still not adequately responded to you, the Board, or to the Treasure Coast Regional Planning Council. They are not presenting the whole solution to you, so that you can look at what they are proposing, and make sure it protects the interest of the City and the residents. TCRPC's letter says, 'A Substantial Deviation would cause the developer to go back to the drawing board.' They certainly don't want that. They would rather work out these issues. The other developers did traffic studies, and followed the Annexation Agreement. They met the City's Code and Comprehensive Plan, but this developer does not. Southern Grove is developing a great biotech hub in Tradition. In its first phase, Riverland/Kennedy is going to build a few roads, so they can build 3,000 homes. Every single one of those trips would go up Community Boulevard or out Discovery Way, and force Southern Grove to widen those roads. If Southern Grove can't widen those roads, then they have to stop building. There is no check and balance, because how do you monitor a road that doesn't exist yet? They don't have to build south to connect to Becker Road in the first phase until the very end. Until they reach the end of that phase, they can continue to build homes that would create a lot of traffic going up Community to Tradition Parkway. There is no check and balance for that. We have great concerns about the timing of their improvements. Why are we putting the burden of proof on the City to make them widen the road? The developer should have the burden of proof to show that they don't have to widen the road. They said they were consistent with the WATS. We did a little research, and they are not consistent with the WATS in their DO. They also stated that they meet their appropriate share. That means that they have mitigated all of their transportation impacts. We sent a letter to them over a year ago asking them to check on a few roads. We never heard back, and they didn't make the changes, so we did it for them. They don't meet the proportionate share, and are not mitigating their impacts or their DRI. They are not mitigating for their impacts in Phase 1 or Phase 2. They are also still in conflict with the Annexation Agreement, which is the agreement that everybody signed on board to become a part of this City. It has been almost ten years, and they are still not in agreement. We think the most responsible thing that you can do right now is table this item to get the issues worked out. Let them work out their issues with the Treasure Coast Regional Planning Council, and work out the issues with us."

LARRY PORTNOY, Riverland/Kennedy said, "I did say in our Annexation Agreement that we agreed

to build our portion of Becker Road. We assumed it was to be built from I-95 to Range Line Road. In Wilson Grove's DRI modification, they stopped the road at the corner of their property, so that they wouldn't have to build it further west. Our real objection to it was when the City divvied up these lane miles, as we were linked together with these conditions and are now bifurcated. Wilson Grove got credit for building Becker Road as their share with the ability to sue us to get reimbursed, because the Annexation Agreement was in direct conflict with what we signed up for. We were not trying to get out of an obligation, but our issue was that they were not paying for their fair share. The whole issue of they were going to build 10,400 homes with only having a two-lane road is theoretically correct the way they say it, but realistically impossible. We will only reach a small portion of our property to get to one of the Phase 1 roads. We have to continually build roads to reach the balance of our property. We can't build 10,400 homes, and build one little link. We didn't want to be Southern Grove, and build all of our roads up front without knowing whether or not there was going to be any demand. We are trying to make a strategic business decision, and not get out of a single link or save a single dollar, but build as we go. As demand is created, we would build. These arguments that I heard are preposterous to think that is what we are trying to do. The accusations that have been thrown out here are completely wrong. It makes it seem like Riverland/Kenndey is the one that has the monitoring conditions, and we stopped everybody else. The other two have the same conditions. I didn't hear Southern Grove indicate how they were going to relieve our traffic. If they don't build east/west 3 to Paar, then we can't get to Village to send people over to I-95 off of Becker Road. Yet, they have those roads that got pushed back further in their phasing, but there is no mention of that. We can't make them accelerate. To the same extent, we can't make Wilson. I don't know how much of the traffic will go west. All three have the same issues, as this is not a perfect system. We are trying to make the system work as best as we can. For these two to gang up, and say look how flawed ours is, we could have stepped up and said look how flawed theirs is. The whole system is flawed, and we are just trying to play the hand that was dealt to us. There is not a whole lot we can do being the last one through. If you look at our inverted 'L' shaped property, you can clearly see that we can't get there without building all of the roads. That is why we agreed yesterday with the Treasure Coast Regional Planning Council to build up front, because that is the reality of what it is going to be. We need to clear up the confusion or the negative wrongful perception. We will continue to work with the City and the Treasure Coast Regional Planning Council, like we did yesterday. We are not trying to get out of a single obligation."

JOLIE GUARINO, Inland Diversified Real Estate Services, said, "We represent the owner of The Landings at Tradition and Tradition Village." (**Clerk's Note**: A letter was submitted in opposition to the negative traffic impact.)

There being no further comments, Chair Blazak closed the Public Hearing. Mr. Holbrook said, "This area currently doesn't have any residents on it. From 2004 through 2006 is the marriage time when the property owners approached the City, and requested an annexation. During that request, an annexation agreement was negotiated with all parties. Following that, we processed a Comprehensive Plan Amendment for each one of the developers, as well as the Development of Regional Impact. Those DRI's and DO's had similar conditions for the roadway network. As a follow up to that, the developers attempted to negotiate how they would bifurcate, and take responsibility for the improvements of those roads. From our reports, they weren't successful, and that is when they approached the City to request that we become involved to assist them in splitting up the responsibility of the roads. That is what we called a 'divorce.' During that time, we have had six annexation agreement amendments. It addressed a number of things. Obviously, we have the original agreement and a number of agreements; each one of the Developments of Regional Impact have had a number of amendments to the DO. We have had a lot of change without a lot of development. We have also had a change in staff, and a change in management, so there may have been some changes with the direction throughout the years. The first one to approach us was Southern Grove, who submitted their application in 2009. It took them a number of years to go through the entire process to receive approval, which was last month. Following that,

Wilson Grove approached the City and made the request that was reviewed. During their review, City staff called everyone in a room together to indicate that we all needed to work on the split. The proposal that was submitted was a Lane Mile Distribution Program. Not everyone was happy, and not everyone is happy today. One of the key issues is that we are dealing with three different master developers that have competing interests from time to time. The City's big picture is that we want what is best for the City and the residents that are here today, as well as the residents that will be there in the future. City staff has negotiated with this applicant on the conditions that have been presented to this Board. They are not perfect, but we have spent a lot of time dealing with certain roads and obligations. One of the issues that keeps coming back up is that a traffic study wasn't submitted. It was a decision from the City Manager's office when this application was initially submitted to the City that it would not be a requirement. The applicant was not required to submit it, but it was an initial comment from the City's Engineering Department. We have also had the request that a meeting be set up so everyone can come together to discuss it, but I don't know if we did that, that it would get any new results then what we have today. As City staff, we will pursue setting up a meeting, but I don't know if it will bring anything new. We met on Monday to go through some items that they are going to take some time to review, and get back with us. This applicant has not been processed as a Substantial Deviation. We processed it as a Notice of Proposed Change."

Ms. Parks stated, "We have been over, around, and through this for many years on many occasions, and it is time to get the development in the Southwestern community started. This is a Notice of Proposed Change, and I think that is very important." Vice Chair Martin said, "Last time I thought it would be prudent to have another traffic study, and if we deviate it, absolutely. There have been substantial deviations to this project over ten years. I took the position at the last meeting to table it, as I also thought that there needed to be a new traffic study. The overall idea is that you have to pay to play. When you come to Port St. Lucie and want to build tens of thousands of homes, then you have to do another traffic study. Come before us and show us that you have your stuff together, and we will consider it. My position would be the same as last time. Table it." Mr. Battle said, "Mr. Ryals said he would be willing to build the roads first. I just wanted to reiterate that. He is going to build the roads prior to building the homes." Ms. MacKenzie remarked, "I will be abstaining from this vote." Chair Blazak said, "I have a concern. There was a lot of planning and study of the design that went into the initial area for the biotech industry. To have that potential, and not to be able to build because of the timing issues or voluntary monitoring, the City's shooting itself in its foot. If the developer was told that they didn't need a traffic study, then we made a mistake, and shame on us. Maybe we do need a traffic study to support this. I don't want to delay this any longer, but I think the City has a lot at risk if we start jeopardizing the ability to bring jobs in. If the housing booms, and all of a sudden we have an intersection overloaded because we haven't been able to build and progress the way we should have is a serious problem. It needs to be tabled. We don't have the traffic information to support it. Maybe they should only go so far with so many trips in the agreement, and then build the roads with all of them. I can't see jeopardizing the ability to bring jobs in, should the City have that opportunity, and not have the capacity that we need at the only surviving intersection that will be there for some time." Ms. Parks stated, "I put my trust in the City of Port St. Lucie's Planning and Zoning Department, who has spent the last few days hashing this over and talking with the Treasure Coast Regional Planning Council, which is a higher authority than us. I cannot agree with your philosophy. There has been some movement within the last few days. This gentleman and Mr. Ryals and his company are willing to put the roads in. We can only hope that his word is his bond."

The Senior Assistant City Attorney advised, "Due to the extensive involvement that staff has had with this issue there is absolutely no benefit in tabling this item. The prior City Manager, the current City Manager, as well as the Engineering Department staff made a determination through years of negotiating this with all three developers that we did not need another traffic study. At this point, to ask Riverland/Kennedy to provide a traffic study when they have been directed not to is not fair. We chose

not to do proportionate shares, as it was going through legislative changes. Ms. Chesser came up with the Lane Mile allocation instead. That is the missing piece to the puzzle. We already have two pieces of the puzzle that were based on a traffic study. You are not going to get anything different than what our Engineer, Ms. Chesser, came up with. She is filling in the missing links with her Lane Mile allocation. The spreadsheet she did allocates transportation improvements to the three parties. That was part of the rationale for the City Managers not asking for another traffic study. The applicants have vehemently argued why we need one, but I don't think tabling it is going to get you anything different on the Lane Mile allocation. They have agreed that it would be a footnote before it proceeds to the City Council for the 10,400 units for development in Phase 2, and that will be reduced to 5,200 units, where half of the improvements will be done. It will get part of the concerns addressed, but some of the other issues in terms of making everyone here happy will not occur whether we have ten more meetings, six more months, or six more years. We are not going to make everyone happy. We have gone through this for the last couple of years, and we still don't agree and are still having discussions about who is responsible for Becker Road. Tabling this is of no benefit, in my opinion based on our history and experience with all of the parties involved." Secretary Ojito said, "I tend to agree. I think we have two options, either deny it or approve it. If we deny it, then you have an empty hole that has no solution. We could consider approving it with conditions, and that would force the developer to comply with some kind of agreement that would require all three developers to co-exist. It will provide the necessary infrastructure for all three of them to function."

Vice Chair Martin said, "The City has the capacity for 500,000 people, and that land is not going anywhere. The economy is in the tank, but it is not going to always be that way. I don't want to make a hasty decision. For the generations to come, we need to make the best decision today. There are too many questions that haven't been answered to everybody's satisfaction. If it takes another year or two of mulling this over, then that is what we need to do."

Ms. Parks **moved** to recommend approval of P11-026, Riverland/Kennedy, DRI/ Notice of Proposed Change with conditions. Mr. Battle **seconded** the motion, which **passed** by roll call vote with Mr. Battle, Ms. Parks, Secretary Ojito, and Mr. Garrett voting in favor, Chair Blazak and Vice Chair Martin voting against, and Ms. MacKenzie abstaining. (**Clerk's Note:** A Voting Conflict Form is attached to the minutes).

April C. Stoncius
Deputy City Clerk
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"A City for All Ages"

TEAM PORT ST. LUCIE

From: Anne Cox
Sent: Thursday, June 21, 2012 10:01 AM
To: April Stoncius
Subject: June P&Z meeting

Hi April,

Have you finished a draft of the minutes for the Riverland/Kennedy DRI item?

Anne Cox, AICP
Assistant Director of Planning and Zoning
City of Port St. Lucie
121 SW Port St. Lucie Blvd.
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772-871-5218 (phone) 871-5124 (fax)

Anne Cox

From: Daniel Holbrook
Sent: Friday, June 29, 2012 11:11 AM
To: 'Shaun G. MacKenzie, P.E.'
Cc: Roxanne Chesser; Pam Booker; Anne Cox; Greg Oravec; mbusha@tcrpc.org; Pol Africano
Subject: RE: Riverland Review - Conditions

Thank you for your timely comments. I will differ to Roxanne to review the traffic analysis and respond accordingly. She will be out of the office until next week. I hope that your last statement (no response or resolution) was written in error because City staff has responded to your suggestions during our past meetings (with staff and with the Planning and Zoning Board). As you know, the subject application is still active and is being processed.

If you have any additional comments or suggestions, please don't hesitate to call.

Daniel Holbrook, AICP
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dholbrook@cityofpsl.com

From: Shaun G. MacKenzie, P.E. [mailto:Shaun@mackenzieengineeringinc.com]
Sent: Thursday, June 28, 2012 2:06 PM
To: Greg Oravec; Pam Booker; Daniel Holbrook; Roxanne Chesser
Cc: Pol Africano; wmccurry@traditionfl.com; Michael Busha
Subject: Riverland Review - Conditions

Daniel,

As promised and pursuant to our meeting on Tuesday, we prepared a traffic analysis and resulting traffic conditions for the Riverland/Kennedy DRI (RK) consistent with the WATS and professional traffic analysis. We are submitting this analysis and recommendations given that RK has consistently refused and failed to submit any traffic information and analysis to justify the phasing and timing of 46 lane-miles of road improvements. We hope that this information proves useful to the City and demonstrates the gravity of the RK Proposal versus analytical data. Please review this information and provide us with timely information regarding your review of this traffic engineering analysis. We have been reviewing and submitting comments and concerns related to the RK DRI Substantial Deviation for over 1 year and have suggested solutions with no response or resolution from City Staff.

Please call me if you have any questions or require additional information.

Sincerely,

Shaun G. MacKenzie, P.E.

MacKenzie
Engineering & Planning, Inc.
10795 SW Civic Lane • Port Saint Lucie • Florida • 34987
(772) 345-1948 • www.mackenzieengineeringinc.com

To: Daniel Holbrook, AICP

From: Shaun G. MacKenzie, P.E.

Date: June 28, 2012

Re: Analysis of Riverland DRI Roadway Needs

MacKenzie Engineering and Planning, Inc. conducted an analysis of Riverland DRI's roadway needs based on the Western Annexation Traffic Study (WATS). The applicant has not performed a traffic analysis and has accordingly not performed any traffic analysis planning the timing of $160,000,000 of roads in the Southwest Annexation Area (SWAA). Failure to adopt the road construction schedule proposed has the potential to cause the City to need to build roads in the Riverland DRI at a cost of tens of millions of dollars.

This traffic analysis proposes road construction timing consistent with the need to widen the road or build a parallel facility and generally matches the WATS roadway building schedule. The recommendations for roadway needs are based on engineering analysis and are based on the traffic study that all parties to the Western Annexation Area agreed upon and accepted.

The Riverland DRI Road Phasing schedule is based on analytical analysis of roadway need using traffic volumes and linear interpolation to determine the trip and DU thresholds. Attached is the analysis performed using the traffic volumes from the WATS. The methodology for the analysis is consistent with the analysis performed for the Wilson Groves DRI and is as follows:

- Use the WATS model traffic volumes to determine the timing of road improvements
- Use a "grid system" analysis to determine timing of new parallel road improvements
- Follow the WATS laneage by Phase (i.e. – build Community Blvd to the South to Becker Road in lieu of widening it four-lanes in Phase 1) to allow traffic to distribute properly
- In order to resolve an inconsistency with the current Riverland DRI annexation agreement and development order – the analysis and recommended improvements has the Riverland DRI constructing the first 2-lanes of Becker Road (consistent with the Southwest Annexation Agreement) and not the 4-laning of E/W 3, which results in a slight decrease in lane-miles and cost for the Riverland DRI

The use of these trip thresholds will protect the City in the future and guide the construction of the Southwest Annexation Area Roadway Network in an orderly, predictable, and consistent approach.

Please do not hesitate to contact me if you have any questions at 772-834-8909.

cc: Greg Oravec (Port St. Lucie)
Pam Hakim (Port St. Lucie)
Roxanne Chesser (Port St. Lucie)
Pol Africano (CMS Engineering, LLC)
Wesley McCurry (Fishkind & Associates)

TABLE 1 Proposed Phase 1 Road Improvements and Calculated Trip Thresholds

Road	Segment	Improvement	Capacity (1)	Phase 1 Trips On Segment: DRI (2)	Phase 1 Trips On Segment: Total (3)	Ratio (4)	Phase 0 Trips On Segment: DRI (5)	Phase 0 Trips On Segment: Total (6)	Avail Cap (7)	DRI Phase Trips on Segment (8)	Usable Cap (9)	% of DRI Phase at seg Cap. (10)	Phase 1 DRI Trips: Daily (11)	Phase 1 DRI Trips: PM Peak (12)	Trip Threshold (13)
Community Blvd	E/W 1 to E/W 3 (a)	0L to 2L	16,500	20,700	49,600	0.417	0	0	16,500	20,700	6,886	33%	32,007	3,219	1,071
Community Blvd	E/W 3 to Becker Rd (a)	0L to 2L	16,500	20,700	49,600	0.417	0	0	16,500	20,700	6,886	33%	32,007	3,219	1,071
Becker Road	N/S B to Community	0L to 2L	16,500	20,700	49,600	0.417	0	0	16,500	20,700	6,886	33%	32,007	3,219	1,071
Becker Road	N/S B to Community	2L to 4L	16,500	6,200	24,800	0.250	0	0	16,500	6,200	4,125	67%	32,007	3,219	2,142
E/W 3	N/S B to Community (b)	0L to 2L	16,500	18,200	46,600	0.391	0	0	16,500	18,200	6,444	35%	32,007	3,219	1,140

(a) DRI and Total Volume based on Phase 1 Becker Road (East of Community) plus Phase 1 Becker Road (East of Rangeline Rd) plus Phase 1 South of E/W 1 (See WATS Appendix D)

(b) DRI and Total Volume based on Phase 1 Becker Road (West of Community) plus E/W 3 Becker Road (West of Community) plus Phase 1 Becker Road (East of Rangeline Road) (See WATS Appendix D)

TABLE 2 Proposed Phase 2 Road Improvements and Calculated Trip Thresholds

Road	Segment	Improvement	Capacity (1)	Phase 2 Trips On Segment: DRI (2)	Phase 2 Trips On Segment: Total (3)	Ratio (4)	Phase 1 Trips On Segment: DRI (5)	Phase 1 Trips On Segment: Total (6)	Avail Cap (7)	DRI Phase Trips on Segment (8)	Usable Cap (9)	% of DRI Phase at seg Cap. (10)	Phase 2 DRI Trips: Daily (11)	Phase 2 DRI Trips: PM Peak (12)	Trip Threshold (13)
E/W 1	N/S B to Community (c)	0L to 2L	16,500	18,700	31,300	0.597	0	0	16,500	18,700	9,858	53%	110,332	10,935	7,287
E/W 1	N/S A to N/S B (d)	0L to 2L	16,500	14,600	20,300	0.719	0	0	16,500	14,600	11,867	81%	110,332	10,935	9,491
E/W 1	Rangeline to N/S A	0L to 2L	16,500	3,000	3,600	0.833	0	0	16,500	3,000	13,750	458%	110,332	10,935	10,935
N/S A	E/W 1 to E/W 3 (e)	0L to 2L	16,500	26,000	48,000	0.448	11,900	16,500	0	14,100	0	0%	110,332	10,935	3,219
N/S B	E/W 1 to E/W 3 (e)	0L to 2L	33,000	26,000	48,000	0.754	0	13,500	19,500	26,000	14,696	57%	110,332	10,935	7,580
Paar Dr	N/S B to Community (f)	0L to 2L	36,700	25,600	53,000	0.688	6,200	24,800	11,900	19,400	8,187	42%	110,332	10,935	6,475
Paar Dr	N/S B to Community	2L to 4L	16,500	9,800	20,100	0.488	0	0	16,500	9,800	8,045	82%	110,332	10,935	9,553
E/W 1	N/S B to Community	2L to 4L	16,500	8,700	17,800	0.489	0	0	16,500	8,700	8,065	93%	110,332	10,935	10,371
N/S B	Paar Dr to Becker Rd (g)	2L to 4L	16,500	16,500	22,100	0.747	0	0	16,500	16,500	12,319	75%	110,332	10,935	8,980

(c) DRI and Total Volume based on Phase 2 E/W 3 plus E/W 1 (West of Community) (See WATS Appendix D)

(d) DRI and Total Volume based on Phase 2 E/W 3 plus E/W 1 (West of Community) (See WATS Appendix D)

(e) DRI and Total Volume based on Phase 2 N/S A plus N/S B plus Community (South of E/W 1) (See WATS Appendix D)

(f) DRI and Total Volume based on Phase 2 Becker Road plus Paar Dr (West of Community) (See WATS Appendix D)

(g) DRI and Total Volume based on Phase 2 N/S B plus N/S BC (South of Paar) (See WATS Appendix D)

TABLE 3 Proposed Phase 3 Road Improvements and Calculated Trip Thresholds

Road	Segment	Improvement	Capacity (1)	Phase 3 Trips On Segment: DRI (2)	Phase 3 Trips On Segment: Total (3)	Ratio (4)	Phase 2 Trips On Segment: DRI (5)	Phase 2 Trips On Segment: Total (6)	Avail Cap (7)	DRI Phase Trips on Segment (8)	Usable Cap (9)	% of DRI Phase at seg Cap. (10)	Phase 3 DRI Trips: Daily (11)	Phase 3 DRI Trips: PM Peak (12)	Trip Threshold (13)
Becker Road	N/S B to Community	4L to 6L	36,700	17,000	39,700	0.176	15,800	32,900	3,800	1,200	671	56%	134,672	13,461	12,347
N/S A	E/W 1 to E/W 3	2L to 4L	16,500	11,300	30,200	0.374	7,100	15,400	1,100	4,200	412	10%	134,673	13,461	11,183
Community Blvd	E/W 1 to E/W 3	2L to 4L	16,500	15,400	21,600	0.713	12,300	13,100	3,400	3,100	2,424	78%	134,674	13,461	12,910
Community Blvd	E/W 3 to Paar Dr	2L to 4L	16,500	14,100	25,500	0.553	8,300	16,400	100	5,800	55	1%	134,675	13,461	10,959
Community Blvd	Paar Dr to Becker Rd	2L to 4L	16,500	8,000	13,000	0.615	6,200	8,500	8,000	1,800	4,923	100%	134,676	13,461	13,461
E/W 3	N/S B to Community	2L to 4L	16,500	12,100	16,600	0.729	10,000	13,500	3,000	2,100	2,187	100%	134,678	13,461	13,461

TABLE 4 Proposed Phase 4 Road Improvements and Calculated Trip Thresholds

Road	Segment	Improvement	Capacity (1)	Phase 4 Trips On Segment: DRI (2)	Phase 4 Trips On Segment: Total (3)	Ratio (4)	Phase 3 Trips On Segment: DRI (5)	Phase 3 Trips On Segment: Total (6)	Avail Cap (7)	DRI Phase Trips on Segment (8)	Usable Cap (9)	% of DRI Phase at seg Cap. (10)	Phase 4 DRI Trips: Daily (11)	Phase 4 DRI Trips: PM Peak (12)	Trip Threshold (13)
N/S B	E/W 1 to E/W 3	2L to 4L	16,500	10,800	14,800	0.730	10,800	14,200	2,300	0	1,678	-	140,083	14,372	14,372
N/S B	E/W 3 to Paar Dr	2L to 4L	16,500	11,100	12,600	0.881	11,500	12,300	4,200	-400	3,700	-	140,083	14,372	14,372

(1) Road Capacity Based obtained from Table 1 of FDOT's *2010 Q/LOS Manual* for Urbanized City Arterial Class 1 Facilities

(4) Ratio of Riverland Phase traffic to Phase Total Traffic = [(2) - (5)] / [(3) - (6)]

(7) Availabe Capacity - Capacity available for use during that phase = (1) - (6)

(8) Riverland Phase Traffic on the segment = (2) - (5)

(9) Usable Capacity = (7) x (4)

(10) % of DRI Phase at Segment Capacity - Percent of that DRI Phase that can be constructed before the roadway reaches capacity = (9) / (8)

(11) Cumulative Total Net External Daily DRI trips by Phase

(12) Cumulative Total Net External PM Peak Hour DRI trips by Phase

(13) Trip Threshold - Interpolated Net External DRI PM Peak Hour Trip Threshold when segment is expected to reach capacity

(Prior Phase (12) + [(10) x Current Phase (12) - Prior Phase (12)]]

Riverland DRI Road Conditions and Development Obtained by Improvement

DRI Phase	Road	From	To	Required Improvement	Trip Threshold	Residential Units	Riverland DRI D.O. Trip Threshold	Riverland DRI D.O. Residential Units
1	Community Blvd	Discovery Way	E/W 3	2-Lanes	1,071	832	**3,219**	2,500
	Community Blvd	E/W 3	Becker Rd	2-Lanes	1,071	832	**3,219**	2,500
	Becker Road	N/S B	Community	2-Lanes	1,071	832	**None**	None
	E/W 3	N/S B	Community	2-Lanes	1,140	885	**3,219**	2,500
	Becker Road	N/S B	Community	2L to 4L	2,142	1,664	**10,935**	10,400
2	N/S A	Discovery Way	E/W 3	2-Lanes	3,219	2,500	**10,935**	10,400
	Paar Dr	N/S B	Community	2-Lanes	6,475	5,834	**10,935**	10,400
	Discovery Way	N/S B	Community	2-Lanes	7,287	6,666	**10,935**	10,400
	N/S B	Discovery Way	E/W 3	2-Lanes	7,580	6,966	**10,935**	10,400
	N/S B	Paar Dr	Becker Rd	2L to 4L	8,980	8,399	**13,461**	11,700
	Discovery Way	N/S A	N/S B	2-Lanes	9,491	8,922	**10,935**	10,400
	Paar Dr	N/S B	Community	2L to 4L	9,553	8,986	**13,461**	11,700
	Discovery Way	N/S B	Community	2L to 4L	10,371	9,823	**13,461**	11,700
	Discovery Way	Rangeline	N/S A	2-Lanes	10,935	10,401	**10,935**	10,400
3	Community Blvd	E/W 3	Paar Dr	2L to 4L	10,959	10,413	**13,461**	11,700
	N/S A	Discovery Way	E/W 3	2L to 4L	11,183	10,529	**13,461**	11,700
	Becker Road	N/S B	Community	4L to 6L	12,347	11,127	**13,461**	11,700
	Community Blvd	Discovery Way	E/W 3	2L to 4L	12,910	11,417	**13,461**	11,700
	E/W 3	N/S B	Community	2L to 4L	13,461	11,700	**13,461**	11,700
4	N/S B	Discovery Way	E/W 3	2L to 4L	13,461	11,700	**13,461**	11,700
	N/S B	E/W 3	Paar Dr	2L to 4L	13,461	11,700	**13,461**	11,700

DRI PHASING SCHEDULE

DRI Phase	Residential Units	Non-Res SF	Trip Threshold
0	0	0	0
1	2,500	514,250	3,219
2	10,401	2,163,776	10,935
3	11,700	3,227,526	13,461
4	11,700	4,044,276	14,372

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June 26, 2012

Mr. Daniel Holbrook, AICP
Director of Planning & Zoning
City of Port St. Lucie
121 SW Port St. Lucie Blvd
Port St. Lucie, FL 34986

RE: P11-026 – Riverland/Kennedy DRI Notice of Proposed Change

Dear Mr. Holbrook:

Our firm represents PSL Acquisitions I, LLC ("PSLA"), owners of the Southern Grove DRI. Our client has concerns regarding the above referenced application. Upon investigating their concerns, we offer the following comments to the City for consideration relative to this application. Also, I have enclosed a memo from our traffic consultant detailing the impacts this proposal would have on the Southern Grove DRI.

- PSLA owns Southern Grove and is directly and significantly affected by the request from Riverland Kennedy ("R/K"). If implemented as suggested by R/K, substantial road improvements funded by the Southern Grove development could prematurely exceed their available capacity. In such instance, the monitoring provision included in Condition 15 would be of no consequence to R/K, Southern Grove or the City as it does not apply to the improvements funded by Southern Grove. Consequently, unreviewed impacts to these facilities could occur to the exclusion of the future needs of the jobs corridor.

- The Western Annexation Traffic Study ("WATS") was performed on the assumption that an initial road network for the western annexation area would be required in advance of development and expanded upon as each development progressed through its phasing schedule prior to proceeding to the next development phase. The traffic methodology agreed to by the City, Treasure Coast Regional Planning Council (TCRPC) and Florida Department of Transportation (FDOT) for the Southern Grove DRI Substantial Deviation Traffic Study ("WATS 2.0") also required such.

- To bifurcate the road obligations amongst the four DRIs located in the southwest annexation area, the City devised an allocation method based on the percentage of trips attributable to each DRI from the total trips indicated in the WATS. Wilson Groves (Wilson) and Southern Grove (SG) have recently amended their DOs to disconnect from the other developments to proceed individually. In their amended DOs, specific transportation conditions from the WATS are included for Wilson's and SG's allocated share of the WATS network and are largely based on the original WATS network phasing.

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- R/K is purporting to do the same, but not in a manner consistent with the WATS or according to the same standards to which the other DRIs were held. This concern is shared by the TCRPC and the FDOT:

> "Council believes these inconsistencies, which are carried forward in the revised DO conditions, will cause additional and unreviewed regional impacts resulting in a substantial deviation under Section380.06(19)(a), Florida Statutes..... Delaying Riverland/Kennedy's improvements until the end of their phases would negatively impact existing roads within the adjacent DRI's, the City and I-95 for which no supporting traffic studies have been submitted.....Monitoring Condition 15 would be ineffective in ensuring the necessary roadway network is constructed when needed, because this condition does not require the monitoring of the entire WATS roadway network." TCRPC Letter of May 24, 2012.
>
> " As noted in our letter of May 3, 2012, the Department continues to have concerns with the.....mitigation approach. This approach does not ensure that all needed roadway improvements will be in constructed in a timely manner to address the combined project impacts of all four DRIs. The Department concurs with the TCRPC that any delay with Riverland/Kennedy improvements would concentrate traffic on the remaining roadways. This would potentially create additional unreviewed impacts to I-95 and its interchanges...." FDOT letter of June 5, 2012.

- Construction of needed roadway improvements, originally required to be in place in advance of significant development, is postponed until the completion of each development phase instead of at the beginning of each phase. In fact, the DO as proposed would allow construction of the Phase 1 and a substantial portion of the Phase 2 development program on only the Phase 1 WATS roadway network. All of the Phase 1 and Phase 2 development program would be allowed on a portion of the Phase 2 WATS roadway network.

- Incremental construction of regional roadway links, as allowed under the revised DO conditions, does not guarantee the construction of an interconnected WATS network will be completed when needed. If all interconnections to complete the WATS network are not established when needed, traffic will be diverted to existing portions of the network where it will likely and quickly exceed existing capacities, specifically in the area of the Tradition Pkwy/Gatlin Blvd interchange with I-95 and along Tradition and Village Pkwys, without sufficient mitigation measures.

- If approved this DO would result in R/K being able to take advantage of the road network/capacity that was funded by SG and would result in portions of the existing road network within SG, and potentially the Gatlin/Tradition I-95 interchange exceeding capacity in advance of when the models predicted in that the traffic would be distributed differently than the models assumed if the assumed network were not in place. If approved this DO would

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result in R/K triggering improvements for which SG would be responsible under its new DO earlier than the DO anticipates and which were not reviewed by the City, TCRPC or FDOT.

- R/K Monitoring Condition 15 does not address the road links within SG which could result in unmitigated impacts or in SG's Monitoring Condition 15 being triggered as it does include such roads

- If improvements go unmitigated it will be detrimental to and could stop the growth of the "jobs corridor" within SG or result in SG having to implement the improvement and incurring additional financial burden prior to being able to support such via its growth.

We are not opposed to appropriate modifications to R/K but cannot agree to changes that are unfair to us. We do believe that solutions can be found that could be incorporated into all of the DRI development orders to remedy these concerns. We look forward to this afternoon's meeting chaired by the City staff for negotiation amongst the parties of a solution that is fair to all. Thank you for your continued consideration on these matters.

Sincerely,
FISHKIND & ASSOCIATES, INC.

Wesley S. McCurry

cc: Greg Oravec, City Manager
Pam Booker, Asst. City Atty.
Roxanne Chesser, Traffic Eng.

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Phone: (772) 340-3500 • Fax: (772) 340-3718

Kimley-Horn
and Associates, Inc.

Memorandum

To: Mr. Wesley McCurry
Fishkind & Associates, Inc.

From: Nicholas J. Mora, P.E.
Kimley-Horn and Associates, Inc.

Date: June 26, 2012

Re: Concerns Regarding the Riverland/Kennedy DRI's
Proposed Development Order Conditions

10521 SW Village Center Dr.
Suite 103
Port St. Lucie, Florida
34987

We have reviewed the development order conditions being proposed within Riverland DRI's Notice of Proposed Change (NOPC). While this NOPC does not propose any modifications to the development plan intensity, it does propose to delay the construction of some of their roadway improvement obligations. The proposed delay in improvements for Phases 1, 2 and 3 are not consistent with the methodologies of the Western Annexation Traffic Study (WATS) or the Southern Grove DRI Substantial Deviation (WATS 2.0) traffic study. For example, rather than constructing their road improvement obligations prior to development of the next successive phase as required in the aforementioned studies, the Riverland DRI is proposing to construct their Phase 1 development program and a portion of their Phase 2 development program on their Phase 1 roadway network. Specifically, the following note is included in the proposed Riverland DRI conditions:

> *No building permits shall be issued for development that generates more than 7,077 total net external p.m. peak hour trips or 6,450 residential units, whichever comes last, until: 1) contracts have been let for 4 of the 7 roadway widening or construction projects identified in Phase 2 of Table 2 under "Required Improvement"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed for these "Required Improvements"; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) these improvements are scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.*

Being that no traffic study was included in the Riverland DRI NOPC to evaluate the impact of the proposed delay in improvements, a few scenarios were modeled using the transportation model developed as part of the Southern Grove DRI Substantial Deviation to estimate the impact of allowing the Riverland DRI to delay the construction of their roadway improvement obligations. The following four scenarios were modeled:

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FAX 772 794 4130

- Scenario 1; contained Phase 1 land uses for all Southwest Annexation Area (SWAA) DRIs on the Phase 1 road network
- Scenario 2; contained Phase 1 land uses for all SWAA DRIs with the exception of Riverland (which Phase 2 land uses were included) on the Phase 1 road network
- Scenario 3; contained Phase 1 land uses for all SWAA DRIs with the exception of Riverland (which 6,449 residential dwelling units were included) on the Phase 1 road network
- Scenario 4; contained Phase 1 land uses for all SWAA DRIs with the exception of Riverland (which 10,399 residential dwelling units were included in addition to its Phase 1 non-residential components) on the Phase 1 road network plus four of the seven identified improvements within the Riverland DRI

The following sections briefly describe the results of the above-mentioned four scenarios.

Scenario 1

Scenario 1 was modeled to establish base conditions that can be compared to the other three scenarios. This scenario includes Phase 1 land uses for all SWAA DRIs on the anticipated Phase 1 road network.

Scenario 2

Scenario 2 was modeled to understand what the projected traffic conditions would be if the Riverland DRI constructed all of their Phase 2 land uses on their Phase 1 road network. This scenario represents the most extreme case as the following road segments within the SWAA projected to exceed their Phase 1 service capacities:

- Becker Road – from N/S A to Community Blvd
- Becker Road – from Community Blvd to Village Pkwy
- Community Blvd – from Open View to E/W 1
- Community Blvd – from E/W 1 to Tradition Pkwy
- E/W 1 – west of Community Blvd
- E/W 1 – from Community Blvd to Village Pkwy

In addition to the above 6 road segments, other SWAA road segments, while they do not exceed their respective service capacities, do experience significant increases in traffic earlier than they would have if Riverland constructed their road improvement obligations prior to development. Detailed graphics illustrating the results of this scenario are attached.

Scenario 3

Scenario 3 was modeled to understand what the projected traffic conditions would be just prior to Riverland DRI constructing 6,450 dwelling units, which is the proposed threshold upon which the Riverland DRI would be obligated to construct four of their

seven road improvements. Therefore, 6,449 units within the Riverland DRI were modeled in addition to the Phase 1 land uses for all the other SWAA DRIs. The Phase 1 road network was utilized in this model. The results stemming from this scenario are not as severe as the results from scenario 2, which is expected as the land uses within the Riverland DRI were much less. However, the following four road segments within the SWAA projected to exceed their Phase 1 service capacities:

- Becker Road – west of Community Blvd
- Becker Road – from Community Blvd to Village Pkwy
- Community Blvd – from Open View to E/W 1
- E/W 1 – from Community Blvd to Village Pkwy

In addition to the above road segments, other SWAA road segments, while they do not exceed their respective service capacities, do experience significant increases in traffic earlier than they would have if Riverland constructed their road improvement obligations prior to development. Detailed graphics illustrating the results of this scenario are attached.

Scenario 4

Scenario 4 was modeled to understand what the projected traffic conditions would be if the Riverland DRI constructed four of its seven road improvement obligations and 10,399 dwelling units. This represents the scenario which would occur just prior to the Riverland DRI being obligated to construct all of its Phase 2 road improvements. The four road improvements assumed in this evaluation were:

- Construction of N/S B from Open View to E/W 1
- Construction of E/W 1 from Rangeline Road to N/S A
- Construction of E/W 1 from N/S A to N/S B
- Construction of E/W 1 from N/S B to 2,500 feet west of Community Blvd

The results of this scenario showed that the following five road segments within the SWAA projected to exceed their Phase 1 service capacities:

- Becker Road – west of Community Blvd
- Becker Road – from Community Blvd to Village Pkwy
- Community Blvd – from Open View to E/W 1
- Community Blvd – from E/W 1 to Tradition Pkwy
- E/W 1 – from Community Blvd to Village Pkwy

Similar to scenarios 2 and 3, in addition to the above road segments, other SWAA road segments, while they do not exceed their respective service capacities, do experience significant increases in traffic earlier than they would have if Riverland constructed their road improvement obligations prior to development. Detailed graphics illustrating the results of this scenario are attached.

Summary

The Riverland DRI is proposing to delay the construction of their road improvement obligations. Specifically, they have proposed to delay construction of their Phase 2 road improvements until they have built 6,450 residential dwelling units, upon which

they will construct four of their seven required improvements. As detailed in this memo, this proposed modification to their development order has the potential to negatively impact the Southern Grove DRI because with fewer roadway connections in place, additional Riverland DRI traffic will be forced to travel on a limited road network and thus potentially trigger roadway improvement thresholds for other DRIs quicker than anticipated. For example, the Southern Grove DRI has monitoring provisions within its development order conditions which state that the City can request monitoring of a roadway at any time if they feel that the improvement of the facility needs to be accelerated. However, should any roads within the Southern Grove DRI show the need for accelerated improvement, it may be due to lack of roadway connectivity within the Riverland DRI rather than Southern Grove traffic.

While the proposed Riverland DRI development order includes a clause for traffic monitoring provision, this provision does not include the roads that will experience the volume increase. Additionally, if a monitoring evaluation is prepared for Riverland and the results of the evaluation show that one of their improvements needs to be accelerated, the design and construction of this improvement can take years; however, additional development can continue within the Riverland DRI in the meantime which can increase traffic congestion on the roadways adjacent to Southern Grove. For example, both sides of the I-95 interchange with Tradition Parkway (I-95 southbound and I-95 northbound) currently operate at level of service (LOS) C. Upon the end of Phase 1 for all the SWAA DRIs, the interchanges are projected to operate at LOS D with optimized signal timing. Based on this, it is estimated that allowing the Riverland DRI to construct development without first having to construct their road obligations will cause the conditions at this particular interchange to deteriorate quicker than anticipated, resulting in unreviewed impacts.

The recently adopted development orders for Wilson Groves and Southern Grove each require that road improvements must be constructed prior to development. Therefore, the proposed conditions within the Riverland DRI development order present an inconsistency amongst the SWAA DRIs because it provides the Riverland DRI with the advantage of constructing their road improvement obligations after their development plan is constructed. As detailed herein, this inconsistent approach that the Riverland DRI is proposing is projected to have significant increases in traffic on several of the roadways adjacent to the Southern Grove DRI. These volume increases have the potential to create additional financial burden for Southern Grove as their adjacent roadways may reach or exceed their capacities earlier than anticipated. Furthermore, these proposed Riverland DRI development order conditions will result in timing changes and unreviewed impacts to the planned roadway network.

If you have any questions regarding this information, please contact me via phone at (772) 794-4100 or via email at nick.mora@kimley-horn.com.

Kimley-Horn
and Associates, Inc.

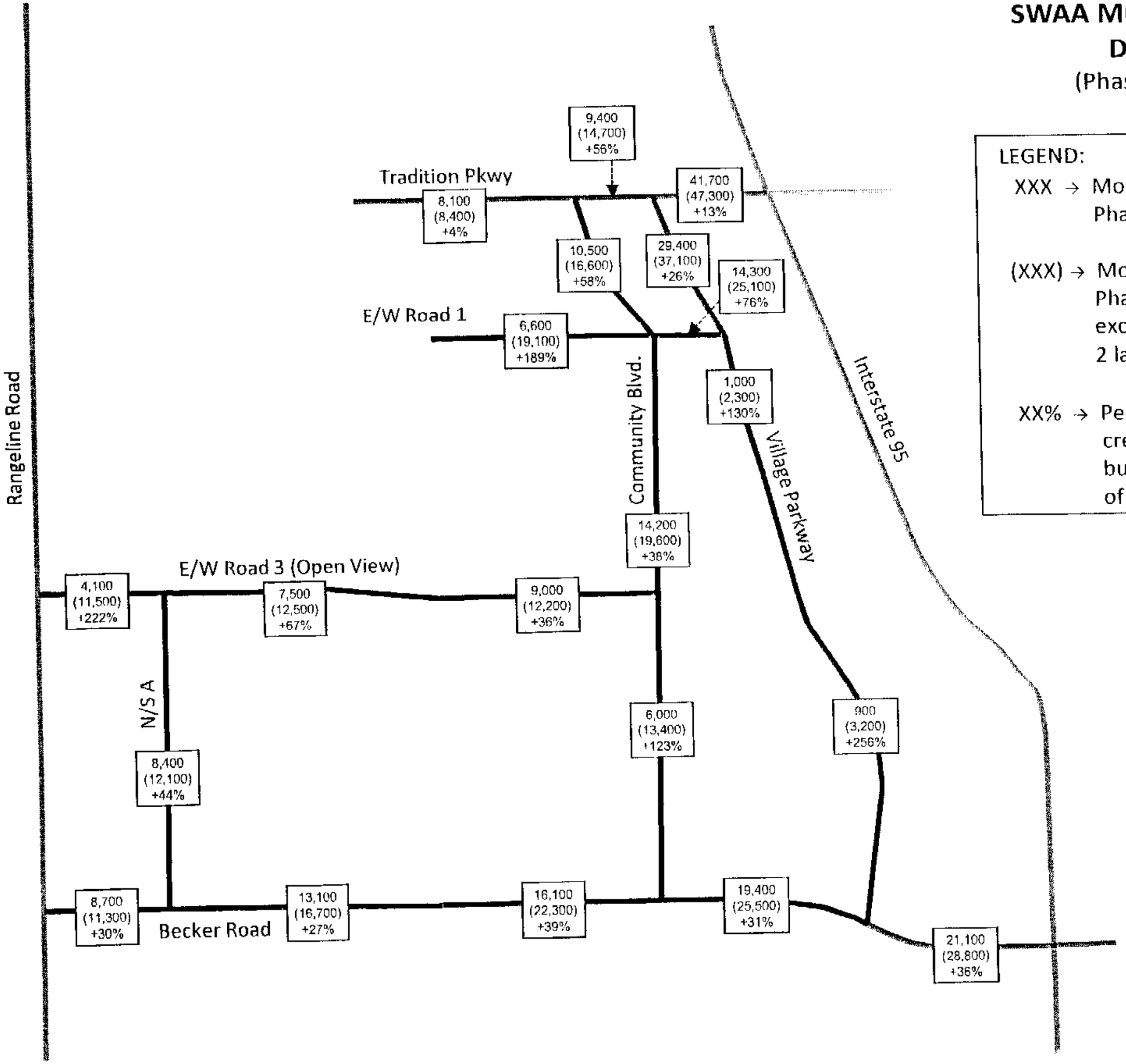
ATTACHMENTS

Kimley-Horn
and Associates, Inc.

SCENARIO 2
MODEL OUTPUT DETAILS

Note that scenario 2 contains Phase 1 land uses for all SWAA DRIs with the exception of Riverland (which Phase 2 land uses were included) on the Phase 1 road network

SWAA MODELING EVALUATION
DAILY VOLUMES
(Phase 1 Model Network)



LEGEND:

XXX → Model Volume associated with Phase 1 land uses for all DRIs

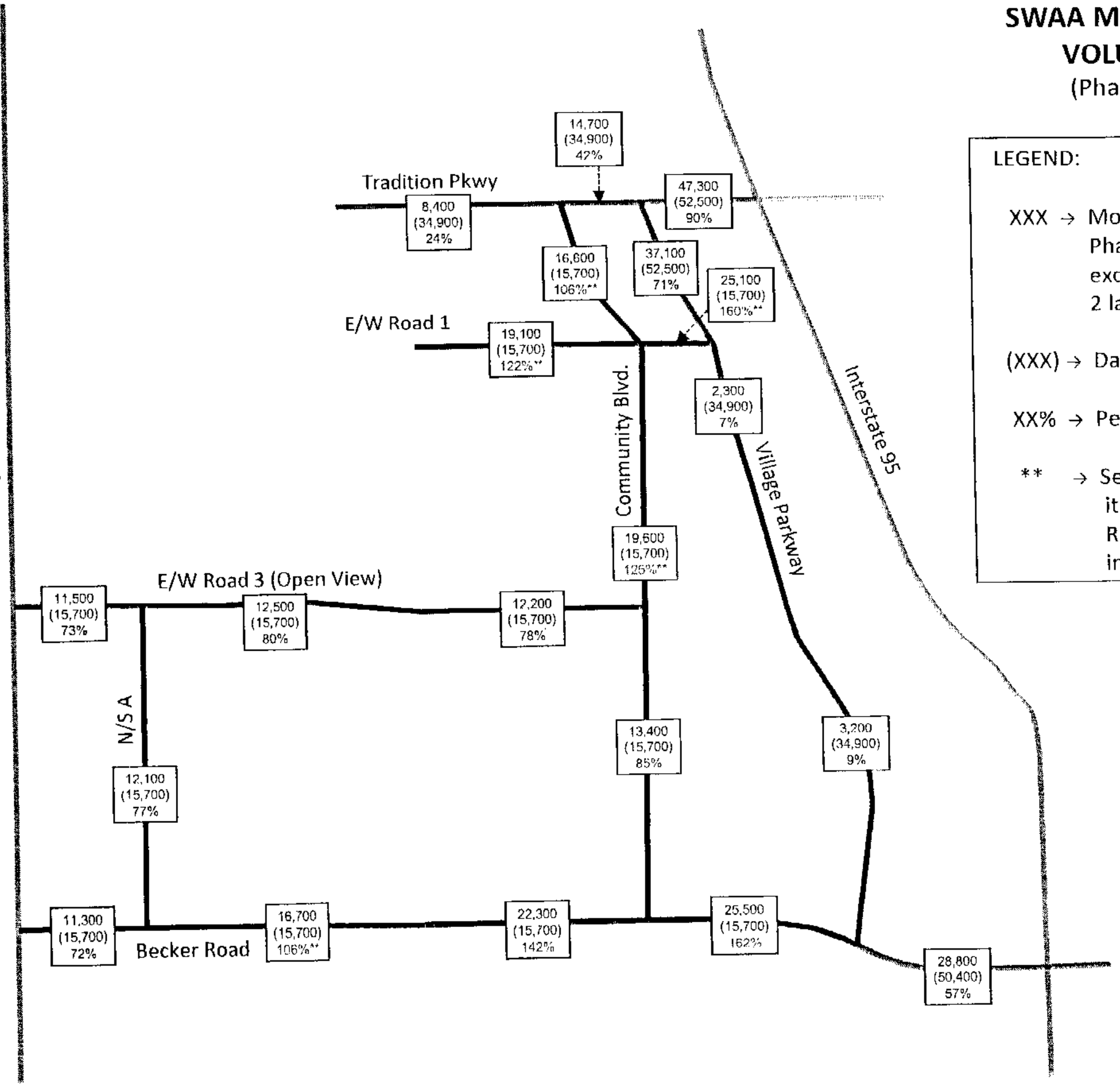
(XXX) → Model Volume associated with Phase 1 land uses for all DRIs except for Riverland, which Phase 2 land uses were included

XX% → Percent Difference in volumes created by allowing Riverland to build improvements upon the end of their phases

2-Lanes
4-Lanes
6-Lanes

4/3/2012

SWAA MODELING EVALUATION
VOLUME VS. CAPACITY
(Phase 1 Model Network)



LEGEND:

XXX → Model Volume associated with Phase 1 land uses for all DRIs except for Riverland, which Phase 2 land uses were included

(XXX) → Daily Capacity

XX% → Percent of Capacity

** → Segment is projected to exceed its capacity early as a result of Riverland 'backloading' its road improvement obligations

2-Lanes

4-Lanes

6-Lanes

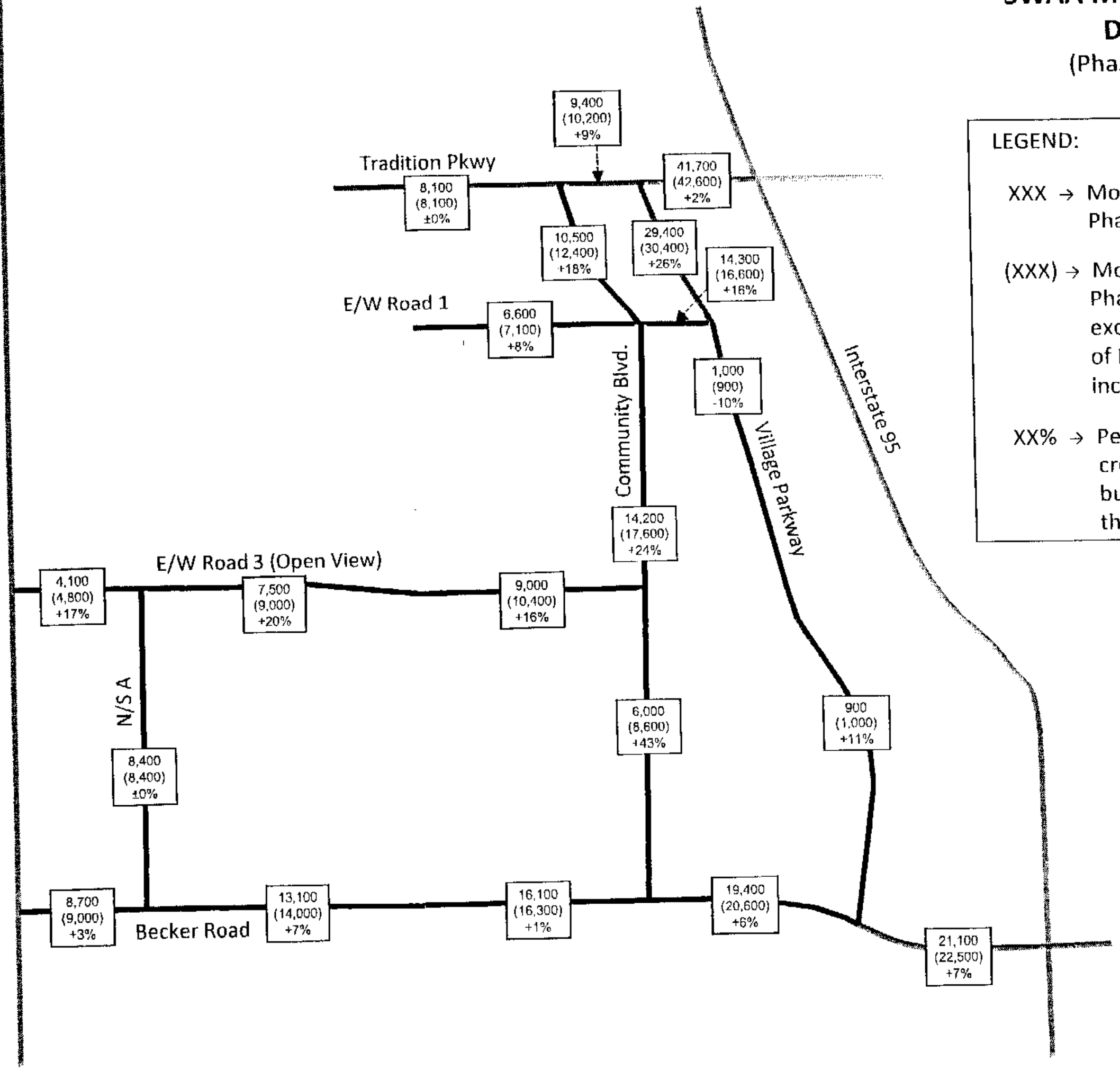
4/3/2017

Kimley-Horn
and Associates, Inc.

SCENARIO 3
MODEL OUTPUT DETAILS

Note that scenario 3 contains Phase 1 land uses for all SWAA DRIs with the exception of Riverland (which 6,449 residential dwelling units were included) on the Phase 1 road network

SWAA MODELING EVALUATION
DAILY VOLUMES
(Phase 1 Model Network)



LEGEND:

XXX → Model Volume associated with Phase 1 land uses for all DRIs

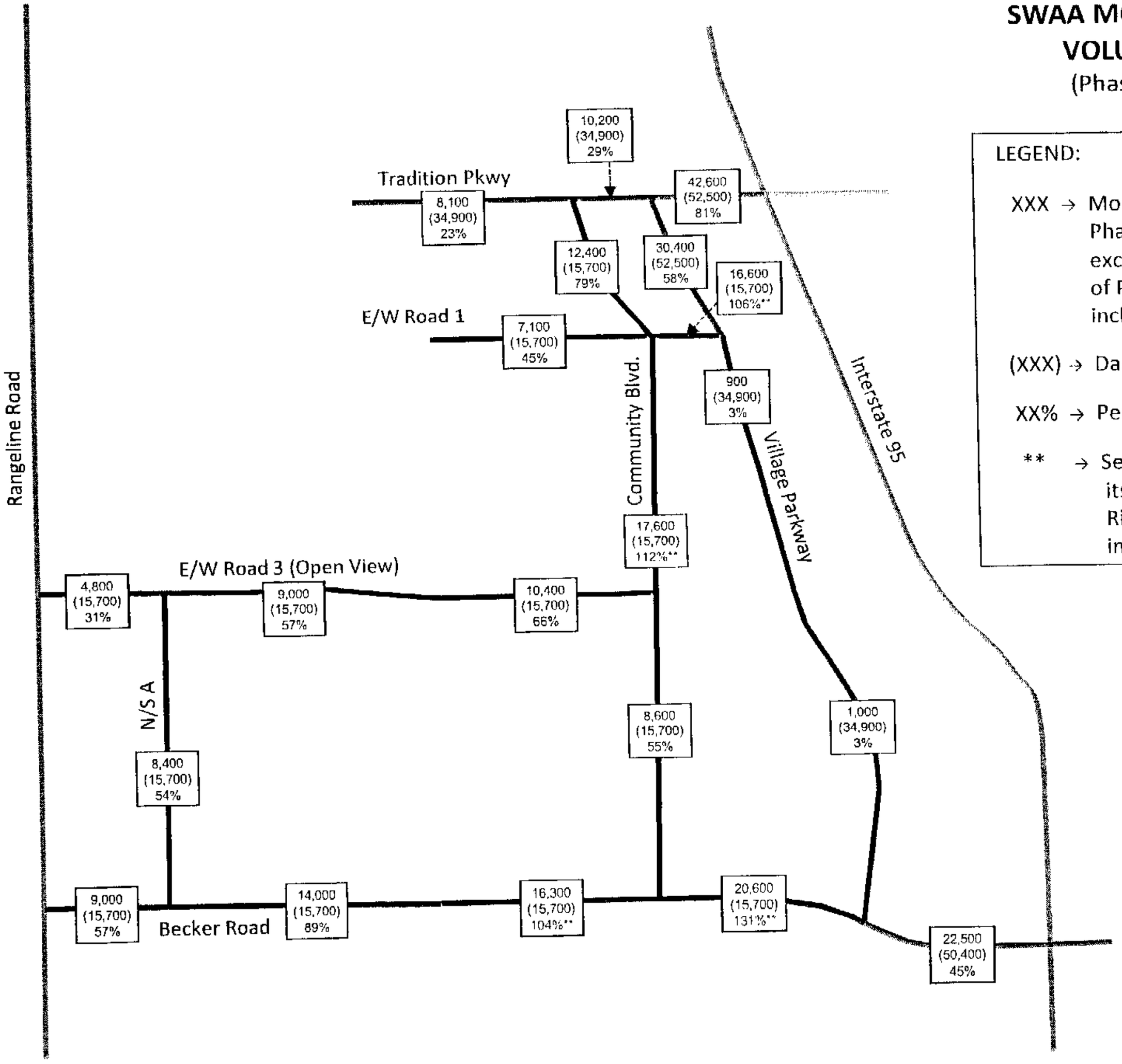
(XXX) → Model Volume associated with Phase 1 land uses for all DRIs except for Riverland, which a portion of Phase 2 residential units were included

XX% → Percent Difference in volumes created by allowing Riverland to build development prior to their road improvement obligations.

2-Lanes
4-Lanes
6-Lanes

6/19/2012

SWAA MODELING EVALUATION
VOLUME VS. CAPACITY
(Phase 1 Model Network)



LEGEND:

XXX → Model Volume associated with Phase 1 land uses for all DRIs except for Riverland, which a portion of Phase 2 residential units were included

(XXX) → Daily Capacity

XX% → Percent of Capacity

** → Segment is projected to exceed its capacity early as a result of Riverland delaying its road improvement obligations

2-Lanes
4-Lanes
6-Lanes

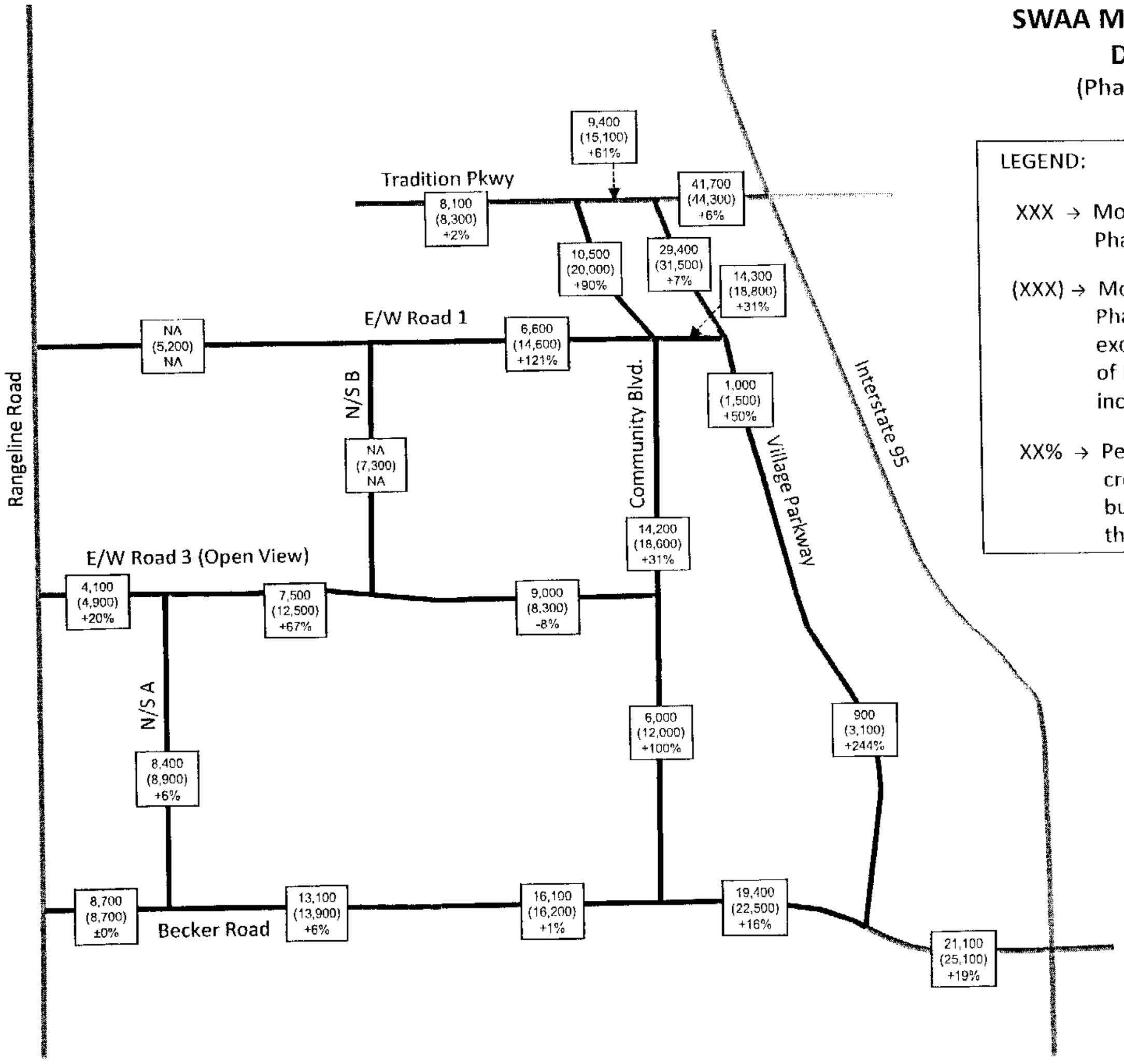
6/19/2012

Kimley-Horn
and Associates, Inc.

SCENARIO 4
MODEL OUTPUT DETAILS

Note that scenario 4 contains Phase 1 land uses for all SWAA DRIs with the exception of Riverland (which 10,399 residential dwelling units were included in addition to its Phase 1 non-residential components) on the Phase 1 road network plus four of the seven identified improvements within the Riverland DRI

SWAA MODELING EVALUATION
DAILY VOLUMES
(Phase 1 Model Network)



LEGEND:

XXX → Model Volume associated with Phase 1 land uses for all DRIs

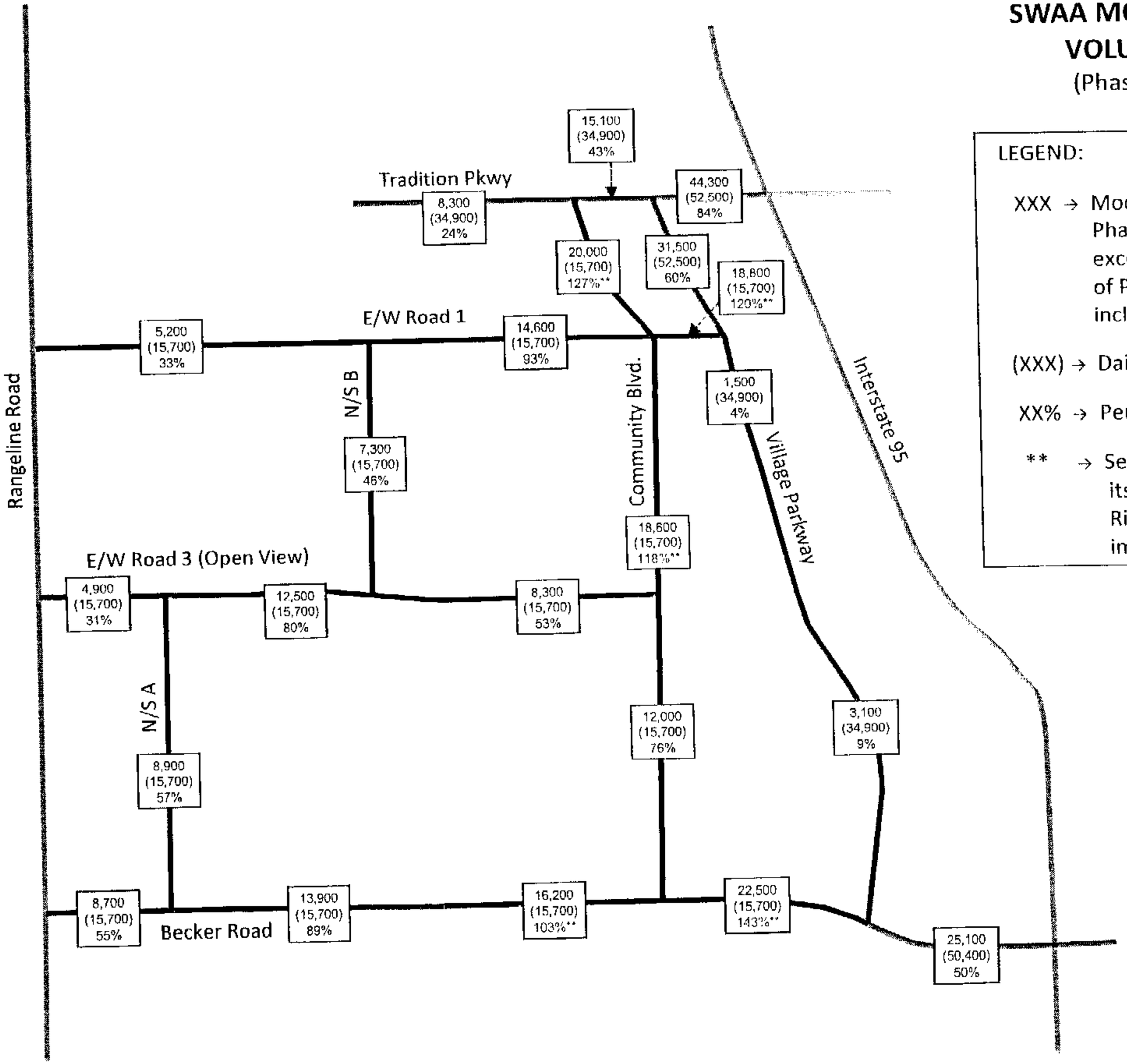
(XXX) → Model Volume associated with Phase 1 land uses for all DRIs except for Riverland, which a portion of Phase 2 residential units were included

XX% → Percent Difference in volumes created by allowing Riverland to build development prior to all of their road improvement obligations.

2-Lanes
4-Lanes
6-Lanes

6/25/2012

SWAA MODELING EVALUATION
VOLUME VS. CAPACITY
(Phase 1 Model Network)



LEGEND:

XXX → Model Volume associated with Phase 1 land uses for all DRIs except for Riverland, which a portion of Phase 2 residential units were included

(XXX) → Daily Capacity

XX% → Percent of Capacity

** → Segment is projected to exceed its capacity early as a result of Riverland delaying its road improvement obligations

2-Lanes
4-Lanes
6-Lanes

6/25/2012

Traffic Engineering Data Solutions, Inc.

Ref: 10437

June 20, 2012

RECEIVED

JUN 21 2012

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

Mr. Gustavo Schmidt, P.E.
District Planning and Environmental Engineering
Florida Department of Transportation
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309

RE: Response to FDOT Comments on Riverland/Kennedy DRI - NOPC #2

Dear Mr. Schmidt:

In response to your letter to the Treasure Coast Regional Planning Council, dated June 5, 2012, it should first be noted that proportionate share is a mitigation method allowed by statute which provides DRI's an equitable method for addressing impacts to the transportation system. Based on analyses previously provided to the Department, the roadway commitments included in the revised Riverland-Kennedy Development Order well exceed the development's proportionate-share responsibility. Regardless, we recognize that the primary road of interest for the Department is the I-95 corridor. In that regard, the proposed modification to the Riverland-Kennedy Development Order will not create any additional unreviewed impacts to I-95 based on the following.

Village Parkway is an existing four-lane roadway that extends from Becker Road to north of Gatlin Boulevard up to Crosstown Parkway, thereby accommodating local trips between the Becker Road, Gatlin Boulevard, and Crosstown Parkway interchanges. At buildout of all four DRIs in the Western Annexation Area, per Table I – 2025 of Appendix F of the Western Annexation Traffic Study (WATS), the average peak-hour directional volume on Village Parkway between Becker Road and Gatlin Boulevard is 1,655 vehicles per hour (vph) northbound and 1,472 vph southbound. In addition to Village Parkway, Community Boulevard will be two-laned, from Becker Road to Gatlin Boulevard, as a Phase I condition of the Riverland-Kennedy DRI. At buildout of all four DRIs, per the WATS, the average northbound and southbound peak-hour directional volumes on Community Boulevard between Becker Road and Gatlin Boulevard are projected to be 830 vph and 1014 vph, respectively. Recognizing that Village Parkway and Community Boulevard are parallel roadways that will function as a north-south system, the volumes were combined resulting in 2,485 vph northbound and 2,486 vph southbound. Both of these combined directional volumes are less than the combined directional capacity of 2,720 vph (1,860 + 860) indicating that as a system Village Parkway and Community Boulevard will be able to accommodate the projected volumes at buildout of the four DRIs included in the WATS.

It is also very important to note that I-95, from Becker Road to Gatlin Boulevard, is, on average, projected to be nearly 30 percent (3846 volume versus 5410 capacity) below capacity at buildout of the four DRIs (see Table E – 2025 of Appendix G of the WATS). Additionally, this evaluation does not even consider the fact that Village Parkway will be six-laned and Community Boulevard four-laned prior to buildout of the DRIs.

156 McGregor Road, Unit A • DeLand, FL 32720 • Phone 386.738.1050 • Fax 386.738.1055
www.teds-fl.com

In the discussion above, it is recognized that the example reflects additional north/south roadways (N/S A and N/S B). However, these roadways are required commensurate with the impacts of the DRIs. Thus, should certain roadways not be in place at a certain time, than the cumulative impact of the DRIs will be reduced.

As another point, two additional north-south roadways (N/S A and N/S B) will be constructed prior to the end of Phase II of the Wilson Grove and Riverland Kennedy DRIs, with both roadways being four-laned prior to buildout of the DRIs. Per Table I – 2025 of Appendix F of the WATS, the average peak-directional volume on N/S B at buildout of the DRIs is 662 vph. This equates to 36 percent of the four-lane capacity thus indicating that ample parallel north/south capacity will be provided.

Thus, with the existing facilities, the roadway commitments of the four DRIs, the fact that these commitments are required commensurate with development impacts, the cumulative excess capacity expected on all the committed north/south facilities, and the available capacity on I-95, it can therefore be concluded that the proposed modification to the Riverland-Kennedy Development Order will not create any new unreviewed impacts to I-95.

Sincerely,

TRAFFIC ENGINEERING DATA SOLUTIONS, INC.

Chris J. Walsh, P.E.
Senior Project Manager

cc. Michael Busha, TCRPC
Daniel Holbrook – City of Port St. Lucie
Anne Cox – City of Port St. Lucie
Roxanne Chesser – City of Port St. Lucie
D. Ray Eubanks – FDEO

RICK SCOTT
GOVERNOR

Florida Department of Transportation

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

ANANTH PRASAD, P.E.
SECRETARY

June 5, 2012

Mr. Michael J. Busha, AICP
Executive Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, FL 34994

SUBJECT: Riverland/Kennedy Development of Regional Impact (DRI)
Notice of Proposed Change (NOPC)
City of Port St. Lucie, St. Lucie County

Dear Mr. Busha:

The Department has received the Treasure Coast Regional Planning Council's (TCRPC) comments dated May 24, 2012, regarding the Riverland/Kennedy DRI Notice of Proposed Change (NOPC), and is transmitting this letter in support of the Council's comments.

The Riverland/Kennedy DRI is located west of I-95 and Community Drive, and is one of four DRIs located in the Western Annexation Area of City of Port St. Lucie. In this proposed NOPC, the applicant requests modification to the transportation-related Development Order (DO) conditions to mitigate their offsite impacts through a pipelining/proportionate share approach. This approach is based on a lane-mile allocation method developed by the City of Port St. Lucie. No modifications to the previously approved land uses or development intensities are currently being proposed.

As noted in our letter of May 3, 2012, the Department continues to have concerns with the pipelining/proportionate share mitigation approach. This approach does not provide assurance that all needed roadway mitigation projects will be constructed in a timely manner to address the combined project impacts of all four DRIs. The Department concurs with TCRPC that any delay with Riverland/Kennedy improvements would concentrate traffic on the remaining roadways. This would potentially create additional unreviewed impacts to I-95 and its interchanges, caused by short interchange-to-interchange trips that would normally use non-SIS facilities if the WATS roadway transportation network were to be built on-schedule. (The same concerns about the WATS transportation network also apply to the other DRIs of the Western Annexation Area.)

The Department has the statutory responsibility to review and provide comments on DRIs and their transportation impacts on regionally significant roadways including Strategic Intermodal System (SIS) facilities, such as I-95. We suggest a condition similar to what has been suggested for the Southern Grove DRI by the Department in its letter of May 18, 2012, be considered by the City of Port St. Lucie and included in the Amended Development Order.

The following is suggested condition language for consideration:

> *"Coordinate with the Southern Grove DRI regarding the results of the monitoring of the operational level of service conditions and any subsequent operational analyses along I-95 from south of Becker Road to north of Crosstown Parkway, at the Tradition Parkway/Gatlin Boulevard and I-95 interchange, and at the Becker Road and I-95 interchange. Should the operational analyses suggest that the interstate or the subject interchanges are reaching the adopted level-of-service threshold, participate in the collaborative development and implementation of a mitigation program to include, but not limited to: FDOT, the City of Port St. Lucie, and the developer."*

Finally, the original DO was a joint agreement among the four DRIs within the Western Annexation Area. From a transportation perspective, their interactions were estimated in order to develop a singular set of DO conditions. As the Department has noted on several occasions, the proposed changes to Riverland/Kennedy, Southern Grove, and Wilson Grove are significant enough to change those estimated interactions. Therefore, we reiterate our suggestion that the affected parties convene a transportation meeting to discuss these changes and devise an effective coordinated strategy to address their impact on the transportation system.

In conclusion, the Department supports the TCRPC's technical review comments, dated May 24, 2012, offered for the Riverland/Kennedy DRI NOPC. If you have any questions, please contact us at (954) 777-4601.

Sincerely,

Gustavo Schmidt, P.E.
District Planning and Environmental Engineer

GS: k&s/cw

cc: Daniel Holbrook – Planning & Zoning Director, City of Port St. Lucie
D. Ray Eubanks – Community Development, FDEO
Kathleen Neill – Director, Office of Policy Planning, FDOT
Gerry O'Reilly – Director of Transportation Development, FDOT
Nancy Ziegler – District Modal Development Administrator, FDOT
Steve Braun – Transportation Planning and Environmental Manager, FDOT
Shi-Chiang Li – Systems Planning Manager, FDOT
Chon Wong – Senior Transportation Specialist, FDOT

Item # 7(B)

FOWLER WHITE BOGGS
Attorneys at Law
Est 1943

Kenneth L Bednar
Direct Dial: 954-703-3900
Direct Fax: 954-703-3939
kenneth.bednar@fowlerwhite.com

June 4, 2012

VIA EMAIL TRANSMISSION AND U.S. MAIL

Daniel L. Holbrook, AICP
Director of Planning and Zoning
City of Port St. Lucie
121 S.W. Port St. Lucie Blvd.
Building A
Port St. Lucie, Florida 34984

Re: Riverland/Kennedy DRI – Amendment to Development Order

Dear Mr. Holbrook:

As you are aware, we represent the owners of the Wilson Groves Development of Regional Impact ("DRI"). In that capacity we offer the following comments regarding the pending Application of the Riverland/Kennedy DRI (R-K) presently scheduled for hearing before the Planning and Zoning Board (P&ZB) on Tuesday, June 5, 2012 at 1:30 p.m. In anticipation of the City's consideration of the request to amend certain conditions of approval of the Project regarding the phasing, expiration and termination dates of R-K DRI road improvements representatives of Wilson Groves have reviewed the original requirements of the DRI developer contained in the Annexation Agreement and Western Annexation Traffic Study (WATS). Wilson Groves additionally has reviewed the correspondence from the Treasure Coast Regional Planning Council (TCRPC) to you dated April 18, 2012, R-K LLP's response to that correspondence directed to TCRPC dated April 25, 2012, TCRPC's correspondence to you, dated May 24, 2012 and R-K LLP's response to that correspondence directed to TCRPC dated May 30, 2012. Clearly, the Council has expressed in its May 24, 2012 response to the R-K DRI Developer's letter of April 25, 2012 serious concerns regarding the construction of needed roadway improvements and the phasing of those improvements. Notably, the Council has specifically identified five (5) significant concerns along with five (5) comments/recommendations which it believes should be considered by the City when considering the R-K DRI Developer's Application.

Wilson Groves DRI is concerned that many issues have been raised in the last week, prior to the upcoming June 5, 2012 Planning and Zoning hearing and the applicant, DRI Developer, has failed to meaningfully and adequately address those concerns as well as the concerns expressed by the P&ZB at the last hearing of April 3, 2012 and which served as grounds for the

unanimous vote to table this DRI Developer's Application at that time. It is evident from the correspondence authored by the R-K DRI Developer in response to the TCRPC comments dated both April 18 and May 24, 2012 that the applicant DRI Developer has taken no meaningful action whatsoever to address those concerns including but not limited to performing a transportation engineering study or otherwise providing data or expert testimony in support of the revisions sought in the Application. Wilson Groves made a presentation in opposition to the Application detailing the inconsistencies between the Application and the Annexation Agreement and the WATS at the last Planning and Zoning hearing. In simple terms, the DRI Developer applicant has failed to address two (2) specific concerns raised by Wilson Groves DRI which criticized the applicant's attempt to backload the construction of roadways in a fashion inconsistent with those agreed to in the Annexation Agreement executed by all of the DRI Developers and identified in the WATS. Despite Wilson Groves DRI specifically identifying and providing expert testimony as to those inconsistencies and the pitfalls in the applicant's reliance upon future roadway monitoring to identify potential roadway failures within the applicant's responsibility, the applicant has taken no meaningful steps to adequately address those concerns and refute the expert testimony in preparation for the June 5, 2012 hearing.

The Application which the P&ZB is being requested to consider on June 5, 2012 is essentially unchanged from that Application which was considered and tabled by the P&ZB at its last hearing on April 3, 2012. Wilson Groves is concerned that this essentially unchanged Application is again scheduled for hearing before the P&ZB in the absence of any transportation study, expert testimony or other evidence refuting and resolving the concerns raised both by Wilson Groves and the P&ZB at previous hearing. It should be noted that the distinction between the ability of the Wilson Groves DRI Developer to proceed last year and the Southern Grove DRI Developer's ability to proceed more recently, is that each of those DRI Developers performed the required transportation analysis in support of their respective amendments as opposed to the current applicant, R-K DRI, who has not.

Wilson Groves DRI requests the postponement of this item given all of the significant issues which have and continue to be raised without adequate consideration and resolution. Wilson Groves DRI respectfully requests a meeting with the City of Port St. Lucie, all DRI developers, the TCRPC in order to discuss and amicably resolve the issues raised by the pending Application by the R-K DRI developer.

Representatives of Wilson Groves will be happy to meet with you and any staff or other representatives of the City of Port St. Lucie to more fully discuss the issues concerning the Application if you feel that would prove helpful. It is the sincere intent of Wilson Groves in requesting a meeting with all interested parties, to ensure the equitable treatment of all DRI developers while maintaining the rights and obligations contained in the original Annexation Agreement between the DRI developers and the City of Port St. Lucie.

Wilson Groves and its representatives look forward to and anticipate a productive and meaningful dialogue with the City of Port St. Lucie and all interested parties. Thank you for your anticipated prompt response and consideration.

Very truly yours,

Fowler White Boggs P.A.

Kenneth L Bednar

KLB/bfc

Cc: Mayor JoAnn M. Faiella
Vice Mayor Linda Bartz
Councilwoman Michelle Lee Berger
Councilwoman Shannon M. Martin
Councilman Jack Kelly
Greg Oravec, City Manager
Pam E. Booker, Esq., Senior Assistant City Attorney
Anne Cox, Assistant Director of Planning and Zoning
Wesley S. McCurry, Fishkind & Associates
Roger Sims

44701223v1

Riverland/Kennedy LLP
1600 Sawgrass Corporate Parkway
Suite 400
Sunrise, Florida 33323

Michael Busha
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, Florida 34994

May 30, 2012

RE: Riverland/Kennedy DRI – NOPC #2
Response to May 24, 2012 letter from TCRPC

Dear Michael,

As you know, we have not asked for any increase in entitlements to our DRI, and the purpose of our NOPC is to simply amend our development order to be consistent with Amendment #3 to the Annexation Agreement and to bifurcate our road conditions consistent with the desires of City staff. The City has chosen to allocate the road network improvements, to 3 of the 4 developers who participated in the WATS, on the basis of "lane miles". We have also previously provided documentation to all reviewing agencies reflecting that our traffic conditions far exceed our proportionate share, as defined by State Statutes. We have also previously provided to you documentation from our traffic consultant which shows that four of the links assigned to us in our traffic conditions were never justified to be 4 lanes based on the trip levels indicated in the WATS. Clearly we have more than mitigated for our traffic impacts.

Despite our objection, the City chose to move forward with the bifurcation on an individual project basis, rather than to deal with all three projects at the same time. At this time, the other two projects have been approved and we are all that is left. It is impossible and incredibly unfair at this time, to point out the shortcomings of any bifurcation plan proposed by the City and expect that the last DRI through the door is going to be able to make any changes to the City's plan. Instead, we have tried very hard to meet the City's plan.

In regard to your comments about trip thresholds, we would like to point out that the City understands that they can no longer issue or guarantee bonds for the construction of road obligations for privately owned developers. As you know, Southern Grove built a number of roads at the beginning of their project, mostly based on the need to have an I-95 parallel service road (Village Pkwy.) to secure approval of the Interchange Justification Report for the Becker Rd. interchange, and the City issued SAD bonds to build these roads. This heavy debt burden resulted in the developer forfeiting their property to the lender, and the City has subsequently established the project as a CRA district. Building roads up front is not a path for financial feasibility. The City has avoided this pitfall with their road conditions in the proposed development orders. The City has indicated that they are comfortable that the monitoring provisions in Condition 15 will meet their needs to assure that a functioning road network is built as development occurs.

Regarding Comment 1 of your letter, it should be noted that your comment that "all roads are to be built 2,500 feet at a time", is incorrect. Only 3 links included in Table 1, Access Roads, are scheduled to be built 2,500 feet at a time. The balance of the road conditions are noted as complete links. There is no need to build these initial 3 links in their entirety for access, as they would be dead end roads which are not needed until further development occurs. All of these links are otherwise completed in their entirety by the end of Phase I, pursuant to Table 1 and Table 2 requirements.

It should be noted here that the previously approved DO for Wilson Grove provides that all 2,200 residential units in their Phase I can be built without providing for any of the Phase I roads within their DRI. The Wilson Grove DO must only provide access roads to the boundary of their DRI. Further, there is no date established for Wilson Grove to provide construction of the initial 2 lanes of Becker Rd. and phasing delays have been granted to Southern Grove for construction of E/W #3. It should also be noted that, as a result of the huge increases in entitlements granted to Southern Grove, the road improvements required in their DO will be extended over much larger trip thresholds, which will certainly delay these improvements beyond the original WATS projections. And as pointed out in prior correspondence to all reviewing agencies, the significant increase in intensities in Southern Grove actually resulted in a decrease in required network roads. To suggest that the Southern Grove substantial deviation is acceptable as approved and then to suggest that Riverland/Kennedy is not, does not make sense on any level of traffic analysis.

In light of the DO conditions noted above for both Southern Grove and Wilson Grove, it should be evident that any acceleration on road construction by the Riverland/Kennedy DRI as proposed in Comment 2 of your letter, would only result in dead end roads unless all other DRI's were also conditioned to complete the network in a simultaneous time frame, which they aren't. Clearly this is why the City has chosen to allocate each of the 3 DRI's with Access Roads and provisions to otherwise provide completion of the network as development occurs. The City of Port St. Lucie has worked with Wilson Grove and Southern Grove to establish DO conditions which were acceptable to both of those developers in regard to access and required road improvements. We are now being allocated our access roads and network road conditions as outlined by the City.

Comment 3: The City chose to establish conditions for road improvements individually with each developer. Again, we are in agreement with the road conditions that the City has established in our DO. We have no process to establish road conditions for other developers.

Comment 4: Your first comment is incorrect. Adult housing is a permitted use within Residential areas in a NCD district. And in fact all 3 DRI's in the SW annexation area have restrictions with the School board requiring a certain amount of adult housing. In the case of Riverland/Kennedy, we are required to build at least 1,200 age-restricted adult housing units.

Your second comment in paragraph 4 is incorrect. In previous phases of the WATS, such as Phase 2 where there was approximately 550ksf of research/office within Riverland/Kennedy, the WATS used the same equation presented in Exhibit "E". In fact, it could be argued that Exhibit "E" should not include the 1.49 trips per ksf rate as that rate was never used in the WATS for office uses within Riverland Kennedy.

In regard to your 3rd and 4th comments in paragraph 4, we have changed Middle School to High School, and we have updated our Exhibit "E" to reflect the correct passer-by capture as noted.

In regard to your 5th comment in paragraph 4, we have deleted Hotel, as this is not an approved use in our development, so this use would not apply anyway. In regard to the interaction between industrial and residential/commercial, we have deleted this interaction option even though this is the same calculations as used for Southern Grove based on applicable ITE rates.

Comment 5: The park acreage has been changed pursuant to Amendment #3 of the Annexation Agreement and the revised acreages are dealt with in Condition 54 of the revised DO. School dedications have been dealt with in the recorded agreement with the School District as noted in Condition 49 of the revised DO. We have added a footnote to Condition 3 noting the breakdown of Multi-Family and Single family. Otherwise the deletion of Condition 3 is consistent with the same in both the Southern Grove and Wilson Grove DO's which have been previously approved.

Comment 6: The extension of build-out dates has been documented and we are in agreement with the City should they chose to note this in a Whereas.

Comment 7: We agree with City staff, that the condition is satisfied and therefore does not need to be referenced in the DO.

Comment 8: As discussed with TCRPC representatives at our May 7th, the applicant has met it's traffic mitigation requirements pursuant to it's proportionate share allocation of network roads in Tables 1 and 2. Any roads within tables 3 and 4 are the responsibility of the City pursuant to the Annexation Agreement and subsequent DO's. These tables would best be deleted, but should they remain, as requested by the City, the appropriate threshold should be 14,372, as the developer should have no mitigation requirements for these roads unless the build-out of the project is expanded beyond the original impacts reflected in the WATS.

Comment 9: These conditions were deleted in the Southern Grove DO which was just approved with an explanation that the conditions were satisfied. We have reflected the same, and again, these conditions are beyond the mitigation required by the Riverland/Kennedy DRI.

Comment 10: Exhibit "C" is identical to the original DO and no changes have been made to this exhibit. We would like to have an Exhibit similar to that in the Southern Grove DO, but have been told by City staff to leave the Conversion Matrix the same as it was in the original DO.

With Kind Regards,

Glenn Ryals

CC: City of Port St. Lucie – Anne Cox, Planning and Zoning Department
CC: Florida Department of Transportation – Chon Wong
CC: Department of Economic Opportunity – D. Ray Eubanks, Administrator

TREASURE COAST REGIONAL PLANNING COUNCIL
INDIAN RIVER – ST. LUCIE – MARTIN – PALM BEACH

May 24, 2012

Mr. Daniel Holbrook, AICP
Director of Planning & Zoning
City of Port St. Lucie Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

Subject: Riverland/Kennedy Development of Regional Impact Notice of Proposed Change

Dear Mr. Holbrook:

In accordance with the requirements of Section 380.06(19), Florida Statutes, Council has reviewed the Riverland/Kennedy Development of Regional Impact (DRI) Notification of a Proposed Change (NOPC). To date Council has received and reviewed the following documents:

- Notification of a Proposed Change Application dated February 24, 2011
- Conditions of Approval – Exhibit B received by Council on March 9, 2012
- Letter from Glenn Ryals to Michael Busha dated March 21, 2012
- Responses to Agency Comments dated March 21, 2012
- Letter from Glenn Ryals to Michael Busha dated April 25, 2012
- Revised Conditions of Approval – Exhibit B received by Council on April 25, 2012
- Memorandum from Chris Walsh to Glenn Ryals dated November 9, 2011 and received by Council on May 7, 2012

Council has previously transmitted comments reviewing the NOPC on April 6, 2011, January 9, 2012, and April 18, 2012. This letter serves to amend Council's comments based on the documents received after April 18, 2012; information received at a meeting on May 7, 2012 with City of Port St. Lucie staff and representatives of the developer; and discussions with representatives of adjacent DRIs.

Council staff reviewed proposed Development Order (DO) conditions which may have an impact on the transportation network. Even though the NOPC has not been revised, the proposed DO conditions are significantly different than those included in the NOPC. Transportation Conditions 13, 15, 17-27, 29, and 31 are proposed to be amended. In addition, changes to phasing and buildout dates are also proposed.

Riverland/Kennedy was one of the four DRIs included within the Western Annexation Traffic Study (WATS). The study assumed the roadway network necessary to support the proposed developments (Southern Grove, Western Grove, Wilson Groves, and Riverland/Kennedy) would be built when needed. Therefore, all four developments shared date specific conditions to provide the necessary roadway network within the WATS area. Not all developments have been proceeding as expected under the WATS. Wilson Groves and Southern Grove have recently amended their DOs to disconnect from the other developments so that they may proceed individually. Riverland/Kennedy is proposing the same, but not in a manner consistent with the WATS or according to the same standards to which the other DRIs are being held.

Council believes these inconsistencies, which are carried forward in the revised DO conditions, will cause additional and unreviewed regional impacts resulting in a substantial deviation under Section 380.06(19)(a), Florida Statutes. This conclusion is based on the following general concerns related to how some of the DO transportation conditions have been amended:

- Construction of needed roadway improvements is postponed until the completion of each development phase instead of at the beginning of each phase. A result of this change, for example, is that 7,900 housing units and 1,572,700 square feet of non-residential development could be built in Phase 2 without a sufficient WATS roadway network to support it until some time after Phase 2 development is completely constructed. Monitoring Condition 15 would be ineffective in ensuring the necessary roadway network is constructed when needed, because this condition does not require monitoring of the entire WATS roadway network.

- Incremental construction of regional roadway links, as allowed under the revised DO conditions, does not guarantee the construction of an interconnected WATS network will be completed when needed. If all interconnections to complete the WATS network are not established when needed, traffic will be diverted to existing portions of the network where it will likely exceed existing capacities. Delaying Riverland/Kennedy's improvements until the end of their phases would negatively impact existing roads within the adjacent DRIs, the City and I-95 because more trips will rely more heavily on fewer roads for which no supporting traffic studies have been submitted (e.g., I-95, Tradition Boulevard, and Becker Road). While such impacts may be better absorbed in more established urban areas of the City where a complete network of streets and variety of travel routes already exist, this is not so for the Southwest Annexation Area which is "greenfield" development relying on a very limited roadway network and I-95 for mobility.

More specifically, the concerns are as follows:

1. Table 1 included in Condition 18 summarizes roadways which need to be built in order to provide access to Riverland/Kennedy. With the exception of Community Boulevard between Discovery Way and E/W 3, all other roads are to be built 2,500 feet at a time. Trip thresholds and residential units are included in the table to determine when roads are to be built. Consistent with the WATS, entire road segments that are currently included in the DO to be provided in Phase 1 should be provided prior to development. This table as proposed to be included in the DO would create unreviewed regional transportation impacts which would result in a substantial deviation. The table should be amended to include all roadway improvements necessary in Phase 1 without any thresholds. The roadway improvements provide access not only to Riverland/Kennedy, but also to Wilson Groves and Southern Grove.

2. Table 2 presented in Condition 19 includes trip thresholds that are inconsistent with those identified in the WATS. This revised condition would create unreviewed regional transportation impacts, which would result in a substantial deviation. Roadway improvements should be provided at the beginning of the phase requiring the improvement, not at the end of it. As such, all trip thresholds should be revised to ensure the impact is mitigated concurrent with development. The table should be revised to include the following trip thresholds:

    - Phase 1 – Prior to development
    - Phase 2 – 3,219
    - Phase 3 – 10,935
    - Phase 4 – 13,461

3. All improvements identified in the City to be provided by Riverland/Kennedy are included in either Table 1 or 2 (Conditions 18 and 19). However, the following roadway widenings rely on Wilson Groves completing a series of new 2-lane roads:

    - E/W 3 from N/S A to N/S B
    - N/S B from E/W 3 to Paar Dr.
    - N/S B from Paar Dr. to Becker Rd.
    - Becker Rd. from Community Blvd. to N/S B

    While the improvements above are included in the DO for Wilson Groves, their threshold is based on trips or residential development. If Wilson Groves does not develop according to schedule, the required roads may not be available when needed

by Riverland/Kennedy (i.e. the widening may be required prior to building of the road by Wilson Groves). If Riverland/Kennedy builds out prior to Wilson Groves, some roadway improvements may never be built because of the way these DO Conditions are worded. However, these roadways will be necessary at buildout of all developments within this area. This situation, which could potentially occur, would create unreviewed regional transportation impacts and result in a substantial deviation. The City should evaluate this possibility and determine a way to make sure it will not happen. One option is to specify the improvement as: "widen to 4LD or new 2L." If conditions are specified the same way in all DOs (Wilson Groves and Southern Grove), the situation described above would not occur.

4. The following inconsistencies were found in Exhibit "E":

   - Table 1: Adult housing detached and adult housing attached are not approved uses in the development. Therefore, these uses should not be included in the table.
   - Table 1: The equation for research and office (>500 ksf) is inconsistent with that used in the WATS. This equation was used for 1,361,249 sf of office. The table should be revised to: research & office (>1,361 ksf).
   - Table 1: Middle school is not an approved use in the development. However, high school is an approved use. Middle school should be replaced with high school and the corresponding trip generation rate.
   - Table 2: Calculations for pass-by capture are inconsistent with those used in the WATS. The pass-by capture percentage is to be used in 75% of the commercial external trips. This revision should be made in the table as well as the examples.
   - Table 3: Hotel is not an approved use in the development. Therefore, internal capture to/from this use should not be included in the table. Similarly, interactions between industrial & residential and between industrial & commercial were not included in the WATS for this development. They should not be included in the table.

   The inconsistencies mentioned above should be revised to ensure thresholds are consistent with those included in the WATS. If the thresholds are inconsistent, there is the potential to create unreviewed regional impacts to the transportation network.

5. The phasing table in Condition 3 should be revised to include the following information, because it was relied upon in the WATS and it is not included anywhere else in the DO:

- Single-family residential: 8,424 dwelling units
- Multi-family residential: 3,276 dwelling units
- Schools: 75 acres to include one K-8 and one high school
- Regional park: 50 acres
- Recreational/Open space: 140 acres

The following comments/recommendations should be considered by the City:

6. The proposed DO extends both phases and buildout date by a cumulative 8 years which is presumed to be a substantial deviation. The developer has indicated this is consistent with extensions granted by the State under SB 360 for 3 years, HB 7207 for 4 years and Executive Order 11-172 for 10 months and 4 days. The City agrees with the developer. This information should be included in the DO "Whereas" statements as an explanation and justification for the extensions.

7. Condition 22 requires six-lanes on Crosstown Parkway between Bayshore Boulevard and US 1. Since the improvement appears to have been included in the first three years of the City's adopted Capital Improvement Program, the condition appears to have been satisfied. Whether or not the condition has been satisfied, it should be amended to include a threshold prior to buildout of the development.

8. Table 4 in Condition 21 includes the extension of Paar Drive between I-95 and Rosser Road at a trip threshold of 13,461. However, the notation below the table (**) includes a trip threshold of 14,372 for the same improvement. Both trip thresholds should be consistent at 13,461.

9. Table 3 in Condition 20 indicates the six lane section of Village Parkway between Tradition Parkway and Westcliffe Lane has been satisfied. It appears the segment between Westcliffe Lane and SW Meeting Street is only four lanes. The satisfied status should be deleted.

10. Table 2 in Exhibit "C" is inconsistent with the WATS as presented in the following table:

	Exhibit "C" - Table 2	WATS	Difference
Gross Trip Generation	17,880	18,470	(590)
Internal Capture	1,238	1,312	(74)
Pass-by Capture	1,846	486	1,360
Net Trips	14,796	16,672	(1,876)

The table is missing schools (2,500-student high school and 1,640-student elementary) and 172-acre park. The City should consider revising this table and the corresponding equivalency matrix to ensure consistency with the WATS.

Please copy Council on all correspondence concerning this NOPC. If the development order is amended, please transmit a certified copy of the adopted development order amendment pursuant to this notice of proposed change.

If you have any questions please do not hesitate to contact me.

Sincerely,

Michael J. Busha, AICP
Executive Director

MJB:lg

cc: Ray Eubanks, Florida Department of Economic Opportunity
James Stansbury, Florida Department of Economic Opportunity
Anne Cox, City of Port St. Lucie
Roxanne Chesser, City of Port St. Lucie
Kara Wood, St. Lucie County
Nicki van Vonno, Martin County
Gustavo Schmidt, Florida Department of Transportation
Chon Wong, Florida Department of Transportation
Maria Tejera, MTP Group, Inc.
Glenn Ryals, Riverland/Kennedy

Riverland/Kennedy LLP
1600 Sawgrass Corporate Parkway
Suite 400
Sunrise, FL 33323

May 17, 2012

William R. Blazak
Port St. Lucie Planning and Zoning Board Member
2191 Herron Avenue, S.E.
Port St. Lucie, FL 34952

RE: Riverland/Kennedy DRI, NOPC #2

Dear Mr. Blazak,

I am writing this letter to update the Planning and Zoning Board Members regarding our application.

City Planning and Zoning director, Daniel Holbrook, was kind enough to arrange a meeting with both FDOT and TCRPC on May 7th to discuss any remaining issues either of these reviewing agencies may have regarding our NOPC. A copy of those in attendance is attached.

Maria Tejera, traffic consultant for TCRPC, after a thorough discussion, indicated that she would look at our traffic conditions in light of the traffic conditions assigned to Southern Grove. She had not seen the traffic conditions which the City approved for the Southern Grove substantial deviation.

Peter Merritt, with TCRPC, indicated that he would coordinate with Maria Tejera to see if they would have any comments regarding our application.

Chon Wong, with FDOT only had two questions, both of which were related to Southern Grove. Mr. Wong had no comments regarding the Riverland/Kennedy DRI.

I wanted to share this information with the Board, as some board members had questions regarding the reviewing agency comments.

If you have any further questions regarding our application, I can be reached anytime on my cell phone, otherwise we look forward to bringing our NOPC back before you and the rest of the Board on June 5th.

With Kind Regards,

Glenn Ryals
(772) 932-4007 Cell

May 7, 2012

Riverland / Kennedy DRI

Name	Agency / Company	e-mail
Maria del Tejera	MTP Group / TCRPC	mtejera@mtpgroup.net
Anne Cox	City of Port St. Lucie	anne@cityofpsl.com
Peter Merritt	TCRPC	pmerritt@TCRPC.org
Daniel Holbrook	City of Port St. Lucie	dholbrook@cityofpsl.com
Glenn Ryals	G. L. Homes	glenn.ryals@glhomes.com
Chris Walsh	Tindale Eve. Data Solutions	cwalsh@tedd-fl.com
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Pam Booker	CityPSL	pbooker@cityofpsl.com
Roxanne Chesser	City of PSL	roxannec@cityofpsl.com
Chon Wong	FDOT (Teleconference)	

Florida Department of Transportation

RICK SCOTT
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

ANANTH PRASAD, P.E.
SECRETARY

May 3, 2012

Mr. Michael J. Busha, AICP
Executive Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, FL 34994

SUBJECT: Riverland/Kennedy Development of Regional Impact (DRI)
City of Port St. Lucie, St. Lucie County
Notice of Proposed Change (NOPC) — Revised Per Agency Comments

Dear Mr. Busha:

The Department has received and reviewed the Applicant's revised Notice of Proposed Change (NOPC) for the Riverland/Kennedy DRI. The resubmitted material is dated April 12, 2012, and represents the Applicant's response to comments provided on March 24, 2011.

The Riverland/Kennedy DRI is located west of I-95 and Community Drive, east of Range Line Road, south of Discovery Way, and north of the Martin County line. It is one of four DRIs located in the Western Annexation Area that have been annexed into the City of Port St Lucie. The previously-approved development land uses and intensities are summarized in the table below. The Applicant claims that the proposed changes do not trigger a substantial deviation, per F.S. 380.06(19).

Category (units)	Previously Approved Development Intensity
Residential (d.u.)	11,700 d.u.
Retail/Commercial (sf)	892,668 sf
Research & Office (sf)	1,361,250 sf
Light Industrial (sf)	1,361,250 sf
Institutional & Civic (sf)	327,327 sf

As part of the Applicant's proposed NOPC, they request modification to the transportation-related Development Order conditions such that they can mitigate their offsite impacts through a pipelining/proportionate share approach. This approach is based on a lane-mile allocation method developed and approved by the City of Port St Lucie. No modifications to the previously approved land uses or development intensities are currently being proposed.

The Department continues to have concerns that the approach will not guarantee that all needed roadway mitigation projects will ultimately be constructed to address the combined project impacts of all four DRI's. However, the Department notes that this proposed Riverland/Kennedy DRI NOPC on its own will not have a detrimental impact upon the Strategic Intermodal System (SIS) or adjacent I-95 interchanges.

In conclusion, the Riverland/Kennedy DRI Notice of Proposed Change ADA provided sufficient information for the Department to conclude that no additional impacts would occur to SIS roadways as a result of the proposed change. If you have any questions, please contact us at (954) 777-4601.

Sincerely,

For - Gustavo Schmidt, P.E.
District Planning and Environmental Engineer

GS: k&s/cw

cc: D. Ray Eubanks – Community Development, FDEO
Kathleen Neill – Director, Office of Policy Planning, FDOT
Gerry O'Reilly – Director of Transportation Development, FDOT
Nancy Ziegler – District Modal Development Administrator, FDOT
Steve Braun – Transportation Planning and Environmental Manager, FDOT
Shi-Chiang Li – Systems Planning Manager, FDOT
Chon Wong – Senior Transportation Specialist, FDOT

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Riverland/Kennedy LLP
1600 Sawgrass Corporate Parkway
Suite 400
Sunrise, Florida 33323

RECEIVED
APR 17 2012
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

Daniel Holbrook
Planning and Zoning Director
City of Port St. Lucie
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984-5099

RE: Riverland/Kennedy DRI –NOPC #2 April 16, 2012

Dear Daniel,

Please find attached our revised Development Order, in which we have reinstated the Hurricane shelter provisions from the prior DO to address concerns raised in this regard. This revised DO also includes a new Exhibit E, which is patterned after Southern Groves, as requested by the City's Engineering Department.

Also as requested, this letter is intended to respond to comments made by the Planning and Zoning board on April 3, 2012 as follows.

The first comment was raised by Mr. Strickland in regard to environmental concerns and this concern was furthered with references to the Annexation Agreement by Mr. Blazak.

Please find attached Exhibit A, which is paragraph 4 (d) from the original Annexation Agreement. This section states that Wetlands shall be governed by South Florida Water Management District and the Army Corps of Engineers, and further states that permits issued by these agencies shall satisfy all City wetland permitting requirements.

Please find attached Exhibit B, which is paragraph 4 from the 3rd amendment to the Annexation Agreement. This paragraph restates the same conditions as the original Annexation Agreement and expands with more specificity to hopefully capture all "City wetland permitting requirements" as provided in the original Annexation Agreement. I believe both the original agreement, as

well as the 3rd amendment, are specific as to the governing permits in regard to wetlands and our amended DO reflects this position.

Further, in regard to Mr. Blazak's comment "If you look at the Annexation Agreement, it refers back to the permitting agencies, but it also has City land Development Regulations. These are specific to the Land Development Regulation, so it is not just an environmental concern." We refer you again to Exhibit's A & B, which do not appear to incorporate the City's Land Development Regulations as suggested.

Also to exhibit consistency with prior Development Orders, please find attached Exhibit C, which is Condition 32 of the Wilson Grove - NOPC#2 Resolution 11R-01, and Exhibit D, which is Condition 39 of the Southern Grove substantial deviation Resolution 12-R34, which have both been previously recommended by City staff and approved by the Planning and Zoning Board as well as the City Council. Please note that the language contained in both of these prior submittals is consistent with that in the proposed Riverland/Kennedy DRI - NOPC #2.

In regard to several comments made relating to the road network, we would like to reiterate that, with the approval of the Riverland/Kennedy DRI, NOPC #2, the entire road network which was included in the WATS has been allocated to the 3 DRI's. Each DRI has provided for access roads, which will allow each developer to access their parcels regardless of the progress, or lack thereof, of the other developers in the SW annexation area.

In regard to several comments made relating to traffic studies, we should first note that no changes to intensities are being made by Riverland/Kennedy in this submittal, and second, we would like to point out that the allocation of the network among the 3 DRI's was based on the net external trips of each DRI from the Western Area Traffic Study (WATS). City Engineer, Roxanne Chesser, used a percentage based on these net external trips to then allocate the road network to the 3 DRI's in its entirety. The only exception being the omission of 6 laning of Becker Road within the Wilson Grove DRI, as well as the 8 laning of Tradition Parkway from I-95 to Village Parkway and 6 laning of E/W #3 from I-95 to Village Parkway within the Southern Grove DRI, but the later two links are supported by the revised traffic study prepared by Southern Grove.

Further, regarding comments raised about the need for traffic studies, which were raised early in the process by FDOT and TCRPC, we should all realize

that with the acceptance of the Southern Grove substantial deviation, the new traffic study completed for their project represents a current traffic study for the entire area, including not only all of the existing entitlements of the 3 DRI's, but also the significant increases to the Southern Grove entitlements. The Southern Grove traffic study actually demonstrates that the original WATS was overly conservative by the very fact that an additional 2,583,931 s.f. of Warehouse/Industrial (129% increase), 1,511,014 s.f. of Retail (70% increase), 2,856,092 s.f. of Office/Research (138% increase), 291 hotel rooms (58% increase) and 300 hospital beds, resulting in no new roads needed in the SW annexation area according to this new traffic study.

Perhaps this conservative bias of the original WATS is why the allocation of roads assigned to the Riverland/Kennedy DRI exceeds our Proportionate Share allocation, as defined by State Statutes, by $9,993,408 (see attached Exhibit E).

Regarding the comment on acreage being exhibited in Map H in lieu of a chart, we would like to point out that this is consistent with the Wilson Grove NOPC #2 and it can also be noted that the Southern Grove substantial deviation does not contain acreage in a chart or on their Exhibit B – Map H. Again, for consistency sake, the Riverland/Kennedy DRI has submitted the acreage data on Map H based on the previously approved Development Orders noted above.

We look forward to finalizing our application and appreciate your prompt review of these requested changes.

With Kind Regards,

Glenn Ryals

EXHIBIT A – PARAGRAPH 4(d) FROM THE ORIGINAL ANNEXATION AGREEMENT

accordance with any permits or approvals granted by other governmental authorities for the Annexation Property as listed in Exhibit "F."

(c) The Parties acknowledge that each of the Annexation Properties are intended to be subdivided into multiple parcels which may be permitted and developed as one or more planned unit developments.

(d) Wetlands. The City acknowledges and agrees that the applicable rules and regulations of the South Florida Water Management District and the Army Corps of Engineers shall govern all wetland jurisdictional determinations and any related wetlands mitigation and that any wetland permit issued by the South Florida Water Management District and the Army Corps of Engineers for any portion of the Annexation Properties shall satisfy all City wetland permitting requirements for the portion of the Annexation Properties subject to such permit.

(e) The City acknowledges that the Annexation Properties may be developed in accordance with the rules and regulations governing developments of regional impact and that upon the annexation of the Annexation Properties the City will become the local government statutorily charged with issuance of DRI development orders for the Annexation Properties. The Developers shall not request from the Department of Community Affairs a preliminary development agreement for the Annexation Properties without prior written approval from the City. Each Developer shall process its property as a development of regional impact. The City reserves the right to petition for and create an area-wide development of regional impact for the Annexation Properties, excluding the Southern Grove Property, as authorized by Section 380.06(25), Florida Statutes, and the Developers, excluding Southern Grove, agree to participate and fully cooperate in the City's establishment and prosecution of an area-wide development of regional impact. The City may require the applicable Developers (other than Southern Grove) to contribute to the funding of the area-wide development of regional impact (prorated based on density). The City shall make its determination as to whether to petition and create an area-wide development of regional impact

EXHIBIT B — PARAGRAPH 4 FROM AMENDMENT 3 TO THE ANNEXATION AGREEMENT

contrary contained in the Agreement or this Amendment, however, Riverland shall have the right to seek modification to the Riverland Development Order and the Riverland Development Plan to, among other things, either increase or decrease the number of residential units and the square footage of non-residential uses.

4. Paragraph 4(d) of the Agreement is hereby deleted in its entirety, and the following paragraph is hereby inserted in place thereof:

The City acknowledges and agrees that the applicable rules and regulations of the South Florida Water Management District and the Army Corps of Engineers shall govern all wetland jurisdictional determinations and any related wetlands mitigation with respect to the Riverland Property and that any wetland permit issued by the South Florida Water Management District and the Army Corps of Engineers for all or any portions of the Riverland Property shall satisfy all City rules, regulations, codes, permitting and other requirements pertaining to wetlands and littoral plantings for the portion or portions of the Riverland Property subject to any such permits.

5. Paragraphs 4(k)(i), (iii) and (iv) of the Agreement are hereby deleted in their entirety, and the following paragraph is hereby inserted in place thereof:

Riverland shall convey to the City 141 Net Usable Acres of neighborhood and community park sites. Of the 141 Net Usable Acres of neighborhood and community park sites that Riverland is required to convey pursuant to this paragraph, Riverland shall convey to the City, prior to the issuance of the 6,001 building permit for the Riverland Property, the western most 50 acres of the "Reservoir Site" as more particularly described on Exhibit "B" attached hereto to allow the City the opportunity to create a 100 acre regional park by acquiring a 50 acre contiguous park site on the eastern boundary of the adjacent Wilson Grove DRI. Riverland shall return the "Reservoir Site" to its natural state and convey same as Net Usable Acres. The balance of the 141 acres of parks will be conveyed in accordance with the Riverland/Kennedy Development Order.

6. Paragraph 4(h) of the Agreement is hereby deleted in its entirety, and the following paragraph is hereby inserted in place thereof:

Riverland shall convey to the City, in lieu of conveying an industrial/research park as previously required under paragraph 4(h) of the Agreement, a 50 contiguous acre civic site located between

EXHIBIT C - WILSON GROVES NOPC #2 - RESOLUTION 11R-01

RESOLUTION 11-R

EXHIBIT "B"

transportation network modifications. This Biennial Status Report shall be attached to and incorporated into the Biennial Development of Regional Impact Report required by Condition 6.

The Biennial Status Report shall list all roadway modifications needed to be constructed, the guaranteed date of completion for the construction of each needed modification, the party responsible for the guaranteed construction of each modification, and the form of binding commitment that guarantees construction of each modification. Except for improvements which are re-scheduled or determined to be not needed pursuant to monitoring under Condition 15, no further building permits for the Wilson Groves Development of Regional Impact shall be issued at the time the Biennial Status Report reveals that any needed transportation modification included in the Development Order is no longer scheduled or guaranteed, or has been delayed in schedule such that it is not guaranteed to be in place and operational or under actual construction for the entire modification consistent with the timing or trip threshold criteria established in this Development Order.

30~~31~~. In the event that a transportation improvement which the Developer is required to provide pursuant to this Development Order is instead provided by a dependent or independent special district, the improvement shall be deemed to have been provided by the Developer.

31. The Developer is responsible for the mitigation of all environmental impacts of all right-of-ways within the Wilson Groves project.

ENVIRONMENTAL AND NATURAL RESOURCES

Wetlands

32. The Developer shall comply with all wetland mitigation requirements of the U. S. Army Corps of Engineers and South Florida Water Management District. Any wetland permit issued by the South Florida Water Management District and the US Army Corps of Engineers for all or any portions of the Wilson Groves DRI Property shall satisfy all City rules, regulations, codes, permitting and other requirements pertaining to wetlands and littoral plantings for the portion or portions of the Wilson Groves DRI Property subject to any such permits. ~~Any mitigation required for impacts to existing jurisdictional wetlands shall be completed on the project site. Details of any such required wetland maintenance and enhancement procedures and management schedule shall be provided in a specific Mitigation Management Plan.~~

33.[Deleted in its entirety.] ~~The Developer shall preserve or create a buffer zone of native upland edge vegetation around all preserved and created wetlands on site where required by the Mitigation Management Plan above. The upland buffers shall be designed to be consistent with the buffer requirements of the South Florida Water Management District. Created upland buffers shall include canopy, understory, and~~

EXHIBIT D - FROM SOUTHERN GROVES' SUBSTANTIAL DEVIATION - RESOLUTION 12-R34

EXHIBIT 1

included in the U.S. Army Corps of Engineers wetland permit applicable to such portion of the property.

~~33.~~ 37. The Developer, ~~or an~~ Association, or other acceptable entity shall install temporary fencing around the Conservation Areas prior to commencing site clearing adjacent to the conservation areas. The fencing shall clearly identify and designate the boundaries of the Conservation Areas and minimize the potential disturbance of the Conservation Areas during land clearing and construction. The temporary fencing shall be established at least 15 feet outside of the boundaries of the Conservation Areas and shall remain in place until the completion of the finish grading on the area adjacent to the fencing.

~~34.~~ 38. By January 1, 2008, the Developer, ~~or an~~ Association, or other acceptable entity shall prepare a Conservation Area Management Plan for the Conservation Areas, including upland buffers, wetlands, and mitigation areas identified on the Southern Grove Revised Master Development Plan Map H. The plan shall: 1) identify management procedures and provide a schedule for their implementation; 2) include procedures for maintaining suitable habitat for state and federally listed species; 3) relocation procedures for listed plant species, 4) include methods to remove nuisance and exotic vegetation and any other species that are determined to threaten the natural communities as specified in this Development Order; and 5) include plans to permanently mark the conservation areas and allow only limited access for passive recreation, education, or scientific study. The management plan shall be approved by the City of Port St. Lucie in consultation with the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission.

Wetlands

~~35.~~ 39. The Developer, Association, or other acceptable entity ~~or an Association~~ shall preserve and enhance the ~~105.38~~ 101.564 acres of wetlands proposed for protection in the Conservation Areas (Conservation Areas) shown on the Southern Grove Revised Master Development Plan Map H. Any wetland permit issued by the US Army Corps of Engineers for all or any portions of the Property shall be deemed to satisfy all City rules, regulations, codes, permitting and other requirements pertaining to wetlands and littoral plantings for the portion or portions of the Property subject to any such permits. The Developer shall comply with all wetland mitigation requirements of the U. S. Army Corps of Engineers. ~~Details of the wetland maintenance and enhancement procedures and management schedule shall be provided in the Conservation Area Management Plan.~~

~~36.~~ 40. The Developer, Association, or other acceptable entity shall preserve or create a buffer zone of native upland edge vegetation around all preserved and created wetlands on site. The upland buffers shall be designed to be consistent with the buffer requirements of the U. S. Army Corps of Engineers ~~and South Florida Water Management District~~ wetland permit applicable to such portion of the Property. ~~The buffer zones shall include canopy, understory, and ground cover of native upland species. Details of the upland buffer maintenance and management schedule shall be provided in the Conservation Area Management Plan.~~

Listed Species

Exhibit E - Table 1

Riverland/Kennedy DRI Funding Contribution for Roadways within the DRI (Category 1 Improvements through Phase 4)

Roadway	Segment	Facility Type	Existing Lanes	Existing Peak Hour Service Volume	Required Improvement	Improvement Length (Miles)	Construction Cost per Mile	Contingency (10%)	R.O.W. Cost per Mile (20%)	Engineering Cost per Mile (36%)	Total Cost per Mile	Total Improvement Cost	Developer's Funding Responsibility	Developer's Cost
N/S A	E/W #3 to Discovery Way	U	0	0	Build 4 lanes	1.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 19,279,193	100%	$ 19,279,193
N/S B	Becker Rd to Paar Dr	U	0	0	Build 2 lanes	0.7	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 5,496,156	100%	$ 5,496,156
	E/W #3 to Discovery Way	U	0	0	Build 4 lanes	1.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 19,279,193	100%	$ 19,279,193
	Paar Dr. to E/W #3	U	0	0	Build 2 lanes	0.8	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 6,281,321	100%	$ 6,281,321
Community Blvd	Becker Rd to Paar Dr.	U	0	0	Build 4 lanes	0.7	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 10,381,104	100%	$ 10,381,104
	Paar Dr. to E/W #3	U	0	0	Build 4 lanes	0.8	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 11,864,119	100%	$ 11,864,119
	E/W #3 to Discovery Way	U	0	0	Build 4 lanes	1.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 19,279,193	100%	$ 19,279,193
Discovery Way	Rangeline Rd to N/S 'A'	U	0	0	Build 2 lanes	0.6	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 4,710,991	100%	$ 4,710,991
	N/S 'A' to N/S 'B'	U	0	0	Build 2 lanes	1.4	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 10,992,311	100%	$ 10,992,311
	N/S 'B' to Community Blvd	U	0	0	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	100%	$ 14,830,148
E/W #3	N/S 'B' to Community Blvd	U	0	0	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	100%	$ 14,830,148
Paar Dr.	N/S 'B' to Community Blvd	U	0	0	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	100%	$ 14,830,148
Becker Road	N/S 'B' to Community Blvd	U	0	0	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	100%	$ 14,830,148

TOTALS	$ 166,884,173
DEVELOPER'S ANNEXATION CONTRIBUTION	$ 12,500,000
DEVELOPER'S TOTAL COSTS	$ 179,384,173

In Summary:

Riverland/Kennedy DRI Proportionate Share on Roadways within the DRI through Phase 4	$ 73,604,908
Riverland/Kennedy DRI Proportionate Share on Roadways Outside of Western Annexation Area through Phase 4	$ 28,269,452
Riverland/Kennedy DRI Proportionate Share on Roadways Inside of Western Annexation Area but Outside the DRI through Phase 4	$ 67,516,405
Total Proportionate Share for Riverland/Kennedy	$ 169,390,766
Riverland/Kennedy DRI Funding Contribution	$ 179,384,173
Excess Funding Contribution by Riverland/Kennedy DRI	$ 9,993,408

Exhibit E - Table 2

Riverland/Kennedy DRI Proportionate Share and Funding Contribution for Roadways within the DRI (Category 1 Improvements through Phase 4)

Roadway	Segment	Required Improvement	Improvement Length (Miles)	Construction Cost per Mile	Contingency (10%)	R.O.W. Cost per Mile (20%)	Engineering Cost per Mile (36%)	Total Cost per Mile	Total Improvement Cost	Peak Hour Service Volume Future	Peak Hour Service Volume Increase	Traffic Assignment	Project Trips	Proportionate Share (%)	Proportionate Share Cost
N/S A	E/W #3 to E/W # 1	Build 4 lanes	1.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 19,279,193	1,860	1,860	6.2%	451	24.2%	$ 4,665,565
N/S B	Becker Rd to Paar Dr	Build 4 lanes	0.7	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 10,381,104	860	860	5.6%	408	47.4%	$ 4,920,643
	Paar Dr to E/W #3	Build 2 lanes	0.8	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 6,281,321	860	860	7.9%	575	66.9%	$ 4,202,204
	E/W #3 to E/W #1	Build 2 lanes	1.3	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 10,207,146	860	860	5.9%	429	49.9%	$ 5,093,366
Community Blvd	Becker Rd to E/W #4	Build 4 lanes	0.7	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 10,381,104	860	860	4.8%	349	40.6%	$ 4,214,728
	E/W #4 to E/W #3	Build 4 lanes	0.8	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 11,864,119	1,860	1,860	10.7%	779	41.9%	$ 4,971,066
	E/W #3 to E/W # 1	Build 4 lanes	1.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 19,279,193	1,860	1,860	10.6%	771	41.5%	$ 8,000,865
E/W #1	Rangeline Rd to N/S 'A'	Build 2 lanes	0.6	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 4,710,991	860	860	3.4%	247	28.7%	$ 1,352,054
	N/S 'A' to N/S 'B'	Build 2 lanes	1.4	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 10,992,311	860	860	4.5%	327	38.0%	$ 4,177,078
	N/S 'B' to Community Blvd	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	1,860	1,860	9.9%	720	38.7%	$ 5,739,267
E/W #3	Rangeline Rd to N/S A	Build 2 lanes	0.9	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 7,066,486	860	860	1.6%	116	13.5%	$ 953,976
	N/S 'A' to N/S 'B'	Build 2 lanes	1.1	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 8,636,816	860	860	6.8%	495	57.6%	$ 4,074,806
	N/S 'B' to Community Blvd	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	1,860	1,860	8.5%	619	33.3%	$ 4,938,439
E/W #4 (Paar Road)	N/S 'B' to GL Town Ctr Rd	Build 4 lanes	0.4	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 5,932,059	1,860	1,860	8.2%	597	32.1%	$ 1,904,191
	GL Town Ctr Rd to Community Blvd	Build 4 lanes	0.6	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 8,898,089	1,860	1,860	11.7%	851	45.8%	$ 4,075,325
Becker Road	N/S 'B' to GL Town Ctr Rd	Build 6 lanes	1	$ 12,440,822	$ 1,244,082	$ 2,488,164	$ 4,478,696	$ 20,651,764	$ 20,651,764	2,790	2,790	9.6%	699	25.1%	$ 5,183,593
	GL Town Ctr Rd to Community Blvd	Build 6 lanes	0.6	$ 12,440,822	$ 1,244,082	$ 2,488,164	$ 4,478,696	$ 20,651,764	$ 12,391,059	2,790	2,790	13.1%	953	34.2%	$ 4,237,742
															$ 73,604,908

Exhibit E - Table 3

Riverland/Kennedy DRI Proportionate Share on Roadways Outside of Western Annexation Area (Category 2 Improvements through Phase 4)

Roadway	Segment	Facility Type	Existing Lanes	Existing Peak Hour Service Volume	Required Improvement	Improvement Length (Miles)	Construction Cost per Mile	Contingency (10%)	R.O.W. Cost per Mile (20%)	Engineering Cost per Mile (36%)	Total Cost per Mile	Total Improvement Cost	Peak Hour Service Volume Future	Peak Hour Service Volume Increase	Traffic Assignment	Project Trips	Proportionate Share (%)	Proportionate Share Cost
Port St. Lucie Blvd.	St. Lucie County Line to Becker Rd	U	2	890	Add 2 lanes	0.6	$ 4,230,438	$ 423,044	$ 846,088	$ 1,522,958	$ 7,022,528	$ 4,213,517	1,860	970	1.4%	102	10.5%	$ 442,419
	Becker Rd to Paar Dr	U	2	890	Add 2 lanes	1.7	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 11,938,294	1,860	970	2.8%	211	21.8%	$ 2,602,548
	Paar Dr to Darwin Blvd	U	4	1,860	Add 2 lanes	0.6	$ 3,938,157	$ 393,816	$ 787,631	$ 1,417,737	$ 6,537,341	$ 3,922,404	2,790	930	2.6%	189	20.3%	$ 796,248
	Darwin Blvd to Gatlin Blvd																	
Rosser Blvd	Becker to Paar Dr	U	2	760	Add 2 lanes	0.8	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 5,618,021	1,620	860	2.4%	175	20.3%	$ 1,140,458
	Paar Dr to E/W 3	U	2	760	Add 2 lanes	1.0	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 7,022,526	1,620	860	1.2%	87	10.1%	$ 709,275
	E/W 3 to 4L Section	U	2	760	Add 2 lanes	1.4	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 9,831,536	1,620	860	1.7%	124	14.4%	$ 1,415,741
E/W #3 (Open View)	Bridge over I-95	U	0	0	Bridge Segment	1.0	$ 12,882,000	$ 1,288,200	-	$ 4,637,520	$ 18,807,720	$ 18,807,720	1,860	1,860	5.1%	371	19.9%	$ 3,742,736
	I-95 to Rosser	U	0	0	Build 2 lanes	0.4	$ 4,729,910	$ 472,991	$ 1,786,765	$ 1,702,768	$ 8,692,434	$ 3,476,974	860	860	1.6%	116	13.5%	$ 469,391
Paar Drive (E/W #4)	Bridge over I-95	U	0	0	6L Bridge Segment	1.0	$ 12,882,000	$ 1,288,200		$ 4,637,520	$ 18,807,720	$ 18,807,720	2,790	2,790	6.9%	502	18.0%	$ 3,385,390
	Rosser to Savona	U	2	860	Add 2 lanes	1.0	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 7,022,526	1,860	1,000	6.0%	437	43.7%	$ 3,068,844
	Savona to Port St. Lucie	U	2	860	Add 2 lanes	0.75	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 5,266,894	1,860	1,000	5.6%	408	40.8%	$ 2,148,893
Crosstown Pkwy	Rangeline Rd to N/S 'A'	U	0	0	Build 4 lanes	0.9	$ 5,608,897	$ 560,890	$ 1,121,779	$ 2,019,203	$ 9,310,769	$ 8,379,692	2,232	2,232	0.4%	29	1.3%	$ 100,936
	N/S A to Village Pkwy	U	0	0	Build 4 lanes	1.9	$ 5,608,897	$ 560,890	$ 1,121,779	$ 2,019,203	$ 9,310,769	$ 17,690,461	2,232	2,232	3.4%	247	11.1%	$ 1,963,641
	Village Pkwy to Commerce Center Dr	U	4	2,232	Add 2 lanes	0.8	$ 3,938,157	$ 393,816	$ 787,631	$ 1,417,737	$ 6,537,341	$ 5,229,873	3,348	1,116	3.3%	240	21.5%	$ 1,124,423
N/S 'A'	Crosstown Pkwy to Glades Cut-Off Rd	U	0	0	Build 2 lanes	1.5	$ 4,729,910	$ 472,991	(5)	$ 1,702,768	$ 6,905,669	$ 10,358,504	860	860	1.1%	80	9.3%	$ 963,341
California Blvd	Crosstown Pkwy to St. Lucie West Blvd	U	2	760	Add 2 lanes	1.3	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 9,129,284	1,620	860	0.6%	44	5.1%	$ 465,593
Becker Rd	Southbend to Gilson	U	2	860	Add 2 lanes	2.0	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 14,045,052	1,860	1,000	0.7%	51	5.1%	$ 716,298
Tradition Parkway	N/S A to W of Community Blvd	U	0	0	Add 4 lanes	0.9	$ 5,608,897	$ 560,890	$ 1,121,779	$ 2,019,203	$ 9,310,769	$ 8,379,692	1,860	1,860	2.0%	146	7.8%	$ 653,616
	Village Pkwy to I-95	U	6	2,790	Add 2 lanes	0.4	$ 4,231,523	$ 423,152	(5)	(5)	$ 4,654,675	$ 1,861,870	3,540	750	6.9%	502	66.9%	Deleted by City
Village Parkway	Tradition Pkwy to Westcliffe Ln	U	4	1,860	Add 2 lanes	1.5	$ 3,938,157	$ 393,816	$ 787,631	$ 1,417,737	$ 6,537,341	$ 9,806,011	2,790	930	3.0%	218	23.4%	$ 2,294,607
Westcliffe Lane	N/S A to W of Community Blvd	U	0	0	Build 2 lanes	1.0	$ 3,818,886	$ 381,889	$ 763,777	$ 1,374,799	$ 6,339,351	$ 6,339,351	760	760	0.1%	7	0.9%	$ 57,054

$ 28,269,452

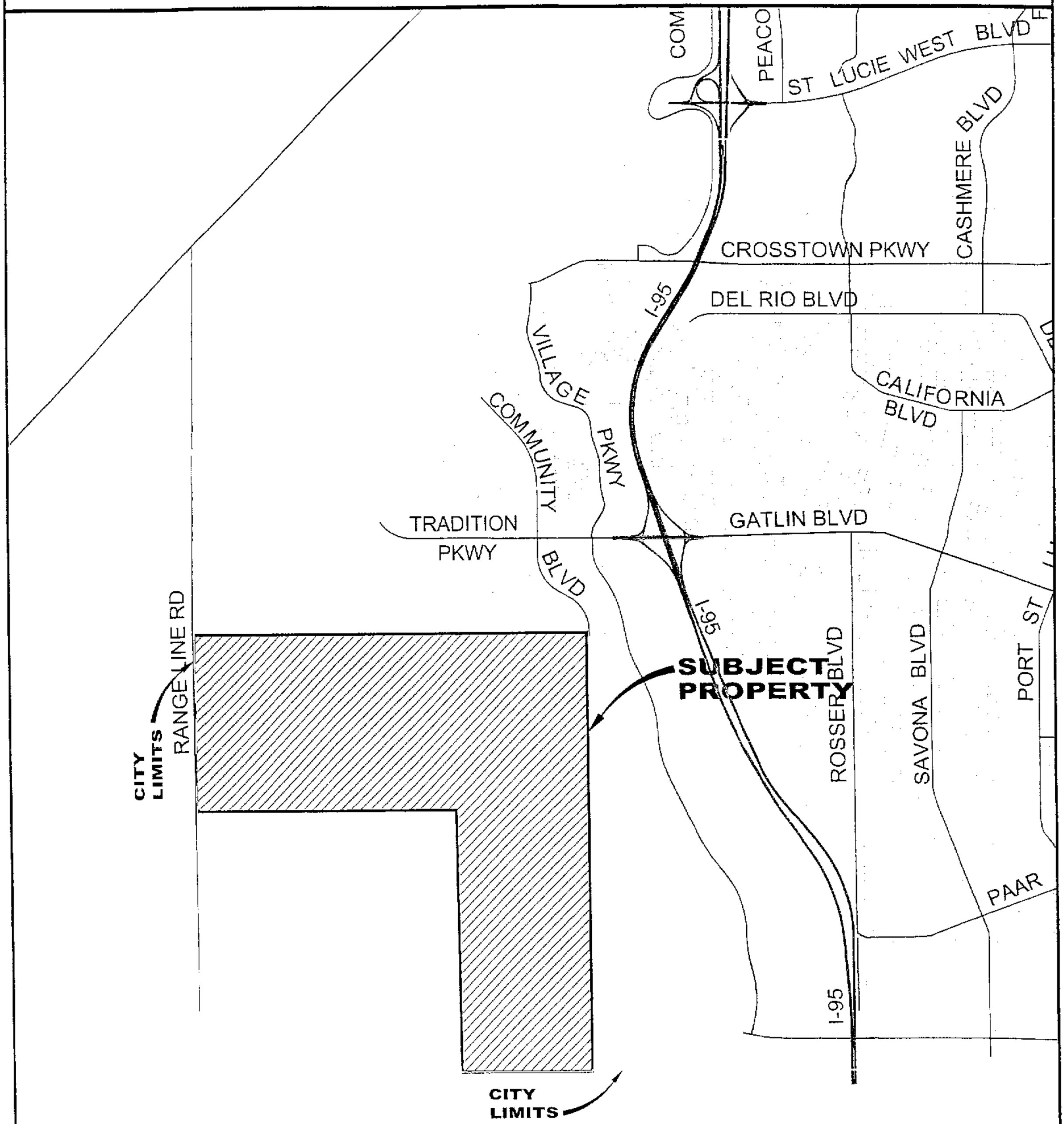
Exhibit E - Table 4

Riverland/Kennedy DRI Proportionate Share on Roadways Inside the Western Annexation Area but Outside the DRI (Category 3 Improvements through Phase 4)

Roadway	Segment	Facility Type	Existing Lanes	Existing Peak Hour Service Volume	Required Improvement	Improvement Length (Miles)	Construction Cost per Mile	Contingency (10%)	R.O.W. Cost per Mile (20%)	Engineering Cost per Mile (35%)	Total Cost per Mile	Total Improvement Cost	Peak Hour Service Volume Future	Peak Hour Service Volume Increase	Traffic Assignment	Project Trips	Proportionate Share (%)	Proportionate Share Cost
Becker Road	Rangeline Rd to N/S A	U	0	0	Build 4 lanes	0.9	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 13,347,134	1,860	1,860	3.7%	269	14.5%	$ 1,935,334
	N/S A to N/S B	U	0	0	Build 4 lanes	1.1	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 16,313,163	1,860	1,860	7.0%	509	27.4%	$ 4,469,807
	Community Blvd to Village Pkwy	U	0	0	Build 6 lanes	1.2	$ 12,440,822	$ 1,244,082	$ 2,488,164	$ 4,478,696	$ 20,651,764	$ 24,782,117	1,860	1,860	12.1%	881	47.4%	$ 11,746,723
E/W #4 (Paar Drive)	Rangeline Rd to N/S A	U	0	0	Build 2 lanes	0.9	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 7,066,486	860	860	0.2%	15	1.7%	$ 120,130
	N/S A to N/S B	U	0	0	Build 4 lanes	1.1	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 16,313,163	1,860	1,860	7.0%	509	27.4%	$ 4,469,807
	Community Blvd to Village Pkwy	U	0	0	Build 4 lanes	1.2	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 17,796,178	1,860	1,860	9.5%	691	37.2%	$ 6,620,178
	Village Pkwy to I-95	U	0	0	Build 4 lanes	0.7	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 10,381,104	1,860	1,860	5.4%	538	28.9%	$ 3,000,139
E/W #3 (Open View)	Community Blvd to Village Pkwy	U	0	0	Build 4 lanes	0.9	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 13,347,134	1,860	1,860	11.8%	859	46.2%	$ 6,166,376
	Village Pkwy to I-95	U	0	0	Build 4 lanes	0.6	$ 8,933,824	$ -	$ 1,786,765	$ 3,216,177	$ 13,936,766	$ 8,362,060	2,790	2,790	9.1%	662	23.7%	$ 1,981,808
E/W #1	Community Blvd to Village Pkwy	U	2	860	Add 2 lanes	0.3	$ 4,230,438	$ 423,044	$ 846,088	$ 1,522,958	$ 7,022,528	$ 2,106,758	1,860	1,000	13.4%	975	97.5%	$ 2,054,089
NS 'AB'	Becker Rd to Paar Dr	U	0	0	Build 2 lanes	0.7	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 5,496,156	860	860	1.9%	138	16.0%	$ 879,385
N/S 'A'	Becker Rd to Paar Dr	U	0	0	Build 4 lanes	0.7	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 10,381,104	1,860	1,860	4.2%	306	16.5%	$ 1,712,892
	Paar Dr to E/W 3	U	0	0	Build 4 lanes	0.8	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 11,864,119	1,860	1,860	7.0%	509	27.4%	$ 3,250,769
	E/W #1 to Gatlin Blvd	U	0	0	Build 4 lanes	1.5	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 22,245,223	1,860	1,860	9.4%	611	32.8%	$ 7,296,433
	Gatlin Blvd to Wescliffe Ln	U	0	0	Build 4 lanes	0.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 4,449,045	1,860	1,860	4.4%	320	17.2%	$ 765,236
	Wescliffe Ln to Crosstown Pkwy	U	0	0	Build 4 lanes	0.5	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 7,415,074	1,860	1,860	4.2%	306	16.5%	$ 1,223,487
Village Parkway	E/W #3 to E/W #1	U	4	1,860	Add 2 lanes	1.4	$ 6,470,588	$ 647,059	$ 1,294,118	$ 2,329,412	$ 10,741,177	$ 15,037,648	2,790	930	3.9%	284	30.5%	$ 4,586,462
Village Parkway	E/W #1 to Gatlin Blvd	U	6	2,790	Add 2 lanes	0.8	$ 4,231,523	$ 423,152	$ 846,305	$ 1,523,348	$ 7,024,328	$ 5,619,463	5,580	750	9.6%	699	93.2%	$ 5,237,339

$ 67,516,405

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT PZ 2012 DWG

DRI–NOPC

RIVERLAND/KENNEDY

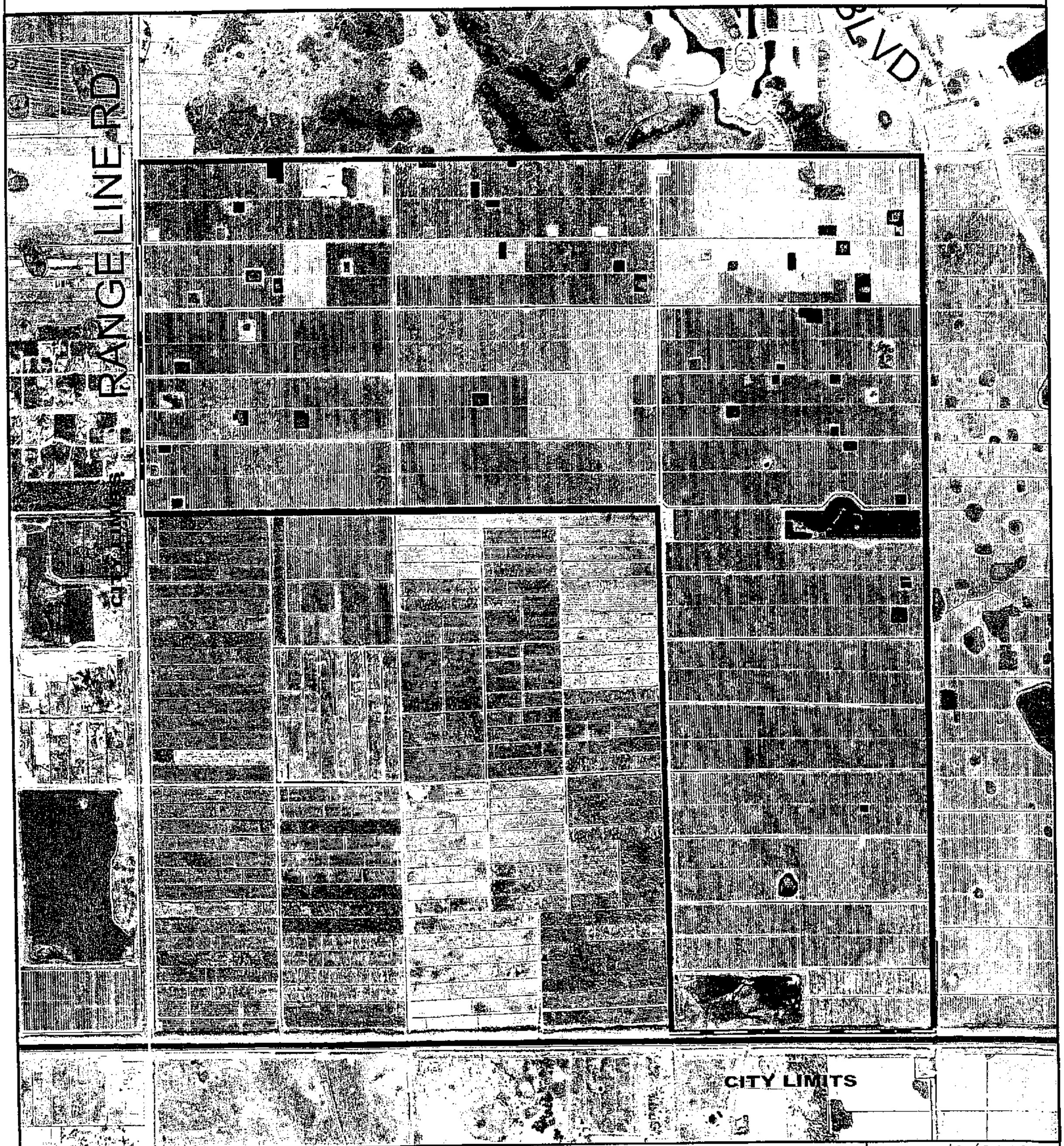
DATE: 3/8/2012

APPLICATION NUMBER:
P11–026

CADD FILE NAME:
P11–026L

SCALE: 1" = 1 MI.

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:

DRI–NOPC
RIVERLAND/KENNEDY

AERIAL DEC 2010

DATE: 3/8/2012
APPLICATION NUMBER: P11–026
CADD FILE NAME: P11–026A
SCALE:1"=.5 MI.

$ 6,995.00
Receipt # 10955

Riverland/Kennedy LLP
1600 Sawgrass Corporate Parkway
Suite 230
Sunrise, FL 33323

RECEIVED
MAR 08 2011
DEPARTMENT

February 25, 2011

Daniel Holbrook
Planning Director
Port St. Lucie
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984-5099

Dear Daniel,

Based on the desire of the Southwest area developers to bifurcate their road conditions within the boundaries of the four DRI's, which were a part of the area wide traffic study for the SW area, commonly referred to as the WATS (Western Area Traffic Study), we herein submit our NOPC for the Riverland/Kennedy DRI.

Based on the City's recent approval of NOPC #2 for the Wilson Grove DRI, we have followed the same methodology using a Proportionate Share calculation to determine our impact on all of the roadways within the City of Port St. Lucie on which we had significant impacts. We have then converted this Proportionate Share to lane miles of improvements which we will be responsible for based on phasing conditions which have been outlined in the attached proposed Development Order.

In addition we have made corrective changes to bring the Development Order in line with certain changes made to the Annexation Agreement pursuant to Amendment 3 of the Annexation Agreement dated November 16, 2009.

We look forward to working with you and the City staff to process this request which will bring our DRI in conformity with the desires of both the City and the SW area developers to have Development Orders which will function independently.

Regards,

Glenn Ryals

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd. Tallahassee, Florida 32399
850/488-4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be make to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Glenn Ryals, the undersigned owner's representative of Riverland/Kennedy LLP, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Riverland/Kennedy DRI, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Port. St. Lucie, to the Treasure Coast Regional Planning Council and to the Bureau of Local Planning, Department of Community Affairs.

2/24/11
Date

Signature

Riverland/Kennedy LLP
1600 Sawgrass Corporate Parkway
Suite 400
Sunrise, Florida 33323

Michael Busha
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, Florida 34994

RECEIVED
APR 25 2012
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

April 25, 2012

RE: Riverland/Kennedy DRI – NOPC #2
Response to April 18, 2012 letter from TCRPC

Dear Michael,

As you know, we have not asked for any increase in entitlements to our DRI, and the purpose of our NOPC is to simply amend our development order to be consistent with Amendment #3 to the Annexation Agreement with the City and to bifurcate our road conditions consistent with the approved changes made to both Wilson Grove and Southern Grove. With our proposed NOPC the entire network is accounted for within the 3 DRI's.

With no changes to our entitlements, the WATS is still representative of our traffic impacts. The traffic study just completed for the Southern Grove DRI which included a substantial increase in intensities actually confirms the conservative nature of the original WATS as demonstrated by the fact that no additional roads are needed in the SW area despite the significant increases in entitlements in the Southern Grove DRI. The traffic study for Southern Grove includes all previously entitled uses including the Riverland/Kennedy DRI and should be viewed as a current confirmation of the traffic model for the SW area of the City of Port St. Lucie.

In response to your comment #1, we would like to point out that the only roadway conditions which are proposed to be deleted are N/S B/C and E/W #2. N/S B/C was added in the WATS to account for the fact that N/S B was reduced to a 60' ROW for a 2 lane section between Becker Rd. and Paar Dr. As the original grid is now being restored with the additional ROW bringing N/S B to 150' between Becker Rd. and Paar Dr., there is no net reduction in lanes for traffic flow within this grid area. Further, it should be noted that E/W #2 was never a part of the WATS and therefore has no impact on the traffic study as this road provided zero trips. E/W #2 was also not a proposed link in the ULI traffic study prepared for the City.

Regarding your comment #2, please note that we have provided the City (see attached Exhibit "E" proportionate share calculations) with the calculations of the proportionate share impacts which we should be providing based on State Statutes. However the City desires to allocate the road improvements based on "Lane Miles" which are based on the percentage of net external trips for each DRI resulting from the WATS. Ms. Roxanne Chesser, City of Port St.

Lucie Engineering Department, has handled the allocation of the network based on these percentages.

Regarding comment #3, please find attached a revised DO with the exhibits.

Comment #4. This change to the DO is consistent with both the Wilson Grove and Southern Grove DRI's. Further, the schools have been addressed in a recorded agreement with the school board as indicated in condition 49 and the park sites were amended with the City in the 3rd amendment to the Annexation Agreement and those changes are consistent with the provisions of Condition 54 of the revised DO.

Comment #5. The extension of phasing dates and buildout dates are consistent with extensions granted by the State under SB 360 for 3 years, HB 7207 for 4 years and Executive Order 11-172 for 10 months and 4 days.

Comment #6. The bifurcation of the road conditions among 3 DRI's was not made by dates but is consistent with the WATS network buildout. And clearly dates are not the way to approach the development business given an unpredictable economic environment. The City and the Developers have therefore agreed on thresholds based on residential units, which are the primary drivers of traffic from the Riverland/Kennedy DRI , and trips which are derived from the WATS. Clearly these two thresholds should more closely correspond to the generation of traffic impacts than dates.

Comment #7. Building roads on a phased basis upfront is a proven recipe for disaster as we have all witnessed with Southern Grove and the City bond issues. The City and the developers have wisely decided to build roads as development occurs. Each of the 3 DRI's which are the subject of the current modifications to road improvements have provided for access roads and then a phased buildout of the network. To deal with the potential for shortfalls in the function of various links, the City has maintained the monitoring conditions in Condition 15, which provide for the acceleration of improvements to meet City standards.

Comment 8. Phase 4 trip thresholds were changed to 13,461 per the revised DO. Otherwise the acceleration of improvements to meet City road standards are provided for by Condition 15, as noted above.

Comment 9. The improvements in Tables 3 and 4 are the responsibility of the City as supported by the Annexation Agreement as well as our providing for our Proportionate Share of mitigation based on HB 7207. All of these impacts were reviewed in the WATS.

Comment 10. Consistent with the comment above, impacts above and beyond our Proportionate Share are not the responsibility of our DRI. Our impacts have been fairly mitigated.

Comment 11. The timing of these conditions have been extended by State Statutes as noted in #5 above.

Comment 12. See comment 11 above.

Comment 13. The current DO has reinstated this condition.

Comment 14. See comment 13 above.

With Kind Regards,

Glenn Rvals

CC: City of Port St. Lucie – Anne Cox, Planning and Zoning Department
CC: Florida Department of Transportation – Chon Wong
CC: Department of Economic Opportunity – D. Ray Eubanks, Administrator

Exhibit E - Table 1

Riverland/Kennedy DRI Funding Contribution for Roadways within the DRI (Category 1 Improvements through Phase 4)

Roadway	Segment	Facility Type	Existing Lanes	Existing Peak Hour Service Volume	Required Improvement	Improvement Length (Miles)	Construction Cost per Mile	Contingency (10%)	R.O.W. Cost per Mile (20%)	Engineering Cost per Mile (36%)	Total Cost per Mile	Total Improvement Cost	Developer's Funding Responsibility	Developer's Cost
N/S A	E/W #3 to Discovery Way	U	0	0	Build 4 lanes	1.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 19,279,193	100%	$ 19,279,193
N/S B	Becker Rd to Paar Dr	U	0	0	Build 2 lanes	0.7	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 5,496,156	100%	$ 5,496,156
	E/W #3 to Discovery Way	U	0	0	Build 4 lanes	1.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 19,279,193	100%	$ 19,279,193
	Paar Dr. to E/W #3	U	0	0	Build 2 lanes	0.8	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 6,281,321	100%	$ 6,281,321
Community Blvd	Becker Rd to Paar Dr.	U	0	0	Build 4 lanes	0.7	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 10,381,104	100%	$ 10,381,104
	Paar Dr. to E/W #3	U	0	0	Build 4 lanes	0.8	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 11,864,119	100%	$ 11,864,119
	E/W #3 to Discovery Way	U	0	0	Build 4 lanes	1.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 19,279,193	100%	$ 19,279,193
Discovery Way	Rangeline Rd to N/S 'A'	U	0	0	Build 2 lanes	0.6	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 4,710,991	100%	$ 4,710,991
	N/S 'A' to N/S 'B'	U	0	0	Build 2 lanes	1.4	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 10,992,311	100%	$ 10,992,311
	N/S 'B' to Community Blvd	U	0	0	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	100%	$ 14,830,148
E/W #3	N/S 'B' to Community Blvd	U	0	0	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	100%	$ 14,830,148
Paar Dr	N/S 'B' to Community Blvd	U	0	0	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	100%	$ 14,830,148
Becker Road	N/S 'B' to Community Blvd	U	0	0	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	100%	$ 14,830,148

TOTALS	$ 166,884,173
DEVELOPER'S ANNEXATION CONTRIBUTION	$ 12,500,000
DEVELOPER'S TOTAL COSTS	$ 179,384,173

In Summary:

Riverland/Kennedy DRI Proportionate Share on Roadways within the DRI through Phase 4	$ 73,504,908
Riverland/Kennedy DRI Proportionate Share on Roadways Outside of Western Annexation Area through Phase 4	$ 28,269,452
Riverland/Kennedy DRI Proportionate Share on Roadways Inside of Western Annexation Area but Outside the DRI through Phase 4	$ 57,516,405
Total Proportionate Share for Riverland/Kennedy	$ 159,390,765
Riverland/Kennedy DRI Funding Contribution	$ 179,384,173
Excess Funding Contribution by Riverland/Kennedy DRI	$ 9,993,408

Exhibit E - Table 2

Riverland/Kennedy DRI Proportionate Share and Funding Contribution for Roadways within the DRI (Category 1 Improvements through Phase 4)

Roadway	Segment	Required Improvement	Improvement Length (Miles)	Construction Cost per Mile	Contingency (10%)	R.O.W. Cost per Mile (20%)	Engineering Cost per Mile (36%)	Total Cost per Mile	Total Improvement Cost	Peak Hour Service Volume Future	Peak Hour Service Volume Increase	Traffic Assignment	Project Trips	Proportionate Share (%)	Proportionate Share Cost
'S A	E/W #3 to E/W # 1	Build 4 lanes	1.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 19,279,193	1,860	1,860	6.2%	451	24.2%	$ 4,665,565
	Becker Rd to Paar Dr	Build 4 lanes	0.7	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 10,381,104	860	860	5.6%	408	47.4%	$ 4,920,643
'S B	Paar Dr to E/W #3	Build 2 lanes	0.8	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 6,281,321	860	860	7.9%	575	66.9%	$ 4,202,204
	E/W #3 to E/W #1	Build 2 lanes	1.3	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 10,207,146	860	860	5.9%	429	49.9%	$ 5,093,366
	Becker Rd to E/W #4	Build 4 lanes	0.7	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 10,381,104	860	860	4.8%	349	40.6%	$ 4,214,735
ommunity Blvd	E/W #4 to E/W #3	Build 4 lanes	0.8	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 11,864,119	1,860	1,860	10.7%	779	41.9%	$ 4,971,066
	E/W #3 to E/W # 1	Build 4 lanes	1.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 19,279,193	1,860	1,860	10.6%	771	41.5%	$ 8,000,866
	Rangeline Rd to N/S 'A'	Build 2 lanes	0.6	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 4,710,991	860	860	3.4%	247	28.7%	$ 1,352,054
/W #1	N/S 'A' to N/S 'B'	Build 2 lanes	1.4	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 10,992,311	860	860	4.5%	327	38.0%	$ 4,177,078
	N/S 'B' to Community Blvd	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	1,860	1,860	9.9%	720	38.7%	$ 5,739,267
	Rangeline Rd to N/S A	Build 2 lanes	0.9	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 7,066,486	860	860	1.6%	116	13.5%	$ 953,979
/W #3	N/S 'A' to N/S 'B'	Build 2 lanes	1.1	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 8,636,816	860	860	6.8%	495	57.6%	$ 4,974,806
	N/S 'B' to Community Blvd	Build 4 lanes	1.0	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 14,830,148	1,860	1,860	8.5%	619	33.3%	$ 4,938,439
/W #6 Paar Road)	N/S 'B' to GL Town Ctr Rd	Build 4 lanes	0.4	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 5,932,059	1,860	1,960	8.2%	597	32.1%	$ 1,906,181
	GL Town Ctr Rd to Community Blvd	Build 4 lanes	0.6	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 8,898,089	1,860	1,860	11.7%	851	45.8%	$ 4,075,335
ecker Road	N/S 'B' to GL Town Ctr Rd	Build 6 lanes	1	$ 12,440,822	$ 1,244,082	$ 2,488,164	$ 4,478,696	$ 20,651,764	$ 20,651,764	2,790	2,790	9.6%	699	35.1%	$ 5,160,593
	GL Town Ctr Rd to Community Blvd	Build 6 lanes	0.6	$ 12,440,822	$ 1,244,082	$ 2,488,164	$ 4,478,696	$ 20,651,764	$ 12,391,059	2,790	2,790	13.1%	953	34.2%	$ 4,237,742
															$ 73,604,908

Exhibit E - Table 3

Riverland/Kennedy DRI Proportionate Share on Roadways Outside of Western Annexation Area (Category 2 Improvements through Phase 4)

Roadway	Segment	Facility Type	Existing Lanes	Existing Peak Hour Service Volume	Required Improvement	Improvement Length (Miles)	Construction Cost per Mile	Contingency (10%)	R.O.W. Cost per Mile (20%)	Engineering Cost per Mile (35%)	Total Cost per Mile	Total Improvement Cost	Peak Hour Service Volume Future	Peak Hour Service Volume Increase	Traffic Assignment	Project Trips	Proportionate Share (%)	Proportionate Share Cost
Port St. Lucie Blvd	St. Lucie County Line to Becker Rd	U	2	890	Add 2 lanes	0.6	$ 4,230,438	$ 423,044	$ 846,088	$ 1,522,958	$ 7,022,528	$ 4,213,517	1,960	970	1.4%	102	10.5%	$ 442,419
	Paar Dr to Darwin Blvd	U	2	890	Add 2 lanes	1.7	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 11,938,294	1,860	970	2.8%	211	21.8%	$ 2,602,548
	Darwin Blvd to Gatlin Blvd	U	4	1,860	Add 2 lanes	0.6	$ 3,938,157	$ 393,816	$ 787,631	$ 1,417,737	$ 6,537,341	$ 3,922,404	2,790	930	2.6%	189	20.3%	$ 796,248
Rosser Blvd	Becker to Paar Dr	U	2	760	Add 2 lanes	0.8	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 5,618,021	1,620	860	1.2%	175	20.3%	$ 1,140,458
	Paar Dr to E/W 3	U	2	760	Add 2 lanes	1.0	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 7,022,526	1,620	860	1.2%	87	10.1%	$ 709,915
	E/W 3 to 4L Section	U	2	760	Add 2 lanes	1.4	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 9,831,535	1,620	860	1.7%	124	14.4%	$ 1,415,741
E/W 43 (Open View)	Bridge over I-95	U	0	0	Bridge Segment	1.0	$ 12,962,000	$ 1,288,200	-	$ 4,637,520	$ 18,807,720	$ 18,807,720	1,860	1,860	5.1%	371	19.9%	$ 3,742,736
	I-95 to Rosser	U	0	0	Build 2 lanes	0.4	$ 4,729,910	$ 472,991	$ 1,786,765	$ 1,702,768	$ 8,692,434	$ 3,476,974	860	860	1.6%	116	13.5%	$ 469,391
Paar Drive (E/W #4)	Bridge over I-95	U	0	0	6L Bridge Segment	1.0	$ 12,962,000	$ 1,288,200	-	$ 4,637,520	$ 18,807,720	$ 18,807,720	2,790	2,790	6.9%	502	18.0%	$ 3,385,390
	Rosser to Savona	U	2	860	Add 2 lanes	1.0	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 7,022,526	1,860	1,000	6.0%	437	43.7%	$ 3,068,844
	Savona to Port St. Lucie	U	2	860	Add 2 lanes	0.75	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 5,266,894	1,860	1,000	5.6%	408	40.8%	$ 2,149,993
Crosstown Pkwy	Rangeline Rd to N/S 'A'	U	0	0	Build 4 lanes	0.9	$ 5,608,897	$ 560,890	$ 1,121,779	$ 2,019,203	$ 9,310,769	$ 8,379,692	2,232	2,232	0.4%	29	1.3%	$ 108,836
	N/S A to Village Pkwy	U	0	0	Build 4 lanes	1.9	$ 5,608,897	$ 560,890	$ 1,121,779	$ 2,019,203	$ 9,310,769	$ 17,690,461	2,232	2,232	3.4%	247	11.1%	$ 1,963,641
	Village Pkwy to Commerce Center Dr	U	4	2,232	Add 2 lanes	0.8	$ 3,938,157	$ 393,816	$ 787,631	$ 1,417,737	$ 6,537,341	$ 5,229,873	3,348	1,116	5.3%	240	21.5%	$ 1,124,423
N/S 'A'	Crosstown Pkwy to Glades Cut-Off Rd	U	0	0	Build 2 lanes	1.5	$ 4,729,910	$ 472,991	(5)	$ 1,702,768	$ 6,905,669	$ 10,358,504	860	860	1.1%	80	9.3%	$ 960,041
California Blvd	Crosstown Pkwy to St. Lucie West Blvd	U	2	760	Add 2 lanes	1.3	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 9,129,284	1,620	860	0.6%	44	5.1%	$ 465,590
Becker Rd	Southbend to Gilson	U	2	860	Add 2 lanes	2.0	$ 4,230,438	$ 423,044	$ 846,087	$ 1,522,957	$ 7,022,526	$ 14,045,052	1,860	1,000	0.7%	51	5.1%	$ 716,298
Tradition Parkway	N/S A to W of Community Blvd	U	0	0	Add 4 lanes	0.9	$ 5,608,897	$ 560,890	$ 1,121,779	$ 2,019,203	$ 9,310,769	$ 8,379,692	1,860	1,860	2.0%	146	7.8%	$ 852,816
	Village Pkwy to I-95	U	6	2,790	Add 2 lanes	0.4	$ 4,231,523	$ 423,152	(5)	(5)	$ 4,654,675	$ 1,861,870	3,540	750	6.9%	502	66.9%	Deleted by City
Village Parkway	Tradition Pkwy to Westcliffe Ln	U	4	1,860	Add 2 lanes	1.5	$ 3,938,157	$ 393,816	$ 787,631	$ 1,417,737	$ 6,537,341	$ 9,806,011	2,790	930	3.0%	219	23.4%	$ 2,294,607
Westcliffe Lane	N/S A to W of Community Blvd	U	0	0	Build 2 lanes	1.0	$ 3,818,886	$ 381,889	$ 763,777	$ 1,374,799	$ 6,339,351	$ 6,339,351	760	760	0.1%	7	0.9%	$ 57,054

$ 28,269,452

Exhibit E - Table 4

Riverland/Kennedy DRI Proportionate Share on Roadways Inside the Western Annexation Area but Outside the DRI (Category 3 Improvements through Phase 4)

Roadway	Segment	Facility Type	Existing Lanes	Existing Peak Hour Service Volume	Required Improvement	Improvement Length (Miles)	Construction Cost per Mile	Contingency (10%)	R.O.W. Cost per Mile (20%)	Engineering Cost per Mile (36%)	Total Cost per Mile	Total Improvement Cost	Peak Hour Service Volume Future	Peak Hour Service Volume Increase	Traffic Assignment	Project Trips	Proportionate Share (%)	Proportionate Share Cost
Becker Road	Rangeline Rd to N/S A	U	0	0	Build 4 lanes	0.9	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 13,347,134	1,860	1,860	3.7%	268	14.5%	$ 1,935,334
	N/S A to N/S B	U	0	0	Build 4 lanes	1.1	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 16,313,163	1,860	1,860	7.0%	509	27.4%	$ 4,469,807
	Community Blvd to Village Pkwy	U	0	0	Build 6 lanes	1.2	$ 12,440,822	$ 1,244,082	$ 2,488,164	$ 4,478,696	$ 20,651,764	$ 24,782,117	1,860	1,860	12.1%	881	47.4%	$ 11,746,729
	Rangeline Rd to N/S A	U	0	0	Build 2 lanes	0.9	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 7,066,486	850	850	0.2%	15	1.7%	$ 120,130
	N/S A to N/S B	U	0	0	Build 4 lanes	1.1	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 16,313,163	1,860	1,860	7.0%	509	27.4%	$ 4,469,807
E/W #4 (Paar Drive)	Community Blvd to Village Pkwy	U	0	0	Build 4 lanes	1.2	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 17,796,178	1,860	1,860	9.5%	691	37.2%	$ 6,620,178
	Village Pkwy to I-95	U	0	0	Build 4 lanes	0.7	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 10,381,104	1,860	1,860	7.4%	538	28.9%	$ 3,000,139
E/W #3 (Open View)	Community Blvd to Village Pkwy	U	0	0	Build 4 lanes	0.9	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 13,347,134	1,860	1,860	11.8%	859	46.2%	$ 6,166,376
	Village Pkwy to I-95	U	0	0	Build 4 lanes	0.6	$ 8,933,824	$ -	$ 1,786,765	$ 3,216,177	$ 13,936,766	$ 8,362,060	2,790	2,790	9.1%	652	23.7%	$ 1,981,806
E/W #1	Community Blvd to Village Pkwy	U	2	860	Add 2 lanes	0.3	$ 4,230,439	$ 423,044	$ 846,088	$ 1,522,958	$ 7,022,528	$ 2,106,758	1,860	1,000	13.4%	975	97.5%	$ 2,054,092
N/S 'AB'	Becker Rd to Paar Dr	U	0	0	Build 2 lanes	0.7	$ 4,729,910	$ 472,991	$ 945,982	$ 1,702,768	$ 7,851,651	$ 5,496,156	860	850	1.9%	138	16.0%	$ 879,385
	Paar Dr to E/W 3	U	0	0	Build 4 lanes	0.7	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 10,381,104	1,860	1,860	4.2%	306	16.5%	$ 1,712,982
N/S 'A'	E/W #1 to Gatlin Blvd	U	0	0	Build 4 lanes	0.9	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 11,864,119	1,860	1,860	7.0%	509	27.4%	$ 3,250,769
	Gatlin Blvd to Westcliffe Ln	U	0	0	Build 4 lanes	1.5	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 22,245,223	1,860	1,860	9.4%	611	32.8%	$ 7,296,933
	Westcliffe Ln to Crosstown Pkwy	U	0	0	Build 4 lanes	0.3	$ 8,933,824	$ 893,382	$ 1,786,765	$ 3,216,177	$ 14,830,148	$ 4,449,045	1,860	1,860	4.8%	320	17.2%	$ 765,236
Village Parkway	E/W #3 to E/W #1	U	4	1,860	Add 2 lanes	1.4	$ 6,470,589	$ 647,059	$ 1,294,118	$ 2,329,412	$ 10,741,177	$ 15,037,648	2,790	930	3.9%	264	28.5%	$ 4,284,392
Village Parkway	E/W #1 to Gatlin Blvd	U	6	2,790	Add 2 lanes	0.8	$ 4,231,523	$ 423,152	$ 846,305	$ 1,523,348	$ 7,024,328	$ 5,619,463	3,540	750	9.5%	899	93.2%	$ 5,237,039

$ 67,516,405

TREASURE COAST REGIONAL PLANNING COUNCIL

INDIAN RIVER – ST. LUCIE – MARTIN – PALM BEACH

RECEIVED

APR 20 2012

CITY OF PORT ST. LUCIE, FL

April 18, 2012

Mr. Daniel Holbrook, AICP
Director of Planning & Zoning
City of Port St. Lucie Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

Subject: Riverland/Kennedy Development of Regional Impact Notice of Proposed Change

Dear ~~Mr. Holbrook~~ Daniel:

In accordance with the requirements of Section 380.06(19), Florida Statutes, Council has reviewed additional information for the Riverland/Kennedy Development of Regional Impact (DRI) Notification of a Proposed Change (NOPC) dated February 24, 2011. The Riverland/Kennedy DRI NOPC was originally reviewed by Council in a letter dated April 6, 2011 and January 9, 2012. The following documents were reviewed:

- Letter from Mr. Glenn Ryals to Michael Busha dated March 21, 2012;
- Responses to Agency Comments; and
- Conditions of Approval – Exhibit "B"

Council staff reviewed conditions which may have an impact on the transportation network. Even though the NOPC has not been revised, the proposed Development Order (DO) conditions are significantly different to the previous one. Transportation Conditions 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, and 31 are proposed to be amended. In addition changes to phasing and buildout dates are also proposed.

Riverland/Kennedy was one of the four DRIs included within the Western Annexation Traffic Study (WATS). The study assumed the roadway network necessary to support the proposed developments (Southern Grove, Western Grove, Wilson Groves, and Riverland/Kennedy) would be built when needed. Therefore, all four developments shared date specific conditions to provide the necessary roadway network within the WATS area. Not all developments have been proceeding as expected under the WATS. Wilson Groves have recently amended the DO to disconnect from the other developments so that it may proceed individually. Riverland/Kennedy is proposing the same approach.

Roxanne Chesser, City of Port St. Lucie Engineering Department, explained how the City developed their own methodology to divide up the roadway improvements within the WATS area. The method involves equally distributing the improvements within the DRIs based on trips generated and the equivalent lane miles. It is presumed the proposed amendments are consistent with the City's methodology. Therefore, Riverland/Kennedy is only responsible for roadway improvements within its development (i.e. internal roadways). The City intends to revise the DO for Southern Grove as well. If this DO is revised consistent with the City's assessment and all DRIs proceed as planned, the roadway network within the WATS area will be built as identified in the WATS, to the end of Phase 3. However, if the projects do not build as planned, there may be sections of the roadway network which will not get built when needed. It must be noted that the roadway network included in the Wilson Groves recently adopted DO only included improvements identified to the end of Phase 3.

It is Council's professional opinion that the proposed amendments to the DO will create additional traffic impact on regional roadways. Justification is as follows:

1. While numerous roadway conditions included in the DO are proposed to be deleted, a traffic study to support these amendments has not been prepared. Several roadway conditions are also proposed to be postponed. Postponement and deletion of roadway improvements are likely to create deficiencies in the roadway network. It is impossible to evaluate the impact without a traffic study. Therefore, the presumption that the proposed amendments create unreviewed traffic impact has not been rebutted.

2. The response indicates the developer is using proportionate share to determine improvements needed for Riverland/Kennedy DRI in accordance with HB 7207. However, the proposed "Conditions of Approval" do not include proportionate share. The approach should be explained in detail.

3. The following exhibits, which are mentioned in the DO, need to be provided:

   - Exhibit "C" – Equivalency Matrix
   - Exhibit "D" – Map H
   - Exhibit "E" – ITE Land Use Category
   - Exhibit "F" – Alignment of Community Boulevard;

4. Condition 2 has been amended to delete a table showing authorized development intensity. While some of the information is included in the phasing table, the following information needs to be added:

   - Single-family residential: 8,424 dwelling units
   - Multi-family residential: 3,276 dwelling units

- Schools: 75 acres to include one K-8 and one high school
- Regional park: 50 acres
- Recreational/Open space: 140 acres

5. Both phasing and buildout date are proposed to be extended by 5 years (Conditions 3 and 4). The WATS evaluated a 2025 buildout date. The proposed DO includes a buildout date of 2033. Therefore, the proposed extension is a cumulative 8 years which is presumed to be a substantial deviation. Documentation needs to be provided to ensure the proposed extension does not create unreviewed impact to the transportation network.

6. All improvements identified in the City to be provided by Riverland/Kennedy are included in either Table 1 or 2 (Conditions 18 and 19). However, the following roadway widenings rely on Wilson Grove to complete the new 2-lane road:

   - E/W 3 from N/S A to N/S B
   - N/S B from E/W 3 to Paar Dr.
   - N/S B from Paar Dr. to Becker Rd.
   - Becker Rd. from Community Blvd. to N/S B

   While the improvements above are included in the DO for Wilson Groves, their threshold is based on trips or residential development. Should Wilson Groves not develop according to schedule, the required roads may not be available when needed by Riverland/Kennedy. Furthermore, the widening may be required prior to building of the road. To avoid this potential "issue," thresholds for roadway improvements should be based on years not trips or development.

7. Trip thresholds identified in Table 2 are inconsistent with the WATS and the adopted DO. Roadway improvements are to be provided at the beginning of the phase which requires the improvement. As such, all trip thresholds need to be revised to ensure impact is mitigated concurrent with development. The following trip thresholds apply:

   - Phase 1 – Prior to development
   - Phase 2 – 3,219
   - Phase 3 – 10,935
   - Phase 4 – 13,461

8. As discussed above, phase 4 improvements will never be triggered as the 14,372 trip threshold is that of the total development approval.

9. While Tables 3 and 4 include improvements east and west of I-95, none of the unsatisfied improvements will ever be triggered/required as the trips threshold of 14,372 is that of the total development approval. These roadway improvements are required in Phases 1, 2, 3, and 4 in the adopted DO. The proposed amendments will certainly create unreviewed impact on the roadway network.

10. Consistent with the comment above, the traffic re-analysis included in proposed Condition 22 will never be triggered.

11. Proposed Condition 23 presents a table with required roadway improvements outside the City of Port St. Lucie. While the improvements and trip thresholds are consistent with those included in the adopted DO, the year of failure has been extended by 8 years. This will also create unreviewed traffic impact.

12. Consistent with the comment above, the 8 year extension is also proposed in Condition 24. Again, this will create unreviewed traffic impact.

13. Adopted DO Condition 27 requires a study to evaluate the need for an interchange along I-95 and E/W 3. The proposal is to delete this condition. Consistent with the WATS, the condition should be maintained.

14. The comment above also applies to Adopted DO Condition 28 which is also proposed to be deleted.

Please copy Council on all correspondence concerning this NOPC. If the development order is amended, please transmit a certified copy of the adopted development order amendment pursuant to this notice of proposed change.

If you have any questions please do not hesitate to contact me.

Sincerely,

Michael J. Busha, AICP
Executive Director

MJB:lg

cc: James Stansbury, Florida Department of Economic Opportunity
Anne Cox, City of Port St. Lucie
Roxanne Chesser, City of Port St. Lucie
Kara Wood, St. Lucie County
Nicki van Vonno, Martin County
Gustavo Schmidt, Florida Department of Transportation
Chon Wong, Florida Department of Transportation
Maria Tejera, MTP Group, Inc.
Glenn Ryals, Riverland/Kennedy

Riverland/Kennedy LLP
1600 Sawgrass Corporate Parkway
Suite 400
Sunrise, Florida 33323

Chon Wong
Florida Department of Transportation
3400 West Commercial Blvd.
Ft. Lauderdale, FL 33309

RE: Riverland/Kennedy DRI –NOPC #2

April 12, 2012

Dear Mr. Wong,

Please find attached a response to questions raise by the TCRPC and others. We had previously responded to these comments but there have been some changes to the DO which I believe should further alleviate concerns which were previously raised.

First I should point out that the City has chosen to allocate the SW annexation roads based on a "Lane Mile" allocation method developed by Ms. Roxanne Chesser, City of Port St. Lucie, Engineering Dept. They have completed and approved both the Wilson Grove DRI NOPC #2 as well as the Southern Grove DRI substantial deviation. Excluding Western Grove, which the City does not want to address at this time, we are the last DRI to process our NOPC. As we are the last piece of the puzzle, the original WATS network is now accounted for within the 3 DRI's, and our NOPC will complete the bifurcation of road improvements required in the related Development Orders.

In addition all three DRI's have provided for access roads, so that each developer can proceed regardless of the actions of the other developers. Further, we have reinserted the original monitoring language in Condition 15 A and B.

We have not changed any of the entitlements to our DRI and again, the entire WATS network remains in tact and has been allocated among the 3 DRI's. Timing is addressed through the use of Access Roads as well as the monitoring condition.

We hope this helps overcome your prior concerns regarding our NOPC. As noted in responses attached to our letter to TCRPC, we far exceed our Proportionate Share as provided for by State Statutes.

With Kind Regards,

Glenn Ryals
(954) 753-1730

Riverland/Kennedy LLP
1600 Sawgrass Corporate Parkway
Suite 400
Sunrise, Florida 33323

D. Ray Eubanks, Administrator
Department of Economic Opportunity
107 E. Madison Street
Tallahassee, Florida 32399-4120
(850) 245-7105

RE: Riverland/Kennedy DRI –NOPC #2 April 12, 2012

Dear Mr. Eubanks,

Please find attached a copy of a letter recently sent to Michael Busha of the Treasure Coast Regional Planning Council in response to a letter he sent to the City of Port St. Lucie regarding our NOPC. The City requested that we copy you on this correspondence.

With Kind Regards,

Glenn Ryals
(954) 753-1730

"A City for All Ages"

CITY OF PORT ST. LUCIE
ENGINEERING DEPARTMENT

Accredited Agency – American Public Works Association

MEMORANDUM

To: Anne Cox – Assistant Director Planning and Zoning Department

Thru: Roxanne M. Chesser, P.E. - Civil Engineer

Date: February 22, 2011

RE: Southwest Annexation Roadways – Assignments and Phasing

The purpose of this memorandum is to document the methodology used to distribute roadway improvements for the southwest annexation area (SWAA). The three developments include: Riverland/Kennedy, Southern Grove, and Wilson Groves DRIs.

A spreadsheet showing the results of the model that distributes the SWAA roadways is attached. In general, the calculation/model uses the external p.m. peak hour trip percentages for each of the developments to determine the lane mileage distribution.

Roadway Information

The roadways included in this calculation/model are those within the DRIs as well as the improvements needed for the northern access road, Tradition Parkway. The ultimate number of lanes was based upon the *Western Annexation Traffic Study* (WATS) -2006, MTP Group: *Southern Grove Traffic Study* - 2009, Kimely-Horn Associates; input from the City Staff (Planning and Zoning, Legal, City Manager, and Engineering Departments). The following roadway information was entered into the model….

- Column 1 – Identifies the road
- Column 2 –Road segment starting point "To"
- Column 3 –Road segment ending point "From"
- Column 4 –Length of the road segment "Length (miles)" of the Road Segment. This was taken from a scaled AutoCad Drawing of the proposed roadways.
- Column 5 – The "Ultimate Number of Lanes (number
- Column 6 – "Lane Miles" are calculated by multiplying the length of the road segment (Column 4) by the ultimate number of lanes (Column 5).

External P.M. Peak Hour Trips

The external p.m. peak hour trips are defined by the WATS. Per the WATS, the external p.m. peak hour trips and percentage of trips is shown in the table below. Briefly, Riverland/Kennedy would be assigned approximately 35% of the lane miles, Southern Grove 41%, and Wilson Groves 24% based upon the percentage of trips.

WATS External P.M. Peak Hour Trips				
Description	**Riverland/Kennedy**	**Southern Grove**	**Wilson Groves**	**Total**
External P.M. Peak Hour Trips	14,372	17,061	10,182	41,615
Percent of Total	35%	41%	24%	100%

The following trip generation information was entered into the model for each of the developments:

- Row 37 – Total Development External PM Peak Hour Trips
- Row 38 – Percent Trips

Roadway Distribution

The roadway distribution for the three developments was modeled within the following columns.

- Column 7 – Length of road (miles) distributed to Southern Groves
- Column 8 – Number of lanes distributed to Southern Groves
- Column 9 – Calculated lane miles distributed to Southern Groves

- Column 10 – Length of road (miles) distributed to Riverland/Kennedy
- Column 11 – Number of lanes distributed to Riverland/Kennedy
- Column 12 – Calculated lane miles distributed to Riverland/Kennedy

- Column 13 – Length of road (miles) distributed to Wilson Groves
- Column 14 – Number of lanes distributed to Wilson Groves
- Column 15 – Calculated lane miles distributed to Wilson Groves

The goal of the modeling or distribution of lane miles in Columns 7, 8, 10, 11, 13 and 14 is to create a situation where the total lane miles (Row 36) is close to the distributed lane miles (Row 39). When Row 40 results in a positive number, the developer's allocation is less than the "equal share". When Row 40 is a negative number, the developer's allocation is more than the "equal share". Due to the limitations of the model, a perfect allocation is not possible.

Check

The accuracy of the modeled roadway distribution was confirmed using Column 16. This column is the sum of the lane miles modeled for Southern Groves (Column 9) plus Riverland/Kennedy (Column 12) plus Wilson Groves (Column 15). A comparison of the measured lane miles (Column 6) and the calculated lane miles (Column 16) should result in the same number provided the roadway distribution was successful.

Phasing

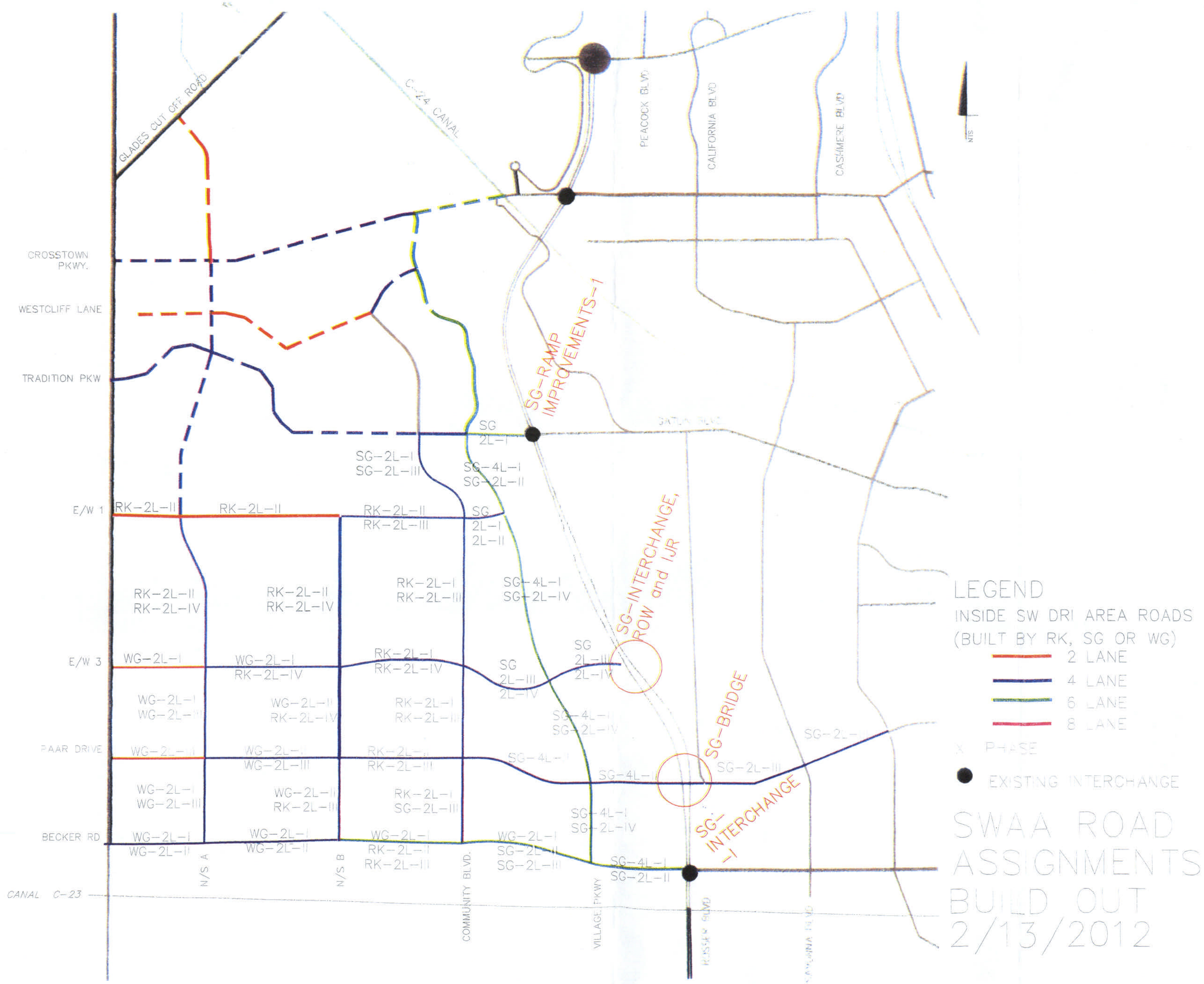
Phasing of the improvements and the ultimate lane sections are shown in the attached graphic. The phasing was based upon the WATS, *Southern Grove Traffic Study* (2009, Kimely-Horn Associates), input from the City Staff (Planning and Zoning, Legal, City Manager, and Engineering Departments) and input from the developers. The key element of the phasing is the monitoring conditions in the development orders that allow the developer to slow development of roadways or the City to expedite construction of roadways, as needed.

RC
Enclosures

s:\projects\sw annexation roadways\2-13-12 resolution\methodology memo.doc

SW ANNEXATION AREA - INTERNAL ROAD DISTRIBUTION

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	Roadway Construction			Measured Total			Southern Grove			Riverland/Kennedy			Wilson Groves			Calculated
	Road	*From*	*To*	*Length (miles)*	*Ultimate Lanes (number)*	*Lane Miles*	*Length (miles)*	*Lanes (number)*	*Lane Miles*	*Length (miles)*	*Lanes (number)*	*Lane Miles*	*Length (miles)*	*Lanes (number)*	*Lane Miles*	*Total Lane Miles*
1	Tradition Parkway	I-95	Village Parkway	*0.4*	*2*	0.80	0.40	2	0.80							0.80
2	Village Parkway	Tradition Parkway	E/W 1	0.77	6	4.62	0.77	6	4.62							4.62
3	Village Parkway	E/W 1	E/W 3	1.54	6	9.24	1.54	6	9.24							9.24
4	Village Parkway	E/W 3	Paar Drive	0.96	6	5.76	0.96	6	5.76							5.76
5	Village Parkway	Paar Drive	Becker Road	0.69	6	4.14	0.69	6	4.14							4.14
6	Community Boulevard	Tradition Parkway	E/W 1	0.86	4	3.44	0.86	4	3.44	0.86	0	0.00				3.44
7	Community Boulevard	E/W 1	E/W 3	1.28	4	5.12	1.28	0	0.00	1.28	4	5.12				5.12
8	Community Boulevard	E/W 3	Paar Drive	0.78	4	3.12	0.78	0	0.00	0.78	4	3.12				3.12
9	Community Boulevard	Paar Drive	Becker Road	0.74	4	2.96	0.74	2	1.48	0.74	2	1.48				2.96
10	N/S B	E/W 1	E/W 3	1.27	4	5.08				1.27	4	5.08				5.08
11	N/S B	E/W 3	Paar Drive	0.78	4	3.12				0.78	2	1.56	0.78	2	1.56	3.12
12	N/S B (2)	Paar Drive	Becker Road	0.74	4	2.96				0.74	2	1.48	0.74	2	1.48	2.96
13	N/S AB (1)	Paar Drive	Becker Road	0.74	0	0.00										
14	N/S A	E/W 1	E/W 3	1.33	4	5.32				1.33	4	5.32				5.32
15	N/S A	E/W 3	Paar Drive	0.78	4	3.12							0.78	4	3.12	3.12
16	N/S A	Paar Drive	Becker Road	0.74	4	2.96							0.74	4	2.96	2.96
17	E/W 1	Village Parkway	Community Boulevard	0.35	4	1.40	0.35	4	1.40							1.40
18	E/W 1	Community Boulevard	N/S B	1.06	4	4.24				1.06	4	4.24				4.24
19	E/W 1	N/S B	N/S A	1.36	2	2.72				1.36	2	2.72				2.72
20	E/W 1	N/S A	Range Line Road	0.63	2	1.26				0.63	2	1.26				1.26
21	E/W 3	I-95	Village Parkway	0.62	4	2.48	0.62	4	2.48							2.48
22	E/W 3	Village Parkway	Community Boulevard	0.80	4	3.20	0.80	4	3.20							3.20
23	E/W 3	Community Boulevard	N/S B	1.07	4	4.28				1.07	4	4.28				4.28
24	E/W 3	N/S B	N/S A	1.15	4	4.60				1.15	2	2.30	1.15	2	2.30	4.60
25	E/W 3	N/S A	Range Line Road	0.86	2	1.72							0.86	2	1.72	1.72
26	Paar Drive	I-95	Village Parkway	0.77	4	3.08	0.77	4	3.08							3.08
27	Paar Drive	Village Parkway	Community Boulevard	1.14	4	4.56	1.14	4	4.56							4.56
28	Paar Drive	Community Boulevard	N/S B	1.05	4	4.20				1.05	4	4.20				4.20
29	Paar Drive	N/S B	N/S A	1.15	4	4.60							1.15	4	4.60	4.60
30	Paar Drive	N/S A	Range Line Road	0.86	2	1.72							0.86	2	1.72	1.72
31	Becker Road	I-95	Village Parkway	0.84	6	5.04	0.84	6	5.04							5.04
32	Becker Road	Village Parkway	Community Boulevard	1.12	6	6.72	1.12	4	4.48	1.12	0	0.00	1.12	2	2.24	6.72
33	Becker Road	Community Boulevard	N/S B	1.05	6	6.30				1.05	4	4.20	1.05	2	2.10	6.30
34	Becker Road	N/S B	N/S A	1.15	4	4.60							1.15	4	4.60	4.60
35	Becker Road	N/S A	Range Line Road	0.86	4	3.44							0.86	4	3.44	3.44
36			Total Lane Miles			131.92			53.72			46.36			31.84	131.92
37			Total Development External PM Peak Trips			41,615			17,061			14,372			10,182	41,615
38			Percent Trips			100%			41%			35%			24%	100%
39			Distributed Lane Miles (Total Measured Lane Miles x Percent Trips)			131.92			54.08			45.56			32.28	131.92
40			Lane Mile Difference (Distributed - Total)			0.00			0.36			-0.80			0.44	0.00



GLADES CUT OFF ROAD
C-24 CANAL
PEACOCK BLVD
CALIFORNIA BLVD
CASHMERE BLVD
CROSSTOWN PKWY.
WESTCLIFF LANE
TRADITION PKW
SG-RAMP IMPROVEMENTS-1
SG-INTERCHANGE, ROW and IJR
SG-BRIDGE
SG-INTERCHANGE -1
E/W 1
E/W 3
PAAR DRIVE
BECKER RD
CANAL C-23
N/S A
N/S B
COMMUNITY BLVD.
VILLAGE PKWY
LEGEND
INSIDE SW DRI AREA ROADS
(BUILT BY RK, SG OR WG)
2 LANE
4 LANE
6 LANE
8 LANE
X PHASE
EXISTING INTERCHANGE
SWAA ROAD ASSIGNMENTS BUILD OUT 2/13/2012