ADDITIONAL INFORMATION

COUNCIL ITEM 11A
DATE 9-10-12

MEMORANDUM

TO: MAYOR & CITY COUNCIL

FROM: GREGORY J. ORAVEC, CITY MANAGER

SUBJECT: RECOMMENDATION CONCERNING PROPOSED CHANGE TO THE RIVERLAND KENNEDY DEVELOPMENT OF REGIONAL IMPACT

DATE: SEPTEMBER 7, 2012

This memorandum serves to provide my recommendation concerning the subject. I apologize for providing it the day of the scheduled City Council meeting; however, I met with representatives of Wilson Grove, Riverland Kennedy and Southern Grove personally and via telephone Wednesday, Thursday and Friday, and the greater parts of Friday and the weekend were unexpectedly spent on Digital Domain. At least one concerned party and one councilperson have requested that this item be tabled. The staff and I will be ready to assist you in your deliberation of this matter tonight or in the future, as you see fit. In any event, you may find the outlined position very familiar because it focuses on the importance of completing the western extension of Becker Road and ensuring that the development of Riverland Kennedy does not detrimentally impact the roadways within Tradition and Southern Grove.

As you are aware, the Southwest Annexation Area (SAA) is comprised of Southern Grove, Riverland Kennedy and Wilson Grove. It is a product of the 2004 Annexation Agreement as subsequently amended; and led to the entitlement of approximately 26,788 dwelling units in southwestern Port St. Lucie pursuant to three developments of regional impact (DRIs). Originally, although the three developments were separate DRIs, they were considered as a whole. They were subject to the same Annexation Agreement and shared many important development conditions, most notably roadway improvements, and traffic analysis through the Western Annexation Transportation Study (WATS). Given that the three parties compete with each other, this union created a lot of tension from the start. However, with the tremendous demand for development at that time, the parties managed to work towards common goals. Unfortunately, as the Boom busted and as it became time to allocate specific roadway improvements from the collective to individuals, the tension boiled over and caused the respective parties to seek separate development order conditions. This situation is often referred to as the "divorce". Wilson Grove was the first to complete the split, followed by Southern Grove, and Riverland Kennedy now hopes to complete its separation. With the benefit of hindsight, I wish that the City would have required all parties to complete the split at the same time. We could have better ensured fairness, and we could have effectively compelled the amendment to the Annexation Agreement, which is now needed. Unfortunately, we cannot go back, and only one party is left subject to the form of the old development order.

As more particularly set forth in the Planning Department's packet, the City has worked with Riverland Kennedy and all of the other parties of the SAA all summer in an attempt to fairly and equitably complete the split. Though there was a promising "all hands" meeting on July 17, 2012, which had City staff hoping that the parties had come to mutually agreeable terms, including a revised Annexation Agreement, Riverland Kennedy, for reasons only its representatives could fully explain, withdrew and went back to a proposal which was slightly modified from the one presented to the City Council on July 9, 2012. The crux of this proposal is found as Exhibit "B" in your meeting packet.

Please be advised that I do not support the proposed development order as it was transmitted to the City Council as part of the September 10, 2012, meeting packet because it does not fully address the potential for impacting roads within Tradition and Southern Grove, and it does not comply with the spirit of the Annexation Agreement, which requires Riverland Kennedy to provide for the construction of the first two lanes of Becker Road on its property. (Please note that the previously provided development order does require Riverland Kennedy to widen Becker Road from 2 to 4 lanes and from 4 to 6 lanes though in Phases 2 and 3, respectively.) Accordingly, I met with City staff and Riverland Kennedy with the goal of addressing these perceived shortcomings. The result of these meetings was the insertion of the following notes into a revised Exhibit "B" of the development order:

> Note No. 1: No building permits shall be issued for development that generates more than 4,000 total net external p.m. peak hour trips or 3,300 residential units, whichever occurs first, until a contract has been let for the construction of the initial two lanes of Becker Rd. from Village Pkwy. To Community Blvd.
>
> Note No. 2: If the Annexation Agreement is amended to provide that the construction of the initial two lanes of Becker Road from Community Boulevard to N/S B is required no earlier than 2018, or later if agreed to by all parties of the Annexation Agreement, then the construction of the initial 2LD shall become a Phase I responsibility of Riverland/Kennedy in place of the requirement that Riverland/Kennedy widen the roadway from 2LD to 4LD.

Note No. 1 addresses the concerns over the impacts to the roadways of Tradition and Southern Grove by ensuring that Becker Road will be there to meet the traffic demand generated by the development of Riverland Kennedy. Note No. 2 includes the same basic language that was included within Southern Grove's development order. It allows for the phasing of the construction of Becker Road to be changed consistent with the spirit of the Annexation Agreement and, hopefully, with the letter of a soon to be completed Revision to the Annexation Agreement.

Attached for your consideration, please find a revised Exhibit "B", entitled "Conditions of Approval", with the above notes inserted. The notes are the only changes.

As you may be aware, the representatives of Wilson Grove do not agree with the language for the development order even though they found it acceptable within Southern Grove's development order. I believe that this is due to a fundamental mistrust between the parties. Representatives of Wilson Grove argue that the proposed development order should specifically include the first phase of Becker Road. Unfortunately, without a corresponding amendment to the Wilson Grove development order, there would be no way for Riverland

Kennedy to ensure that it would not get stuck with an extra two lanes of Becker Road, which would throw off the equitable distribution of roadway improvements.

In addition to reviewing the newly proposed notes, you may find it useful to consider the following points as you consider the proposed development order:

- It is likely that this and the other SAA DRI development orders will be amended multiple times in response to changing market forces over time. By way of comparison, the development order for St. Lucie West has been amended about 16 times.
- It is likely that the build out of these developments will occur over thirty or more years.
- Given the uncertainty introduced by changing market forces over such an extended period of time, it would be possible to pay for and then argue the results of hypothetical traffic studies for a very long time. Rather than doing that, City staff believes it has introduced several safeguards to the development order which have also been noted by the City's traffic consultant, Veronica Altuve, PE, Keith and Schnars. In her memorandum of September 7, 2012, which is attached for your reference, Ms. Altuve notes that the proposed development order includes the following safeguards:
    - Traffic monitoring [It is important to note that Condition 15 is what allows the City to expedite required traffic improvements to meet demand];
    - Trip generation analysis as part of the site plan and subdivision plat approval processes; and
    - Limiting the development program until the initial two lanes of Becker Road between Village Parkway and Community Boulevard are let for construction.

Though it is imperfect, the staff and I believe that the proposed development order (with the two inserted notes) represents a fair and equitable conclusion of the process to separate the DRIs and adequately protects the City's interests. The staff and I look forward to your action on this item. Regardless of the outcome, once deliberation over this item has been concluded, we will turn our attention to the amendment of the Annexation Agreement.

If you have any questions or would like additional information, please do not hesitate to contact me.

Thank you.

Attachments

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. Lucie 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~~ 2006-2019	2,500	192,000	136,125	136,125	25,000
2	~~2014-2018~~ 2020-2024	7,901	540,668	408,375	408,375	215,327
3	~~2019-2023~~ 2025-2029	1,299	160,000	408,375	408,375	87,000
4	~~2024-2028~~ 2030-2034	0	0	408,375	408,375	0
Total	~~2006-2028~~ 2006-2034	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~~ 2034, 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~~ 2041 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.

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~~ threshold (date or trip) 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~~ threshold (date or trip) 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~~ threshold (date or trip) 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~~ threshold (date or trip) 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~~ threshold (date or trip) by which this Development Order would otherwise require such improvement, then the ~~date~~ threshold (date or trip) 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.

C) The Developer will coordinate with the SWAA DRIs regarding the results of the monitoring of the operational level of service conditions conducted by Southern Grove 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 operational analyses indicate that the interstate or the subject interchanges are reaching or have reached the adopted level-of-service threshold, the Developer shall participate in collaborative discussions to identify possible solutions for a mitigation program to resolve the problem, which resolution, in principle, should be reflective of the impacts on the identified roadways/intersections created by the respective SWAA DRIs. The collaborative discussions shall include, but not be limited to, FDOT, the City of Port St. Lucie and the SWAA DRI developers. However, additional transportation mitigation beyond the required improvements listed in Table 2 in this development Order shall not be required of the Developer as a result of this collaboration.

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. 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 any development until: 1) contracts have been let for the roadway 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*	Required Improvement
Community Blvd.	Discovery Way	South for 2,500 Ft.	0	2L
Secondary Emergency Access Road at E/W #1 between Community Blvd. and Rangeline Rd.			0	Emergency Access Road

EXHIBIT "B"

*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 after December 31st of the phase date 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	Phase Date	Trip Threshold	Improvement
Phase 1					
Community Blvd.	Discovery Way	E/W 3	2019	3,219	2L
Community Blvd.	E/W 3	Paar Dr.	2019	3,219	2L
Community Blvd.	Paar Dr.	Becker Rd.	2019	3,219	2L
E/W 3	Community Blvd.	N/S B	2019	3,219	2L
Phase 2					
N/S B	Discovery Way	E/W 3	2024	7,077	2L
Paar Dr.	Community Blvd.	N/S B	2024	7,077	2L
Discovery Way	Community Blvd.	N/S B	2024	7,077	2L
Discovery Way	N/S B	N/S A	2024	10,935	2L
Discovery Way	N/S A	Rangeline Rd.	2024	10,935	2L
Becker	Community	N/S B	2024	5,148	Widen to 4LD
N/S A	Discovery Way	E/W 3	2024	10,935	2L
Phase 3					
Community Blvd.	Discovery Way	E/W 3	2029	12,198	Widen to 4LD
Community Blvd.	E/W 3	Paar Dr.	2029	12,198	Widen to 4LD
Becker	Community	N/S B	2029	13,461	Widen to 6LD
N/S B	Paar Dr.	Becker Rd.	2029	13,461	Widen to 4LD
Discovery Way	Community Blvd.	N/S B	2029	13,461	Widen to 4LD

EXHIBIT "B"

Paar Dr.	Community Blvd.	N/S B	2029	12,198	Widen to 4LD
Phase 4					
N/S A	Discovery Way	E/W 3	2029	13,461	Widen to 4LD
N/S B	E/W 3	Paar Dr.	2029	13,461	Widen to 4LD
N/S B	Discovery Way	E/W 3	2029	13,461	Widen to 4LD
E/W 3	Community	N/S B	2029	13,461	Widen to 4LD
E/W 3	N/S B	N/S A	2029	13,461	Widen to 4LD

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

Note No. 1: No building permits shall be issued for development that generates more than 4,000 total net external p.m. peak hour trips or 3,300 residential units, whichever occurs first, until a contract has been let for the construction of the initial two lanes of Becker Rd. from Village Pkwy. To Community Blvd.

Note No. 2: If the Annexation Agreement is amended to provide that the construction of the initial two lanes of Becker Road from Community Boulevard to N/S B is required no earlier than 2018, or later if agreed to by all parties of the Annexation Agreement, then the construction of the initial 2LD shall become a Phase I responsibility of Riverland/Kennedy in place of the requirement that Riverland/Kennedy widen the roadway from 2LD to 4LD.

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	

EXHIBIT "B"

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

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	

EXHIBIT "B"

Year	*Trip Threshold	Road	From	To	Required Improvement	Status
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 2029, 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 Conditions ~~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~~ 2029 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 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~~
~~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~~ ~~2013~~	~~Widen to 6LD~~
~~Crosstown Parkway – I-95 to Bayshore Blvd.~~	~~N/A~~	~~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~~ 5 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.

Table ~~3~~5
~~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~~

EXHIBIT "B"

~~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~~ 2020, 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~~ 2020, 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~~
~~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, 20~~19~~29, 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, 20~~20~~30, 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.~~

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~~9~~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.

EXHIBIT "B"

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.

KEITH and SCHNARS, P.A.
FLORIDA'S *Big* LOCAL FIRM

MEMORANDUM

TO: Roxanne Chesser, P.E. (City of Port St. Lucie)

COPIES TO: Daniel Hoolbrook, Director of Planning and Zoning (City of Port St. Lucie)

FROM: Veronica Altuve, P.E. (Keith and Schnars, P.A.)

DATE: September 7, 2012

SUBJECT: Southwestern Annexation Area Internal Roadway Review
Project Number: 18017.01.09003

Keith and Schnars, P.A. was retained by the City of Port St. Lucie (City) to review the adequacy of the Southwestern Annexation Area (SWAA) internal roadway system and the proposed transportation development order (D.O.) conditions for Riverland/Kennedy Development of Regional Impact (DRI) as it relates to the internal roadway system.

Becker Road is a key east-west roadway providing the only connectivity to the entire southern area of the SWAA to I-95, Florida's Turnpike, and the eastern area of the City (via Port St. Lucie Boulevard). As such, the construction of the first two-lanes of Becker Road is essential for the SWAA developments to progress in concert with a roadway system that will provide adequate connectivity and capacity. If Becker Road is not constructed, the SWAA development intensities could not be supported because Community Boulevard and Discovery Way will provide the only access into and out of Riverland/Kennedy DRI; and Wilson Groves DRI will have no access to their site. Further, the existing roadway infrastructure along Community Boulevard, Discovery Way, Village Parkway, and Tradition Boulevard will be overburdened.

The proposed revisions to the Riverland/Kennedy D.O. did not include a traffic analysis to support the timing of their roadway construction for which they are responsible. In addition, the D.O. proposes to construct their Phase I roadway improvements at the completion of the development phase instead of the beginning of the phase. If the roadway infrastructure is not constructed when needed to support the Riverland/Kennedy DRI, their traffic may overburden the existing roadway system precluding the adjacent DRI's from the ability to develop. Therefore, the City has included in the Riverland/Kennedy D.O. the following safe measures to ensure the proper infrastructure is constructed:

- A monitoring program to ensure that the area roadway's level of service are not exceeded;
- A trip generation analysis be prepared and submitted by the Applicant prior to each site plan or residential subdivision plat approval; and
- Limiting the development program until the initial two-lanes of Becker Road between Village Parkway and Community Boulevard is let for construction.

6500 North Andrews Avenue • Ft. Lauderdale, Florida 33309-2132
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FOWLER WHITE BOGGS
Attorneys at Law
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COUNCIL ITEM 11A
DATE 9-10-12

ADDITIONAL INFORMATION

'Kenneth L. Bednar
Direct Dial: 954-703-3914
Direct Fax: 954-707-4546
Kenneth.bednar@fowlerwhite.com

September 7, 2012

Mayor JoAnn M. Faiella and
Members of the City Council
Vice Mayor Linda Bartz
Councilwoman Michelle Lee Berger
Councilwoman Shannon Martin
Councilman Jack Kelly
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 Mayor and Members of the City Council:

On behalf of the owners of the Wilson Groves Development of Regional Impact ("DRI"), we are writing to express our continuing concern about Riverland/Kennedy DRI's pending application for an Amended Development Order, currently scheduled for hearing before the City Council on Monday, September 10, 2012.

Pursuant to the City Council's strong admonition to all the developers of projects in the Southwest Annexation Area, representatives of the three DRIs met with City staff and negotiated an agreement in good faith that would have resolved the transportation issues that were of concern to the parties. Representatives of Riverland Kennedy agreed to the resolution, and provided amended conditions to the City staff that reflected that agreement. Wilson Groves, in turn, provided a draft Amended Development Order to the City containing the provisions agreed to by the parties, which would be filed immediately upon approval of similar conditions in the Riverland Kennedy Amended Development Order. Southern Groves DRI also agreed with the negotiated resolution.

Notwithstanding this progress toward an agreement between all parties, Riverland Kennedy has now rescinded its earlier agreement with the negotiated resolution and insists upon issuance of an Amended Development Order that directly conflicts with the Annexation Agreement ("Agreement") entered into in 2004 as it relates to the construction of Becker Road.

This morning we just received the latest version of the Riverland Kennedy Development Order language and Wilson Groves remains concerned with the latest language. It appears that the City Manager, seems to be taking the position that since Wilson Groves and Southern Grove have amended their respective development orders, it is only fair to allow Riverland Kennedy to do so, as well. To be clear, Wilson Groves does not object to the issuance of an Amended Development Order for Riverland Kennedy, but strenuously objects to the issuance of such an order if it is in direct conflict with the 2004 Agreement. Unfortunately, the document before you for consideration on September 10 contains such a conflict because it allows Riverland Kennedy to eliminate its responsibility to pay for the two-laning of Becker Road through its property.

As we indicated to several of you on September 6, given the importance of this item and the short time frame to Monday's meeting, Wilson Groves requests that the City Council table the Riverland Kennedy Amended Development Order to provide everyone an opportunity to evaluate this very latest proposal and its implications.

We appreciate your attention to this important matter and look forward to addressing you at your meeting on September 10, 2012. In the interim, if you have any questions regarding these issues, please do not hesitate to contact me.

Very truly yours,

FOWLER WHITE BOGGS P.A.

Kenneth Bednar

cc: Greg Oravec, City Manager
Pam E. Booker, Esq., Senior Assistant City Attorney
Daniel Holbrook, Director of Planning and Zoning
Anne Cox, Assistant Director of Planning and Zoning

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ADDITIONAL INFORMATION

KEITH and SCHNARS, P.A.
FLORIDA'S Big LOCAL FIRM

COUNCIL ITEM 11A
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MEMORANDUM

TO: Roxanne Chesser, P.E. (City of Port St. Lucie)

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original to City Clerk

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Kenneth.bednar@fowlerwhite.com

SEP 10 2012
Council MF
BC
CM RODH

September 7, 2012

Mayor JoAnn M. Faiella and
Members of the City Council
Vice Mayor Linda Bartz
Councilwoman Michelle Lee Berger
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