

**RESOLUTION NO. 12-R69**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FINDINGS OF FACT**

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

1. The above recitals are true and correct, and are incorporated into this Development Order by this reference.
2. The Project as modified is consistent with the State Comprehensive Plan.
3. The Project as modified is consistent with the Port St. Lucie Comprehensive Plan and the Port St. Lucie Land Development Regulations.
4. The Project as modified is consistent with the TCRPC's Riverland/Kennedy Development of Regional Impact Assessment Report dated August 2006.
5. The Project is not located in an area of critical state concern designated pursuant to section 380.05, F.S.
6. This Development Order includes adequate provisions for the public facilities needed to accommodate the impacts of the proposed development pursuant to the requirements of Section 380.06, F.S.
7. NOPC No. 4 2 and its supporting documentation were reviewed as required by Chapter 380, F.S., and the local land development regulations and are incorporated into this Development Order by this reference.
8. NOPC No. 4 2 does not constitute a substantial deviation from the Development Order adopted by the City Council on September 25, 2006 and is otherwise approved, subject to the conditions set forth in this Development Order.

**CONCLUSIONS OF LAW**

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

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9. The City Council is the governing body with legal jurisdiction over the DRI Property and is authorized and empowered by Chapter 380, F.S., to issue this Development Order.
10. The Project as modified is approved for development pursuant to section 380.06, F.S., on the DRI Property attached as Composite Exhibit "A", subject to the conditions of approval set forth in Exhibit "B" of this Development Order and the Equivalency Matrix attached as Exhibit "C", both of which are incorporated into this Development Order by this reference.
11. Development shall be located substantially as depicted on the Master Development Plan (Map H) attached as Exhibit "D", which is incorporated into this Development Order by reference.
12. Development shall be consistent with the Port St. Lucie Comprehensive Plan, the Port St. Lucie Land Development Regulations and this Development Order.
13. Within 10 days after adoption of this Development Order, the City Clerk shall render copies of this Development Order with all attachments, certified as complete and accurate, by certified mail (return receipt requested) to the Developer, DCA and TCRPC as required by Rule 9J-2.025(5), F.A.C.
14. This Development Order shall take effect, following rendition, as provided by law.
15. Notice of the adoption of this Development Order or any amendment shall be recorded by the Developer, within 30 days after its effective date, in accordance with sections 28.222 and 380.06(15)(f), F.S., with the Clerk of the Circuit Court of St. Lucie County, Florida. The notice shall specify that this Development Order runs with the land and is binding on the Developer, its agents, lessees, successors or assigns. A copy of such notice shall be forwarded to the Port St. Lucie Planning and Zoning Department within seven days after recordation.
16. The Project as modified shall not be subject to down-zoning, unit density reduction or intensity reduction or other reduction of approved land uses before the expiration date of this Development Order, unless either (a) the Developer consents to such a change, or (b) the City demonstrates that a substantial change in the conditions underlying the approval of the Development Order has occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City as essential to the public health, safety or welfare.

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17. This Development Order shall not preclude the City from requiring the payment of impact fees and/or other fees for development or construction within the Project, provided such fees are assessed in accordance with a duly adopted ordinance and are charged to all other similarly situated developers for the same activities within all other areas of the City.
18. In the event that the Developer violates any condition of this Development Order, or otherwise fails to act in substantial compliance with this Development Order, the City may stay the effectiveness of this Development Order on the identifiable tract or parcel, or portion of the tract or parcel owned by the person or entity violating the condition, and within the DRI Property described in Exhibit "A", after a stated compliance date. The Developer shall be given a written notice of violation by the City and a reasonable period of time to cure the violation. The Developer may petition the City Council for review of the notice of violation, prior to the stated compliance date, and said review shall be conducted at a public hearing. Filing of a petition for review shall delay the effectiveness of the notice of violation until the review has been conducted. If the violation has not been cured or corrected by the stated compliance date, all further development permits, approvals and services for the development/said tract or parcel, or portion of tract or parcel, shall be withheld until the violation is corrected. For purposes of this condition, the terms "tract" and "parcel" shall mean "any quantity of land capable of being described with such definiteness that its boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit, located within the DRI Property legally described in Exhibit 'A' attached hereto and the Master Development Plan (Map H) in the ADA."
19. Upon request, and in accordance with the City's adopted certificate of concurrency fee, in the development review fee schedule, the City shall provide to the Developer a letter stating whether the portion of the Project at issue is in compliance with applicable conditions of this Development Order.
20. Pursuant to Section 380.06(5)(c), F.S., the Project shall be bound by the rules adopted pursuant to Chapters 373 and 403, F.S., in effect at the time of issuance of this Development Order.
21. Compliance with this Development Order shall be monitored through normal City permitting procedures, the procedures listed in the specific conditions of approval, and review of the biennial report. The local official responsible for assuring compliance with this Development Order is the Director of Planning and Zoning.

22. This Developer Order shall be binding upon the Developer and its assigns or successors in interest. Any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.
23. It is declared to be the City's intent that, if any section, subsection, sentence, clause, condition or provision of this Development Order is held to be invalid by a court of competent jurisdiction, the remainder of this Development Order shall be construed as not having contained said section, subsection, sentence, clause, condition or provision and shall not be affected by such holding.

PASSED AND ADOPTED on this 10<sup>th</sup> day of September, 2012.

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

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**JoAnn M. Faiella, Mayor**

**ATTEST:**

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**Karen A. Phillips, City Clerk**

**APPROVED AS TO FORM:**

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**Roger G. Orr, City Attorney**

PORT ST. LUCIE CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL    

DATE: 9-4-12

ORDINANCE     RESOLUTION X MOTION    

PUBLIC HEARING 9-10-12 LEGAL AD PUBLISH DATE 6-22-12 (copy attached)

NAME OF NEWSPAPER St. Lucie News Tribune

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

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

This item was tabled at the July 9<sup>th</sup> City Council Meeting and the public hearing continued until The August 13<sup>th</sup> meeting. At the August 13<sup>th</sup> meeting the item was tabled and the public hearing continued until the September 10<sup>th</sup> meeting.

EXHIBITS: A. Staff Analysis & Recommendation  
B. Resolution

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

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

SUBMITTING DEPARTMENT: Planning Department

DATE: 9/4/12

**COMPOSITE EXHIBIT "A"**  
**LEGAL DESCRIPTION OF DRI PROPERTY**

EXHIBIT "A"

Legal Description

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

TRACT 1

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

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

TRACT 2

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

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

TRACT 3

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

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

TRACT 4

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

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

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

#### TRACT 5

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

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

#### TRACT 6

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

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

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

#### TRACT 7

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

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

#### TRACT 8

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

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

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

#### TRACT 9

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

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

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

#### TRACT 10

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

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

#### TRACT 11

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

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

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

#### OVERALL TRACTS

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

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

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

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

**EXHIBIT "B"**

**GENERAL CONDITIONS OF APPROVAL**

**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 <sup>1</sup> (GSF) Light Industrial <sup>1</sup> (GSF)	1,361,250 GSF 1,361,250 GSF	125
Institutional and Civic (GSF)	327,327 GSF	30
Schools <sup>2</sup>	--	75

**EXHIBIT "B"**

<b>LAND USE</b>	<b>DENSITY / INTENSITY</b>	<b>ACRES</b>
<b>Recreation/Open Space</b>		
Regional Park	—	50
Other	—	140
<b>TOTAL</b>	—	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

## EXHIBIT "B"

"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.

## EXHIBIT "B"

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

## EXHIBIT "B"

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

### TRANSPORTATION

#### **Rights of Way**

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

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

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

## EXHIBIT "B"

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

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

14. In addition to the aforementioned roadway networks, the Developer shall further enhance the transportation network by providing a system which shall include but not be limited to public collector roads. The roads identified herein shall not include internal networks for gated communities.
15. A) At any time, the Developer may undertake monitoring to ascertain the level of service on facilities where Riverland/Kennedy Development of Regional Impact has significant impact (project is estimated to contribute an amount of traffic equal to or greater than 5% of the maximum service volume under the adopted level of service standard) in order to determine whether the date 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

## EXHIBIT "B"

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

**EXHIBIT "B"**

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**

<b>Road</b>	<b>From</b>	<b>To</b>	<b>Trip Threshold*</b>	<b>Required Improvement</b>
Community Blvd.	Discovery Way	South for 2,500 Ft.	0	2L
Secondary Emergency Access Road at EW #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 31<sup>st</sup> 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**

<u>Road</u>	<u>From</u>	<u>To</u>	<u>Phase Date</u>	<u>Trip Threshold</u>	<u>Improvement</u>
<b>Phase 1</b>					
Community Blvd.	Discovery Way	EW 3	2019	3,219	2L
Community Blvd.	EW 3	Paar Dr.	2019	3,219	2L
Community Blvd.	Paar Dr.	Becker Rd.	2019	3,219	2L
EW 3	Community Blvd.	N/S B	2019	3,219	2L
<b>Phase 2</b>					
N/S B	Discovery Way	EW 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	EW 3	2024	10,935	2L
<b>Phase 3</b>					
Community Blvd.	Discovery Way	EW 3	2029	12,198	Widen to 4LD
Community Blvd.	EW 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
<b>Phase 4</b>					
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 building permits shall be issued for development that generates more than 4,000 total net external p.m. peak hour trips, until a contract has been let for the construction of the initial two lanes of Becker Rd. from Village Pkwy. To Community Blvd.

**External Roadways – West of I-95**

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

**Table 3  
External Road Improvements – West of I-95**

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

**EXHIBIT "B"**

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**

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

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

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\*\* This segment includes a bridge over I-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~~

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- ~~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~~

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~~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**

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

~~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**

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### Roadway Improvements Within the City of Port St. Lucie

Road Segment	Trip <sup>1</sup> 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 — EAW 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 EAW 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
EAW 3 — I-95 to Rosser Road <sup>2</sup>	N/A	2014	2 Lanes
Paar Drive — I-95 to Rosser Road <sup>2</sup>	N/A	2014	4LD
EAW 3 — I-95 to Rosser Road <sup>2</sup>	N/A	2018	Widen to 4LD
Paar Drive — I-95 to Rosser Road <sup>2</sup>	N/A	2018	Widen to 6LD
EAW 3 — I-95 to Rosser Road <sup>2</sup>	N/A	2022	Widen to 6LD
	N/A	2013	6LD
Crosstown Parkway — I-95 to Bayshore Blvd.	N/A	2020	6LD

<sup>1</sup> Total Riverland/Kennedy DRI Net External PM Peak Hour Trips

<sup>2</sup> 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 35 or after December 31 of the year of failure identified in Table 35, 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.

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

<u>Year</u>	<u>*Trip Threshold</u>	<u>Road</u>	<u>From</u>	<u>To</u>	<u>Required Improvement</u>	<u>Status</u>
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	25 <sup>th</sup> 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.

<u>Road Segment</u>	<u>Trip* Threshold</u>	<u>Year of Failure</u>	<u>Improvement</u>
Range Line Road — CR 714 to Martin County Line	2,386	2022	4LD
Port St. Lucie Blvd — St. Lucie County Line to SR 714	3,592	2011	4 Lanes**
SR 714/Martin Hwy — Port St. Lucie Blvd to Florida's Turnpike	6,107	2013	4LD
CR 714/Martin Hwy — Florida's Turnpike to High Meadows Av.	6,393	2010	4LD
CR 714/Martin Hwy — High Meadows Av. to Berry Av.	7,555	2011	4LD
Midway Road — Torino Pkwy to Selvitz Road	9,796	2011	4LD
Midway Road — Selvitz Rd to 25 <sup>th</sup> 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.G. A traffic re-analysis shall be undertaken by the Developer and submitted to the City, TCRPC, DCA State land planning agency, and FDOT

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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, 2014 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, 2014 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~~

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~~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:~~

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~~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, 201929, whichever comes last, to evaluate the need for an interchange along I-95 with E/W 3. The methodology for this traffic study~~

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shall be discussed with the Developer, and agreed upon by the City of Port St. Lucie and Florida Department of Transportation. The traffic study shall estimate traffic projections at buildout of all DRI developments that participated in the WATS.

- ~~28.~~ 26. If the study required by Condition ~~27~~ 25 justifies an interchange along I-95 with E/W 3, then no building permits shall be issued for development that generates more than 13,461 total net external p.m. peak hour trips or after December 31, 2020~~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.

- ~~34.~~ 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

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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~~

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~~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

~~3533. 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.~~~~

~~3634. 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

~~3735. 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,~~

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shall be maintained free of these species in perpetuity in accordance with all applicable permits.

### Stormwater Management

3836. 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.

3937. 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.

4038. 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.

4139. 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.

4240. 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

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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

## EXHIBIT "B"

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; ~~(e)~~ (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.

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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

~~5149. 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.~~

## EXHIBIT "B"

- ~~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.~~

## EXHIBIT "B"

53 ~~51. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel after July 1, 2007 until 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.

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### 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 1401 acres of net usable area of public park sites (including the 50 acres of regional park described below), with no individual park site to be less than 10 acres; 2) show the locations of proposed park sites; 3) provide a schedule for conveyance of the public park sites, ~~with all such park sites to be conveyed by no later than December 31, 2016;~~ and 4) comply with a requirement of 5 acres of public parks per 1,000 population, consistent with the level of service required for parks and recreational facilities in the City of Port St. Lucie Comprehensive Plan at the time of the adoption of the original development order. Neighborhood and community recreational facilities shall be available to serve projected demand, in accordance with the plan approved by the City of Port St. Lucie Parks and Recreation Department. Nothing in this condition 56 54 shall require the Developer to construct or pay for recreational facilities on public park sites provided by the Developer pursuant to this condition or the Annexation Agreement.

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

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

### Historic and Archaeological Sites

57 55. In the event of discovery of any archaeological artifacts during construction of the project, construction shall stop within a 30-foot radius/buffer and immediate notification shall be provided to the City of Port St. Lucie and the Division of Historical Resources, Florida Department of State. Construction may resume within the affected area after the City and the Division of Historical Resources have determined the appropriate

## EXHIBIT "B"

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.

**EXHIBIT "C"**

**LAND USE EQUIVALENCY MATRIX**

Table 1 of Exhibit C  
Riverland Kennedy DRI Equivalency Matrix

Single Family	Multifamily	Retail	Research and Office	Industrial
1.00 du of single family = 1.0 du of single family	2.16 du of multifamily = 1.0 du of single family	0.19 ksf of retail = 1.0 du of single family	0.68 ksf of R&O = 1.0 du of single family	0.82 ksf of Industrial = 1.0 du of single family
0.46 du of single family = 1.0 du of multifamily	1.00 du of multifamily = 1.0 du of multifamily	0.09 ksf of retail = 1.0 du of multifamily	0.32 ksf of R&O = 1.0 du of multifamily	0.38 ksf of Industrial = 1.0 du of multifamily
5.38 du of single family = 1.0 ksf of retail	11.62 du of multifamily = 1.0 ksf of retail	1.00 ksf of retail = 1.0 ksf of retail	3.68 ksf of R&O = 1.0 ksf of retail	4.43 ksf of Industrial = 1.0 ksf of retail
1.46 du of single family = 1.0 ksf of R&O	3.16 du of multifamily = 1.0 ksf of R&O	0.27 ksf of retail = 1.0 ksf of R&O	1.00 ksf of R&O = 1.0 ksf of R&O	1.21 ksf of Industrial = 1.0 ksf of R&O
1.21 du of single family = 1.0 ksf of Industrial	2.62 du of multifamily = 1.0 ksf of Industrial	0.23 ksf of retail = 1.0 ksf of Industrial	0.83 ksf of R&O = 1.0 ksf of Industrial	1.00 ksf of Industrial = 1.0 ksf of Industrial
6.64 du of single family = 1.0 ksf of Civic	14.35 du of multifamily = 1.0 ksf of Civic	1.23 ksf of retail = 1.0 ksf of Civic	4.54 ksf of R&O = 1.0 ksf of Civic	5.47 ksf of Industrial = 1.0 ksf of Civic
3.61 du of single family = 1.0 ksf of Institutional	7.81 du of multifamily = 1.0 ksf of Institutional	0.67 ksf of retail = 1.0 ksf of Institutional	2.47 ksf of R&O = 1.0 ksf of Institutional	2.98 ksf of Industrial = 1.0 ksf of Institutional
0.11 du of single family = 1.0 stud. of E.S.	0.24 du of multifamily = 1.0 stud. of E.S.	0.02 ksf of retail = 1.0 stud. of E.S.	0.08 ksf of R&O = 1.0 stud. of E.S.	0.09 ksf of Industrial = 1.0 stud. of E.S.
0.16 du of single family = 1.0 stud. of H.S.	0.35 du of multifamily = 1.0 stud. of H.S.	0.03 ksf of retail = 1.0 stud. of H.S.	0.11 ksf of R&O = 1.0 stud. of H.S.	0.13 ksf of Industrial = 1.0 stud. of H.S.
0.01 du of single family = 1.0 acre of Park	0.03 du of multifamily = 1.0 acre of Park	0.00 ksf of retail = 1.0 acre of Park	0.01 ksf of R&O = 1.0 acre of Park	0.01 ksf of Industrial = 1.0 acre of Park
Civic	Institutional	Elem. School	High School	Park
0.19 ksf of Civic = 1.0 du of single family	0.28 ksf of Institutional = 1.0 du of single family	8.89 stud. of E.S. = 1.0 du of single family	6.15 stud. of H.S. = 1.0 du of single family	80.00 acre of Park = 1.0 du of single family
0.07 ksf of Civic = 1.0 du of multifamily	0.13 ksf of Institutional = 1.0 du of multifamily	4.11 stud. of E.S. = 1.0 du of multifamily	2.85 stud. of H.S. = 1.0 du of multifamily	37.00 acre of Park = 1.0 du of multifamily
0.81 ksf of Civic = 1.0 ksf of retail	1.49 ksf of Institutional = 1.0 ksf of retail	47.78 stud. of E.S. = 1.0 ksf of retail	33.08 stud. of H.S. = 1.0 ksf of retail	430.00 acre of Park = 1.0 ksf of retail
0.22 ksf of Civic = 1.0 ksf of R&O	0.40 ksf of Institutional = 1.0 ksf of R&O	13.00 stud. of E.S. = 1.0 ksf of R&O	9.00 stud. of H.S. = 1.0 ksf of R&O	117.00 acre of Park = 1.0 ksf of R&O
0.18 ksf of Civic = 1.0 ksf of Industrial	0.34 ksf of Institutional = 1.0 ksf of Industrial	10.78 stud. of E.S. = 1.0 ksf of Industrial	7.46 stud. of H.S. = 1.0 ksf of Industrial	97.00 acre of Park = 1.0 ksf of Industrial
1.00 ksf of Civic = 1.0 ksf of Civic	1.84 ksf of Institutional = 1.0 ksf of Civic	59.00 stud. of E.S. = 1.0 ksf of Civic	40.86 stud. of H.S. = 1.0 ksf of Civic	531.00 acre of Park = 1.0 ksf of Civic
0.54 ksf of Civic = 1.0 ksf of Institutional	1.00 ksf of Institutional = 1.0 ksf of Institutional	32.11 stud. of E.S. = 1.0 ksf of Institutional	22.23 stud. of H.S. = 1.0 ksf of Institutional	289.00 acre of Park = 1.0 ksf of Institutional
0.02 ksf of Civic = 1.0 stud. of E.S.	0.03 ksf of Institutional = 1.0 stud. of E.S.	1.00 stud. of E.S. = 1.0 stud. of E.S.	0.69 stud. of H.S. = 1.0 stud. of E.S.	9.00 acre of Park = 1.0 stud. of E.S.
0.02 ksf of Civic = 1.0 stud. of H.S.	0.04 ksf of Institutional = 1.0 stud. of H.S.	1.44 stud. of E.S. = 1.0 stud. of H.S.	1.00 stud. of H.S. = 1.0 stud. of H.S.	13.00 acre of Park = 1.0 stud. of H.S.
0.00 ksf of Civic = 1.0 acre of Park	0.00 ksf of Institutional = 1.0 acre of Park	0.11 stud. of E.S. = 1.0 acre of Park	0.08 stud. of H.S. = 1.0 acre of Park	1.00 acre of Park = 1.0 acre of Park

Note: Land use exchanges are based on net external P.M. peak-hour two-way project traffic as summarized in Table 1 of Exhibit C

Example Exchange: If wanting to exchange multi-family units to get 35,000 sf of research and office, 3.16 dwelling unit of multi-family equals 1,000 square feet of R&O. Thus, (35,000 / 1,000) x 3.16 = 110 units

**Table 2 of Exhibit C  
Riverland Kennedy DRI - PM Peak-Hour Trip Generation Summary (Buildout)**

Land Use	ITE Land Use Code	Size	PM Peak Hour Two-Way				New External Trip Rate
			Gross P.M. Peak Hour	Internal Capture	Passer-By Capture	Net P.M. Peak Hour	
Single Family	210	8,424 du	7,196	451	0	6,745	0.80
Multi-Family	230	3,276 du	1,335	126	0	1,209	0.37
Retail	820	892,668 sf	4,859	531	486	3,842	4.30
Research and Office	710	1,361,250 sf	1,603	8	0	1,595	1.17
Light Industrial	110	1,361,250 sf	1,334	8	0	1,326	0.97
Civic	n/a	101,781 sf	555	15	0	540	5.31
Institutional	n/a	327,327 sf	998	52	0	946	2.89
Elem. School	520	1,640 students	230	82	0	148	0.09
High School	530	2,500 students	350	30	0	320	0.13
Park	412	172.1 acres	10	9	0	1	0.01
<b>Total</b>			<b>18,470</b>	<b>1,312</b>	<b>486</b>	<b>16,672</b>	

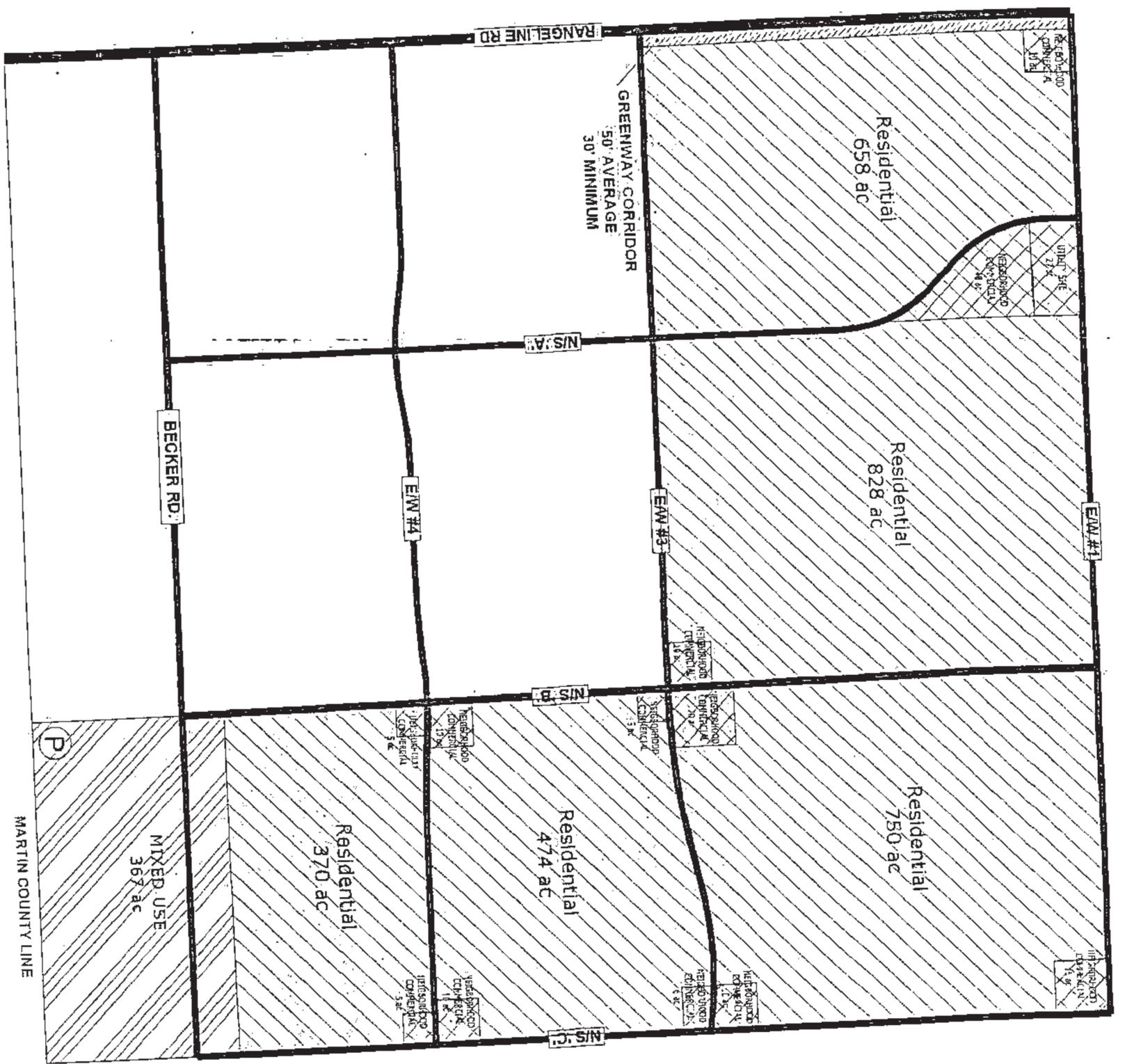
Note - The trip generation information above was obtained from the Western Annexation Area Traffic Study (WATS)

**EXHIBIT "D"**

**MASTER DEVELOPMENT PLAN (MAP H)**

Development Order  
 Exhibit 'D'  
 NOPC 2 - Map H

Riverland / Kennedy DRI



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

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

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

Roadways per Annexation Agreement

(P) Regional Park



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

Table 1			
PM Peak Hour Trip Generation Rates and Equations (1)			
Land Use	ITE Code	Unit	PM Peak Hour Trip Rate/Equation (2)
Single Family Residential	210	d.u.	$\ln(T) = 0.90 \cdot \ln(x) + 0.53$ ; (63% in)
Multi Family Residential	230	d.u.	$\ln(T) = 0.82 \cdot \ln(x) + 0.32$ ; (67% in)
Adult Housing Detached	251	d.u.	$\ln(T) = 0.75 \cdot \ln(x) + 0.35$ ; (61% in)
Adult Housing Attached	252	d.u.	$T = 0.24 \cdot (x) - 16.45$ ; (61% in)
Light Industrial	110	1,000 s.f.	$T = 0.98 \cdot (x)$ ; (12% in)
Commercial Retail	820	1,000 s.f.	$\ln(T) = 0.66 \cdot \ln(x) + 3.40$ ; (48% in)
Research & Office (<500 ksf)	710	1,000 s.f.	$T = 1.49 \cdot (x)$ ; (17% in)
Research & Office (>500 ksf)	710	1,000 s.f.	$T = 1.12 \cdot (x) + 78.81$ ; (17% in)
Civic (3)	na	1,000 s.f.	$T = 5.45 \cdot (x)$ ; (50% in)
Institutional (4)	na	1,000 s.f.	$T = 3.05 \cdot (x)$ ; (40% in)
Elementary School	520	students	$T = 0.14 \cdot (X)$ ; (45% in)
High School	530	students	$T = 0.14 \cdot (X)$ ; (47% in)
Park	412	acres	$T = 0.06 \cdot (x)$ ; (41% in)

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

(2) T = Gross PM Peak Hour Trips

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

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

Table 2	
Pass-By Capture Percentages	
Category	Methodology (1)
Commercial Retail	<p>The following sequence is from the WATS and was used to determine the pass-by capture percentage for commercial retail trips:</p> <ul style="list-style-type: none"> <li>* if (75% x Proposed Square Footage) ≤ 50,000, use 25% pass-by</li> <li>* if (75% x Proposed Square Footage) ≤ 200,000, use 15% pass-by</li> <li>* if (75% x Proposed Square Footage) &gt; 200,000, use 10% pass-by</li> </ul>

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

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

TABLE 3	
Internal Capture between Various Uses within the Same Development	
Category	Internal Capture Percentage (1)
from Residential to Office // to Office from Residential	1% // 1%
from Office to Residential // to Residential from Office	2% // 3%
from Residential to Commercial // to Commercial from Residential	38% // 9%
from Commercial to Residential // to Residential from Commercial	11% // 33%
from Residential to Civic/Inst. // to Civic/Inst. from Residential	2% // 20%
from Civic/Inst. to Residential // to Residential from Civic/Inst.	20% // 2%
from Office to Commercial // to Commercial from Office	22% // 4%
from Commercial to Office // to Office from Commercial	3% // 15%
from Office to Civic/Inst. // to Civic/Inst. from Office	1% // 5%
from Civic/Inst. to Office // to Office from Civic/Inst.	5% // 1%
from Commercial to Civic/Inst. // to Civic/Inst. from Commercial	2% // 20%
from Civic/Inst. to Commercial // to Commercial from Civic/Inst.	15% // 2%
from School to Office // to Office from School	2% // 1%
from Office to School // to School from Office	1% // 2%
from School to Residential // to Residential from School	50% // 3%
from Residential to School // to School from Residential	5% // 50%
from School to Commercial // to Commercial from School	5% // 2%
from Commercial to School // to School from Commercial	2% // 5%
from School to Civic/Inst. // to Civic/Inst. from School	1% // 1%
from Civic/Inst. to School // to School from Civic/Inst.	1% // 1%

(1) Note that these percentages shall be incorporated into an internal capture matrix to establish a TAZ's overall internal capture.

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

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

Example 1:

Cumulative Proposed Uses in TAZ 1 = 100 single family residential units

Rate/Eqn to use (from Table 1):  $Ln(T) = 0.90 * Ln(x) + 0.53$ ; (63% in)

Phase: 1

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

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

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

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

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

Example 2:

Cumulative Proposed Uses in TAZ 2 = 55,000 s.f. retail

Rate/Eqn to use (from Table 1):  $Ln(T) = 0.66 * Ln(x) + 3.40$ ; (48% in)

Phase: 2

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

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

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

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

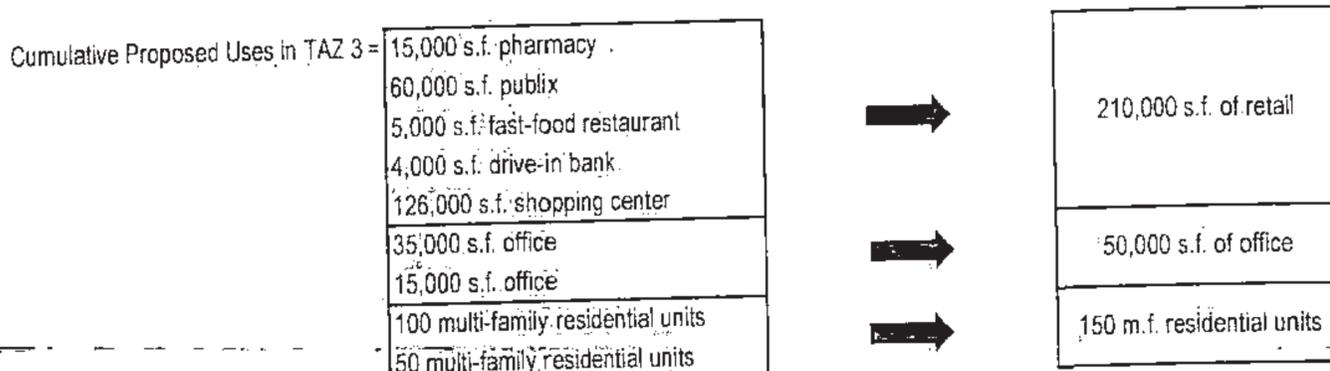
Internal Capture Trips from TAZ 2*		
Total	Inbound	Outbound
69	33	36

\*This represents the number of trips from TAZ 2 that interact with other TAZs within the DRI (20.1% in Phase 2 from Table 4)

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

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

Example 3:



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

Phase: 3

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

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

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

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

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

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

\*This represents the number of trips from TAZ 3 that interact with other TAZs within the DRI (14.9% in Phase 3 from Table 4)

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

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



**EXHIBIT "F"**

**COMMUNITY BOULEVARD ALIGNMENT**



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

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

P11-098: Riverland/Kennedy, LLP and Riverland/Kennedy II, LLC - Comprehensive Plan Amendment - Large scale. A request to amend the text of the Future Land Use Element of the City's Comprehensive Plan. The proposed changes are to amend policies regarding the NCD District Future Land Use designation and policies establishing the Riverland/Kennedy NCD District. Figure 1.8, the Conceptual Master Plan for the Riverland/Kennedy NCD District, is proposed to be amended.

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

Planning and Zoning Department

PUBLISH: June 22, 2012

**NOTICE OF PUBLIC HEARINGS  
RIVERLAND KENNEDY - DEVELOPMENT  
OF REGIONAL IMPACT  
NOTICE OF PROPOSED CHANGE**

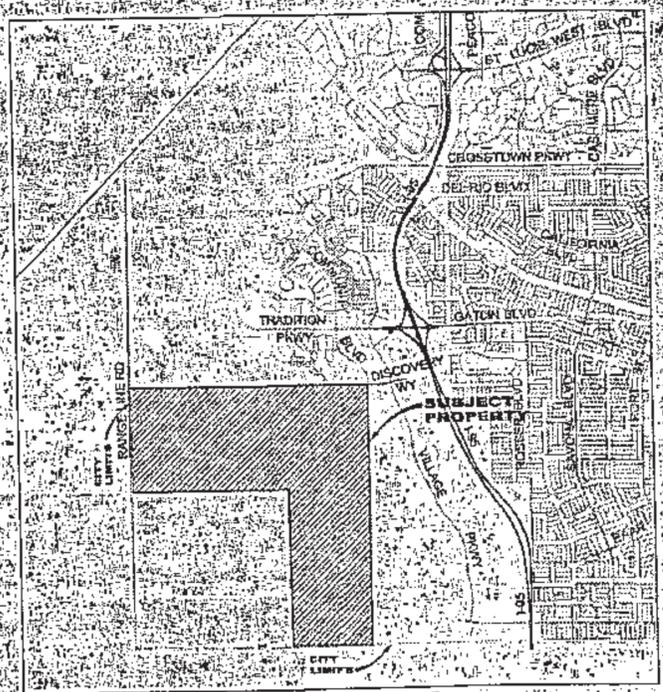
Public notice is hereby given by the CITY OF PORT ST. LUCIE of a PUBLIC HEARING for the proposed change to the Riverland/Kennedy Development of Regional Impact file number P11-026 (Resolution #12-R69). This amendment provides for changes to the approved Development Order. The request is to amend certain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

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

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

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

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



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

Planning & Zoning Dept

Publish: June 22, 2012



# City of Port St. Lucie

## Planning and Zoning Department Memorandum

**TO:** CITY COUNCIL – MEETING OF SEPTEMBER 10, 2012

**THROUGH:** DANIEL HOLBROOK, DIRECTOR OF PLANNING AND ZONING

**FROM:** ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING *AC*

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

**DATE:** SEPTEMBER 4, 2012

---

**OWNERS/APPLICANTS:** Riverland/Kennedy LLP

**AGENT:** Glenn Ryals, Riverland/Kennedy LLP

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

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

**SIZE:** Approximately 3,845 acres.

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

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

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

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

**PROPOSED CHANGES TO THE DEVELOPMENT ORDER:** The notice of proposed change (NOPC) to the approved DRI proposes changes to the development order conditions regarding the phasing, buildout, and expiration dates; transportation; environment and natural resources; and human resource issues. Map H, the master development plan, is also proposed to be amended.

The Planning and Zoning Board reviewed the proposed DRI amendment at their meeting of June 5, 2012 and recommended approval by a vote of 4 to 2 with one member abstaining. The City Council held a public hearing on July 9, 2012 and continued the public hearing until August 13, 2012 so that all of the developers in the SW annexation area could meet and come up with a solution to address all of their issues regarding the transportation conditions. The developers met at City Hall on July 17, 2012. They agreed on a distribution of the roadway segments, which was slightly different than the distribution prepared by the City, but still using the lane mile distribution methodology. All of the information was compiled and submitted to the City's traffic consultant, Keith and Schnars, for review.

City staff met with the developers and the City's traffic consultant on August 10, 2012 to discuss the City's traffic consultant's comments. No agreement was reached at the meeting. The applicant submitted a letter dated August 15, 2012 outlining an alternate proposal. Since all of the developers did not agree to the distribution that was discussed at the July 17<sup>th</sup> meeting, the proposed conditions follow the original distribution that the City staff prepared.

The proposed resolution amending the DRI is attached. All of the proposed changes are shown as ~~strike through~~ and underline. The changes are summarized below.

### **Phasing, Buildout and Expiration Dates**

The phasing, buildout and expiration dates are proposed to be extended by six years consistent with state statute and law. The proposed buildout and expiration dates are proposed to be December 31, 2034 and December 31, 2041 respectively. A table showing the number of acres for each land use is proposed to be deleted. The number of acres of each land use is shown on the revised Map H.

## **Transportation**

The transportation conditions in the existing development order are based on the Western Annexation Traffic Study (WATS). This study assumed that the Southern Grove, Riverland/Kennedy, Western Grove, and Wilson Grove DRIs would develop at a similar pace and led to uniform traffic conditions in each development order. It was assumed that all the DRIs would coordinate their contributions for building the necessary segments of the roadway network. The proposed traffic conditions separate the responsibilities of the road improvements required for Riverland/Kennedy from the other DRIs. The methodology proportionally assigns roadway links to be built by the developers of the DRIs within the SW annexation area. The distribution is based on lane miles corresponding to the traffic impact of each development. A table detailing this distribution is attached.

## **Environmental and Natural Resources**

The proposed development order modifies condition number 32 (new condition 30) regarding wetlands to indicate that all wetland mitigation shall comply with the requirements of the South Florida Water Management District in addition to the U.S. Army Corps of Engineers. Also, any wetland permit issued by those agencies shall satisfy all City requirements. Condition number 33 requiring a buffer zone around all preserved and created wetlands and condition number 34 requiring a Conservation Area Management Plan are proposed to be deleted because it is anticipated that those items will be addressed in the U.S. Army Corps of Engineers permit. Condition number 35 (new condition 31) is proposed to be amended to ensure no additional loss of wood stork prey rather than wetland function and value.

## **Human Resource Issues**

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

## **Map H, Master Development Plan**

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

## **ANALYSIS:**

The proposed changes to the development order conditions are presumed to be Substantial Deviations per Chapter 380.06(19), Florida Statutes, requiring further DRI review. However, the applicant asserts that clear and convincing evidence has been presented to rebut these presumptions and that the changes are therefore not considered a substantial deviation.

### **Transportation Conditions**

The City's traffic consultant, Keith and Schnars, has reviewed the proposed development order and is in concurrence with the proposed transportation conditions. An improvement can be accelerated or delayed by the City or developer based on the monitoring conditions. The note below Table 2 of the proposed development order also requires that no building permits shall be issued for development that generates more than 4,000 total net external p.m. peak hour trips, until a contract has been let for the construction of the initial two lanes of Becker Road from Village Parkway to Community Blvd. This is to ensure that the Riverland/Kennedy property will have a southern access point when it is needed and that the roads to the north will not be overburdened as the property develops.

The City received a letter from the Treasure Coast Regional Planning Council dated July 9, 2012 regarding the proposed transportation conditions. In this letter the regional planning council staff recommends the roadways that they have determined need to be built in order to provide appropriate access to the Riverland/Kennedy property and an adequately functioning and interconnected regional roadway network. The recommendations of the regional planning council and the proposed conditions differ in the following respects:

- The initial two lanes of E/W 3 from N/S B to N/S A remains the responsibility of Wilson Groves.
- Parr Drive from Village Parkway to Community Blvd. remains the responsibility of Southern Grove.
- The initial two lanes of Becker Road from Village Parkway to N/S B and the four-laning of the road from Community Blvd. to N/S B is specified in the Wilson Groves DRI development order.
- The initial two lanes of N/S B from E/W 3 to Parr Drive would remain the responsibility of Wilson Groves.
- The initial two lanes of N/S A from Discovery Way to E/W 3 would be constructed in Phase 2 instead of Phase 3.

Completion of the roadway network will require all of the developers to construct their assigned roadway segments in accordance with the attached table.

The City also received a letter from the Florida Department of Transportation dated June 5, 2012 recommending language regarding the monitoring of I-95 and the interchanges. A modified version of the language has been added to the proposed development order.

### **Environmental and Natural Resources**

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

### **Human Resource Issues**

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

### **Map H, Master Development Plan**

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

Other changes to Map H include the deletion of the 125 acre Employment Center area and the expansion and relocation of the Mixed Use area. The Neighborhood/Village Commercial areas are proposed to be slightly revised. The Employment Center area was originally required to be given to the City by the annexation agreement. This requirement was changed to a 50 acre civic site by the Third Amendment to the Annexation Agreement dated

November 16, 2009. Per the Third Amendment, the civic site will be located south of Becker Road in the expanded Mixed-Use area.

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

**STAFF RECOMMENDATION:**

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

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

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

August 15, 2012

Dear Daniel,

Please find attached our revised Development Order for submittal to the City Council on September 10, 2012.

Based on our recent meetings of July 17<sup>th</sup> and subsequently August 9<sup>th</sup>, we find ourselves in a position whereby we feel that the Development Order attached is consistent with both the WATS as it has been applied by the City and the prior approved Development Orders for Southern Grove and Wilson Grove.

We have amended our trip thresholds to be consistent with those which were agreed to by the developers in our July 17<sup>th</sup> meeting which impact other DRIs, and based on review by our traffic consultant in conjunction with comments previously raised by Kimley-Horn; we believe we have resolved the concerns relating to possible future impacts to the Southern Grove jobs corridor.

As previously agreed to by City staff and the City manager, we would like to proceed with the approval of our NOPC and we will gladly continue our discussions regarding an amendment to the Annexation Agreement to resolve the numerous other issues which have been raised, but which require the agreement of all parties who participated in the WATS. We will discuss these remaining issues below, however these issues cannot be resolved within the parameters of our Development Order, nor have they been addressed in the previously approved Development Orders for Southern Grove and Wilson Grove.

The main change we have made to the attached Development Order is the revisions to Table 1 to revise the Trip Thresholds and the use of dates instead of units as recommended by Keith and Schnars. We have also added a "stopper" threshold in a note to Table 1 relating to Becker Rd.

Based on our discussions on July 17<sup>th</sup> and the subsequent concurrence by Keith and Schnars, it was determined that an additional 800 units beyond our Phase 1 could be

supported without completion of Community Blvd. south to Becker Rd. However, as we are now back to the original Phase 1 required improvements, we are conditioned to building Community Blvd. to Becker Rd. in our Phase 1 improvements. And since we have not yet secured the support of Wilson Groves in regard to the construction of the first two lanes of Becker Rd. (other than what was proposed and approved in the Wilson Groves DO), and since the Wilson Grove DO does not require Becker Rd. to be built by a date certain, there remains the possibility that Riverland/Kennedy could continue building into our Phase 2 entitlements without the first two lanes of Becker Rd. being built. As this could create unanticipated impacts on the north end of Community Blvd. we have established a trip threshold of 4,000 (which equates to the additional 800 units in Phase 2 noted above) after which Riverland/Kennedy can no longer pull building permits without a contract having been let for construction of Becker Rd. from Village Pkwy. to Community Blvd. This segment of Becker Rd. would complete this portion of the network, providing a secondary I-95 parallel in addition to Village Pkwy.

The only other changes from our prior DO, as submitted to City Council on July 9<sup>th</sup>, are corrections to paragraph references and a couple of date corrections relating to the cumulative 9 years of extensions, which I will gladly review with Anne Cox.

Now, for the open items which have been identified, which can be addressed in a future amendment to the Annexation Agreement. At the top of the list seems to be Becker Rd. While Wilson Grove proposed a solution at our July 17<sup>th</sup> meeting, we concluded there are numerous issues with this proposal for which there does not seem to be a resolution.

Initially one issue was the insistence by Wilson Groves for additional default provisions, which conflicted with those already provided for in the Annexation Agreement. Those provisions were unacceptable and originally Wilson Groves agreed to drop them, but in their latest correspondence from Fowler White on August 13<sup>th</sup>, they are still including these provisions in their draft Amendment 7. Again, these default provisions are unacceptable for reasons we have previously documented.

The second problem with the Wilson Groves proposal for Becker Rd. is that it provides that the first two lanes of Becker Rd. shall be contracted by January 2018 and completed within 18 months, or 2020. All three developers have mixed use areas along Becker Rd. and these areas can include many of the same employment based uses as the Southern Grove jobs corridor. The Wilson Groves date specific solution would effectively block the ability for Riverland/Kennedy to gain access on Becker Rd. through Southern Grove until 2020. This is totally contradictory to the desire of the City to promote job growth and would defeat potential benefits for Riverland/Kennedy which could result from the economic development official that the City has proposed to hire in their recently approved budget.

At the same time, we appreciate that no one wants or needs these first two lanes of Becker Rd. now. The correct approach to all the remaining SW area roads, including Becker Rd., is to build roads as they are needed. If Wilson Groves needed Becker Rd. now, they could have given the City the money to construct the first two lanes of Becker

Rd. through their property as required by the Annexation Agreement, and the City would have been required to ask Riverland/Kennedy and Southern Grove for the funding of their portions of Becker Rd. But we all know this makes no sense given the current economic environment.

We have proposed a simple fix which is fair to all parties, which maintains balance to each developer's lane mile allocation as established by City staff, and which provides for any developer to build the first two lanes of Becker Rd. when needed. The following is an outline of the terms of our proposed agreement which is based on the currently approved Wilson Groves Development Order wherein Wilson Grove is anticipated to build the first two lanes of Becker Rd. consistent with the lane-mile allocation:

- 1) The agreement would stipulate that if Southern Grove needs Becker Rd. from Village Pkwy. to Community Blvd. (assuming it has not been constructed by Wilson Grove), then they would build it at their cost. In exchange, Wilson Grove would then be obligated to assume the responsibilities of four laning this same link and Southern Grove would be relieved of this obligation.
- 2) The agreement would also stipulate that if Riverland needed and constructed the first 2 lanes of Becker Rd. between Community Blvd. and N/S B, then Wilson Grove would assume responsibility to four lane this section and Riverland would be relieved of this obligation.
- 3) The agreement would also stipulate that if Riverland needed and built the first 2 lanes of Becker Rd. from Village Pkwy. to Community Blvd., then Wilson Grove would be responsible to build the first two lanes of Paar Dr., from Community Blvd. to N/S B.
- 4) The agreement would also stipulate that, if Riverland reaches 4,000 trips (which equates to the first 800 units in our phase 2, which has been confirmed by Keith and Schnars) and Wilson Grove has not yet constructed the first 2 lanes of Becker Rd. from Village Pkwy. to Community Blvd., then Riverland would be responsible to construct this improvement subject to 3) above.
- 5) Lastly, the new agreement would delete the requirements for multiple parties to fund construction of the first 2 lanes of Becker Rd. This will eliminate the potential default for all parties related to the construction of Becker Road, since Becker Rd. will be built by the developer who needs it and will be built when it is needed.

Our proposal noted above, as well as the Wilson Groves proposal, both require Wilson Grove to build approximately two miles of Becker Rd. up front. Consequently, there is no cash flow difference to Wilson Groves under either proposal. And the total lane miles allocated to Wilson Groves, as they themselves pointed out, is actually less under our proposal.

The only objections we have heard from Wilson Groves as to why this solution wouldn't work, is that Wilson Groves is not comfortable building roads in another developers property. First of all, all of the Right of Ways for the entire road network have been deeded to the City and are therefore City property. Second, the Wilson Groves alternative

proposal required them to build 4 lane segments of E/W #3 and N/S B, both of which would be on property previously owned by Riverland/Kennedy and deeded to the City. No different than Becker Rd.

Other items, which we will continue to work with City staff to resolve in a future amendment to the Annexation Agreement, include allocation of intersections, a resolution to construction and drainage easements, and a provision that construction of the first two lanes of any required improvements cannot be delayed pursuant to the monitoring conditions in our Development Orders.

We have attached letters from our traffic engineer, Chris Walsh, which address letters from Mackenzie dated 7/3/12 and Kimley-Horn dated 6/26/12, which were submitted to City staff prior to the City Council hearing for our NOPC on July 9<sup>th</sup>, at which time we were tabled with a request to work on solutions to issues raised. We believe the attached Development Order has addressed these concerns.

We have been delayed over 18 months since the City approved a very similar NOPC for Wilson Grove and we have been further unfairly delayed as a result of issues which have resulted from the huge increase in intensities granted to Southern Grove.

We respectfully request that the City please proceed with our NOPC and the attached development order.

With Kind Regards,

Glenn Ryals



RECEIVED

JUL 13 2012

PLANNING DEPARTMENT  
CITY OF PORT ST. LUCIE, FL

July 9, 2012

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

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

Dear Mr. Holbrook:

In accordance with the requirements of Section 380.06(19), Florida Statutes, Council has reviewed the additional information regarding the Riverland/Kennedy Development of Regional Impact (DRI) Notification of a Proposed Change (NOPC) dated 2/24/2011. Council has received and reviewed the following documents:

- Letter from Mr. Glenn Ryals to Michael Busha dated May 30, 2012;
- Resolution No. 12-\_\_, Development Order;
- Conditions of Approval – Exhibit “B”; and
- Exhibit E to the Development Order.

Council has previously transmitted comments reviewing the NOPC on April 6, 2011, January 9, 2012, April 18, 2012 and May 24, 2012. This letter serves to amend Council’s comment based on the documents received after May 24, 2012.

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

Riverland/Kennedy was one of the four DRIs included within the Western Annexation Traffic Study (WATS). The study assumed the roadway network necessary to support the proposed developments (Southern Grove, Western Grove, Wilson Groves, and Riverland/Kennedy) would

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be built when needed. Therefore, all four developments shared date specific conditions to provide the necessary roadway network within the WATS area. Not all developments have been proceeding as expected under the WATS. Wilson Groves and Southern Grove have recently amended the DO to disconnect from the other developments so that they may proceed individually. Riverland/Kennedy is proposing the same approach.

It is Council's understanding that the City developed its own methodology to divide up the roadway improvements within the WATS area. The method involves equally distributing the improvements within the DRIs based on trips generated and the equivalent lane miles. It is presumed the proposed amendments are consistent with the City's methodology. Therefore, Riverland/Kennedy is only responsible for roadway improvements within its development (i.e. internal roadways). If this DO is revised consistent with the City's assessment and all DRIs proceed as planned, the roadway network within the WATS area will be built as identified in the WATS, to the end of Phase 3. However, if the projects do not build as planned, sections of the regional roadway network will not get built when needed and unanticipated impacts will occur. It is noted that the regional roadway network included in the Wilson Groves recently adopted DO only included improvements identified to the end of Phase 3.

Council offers the following final recommendations and comments:

The table below summarizes roadways which need to be built in order to provide appropriate access to the Riverland/Kennedy property and an adequately functioning and interconnected regional roadway network. Future roads included in the DO for Riverland/Kennedy DRI need to be well-connected to the existing roadway network and should be constructed concurrent with the traffic impacts expected. Council's recommendations are also made with the intent of providing roadway continuity and multiple routes to access the development and disperse traffic. The following table presents a recommendation showing how and when, in Council's opinion, the regional roadway network should be built as the area develops. If the area develops differently than currently planned, the timing and phasing of roadways can be adjusted with the same focus on completing roadway segments so they connect and create an interconnected regional roadway network.

**Riverland/Kennedy - Recommended Roadway Improvements**

Roadway Segment	Phase 1 2,500 d.u.	Phase 2 6,500 d.u.	Phase 3 11,100 d.u.	Phase 4 11,700 d.u.
<u>Discovery Way</u> Community Blvd to N/S B N/S B to N/S A N/S A to Range Line Rd		2L 2L 2L	4LD	
<u>E/W 3</u> Village Pkwy to Community Blvd Community Blvd to N/S B N/S B to N/S A	2L SG	2L	2L WG	4LD 4LD
<u>E/W 4 (Parr Drive)</u> Village Pkwy to Community Blvd Community Blvd to N/S B		2L SG 2L	4LD	
<u>Becker Road</u> Village Pkwy to Community Blvd Community Blvd to N/S B	2L WG	4LD WG*	6LD	
<u>Community Boulevard</u> Discovery Way to E/W 3 E/W 3 to E/W 4 (Parr Dr) E/W 4 (Paar Dr) to Becker Rd	2L 2L 2L		4LD 4LD	
<u>N/S B</u> Discovery Way to E/W 3 E/W 3 to E/W 4 (Parr Dr) E/W 4 (Paar Dr) to Becker Rd		2L 2L WG 2L WG	4LD	4LD 4LD
<u>N/S A</u> Discovery Way to E/W 3			2L	4LD

WG Improvement included in Wilson Groves DO  
 SG Improvement included in Southern Grove DO  
 WG\* The first 2 lanes are included in Wilson Grove DO.

The table above should replace Tables 1 and 2 (Conditions 18 and 19) in the Riverland/Kennedy DO. The improvements presented in the table include all improvements allocated by the City to Riverland/Kennedy DRI, in addition to other improvements required to maintain continuity/connection to the existing regional roadway network. These are summarized as follows:

- Phase 1 includes construction of Community Blvd as well as sections of E/W 3 and Becker Road between Community Blvd and Village Pkwy. All these new roads connect to the existing roadway network to the north and east.
- Phase 2 includes construction of N/S B in its entirety between Discovery Way and Becker Road, Discovery Way from its existing terminus to Range Line Rd, as well as all east-west roads from N/S B to Community Boulevard. This phase includes a connection to the west to Range Line Road.

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- Phase 3 includes construction of a section of N/S A and the connection to N/S B through E/W 3. Several roadway widenings are also included in this phase.
- Phase 4 includes widening of several roads around Riverland/Kennedy DRI.

Figures 1-4 are also provided to illustrate the timing and phasing of recommended roadway improvements.

As presented in the table above, some of the roadway improvements are already included in either the Wilson Groves or the Southern Grove DO. As such, the City has allocated these improvements to other developments. In order to implement the recommended approach presented above, the City will need to develop a mechanism in which developers get credits/reimbursements for strategic intersections and roadway segments which have been allocated to other developments.

If the approach presented in the table above, or something like this, is carried forward by the City in the revised DO, it will not create unreviewed regional transportation impacts and would not result in a substantial deviation. This approach would also address previous Council comments on the timing and phasing of regional roadway network construction.

Council suggests two additional comments for the City's consideration in documenting the basis and assumptions for the proposed DO changes:

1. The proposed DO extends both phases and buildout date by a cumulative 8 years. The DO "Whereas" statements provide an explanation of extensions totaling 4 years, 10 months and 4 days. An explanation about the additional 3 years extension should also be included in the "Whereas" statements.
2. During Council's review, it was noted Table 2 in Exhibit "C" was inconsistent with the WATS as presented in the following table:

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

The table is missing schools (2,500-student high-school and 1,640-student elementary) and 172-acre park. Also, the pass-by capture included in the table is approximately four times higher than that used in the WATS.

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This table appears to be incorporated in the adopted DO. However, the City should consider revising this table and the corresponding equivalency matrix to ensure consistency with the WATS.

Please copy Council on all correspondence concerning this NOPC. If this DO is amended, please transmit a certified copy of the adopted DO amendment pursuant to Chapter 380.07(2) and rule 9J-2.025(5), Florida Administrative Code.

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

Sincerely,



Michael J. Busha, AICP  
Executive Director

MJB:lg

Attachments

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

FIGURE 1

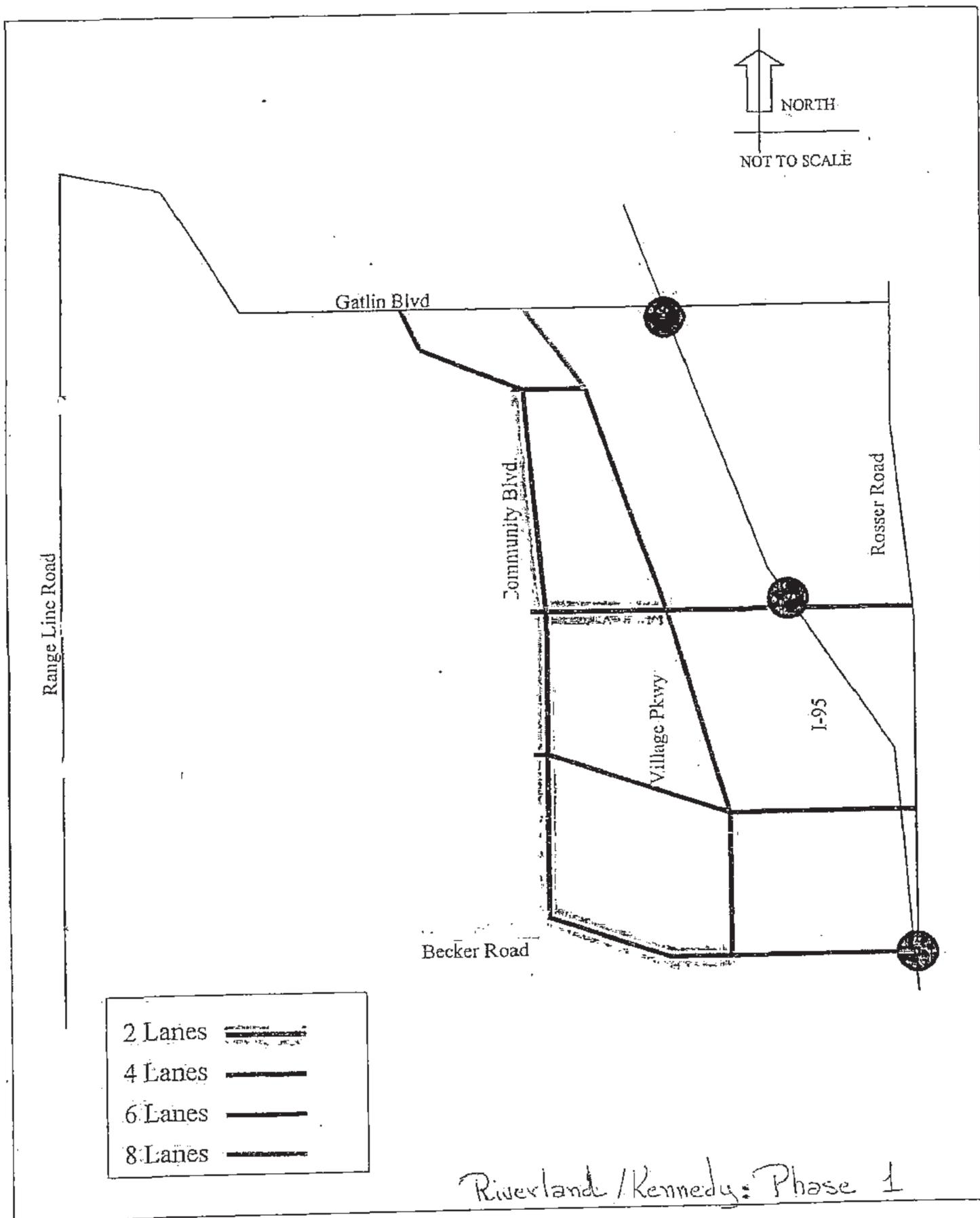


FIGURE 2

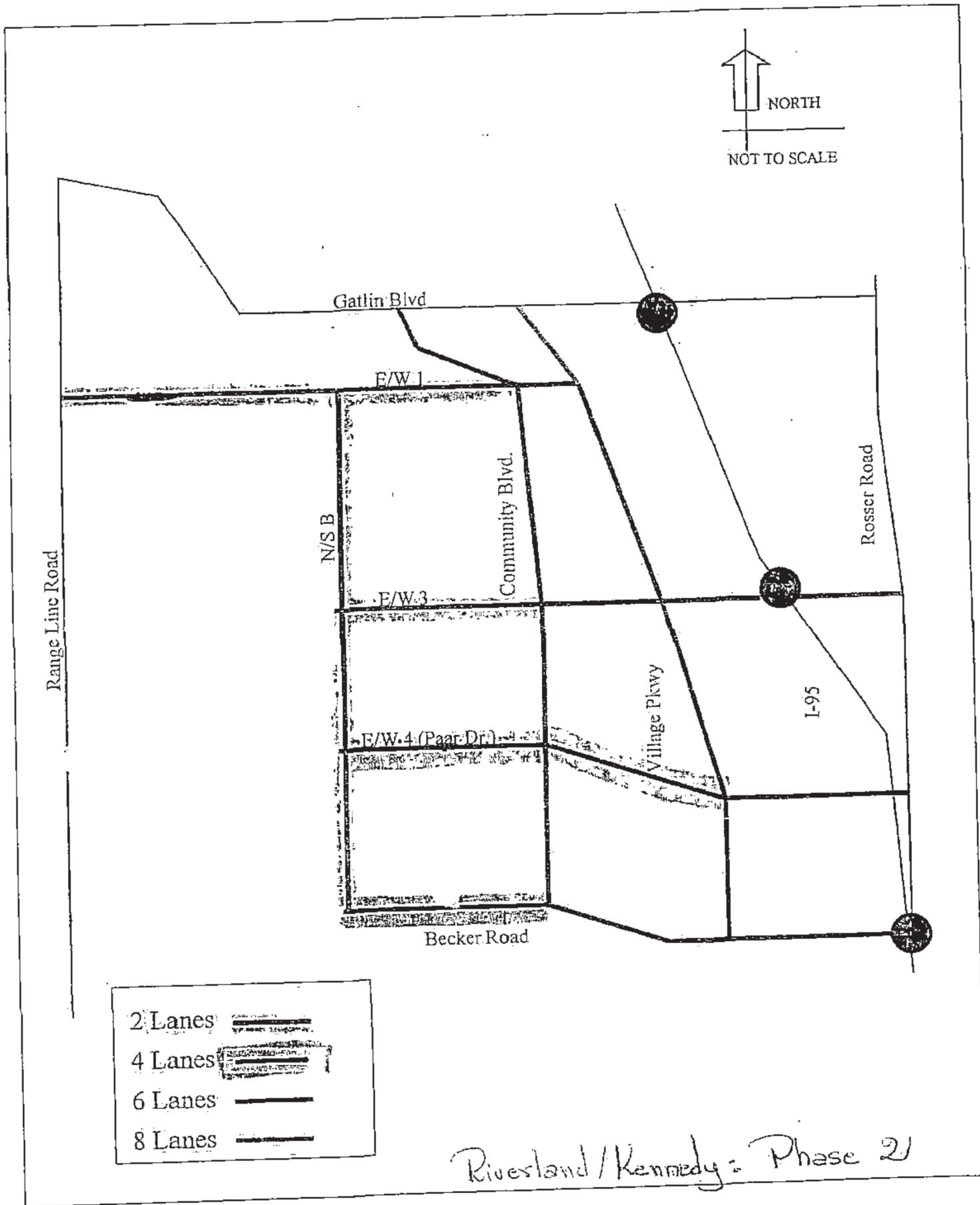


FIGURE 3

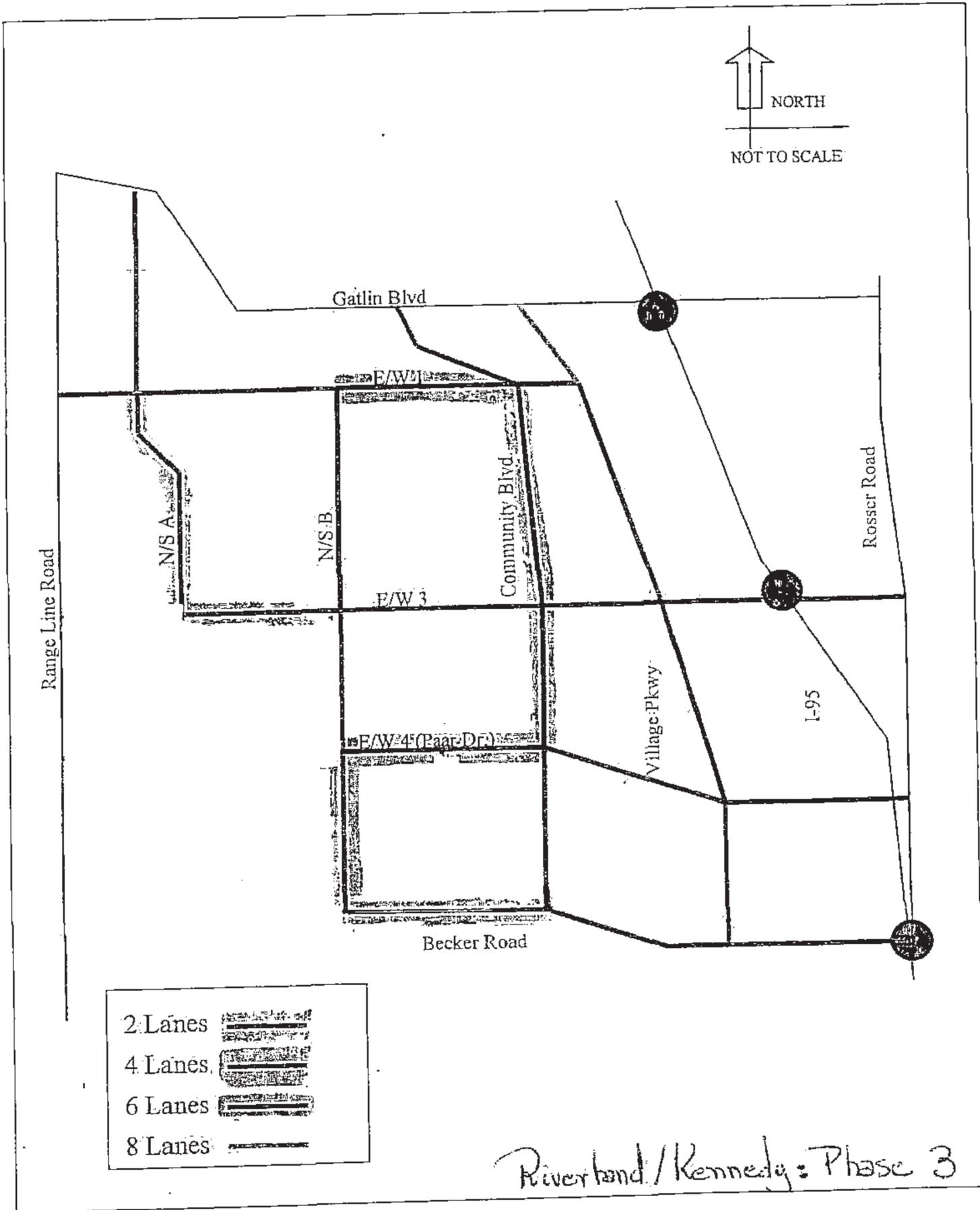
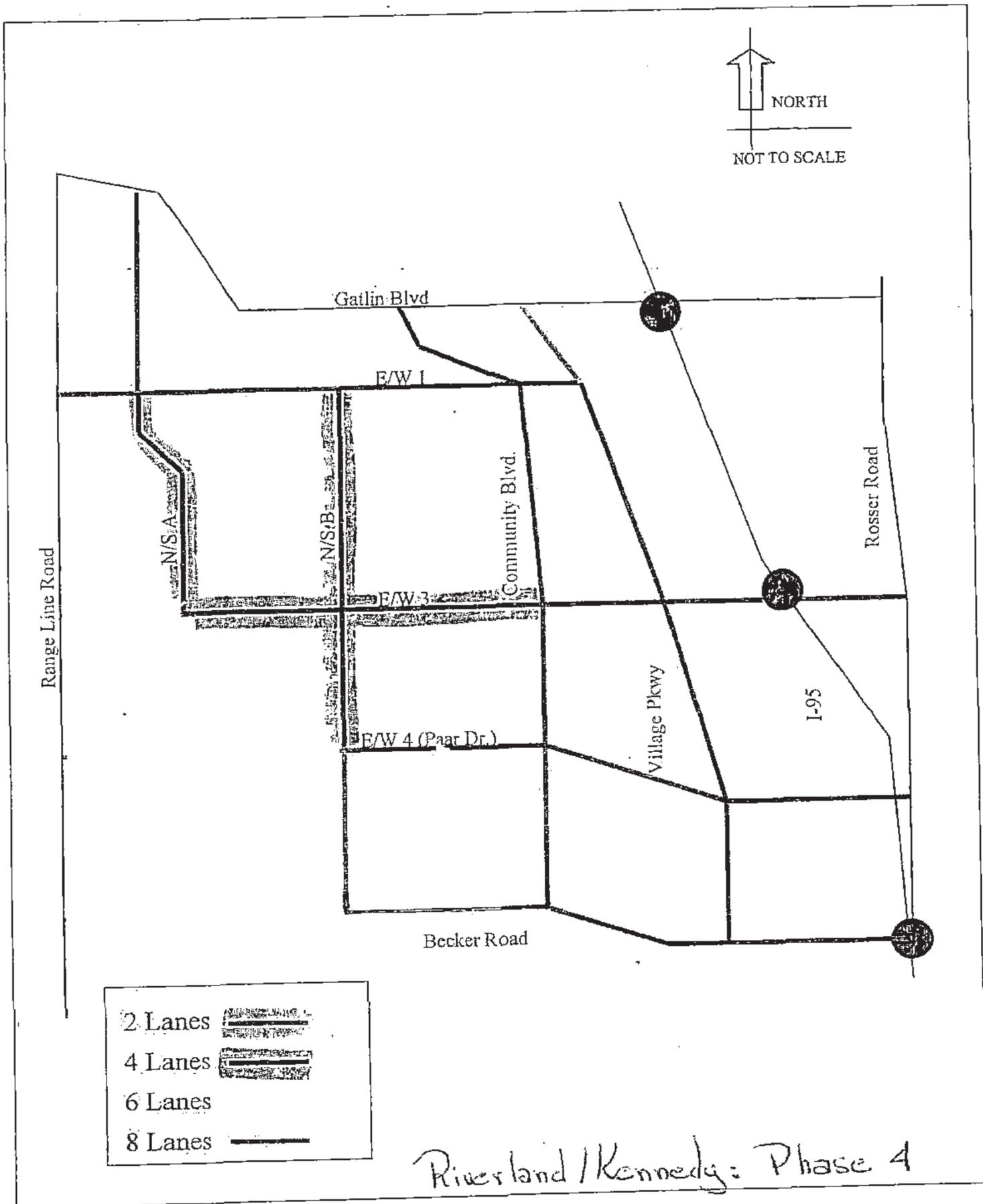
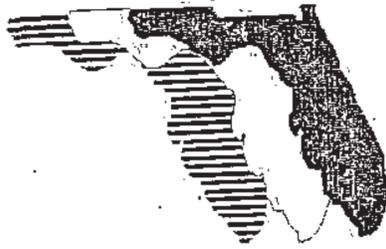


FIGURE 4





## Florida Department of Transportation

3400 West Commercial Boulevard  
Fort Lauderdale, FL 33309

ANANTH PRASAD, P.E.  
SECRETARY

RICK SCOTT  
GOVERNOR

RECEIVED

June 5, 2012

JUN - 8 2012

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

TREASURE COAST  
REGIONAL PLANNING COUNCIL

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

Dear Mr. Busha:

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

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

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

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

Mr. Michael J. Busha  
June 5, 2012  
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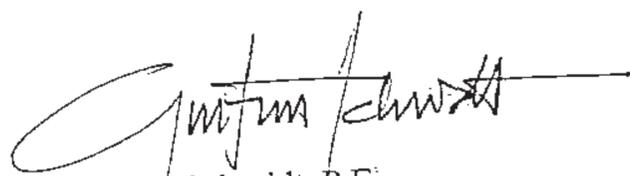
The following is suggested condition language for consideration:

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

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

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

Sincerely,



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

GS: k&s/cw

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



**LEGEND**  
 INSIDE SW DRI AREA ROADS  
 (BUILT BY RK, SG OR WG)

<span style="color: red;">—</span>	2 LANE
<span style="color: blue;">—</span>	4 LANE
<span style="color: green;">—</span>	6 LANE
<span style="color: purple;">—</span>	8 LANE

X PHASE  
 ● EXISTING INTERCHANGE

**SWAA ROAD  
 ASSIGNMENTS  
 BUILD OUT  
 2/13/2012**

SW ANNEXATION AREA - INTERNAL ROAD DISTRIBUTION

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