

RESOLUTION 21R-00

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, MAKING FINDINGS OF FACT AND DETERMINING CONCLUSIONS OF LAW PERTAINING TO THE WILSON GROVES 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 ACR Acquisition, LLC, owner of 2,451.179 acres, more or less, known as Wilson Groves, located in the Western Annexation Area; and

WHEREAS, ACR Acquisition, LLC, ("Developer") is a Delaware limited liability company with its principal place of business in Boynton Beach, Florida; and

WHEREAS, Florida Power & Light Company ("FPL") is the owner of 47.566 acres, more or less, located contiguous to the property of ACR Acquisition, LLC, and with whom together comprise the entirety of the properties which are subject of that certain development known as the Wilson Groves Development of Regional Impact ("Wilson Groves DRI"); and

~~WHEREAS, FPL has authorized the Developer and Land Design South of Florida, Inc. a Florida Corporation ("LDS"), to purchase the Wilson Groves DRI and has further authorized LDS to act as FPL's agent in all matters including but not limited to agreeing on FPL's behalf to any conditions which result from such Wilson Groves DRI approval process, such authorization being evidenced in the subject Application for Development Approval ("ADA"); and~~

WHEREAS, the Wilson Groves DRI ("Project") is a proposed mixed-use development of regional impact to be located on approximately 2,498.745 acres, more or less, located in the Western Annexation Area, as more particularly described in Composite Exhibit "A" ("DRI Property"); and

WHEREAS, on August 31, 2004, the Treasure Coast Regional Planning Council ("TCRPC") convened a pre-application conference at which the Developer, LDS 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 Developer filed an Application for Development Approval ("ADA") for the Project, to be

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located on the DRI Property, and supplemented it with two sufficiency responses (dated March 3, and July 14, 2006, along with compendium documents on August 2, 2006); 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 August 2, 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 August 18, 2006; and

WHEREAS, on September 15, 2006, the TCRPC recommended approval of the Application for Development Approval with conditions; and

WHEREAS, on October 3, 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 October 23, 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. 06R104, approving the Project subject to conditions; and

WHEREAS, on July 23, 2008, 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, affordable housing, and dates for phases, buildout and termination, 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 project that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extensions and such extensions are not a substantial deviation and may not be considered when determining whether a subsequent extension is a substantial deviation; and

WHEREAS, on October 7, 2008, 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 October 27, 2008, 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

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present evidence, and adopted Resolution No. 08-R136, approving NOPC No. 1 subject to conditions; and

WHEREAS, on July 9, 2010, 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 greenway, transportation, wetlands, listed species, and parks and recreation, and Map H with complete copies to the City, DCA and other review agencies; and

WHEREAS, on January 4, 2011, 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 January 24, 2011, the City Council held a public hearing to consider NOPC No. 2, the TCRPC comments, and comments upon the record made at said public hearing, and afforded all interested persons an opportunity to be heard and present evidence.

WHEREAS, effective April 6, 2018, the Legislature has enacted and the Governor has signed into law Chapter 2018-158, Laws of Florida, which eliminated the review process regarding changes to existing developments of regional impact (DRIs) Amendments to existing DRIs will be considered by the local government that issued the development order, without state and regional review, pursuant to established development review procedures.

WHEREAS, the City Council is the governing body with legal jurisdiction over the DRI Property and is authorized and empowered by Chapter 2018-158, Laws of Florida, to approve further amendments to the DRI, without state or regional review.

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

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4. ~~The Project as modified is consistent with the TCRPC's Wilson Groves Development of Regional Impact Assessment Report dated September 2006.~~
5. ~~3.~~ The Project is not located in an area of critical state concern designated pursuant to section 380.05, F.S.
6. ~~4.~~ 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. ~~5.~~ NOPC No. 2 and its supporting documentation were reviewed as required by Chapter 380 F.S., and the local land development regulations are incorporated into this Development Order by this reference.
8. ~~6.~~ NOPC No. 2 does not constitute a substantial deviation from the Development Order adopted by the City Council on October 27, 2008 and is otherwise approved, subject to the conditions set forth in this Development Order.

CONCLUSIONS OF LAW

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

9. ~~7.~~ 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. ~~8.~~ 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", all of which are incorporated into this Development Order by this reference.
11. ~~9.~~ 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. ~~10.~~ Development shall be consistent with the Port St. Lucie Comprehensive Plan, the Port St. Lucie Land Development Regulations and this Development Order.
13. ~~11.~~ 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

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Developer, LDS, DCA, the Department of Economic Opportunity and TCRPC as required by ~~Rule 9J-2.025(5)~~ 73C-40.025, F.A.C.

- 14- 12. This Development Order shall take effect, ~~following rendition, as provided by law.~~
upon the effective date of the adjustments to the City of Port St. Lucie Comprehensive Plan adopted pursuant to Resolution 21R-00.
- 15- 13. 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 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- 14. The Project as modified shall not be subject to down-zoning, unit density reduction or intensity reduction or other reduction of approved land uses before the expiration date of this Development Order, unless either (a) the Developer consents to such a change, or (b) the City demonstrates that a substantial change in the conditions underlying the approval of the Development Order has occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City as essential to the public health, safety or welfare.
- 17- 15. 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- 16. In the event that the Developer violates any condition to 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 as 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

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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.~~ 17. 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.~~ 18. 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.~~ 19. 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.~~ 20. This Development Order shall be binding upon the Developer, FPL 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.~~ 21. It is declared to be the City’s intent that, if any section, subsection, sentence, cause, 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.

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PASSED AND ADOPTED ON THIS _____ day of _____, _____.

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

Gregory J. Oravec, Shannon Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James Stokes, City Attorney

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COMPOSITE EXHIBIT "A"

LEGAL DESCRIPTION OF DRI PROPERTY

ACR Properties Acquisition, LLC Property

The Alan Wilson Grove Plat, according to the plat thereof, as recorded in plat book 12, page 50, of the public records of St. Lucie County, Florida, less the west 5.00 feet thereof.

Together with:

The East one-half Sections 30 and 31, Township 37 South, Range 339 East, less the East 200.00 feet thereof.

Said lands situated in St. Lucie County, Florida. Containing 106,773,334 square feet or 2451.179 acres, more or less, subject to easements, restrictions, reservations, covenants and rights-of-way of record.

FPL Property

The East 200.00 feet of sections 30 and 31, Township 37 South, Range 39 East, St. Lucie County, Florida.

Said lands situated in St. Lucie County, Florida, containing 2,071,967 square feet, or 47.566 acres, more or less, subject to easements, restrictions, reservations, covenants and ~~rights-of-way~~ rights-of-way of record.

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EXHIBIT "B"

CONDITIONS OF APPROVAL

Application for Development Approval

1. The Wilson Groves 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 of 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 March 3, 2006; July 14, 2006; and August 2, 2006;
- c. Wester Annexation Traffic Study ("WATS") Final Report dated January 2006; and
- d. Annexation Agreement dated July 19, 2004, and revised May 16, 2005, 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 of footings or any work beyond the stage of excavation or land clearing, such as the construction of roadways or other utility infrastructure.

This Condition 2 is deemed satisfied.

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Phasing

3. A) The phasing of Wilson Groves Development of Regional Impact is approved, and the Developer is authorized to develop the DRI Property as follows:

Phase	Years	Residential ¹ (DU)	Retail (SF)	Office (SF)	Light Industrial (SF)	Institutional & Civic (SF)
1	2006- 2013 <u>December 01, 2033</u>	2,200	210,000	136,125	136,125	0
2	2014- 2018 <u>2033- December 01, 2038</u>	4,096	120,000	470,375	408,375	50,638
3	2019- 2023 <u>2038- December 01, 2042</u>	1,404	260,000	488,375	408,375	175,436
4	2024- 2028 <u>2042- December 01, 2048</u>	0	175,000	488,375	408,375	156,798
Total	2006- 2028 <u>December 01, 2048</u>	7,700	765,000	1,583,250	1,361,250	382,872

1. Residential units consist of 5,775 single-family units and 1,925 multi-family units (a minimum of 3,919 age restricted units and 1,856 non-age restricted units).

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 the 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.

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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 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 project is not altered, no land use may exceed the specified maximum in the Equivalency Matrix. ~~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 by the Annexation Agreement.~~ The mix of land uses shall be consistent with that allowed in the Port St. Lucie Comprehensive Plan. The Developer shall report, in each biennial report required by this Development Order, use of the Equivalency Matrix in Exhibit "C" to increase the amount of one approved land use with a concurrent reduction in one or more other approved land uses.

Buildout Date

4. The Wilson Groves Development of Regional Impact shall have a buildout date of ~~December 31, 2035~~ December 01, 2048, 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~~ January 12th, 2049, unless extended in accordance with Section 380.06(7)(c) and local land development regulations as provided in ~~Section 380.06(19)(c), Florida Statutes.~~

Biennial Report

6. The biennial report required by the City of Port St. Lucie, in accordance with Section 380.06(6), ~~subsection 380.06(18), Florida Statutes, shall be submitted to the City of Port St. Lucie and any such additional parties as may be appropriate or required by the City,~~ 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, 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 contents of the report will also include the location and total number of age restricted units, as such term is defined under Condition 19, which have been approved by the City pursuant to this Development Order. 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.

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General Provisions

7. Any modifications or deviation from the approved plans or requirements of this Development Order shall be made according to and processes 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 constructed to mean any future instrumentality that may be created or designated as a successor in interest to, or which otherwise possesses the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.
10. This Development Order shall be binding upon the Developer and its assignees or successors in interest.

REGIONAL PLANNING

Master Development Plan

11. Prior to final approval of any zoning application in the Wilson Groves 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 portable water, wastewater, fiber optic communication, and reclaimed water infrastructure, stormwater facilities, school sites, civic and institutional sites, other major facilities, 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 generalize reference tool which is not regulatory 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.

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Greenway

12. Consistent with the City's local comprehensive plan and the Annexation Agreement, the project shall include a continuous, multi-purpose greenway along Range Line Road, with an average width of 50 feet and a minimum width of 30 feet, from Range Line Road's eastern right-of-way boundary. The greenway shall be provided in each development parcel within the DRI Property which is adjacent to Range Line Road as a condition of the recording of a residential subdivision plat or final site plan approval for each such development parcel. An appropriate easement shall be placed upon this greenway in perpetuity. The easement shall allow (a) road crossings and pedestrian access; (b) sites for receiving and disposing of irrigation-quality effluent; and (c) landscaping and irrigation. In addition, within the greenway and adjacent to Range Line Road, the Developer shall grant the City a 30-foot perpetual non-exclusive utility easement; provided, however, such utility easement shall allow for (a) landscaping and irrigation, including with reclaimed water; (b) road crossings and pedestrian access; and (c) similar surface uses, with the City's written authorization, which will not interfere with efficient operation of the City's utilities or unduly hinder maintenance. Any landscaping or irrigation system within the utility easement shall be approved by the City's Utilities Systems Department prior to planting or constructing same.

TRANSPORTATION

Rights of Way

13. Wilson Groves has dedicated the following road rights-of-way within the project to the City: ~~Becker Road (150 feet), Paar Drive (150 feet), E/W 3 (150 feet), N/S A (150 feet), N/S AB (100 feet), and N/S B (30 feet).~~

Subject to the requirements of the Annexation Agreement, Wilson Groves has previously deeded to the City the following road rights-of-way located within the Wilson Grove Development of Regional Impact ("Wilson Grove DRI") project area:

- - Becker Road (a/k/a E/W 5) from N/S B to Rangeline Road 150' wide right-of-way
 - Paar Drive (a/k/a E/W 4) from N/S B to Rangeline Road 150' wide right-of-way
 - E/W 3 from N/S B to Rangeline Road 75' wide right-of-way
 - N/S A from Becker Road to E/W 3 150' wide right-of-way
 - N/S B from Becker Road to E/W 3 75' wide right-of-way

As part of this development order, N/S AB ~~will~~ has been ~~be~~ eliminated, and N/S B will be widened to a 150-foot corridor from Becker Road to Paar Drive. ~~The adjacent DRI, Riverland Kennedy, has dedicated 30 feet of the N/S B road right-of-way to the City. In order to provide the total corridor width, Wilson Groves~~ has ~~shall dedicated~~ d an

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~~additional 90-foot~~ 45' of right-of-way along the western limits of N/S B for a total of 75' as required. Riverland Kennedy has the obligation to provide the other 75' of right-of-way for N/S B. ~~No building permits for Wilson Groves Development of Regional Impact shall be issued until the dedication of the 90-foot road 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 purpose of constructing and thereafter maintaining roads and other improvements, until acceptance by the City of Port St. Lucie, subject to the requirements of the Annexation Agreement. After Wilson Groves dedicates the needed right-of-way for the widening of N/S B~~ Within 90 days of the conveyance of the additional 45' right-of-way for N/S B, the City will return the previously dedicated 100-foot right-of-way for N/S AB to Wilson Groves, by quit claim deed, the title to the 100' right-of-way that was previously dedicated to the City for N/S AB. No building permits or residential units within the Wilson Groves DRI will be issued until the Wilson Grove has conveyed to the City, by special warranty deed, the additional 45' right-of-way for N/S B and all intersections thereof, free and clear of all liens, material encumbrances. The 45' dedicated for N/S B will include a reservation unto Wilson Grove, its successors and/or assigns, for purposes of constructing and thereafter maintaining road and other improvements therein until acceptance by the City. After Wilson Groves dedicates the needed right-of-way for the widening of N/S B, the city will return the previously dedicated 100-foot right-of-way for N/S AB to Wilson Groves.

~~Should the adjacent DRI to the east, Riverland/Kennedy, submit a request to revise their DRI to the City prior to the construction of N/S B between Becker Road and Paar Drive, the city will negotiate to obtain 45 feet of right-of-way for N/S B from Riverland/Kennedy, and if successful, the City will return 45 feet of the right-of-way for N/S B to Wilson Groves.~~

This Condition 13 is deemed satisfied.

14. In addition to the aforementioned roadway network, the Developer shall further enhance the transportation network by providing a system which shall include but not be limited to public collector roads. The road identified herein shall not include internal networks for gated communities. The Developer may provide tunnels under any roadway to allow access for pedestrians, golf carts and other modes of alternative transportation.

In addition, E/W 4 (Paar Road) is eliminated in its entirety as a road right-of-way and replaced with a paseo (Paar Paseo) subject to the terms herein. Paar Paseo is to be constructed for the purpose of recreation and providing access using alternative modes of transportation for connectivity through the Wilson Grove DRI and specifically to provide points of ingress/egress in Parcel A, B, E and F.

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The City shall convey back to Wilson Grove, by quit claim deed, the previously dedicated 150' right-of-way for E/W 4 and reserve unto itself an easement for public multi-modal path located within the former E/W 4 right-of-way. Such Multi-Modal Easement ("MME") will provide an East/West alternative transportation route for pedestrians, bikes and golf carts separate and independent from sidewalks along the arterial roads. The Developer agrees to build a 12' foot wide hardened multi-modal path and 16' golf cart path within the MME prior to or simultaneous with the development of parcels adjacent to the MME.

Monitoring

15.A) At any time, the Developer may undertake monitoring to ascertain the level of service on facilities where Wilson Groves Development of Regional Impact has significant impact (project is estimated to contribute an amount of traffic equal to or greater than 5% of the maximum service volume under the adopted level of service standard) in order to determine whether the date or trip threshold by which a transportation improvement required by this Development Order may be extended. If the monitoring demonstrates that the facility or facilities will operate at the adopted level of service standard without the improvement at the date or trip threshold by which this Development Order would otherwise require such improvement, then notwithstanding any other provision of this Development Order the date by which such improvement is required shall be extended on terms approved pursuant to the procedure in Condition 16. The methodology of the monitoring shall be agreed upon by the City of Port St. Lucie, Florida Department of Transportation and the 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 shall be required on account of such monitoring.

B) The City of Port St. Lucie may require the Developer to undertake monitoring to ascertain the level of service on transportation facilities within the DRI as specified in Table 1 and/or Table 2 in order to determine whether the date or trip threshold by which a transportation improvement required by this Development Order should be accelerated. If the monitoring demonstrates that a facility or facilities will operate below the adopted level of service standard prior to the date or trip threshold by which this Development Order would otherwise require such improvement, then the date by which such improvement is required shall be accelerated on terms approved pursuant to the procedure in Condition 16. If the monitoring demonstrates that a facility or facilities will operate below the adopted level of service standard prior to the date or trip threshold by which this Development Order would otherwise require such improvement, then the date or trip threshold for such improvement shall be accelerated based on the result of such monitoring, provided that the accelerated schedule for the improvement shall allow 24 months for engineering, permitting and

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construction of the improvement. This methodology of the monitoring shall be agreed upon by the City of Port St. Lucie Department of Transportation and the 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 identified in Tables 1 and 2 shall be required on account of such monitoring.

16. In accordance with Section 380.06(15)(e)5, Florida Statutes, 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, as provided for under Section 380.06(7), Florida Statutes. ~~unless otherwise required by the criteria listed in Section 380.06(b), Florida Statutes. Changes to roadway improvements conditions shall be transmitted for approval to the Florida Department of Transportation, Florida Department of Community Affairs, 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 trip generation analysis shall present calculations for the p.m. peak hour and shall be performed using trip generation rates included in the latest available Institute of Transportation Engineers Trip Generation Report, including but not limited to ITE code 251 and 252, age restricted use, as well as land uses included in the application for development approval. The trip generation analysis shall include internal capture and passer-by, if appropriate, to determine net trips generated by the development. The trip generation shall be cumulative and include all previous site plan and residential subdivision plat approvals. Development order conditions shall be evaluated using the trip generation analysis to determine triggering of any transportation conditions.

Access Road Improvements

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

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Table 1

Access Road Improvements

Road	From	To	Trip Threshold*	Residential Units	Required Improvements
Phase 1					
Becker Rd	Village Pkwy	N/S B	0	0	2L
Secondary Emergency Access Road between Becker Rd at N/S B and Range Line Rd			0	0	Emergency Access Road
<u>Provided at all times through the development</u>					
Becker Rd	N/S B	Range Line Rd	2,573	2,200 <u>Note 1</u>	2L
Phase 2					
Becker Rd	N/S B	Range Line Rd	4,148	3,955	Widen to 4L D

*Wilson Groves Cumulative Total Net External DRI p.m. Peak Hour Trips

Note 1: The first 2 lanes of Becker Road from N/S B to Range Line Road is to be completed under the conditions outlined in a separate Becker Road Construction Agreement between the City and Wilson Grove.

Internal Road Improvements

19. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold or residential units identified in Table 2, whichever comes last, until: 1) contracts have been ~~left~~ **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 of FDOT's adopted work program.

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Table 2
Internal Road Improvements

Road	From	To	Trip Threshold*	Residential Units	Required Improvements
Phase 1					
N/S A	Becker Rd	E/W 3	2,573	2,200	2L
E/W 3	Range Line Rd	N/S A	2,573	2,200	2L
E/W 3	N/S A	N/S B	2,573	2,200	2L
<u>Becker Rd</u>	<u>N/S B</u>	<u>N/S A</u>		<u>Note 1</u>	<u>2L</u>
<u>Becker Rd</u>	<u>N/S A</u>	<u>Range Line Rd</u>		<u>Note 2</u>	<u>2L</u>
<u>N/S A</u>	<u>Becker Rd</u>	<u>Paar Paseo</u>		<u>3,900</u>	<u>2L</u>
<u>N/S A</u>	<u>Paar Paseo</u>	<u>E/W 3</u>		<u>5,100</u>	<u>2L</u>
<u>Paar Paseo</u> <u>(Note 3)</u>	<u>N/S B</u>	<u>Range Line Rd</u>		<u>6,300</u>	<u>Paseo</u>
<u>E/W 3</u>	<u>N/S A</u>	<u>N/S B</u>		<u>6,300</u>	<u>2L</u>
<u>E/W 3</u>	<u>N/S A</u>	<u>Range Line Rd</u>		<u>7,200</u>	<u>2L</u>
<u>N/S B</u>	<u>Becker Rd</u>	<u>E/W 3</u>		<u>7,500</u>	<u>2L</u>
Phase 2					
<u>Paar Dr</u>	<u>N/S A</u>	<u>N/S B</u>	<u>4,152</u>	<u>3,960</u>	<u>2L</u>
<u>N/S B</u>	<u>Becker Rd</u>	<u>E/W 3</u>	<u>4,397</u>	<u>4,233</u>	<u>2L</u>
<u>Becker Road</u>	<u>N/S B</u>	<u>Range Line Rd</u>	<u>4,148</u>		<u>Widen to 4L D</u>
<u>N/S A</u>	<u>Becker Rd</u>	<u>E/W 3</u>	<u>6,708</u>		<u>Widen to 4L D</u>
Phase 3					
N/S A	Becker Rd	E/W 3	6,708	6,564	Widen to 4L D
Paar Dr	N/S A	N/S B	7,148	6,821	Widen to 4L D
Paar Dr	Range Line Rd	N/S A	7,449	6,997	2L

*Wilson Groves Cumulative Total Net External DRI p.m. Peak Hour Trips

Prior to reaching thresholds for each required improvement in Table 2, partial roadway sections may be constructed by the developer. The Developer shall have the right to partially construct any road segments in Table 2 if the road network is not connected from the adjacent DRIs.

Residential Units in Table 2 are defined as building permits issued.

Note 1: The first 2 lanes of Becker Road from N/S B to N/S A is to be completed under the conditions outlined in a separate Becker Road Construction Agreement between the City and Wilson Grove.

Note 2: The first 2 lanes of Becker Road from N/S A to Range Line Road is to be completed under the conditions outlined in a separate Becker Road Construction Agreement between the City and Wilson Grove.

Note 3: Wilson Grove will build a paseo within the 150' Parr Road right of way that will provide connectivity to Parcels A, B, E and F. The paseo will consist of a 16' wide golf cart path and 12' wide multi-use path. The Paseo may but is not required to connect to Rangeline Rd or N/S B.

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External Road Improvements – West of I-95

20. ~~Based on the results of the Wester Annexation Traffic Study, 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 31 of the indicated year in Table 3, 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. 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 as shown in Table 3.~~

Table 3
External Roadway Improvements – West of I-95

Year	*Trip Threshold	Road	From	To	Required Improvement	Status
2010 <u>2019</u>	7,449	Tradition Pkwy	Village Pkwy	I-95	6L D	Satisfied
2010 <u>2019</u>	8,650	Village Pkwy	Tradition Pkwy	Crosstown Pkwy	4L D	Satisfied
2010 <u>2019</u>	8,650	Tradition Pkwy	Community Blvd	Village Pkwy	4L D	Satisfied
2010 <u>2019</u>	8,650	Community Blvd	Tradition Pkwy	Westcliffe Ln	2L	Satisfied
2010 <u>2019</u>	8,650	Westcliffe Ln	N/S A	Village Pkwy	2L	
2014 <u>2023</u>	8,650	Crosstown Pkwy	N/S A	Village Pkwy	4L D	
2014 <u>2023</u>	8,650	Crosstown Pkwy	Village Pkwy	Commerce Center Dr	Widen to 6L D	
2014 <u>2023</u>	8,650	Tradition Pkwy	N/S A	Village Pkwy	4L D	
2014 <u>2023</u>	8,650	N/S A	Crosstown Pkwy	Glades Cut-Off Rd	2L	
2018 <u>2027</u>	8,650	Crosstown Pkwy	Range Line Rd	N/S A	2L D	
2020 <u>2027</u>	7,810	Village Pkwy	Tradition Pkwy	SW Meeting St	6L D	Satisfied
2020 <u>2029</u>	8,650	Village Pkwy	SW Meeting St	Westcliffe Ln	Widen to 6L D	

*Wilson Groves Cumulative Total Net External DRI p.m. Peak Hour Trips

LD = Divided

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External Road Improvements – East of I-95

21. ~~Based on the results from 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 4 or after December 31 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. ~~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 4.~~ 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 Roadway Improvements – East of I-95

Year	*Trip Threshold	Road	From	To	Required Improvement	Status
2015	1,271	Becker Rd	I-95	Rosser Blvd	6L D	Satisfied
2016 <u>2025</u>	8,650	Paar Dr	Rosser Blvd	Savona Blvd	Widen to 4L D	
2016 <u>2025</u>	8,650	Paar Dr	Savona Blvd	Port St. Lucie Blvd	Widen to 4L D	
2010 <u>2019</u>	1,878	Becker Rd	Florida’s Turnpike	Southbend Blvd	4L D	Satisfied
2013 <u>2022</u>	8,650	Rosser Blvd	E/W 3	Gatlin Blvd	Widen to 4L D	
2021 <u>2030</u>	8,650	Port St. Lucie Blvd	Paar Dr	Darwin Blvd	Widen to 4L D	
2011 <u>2020</u>	8,650	Port St. Lucie Blvd	Becker Rd	St. Lucie County Line	Widen to 4L D	
2018 <u>2027</u>	8,650	Rosser Blvd	Paar Dr	E/W 3	Widen to 4L D	
2022 <u>2031</u>	8,650	Port St. Lucie Blvd	Darwin Blvd	Gatlin Blvd	Widen to 6L D	
2014 <u>2026</u>	8,650	E/W 3	I-95	Rosser Rd	2L	
2014 <u>2026</u>	8,650	Paar Dr	I-95	Rosser Rd	4L D	

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2018 <u>2019</u>	8,650	E/W 3	I-95	Rosser Rd***	Widen to 4L D	
2018 <u>2023</u>	8,650	Paar Dr	I-95	Rosser Rd***	Widen to 6L D	
2022 <u>2029</u>	8,650	E/W 3	I-95	Rosser Rd***	Widen to 6L D	
2020 <u>2029</u>	NA	Crosstown Pkwy	I-95	Bayshore Blvd	6L D	Satisfied
2020 <u>2029</u>	8,650	Crosstown Pkwy	Bayshore Blvd	U.S. 1**	6L D	
2010 <u>2019</u>	NA	Becker Rd	I-95	Florida's Turnpike	4L D	Satisfied

*Wilson Groves Cumulative Total Net External DRI p.m. Peak Hour Trips

**Based on permeability.

***~~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 for development that generates more than 8,650 total net external p.m. peak hour trips or in 2019, whichever comes later, to evaluate the need for the improvements.~~

22. A traffic re-analysis shall be undertaken by the Developer and submitted to the City, ~~DCA, TCRPC~~ and FDOT for any development that generates more than 8,650 total net external p.m. peak hour trips or by December 31, ~~2020~~ 2029, whichever comes last, if the six laning of the Crosstown Parkway – Bayshore Boulevard to U.S. 1 segment is: 1) not under contract; 2) not included in a local government development agreement consistent with sections 163.3220 through 163.3243, F.S.; 3) required by the monitoring program included in Condition 15, if applicable; or 4) not scheduled in the first three years of the City's 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~~ State land planning agency, 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 8,650 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.~~ the applicable governing rules, regulations, and laws.

Road Improvements Outside the City of Port St. Lucie

23. ~~Based on the results of the Western Annexation Traffic Study,~~ No building permits shall be issued for the development that generates more than the total net external p.m. peak hour trip threshold identified in Table 5 or after December 31 of the year of

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failure identified in Table 5, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 35 under “Required Improvements”; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the applicable jurisdiction’s Capital Improvements Program or FDOT’s adopted work program.

Table 5
Roadway Improvements Outside the City of Port St. Lucie

Year	*Trip Threshold	Road	From	To	Required Improvement	Status
2022	1,254	SW Allapattah Rd	CR 714	Martin County Line	4L D	
2022	1,254	Range Line Rd	Martin County Line	Becker Rd	Widen to 4L D***	
2011	2,403	SW Citrus Blvd	St. Lucie County Line	SR 714	Widen to 4L D**	
2013	4,133	SR 714/Martin Hwy	Port St. Lucie Blvd	Florida’s Turnpike	Widen to 4L D	
2010	4,165	CR 714/Martin Hwy	Florida’s Turnpike	High Meadow’s Ave	Widen to 4L D	<u>Satisfied</u>
2011	5,652	CR 714/Martin Hwy	High Meadows Ave	Berry Ave	Widen to 4L D	<u>Satisfied</u>

*Wilson Groves 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.

24. A traffic re-analysis shall be undertaken by the Developer and submitted to the City, ~~DCA~~, ~~TCRPC~~, State land planning agency, and FDOT by the date that development within the Wilson Grove DRI ~~for any development that~~ generates more than 8,650 total net external p.m. peak hour trips or by December 31, 2020, whichever comes last, if the six laning of the Crosstown Parkway – Bayshore Boulevard to U.S. 1 segment is: 1) not under contract; 2) not included in a local government development agreement consistent with sections 163.3220 through 163.3243, F.S.; 3) required by the monitoring program included in Condition 15, if applicable; or 4) not scheduled in the first three years of the City’s 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~~ State Planning Agency, and FDOT. If the traffic re-analysis shows that the incomplete

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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 8,650 total net external p.m. peak hour trips or after December 31, 2020, whichever comes last, until the Development Order has been amended to include mitigation to address such additional or increased significant impacts consistent with ~~Rule 9J-2.045, F.A.C.~~ the applicable, governing rules, regulations, and laws.

This Condition 24 has been satisfied with the construction of Crosstown Parkway via the CIP.

E/W 3 and I-95 Interchange

25. A traffic study shall be prepared for development that generates more than 8,650 total net external p.m. peak hour trips or by January 1, 2019~~2028~~, whichever comes last, to evaluate the need for an interchange along I-95 with E/W 3. The methodology for this traffic study shall be discussed with the Developer and agreed upon by the City of Port St. Lucie and Florida Department of Transportation. The traffic study shall estimate traffic projections at buildout of all DRI developments that participated in the WATS.

26. If the study required by condition 25 justifies an interchange along I-95 with E/W 3, then no building permits shall be issued for development that generates more than 8,650 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 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 in accordance with Section 380.06(19)(b), F.S.

Other Issues

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, 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.~~ Prior to construction of an intersection of two arterial roads, two collector roads or an arterial and collector road, the Developer shall submit to the City for approval, an intersection analysis to designate the lane geometry for each intersection as it is to be constructed and at buildout.

28. All other roads expressly addressed in the transportation conditions of this Development Order shall be open to the public. Additionally, golf carts and alternative

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modes of transportation shall be permitted along pathways, sidewalks, and multi-use trails consisting of at least 8-feet in width, within the following City- owned rights-of-way: Becker Road, Parr Road, and N/S A. See figure 1

29. Commencing in 2008 and continuing every other year thereafter, the Developer shall submit a Biennial Status Report indicating the status (schedule0 of guaranteed transportation network modifications. The 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, and the form of binding commitment that guaranteed construction of each modification. Except for improvements which are re-scheduled or determined to be not needed pursuant to monitoring under Condition 15, no further building permits for the Wilson Groves Development of Regional Impact shall be issued at the time the Biennial Status Report reveals that any needed transportation modification included in the Development Order is no longer scheduled or guaranteed, or has been delayed in schedule such that it is not guaranteed to be in place and operational or under actual construction for the entire modification consistent with the timing or trip threshold criteria established in this Development Order.

30. 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 rights-of-way within the Wilson Groves project.

ENVIRONMENTAL AND NATURAL RESOURCES

Wetlands

32. The Developer shall comply with all wetland mitigation requirements of the U.S. Army Corps of Engineers and South Florida Water Management District. Any wetland permit issued by the South Florida Water Management District and the U.S. Army Corps of Engineers for all or any portions of the Wilson Groves DRI Property shall satisfy all City rules, regulations, codes, permitting and other requirements pertaining to wetlands and littoral plantings for the portion or portions of the Wilson Groves DRI Property subject to any such permits.

Listed Species

33. The Developer or an Association or community development district shall maintain Wood Stork Foraging habitat on site by ensuring no additional net loss of wood stork

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prey. Ten (10) acres of littoral shelves shall be created within 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.

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

Exotic Species

35. Prior to obtaining a certificate of occupancy for any future structure located on a particular development parcel, the developer of such parcel shall remove from that parcel all Melaleuca, Brazilian pepper, Old World climbing fern, Australian pine, downy rose-myrtle, and any other plants classified as "Prohibited by Florida Department Environmental Protection", "Noxious Weed listed by Florida Department of Agriculture and Consumer Services", or "Noxious Weed by the U.S. Department of Agriculture" according to the 2005 publication "List of Florida's Invasive Species" published by the Florida Exotic Pest Plant Council. This includes all such plants listed under Category I or Category II Invasive Exotics. 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 jurisdictional wetlands and Conservation Areas, if any, shall be maintained free of these species in perpetuity in accordance with all applicable permits.

Stormwater Management

36. The developer of each development parcel shall design and construct a stormwater management system within such development parcel to retain the maximum volumes of water consistent with South Florida Water Management District criteria for flood control. The stormwater 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.
37. All elements of the stormwater management system shall be designed to prevent negative impacts to adjacent areas and to the receiving bodies of water. A water

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quality monitoring program shall be established if required by any applicable federal, state, or local agency having jurisdiction.

38. The Developer shall work with the City of Port St. Lucie to minimize the amount of impervious surface constructed for automobile parking on the project site. The Developer and the City should consider the use of previous parking lot materials where feasible.
39. The surface water management system shall utilize Best Management Practices to minimize the impact of chemical runoff associated with lawn and landscape maintenance. The Developer shall coordinate with the South Florida Water Management District to formulate and implement Best Management Practices to reduce the use of pesticides and fertilizers throughout the project.
40. Maintenance and management efforts required to assure the continued viability of all components of the surface water management system shall be the financial and physical responsibility of the Developer, a community development district, a special assessment district, or other entity acceptable to the City of Port St. Lucie. Any entities subsequently replacing the Developer shall be required to assume the responsibilities outlined above.

Water Supply

41. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has provided written confirmation from the City of Port St. Lucie Utilities Systems Department that adequate capacity of treated potable water is available to serve the development parcel 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.
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 with fiber optic communication 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.
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. No landscaping shall be planted

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in such a manner as to adversely affect utility installation, operation, or maintenance. Trees shall not be planted within ten (10) feet of any PSLUSD infrastructure. All measurements are from outside to outside, not centerline to centerline.

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 for the public water supply permit issued to the City of Port St. Lucie by the South Florida Water Management District.

Wastewater Management

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

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

Air Quality

47. During land clearing and site preparation, soils 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 begin. 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

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48. The Port St. Lucie Comprehensive Plan does not require any affordable housing mitigation or contribution by the Developer. However, the Developer offered to provide voluntary support for affordable housing by means of a local condition. The Developer shall pay a voluntary affordable housing assistance fee of \$~~250~~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) construction of new affordable housing by private developers or not-for-profit entities; or (f) other appropriate affordable housing strategies.

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

Prior to the beginning of each phase subsequent to Phase 1, the supply of affordable housing shall be re-calculated using the East Central Florida Regional Planning Council Housing Methodology (revised June 1999) or, at the election of the Developer, an alternative methodology acceptable to the City and DCA. If the supply calculation for any subsequent phase shows that there is not an adequate supply of affordable housing reasonably accessible to the Wilson Groves 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 the requirements set forth under Section 380.06, Florida Statutes and those statewide guidelines, standards, and exemptions provided for under Section 380.0651, Florida Statutes ~~Rule 9J-2.048, F.A.C.~~ The voluntary affordable housing mitigation assistance fee provided for in this Condition 48 shall be credited against any required mitigation.

Schools

49. 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 two K-8 school sites 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 sites 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.

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- b. For the proposed total development program of 7,700 dwelling units, of which 900 a minimum of 3,919 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. School facilities shall be operated and maintained by the St. Lucie County School District.
- c. 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 subparagraph (a) above.
- d. 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 subparagraph (a) above to the St. Lucie County School District as and when needed by the St. Lucie County School District.

Note: The Developer has entered into an Educational Facilities Impact Fee Credit Agreement dated July 22, 2008 (OR Book 3002, Page 2168-2185), as may be amended from time to time, with the School Board of St. Lucie County. The agreement entered into between the Developer and the St. Lucie County School District 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 School Board of St. Lucie County (OR Book 2714, Page 761) regarding conveyance of the school sites to the St. Lucie County School District.

Police and Fire Protection

- 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.

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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 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.

[This condition has been satisfied. See agreement in ORB 2912, Page 1491]

Hurricane Preparedness

52. The Developer shall construct one or more on-site buildings to provide a minimum 16,120 SF of hurricane evacuation shelter space for the residents of the Wilson Groves 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 4,606 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 1; a minimum of 8,541 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 2; and a minimum of 2,944 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.

The developer intends to satisfy condition 52 through the construction of "safe spaces" within residential homes constructed in the Wilson Grove communities. The residential units are constructed in such a manner to meet, or exceed, the American Red Cross (ARC 4496) and would be considered to include a "safe space," satisfying this requirement of the Development Order. Further, based on the "2018 Statewide Shelter Plan," there is a surplus of hurricane evacuation shelter space in St. Lucie County to accommodate the residents of the Wilson Grove Development and, as such, the project does not cause a substantial impact on regional hurricane preparedness pursuant to the applicable governing rules and regulations. As a result, this Condition

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52 shall be deemed satisfied with the construction of "safe spaces" within the residential units.

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 \$50,000.00 to the City to enhance hurricane preparedness. This contribution provided sufficient funds to finance space for the City's Emergency Operations Center and adequate special needs public hurricane evacuation shelter space for residents of the project.

Parks and Recreation

54. Prior to ~~January 1, 2012~~, January 1st, 2026, the Developer shall prepare a plan to be approved by the City of Port St. Lucie Parks and Recreation Department for the provisions 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 90 acres of net usable area of public park sites (including the 50 acres of regional park described below), with no individual park sites 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, and 4) comply with a requirement of 5 acres of 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 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.

Prior to the issuance of the 6,001 building permit for the Wilson Groves 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 in the Master Development Plan (Map H) attached to this Development Order as Exhibit "D".

Historic and Archaeological Sites

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

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appropriate mitigation pursuant to Rule 9J-2.043, F.A.C., if any are warranted, and such measures have been implemented by the Developer.

Energy

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

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EXHIBIT “C”

LAND USE EQUIVALENCY MATRIX

TO	ITE Code	PM Total Trip Rate	1 Resid. Single Family Unit	1 Resid. Multi-Family Unit	1 Hotel Unit	1000 SF Industrial	1000 SF Office	1000 SF Retail	1000 SF Civic	1 Middle School Student	1 Elem. School Student	1 University Student	1000 SF Institutional	1 Park Acre	1 Hospital Bed
FROM															
1 Resid. Single Family Unit	210	0.83	1	2.37	1.19	0.85	0.56	0.21	0.15	5.53	5.93	3.95	0.27	13.83	0.64
1 Resid. Multi-Family Unit	230	0.35	0.42	1	0.5	0.36	0.23	0.09	0.06	2.33	2.5	1.67	0.11	5.83	0.27
1 Hotel Unit	310	0.7	0.84	2	1	0.71	0.47	0.18	0.13	4.67	5	3.33	0.23	11.67	0.54
1000 SF Industrial	110	0.98	1.18	2.8	1.4	1	0.66	0.25	0.18	6.53	7	4.67	0.32	16.33	0.75
1000 SF Office	710	1.49	1.8	4.26	2.13	1.52	1	0.38	0.27	9.94	10.65	7.1	0.49	24.85	1.15
1000 SF Retail	820	3.88	4.67	11.09	5.54	3.96	2.6	1	0.71	25.87	27.71	18.48	1.27	64.67	2.98
1000 SF Civic	WAS	5.45	6.557	15.57	7.79	5.56	3.66	1.4	1	36.33	38.93	25.95	1.79	90.83	4.19
1 Middle School Student	522	0.15	0.18	0.43	0.21	0.15	0.1	0.04	0.03	1	1.07	0.71	0.05	2.5	0.12
1 Elem. School Student	520	0.14	0.17	0.4	0.2	0.14	0.09	0.04	0.03	0.93	1	0.67	0.05	2.33	0.11
1 University Student	550	0.21	0.25	0.6	0.3	0.21	0.14	0.05	0.04	1.4	1.5	1	0.07	3.5	0.16
1000 SF Institutional	WAS	3.05	3.67	8.71	4.36	3.11	2.05	0.79	0.56	20.33	21.79	14.52	1	50.83	2.35
1 Park Acre	412	0.06	0.07	0.17	0.09	0.06	0.04	0.022	0.01	0.4	0.43	0.29	0.02	1	0.05
1 Hospital Bed	WAS	1.3	1.56	3.7	1.85	1.33	0.87	0.34	0.24	8.33	9.09	6.25	0.433	20	1

Note: Consistent with section 380.06(19)(b), F.S., any use may not increase by more than 10 percent through the use of the conversion matrix.

MAP H MASTER PLAN



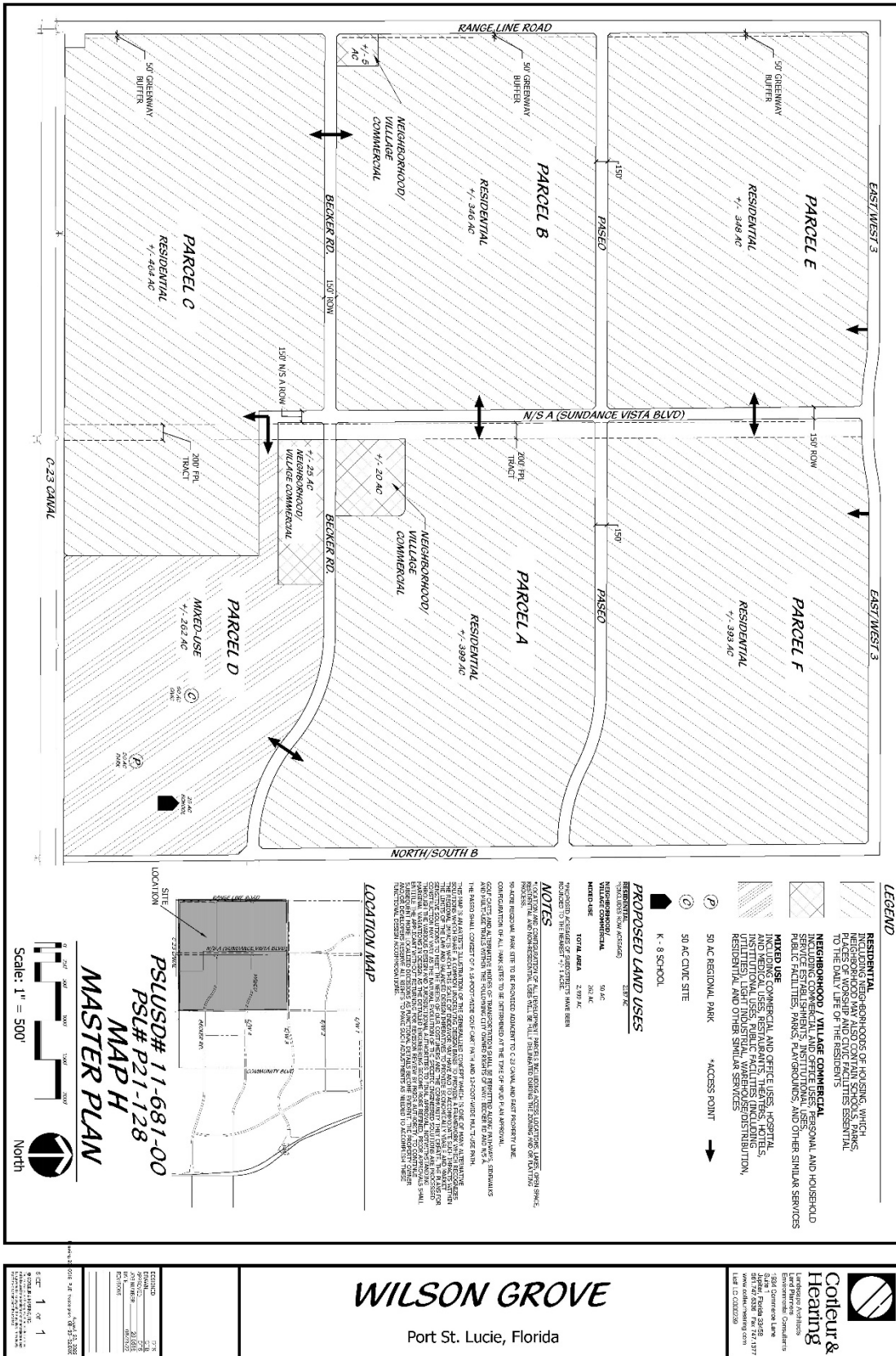
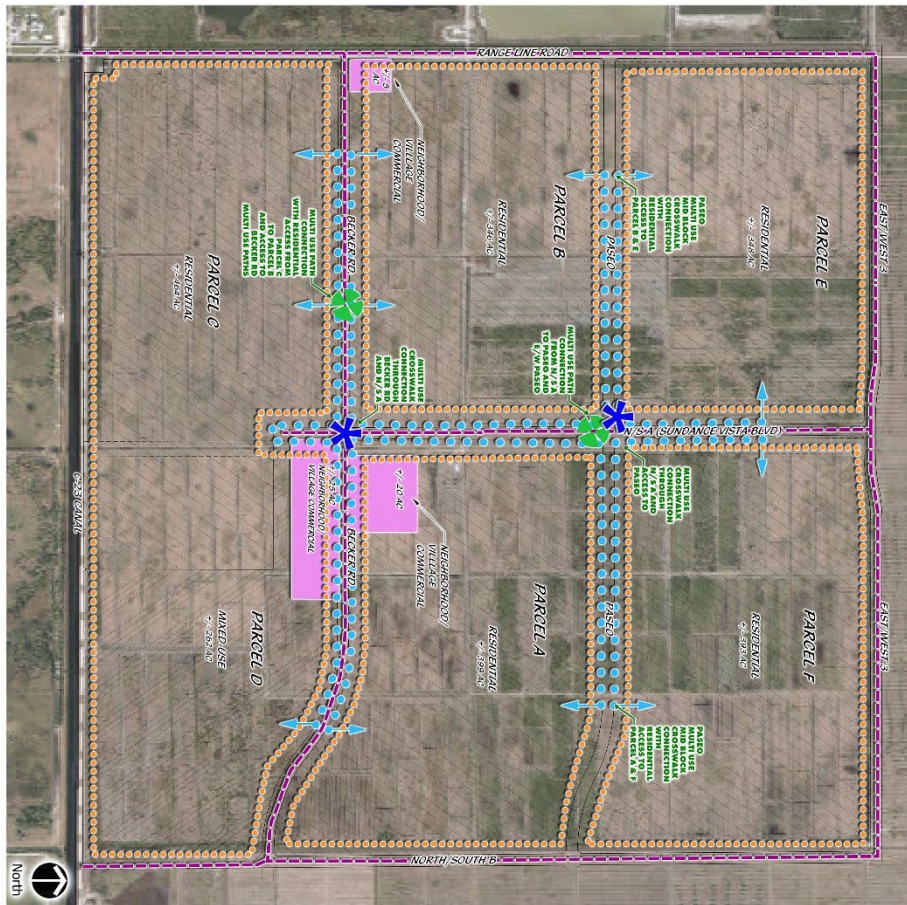


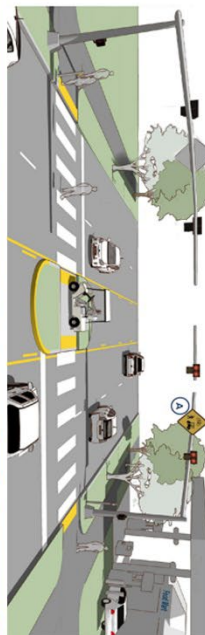
Figure 1



CIRCULATION SYSTEM



WILSON GROVE
PORT ST. LUCIE, FLORIDA



LEGEND

- VEHICULAR TRAFFIC**
- GOLF CART CIRCULATION**
- PEDESTRIAN CIRCULATION**
- POTENTIAL GOLF CART & PEDESTRIAN TUNNEL CROSSING**
- POTENTIAL GOLF CART & PEDESTRIAN CROSSWALK**
- PARCEL ACCESS**
- THIS IS AN ARTIST'S ILLUSTRATION OF THE DEVELOPED CONCEPT PLAN. THE COLOR OF PLANT MATERIALS AND/OR FURNITURE IS NOT INTENDED TO REPRESENT THE EXACT COLOR OF THE MATERIALS. PLANTING AND FURNITURE WILL BE DETERMINED BY THE LANDSCAPE ARCHITECT. THE LOCATION OF PLANTING AND FURNITURE WILL BE DETERMINED BY THE LANDSCAPE ARCHITECT. THE LOCATION OF PLANTING AND FURNITURE WILL BE DETERMINED BY THE LANDSCAPE ARCHITECT. THE LOCATION OF PLANTING AND FURNITURE WILL BE DETERMINED BY THE LANDSCAPE ARCHITECT.
- PSLUSD# 11-681-000**
- PS1# 21-1-127**