

RESOLUTION 21-R11

A RESOLUTION OF THE CITY COUNCIL OF PORT ST. LUCIE, FLORIDA APPROVING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE DEVELOPMENT OF REGIONAL IMPACT KNOWN AS LTC RANCH PREVIOUSLY APPROVED BY RESOLUTION NO. 97-085 BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AND BY RESOLUTION NOS. 00-R25, 07-R77 AND 19-R40 BY THE CITY COUNCIL OF PORT ST. LUCIE, FLORIDA.

WHEREAS, the City Council of Port St. Lucie, St. Lucie County, Florida, has made the following determinations:

1. The Board of County Commissioners of St. Lucie County, Florida, adopted Resolution No. 97-085 approving a Development of Regional Impact and Development Order on the real property described in the attached Exhibit "A" and recorded in Official Record Book 1081, Page 1808 on June 10, 1997 with the Clerk of the Circuit Court, St. Lucie County, Florida.
2. The findings of fact and conclusions of law set forth in Resolution No. 97-085 of the Board of County Commissioners of St. Lucie County, Florida, are adopted by reference herein.
3. The City Council of Port St. Lucie and LTC Joint Venture executed an Annexation Agreement allowing for the annexation of the property described in the attached Exhibit "A" and as part of that annexation approved Resolution No. 00-R25 to govern the development of the LTC Ranch DRI as it became part of the City.
4. As the real property was annexed into the City, those portions of the Development Order applicable to the real property so annexed applied and the property remaining in the unincorporated area remained subject to the Development Order adopted by the Board of County Commissioners until such time as that property was annexed into the City.
5. All of the property described in the attached Exhibit "A" has been annexed into the City of Port St. Lucie by Ordinance No. 00-14 and Ordinance No. 02-126 and so is governed by the Development Order adopted by the City Council of Port St. Lucie.
6. On October 30, 2006, Centex Homes, Southeast Florida Division filed a Notification of Proposed Change to an Approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, requesting certain changes to the Development Order for the LTC Ranch DRI.

7. On September 24, 2007, the City Council of Port St. Lucie held a duly noticed public hearing on the requested changes to the Development Order for the LTC Ranch DRI. After considering the comments of the various reviewing agencies and the evidence presented by the applicant, the City Council concluded that the requested changes do not constitute a substantial deviation and are in the best interest of the public health, safety and welfare of the citizens of Port St. Lucie, and the City Council passed and duly adopted Resolution No. 07-R77, adopting the requested changes to the DRI.
8. On September 28, 2018, LTC Midway, LLC, a Florida limited liability company (“LTC Midway, LLC”), as the owner of all of the land within the DRI west of I-95 (the “DRI West Side”) and LTC Joint Venture (“LTC Joint Venture”), as the developer of all of the land within the DRI east of I-95 (the “DRI East Side”) jointly filed an application with the City to amend the DRI, in order to update and amend the DRI conditions, and to clarify the rights and obligation that apply to the DRI East Side and the DRI West Side, as more specifically set forth herein.
9. On May 28, 2019, the City Council of Port St. Lucie held a public hearing, passing and adopting Resolution No. 19-R40, adopting the requested changes to the DRI.
10. On September 16, 2020, Midway Glades Developers, LLC, a Delaware limited liability company, filed an application with the City to make certain amendments to the DRI, only affecting the DRI West Side, as more specifically set forth herein.
11. On _____, 2021, the City Council of Port St. Lucie held a public hearing, passing and adopting Resolution No. 21-R11, adopting the requested changes to the DRI.
12. The following uses may be developed within the LTC Ranch DRI (subject to adjustment as permitted by Paragraph A.17.j below):

Residential	4,000 units within the DRI West Side
Industrial	1,960,200 gross sq. ft. within the DRI East Side
Retail	725,000 gross sq. ft. within the DRI West Side
Office	1,508,500 gross sq. ft. within the DRI East Side

CONCLUSIONS OF LAW

NOW THEREFORE, BE IT RESOLVED by the City Council of Port St. Lucie, Florida:

A. That in a public meeting, duly constituted and assembled this _____ day of _____, 2021, Resolution No. 21-R11 which amends and restates Resolution No. 19-R40 is hereby approved subject to the following conditions, restrictions, and limitations.

1. APPLICATION FOR DEVELOPMENT APPROVAL

The LTC Ranch Development of Regional Impact Application for Development Approval, including all sufficiency responses (herein referred to collectively as the "Application for Development Approval" or "ADA"), are incorporated herein by reference. Substantial compliance with the representations contained in the Application for Development Approval, as modified by the Development Order conditions, is a condition for approval. In the event of a conflict between the Application for Development Approval and the Development Order, the Development Order shall prevail.

For purposes of this condition, the Application for Development Approval shall include the following items:

- a. The Application for Development Approval dated September 1992.
- b. Supplemental information dated February 8, 1993.
- c. Supplemental information dated August 16, 1993.
- d. Supplemental information dated November 10, 1993.
- e. Water Quality data dated August and October 1994.
- f. Revised Phase I Analysis and Revised Trade-off documentation dated September 9, 1996.
- g. Affordable Housing Analysis dated April 8 and 10, 1997.
- h. The Application for approval of the Amended Development Order by the City of Port St. Lucie dated April 6, 2000 and the Revised Notification of a Proposed Change to a Previously Approved Development of Regional Impact dated March __, 2007.
- i. The Application for approval of the Amended and Restated Development Order by the City of Port St. Lucie, dated September 28, 2018.
- j. The Application for approval of additional amendments to the Development Order by the City of Port St. Lucie, affecting only the DRI West Side, dated September 16, 2020.

2. DRI APPROVAL

Final Development of Regional Impact ("DRI") approval is given to Phases 1, 2 and 3, subject to adjustment as set forth in Section 17.j. (Trade-Off section) and Sections 10 and 11 (water and wastewater sections) ("Authorized Entitlements").

	<u>USE</u>	<u>PHASE 1*</u>	<u>PHASE 2*</u>	<u>PHASE 3*</u>	<u>TOTAL</u>
<u>DRI West Side</u>	Residential (units)	1,000	1,500	1,500	4,000
	Retail (gross square feet)	90,000	215,000	420,000	725,000
<u>DRI East Side</u>	Industrial (gross square feet)	392,040	588,060	980,100	1,960,200
	Office (gross square feet)	34,975	314,775	1,158,750	1,508,500

Phase 1 May 22, 2031 (in accordance with previously filed extensions, and subject to additional extensions of this deadline that may be obtained in the future)

Phase 2 May 23, 2036 (in accordance with previously filed extensions, and subject to additional extensions of this deadline that may be obtained in the future)

Phase 3 December 20, 2040 (in accordance with previously filed extensions, and subject to additional extensions of this deadline that may be obtained in the future)

* The phasing deadlines above signify the dates by which all development and associated improvements for a given phase must be complete. Development of Phase 2 may commence prior to the phasing deadline for Phase 1 on either the DRI West Side or the DRI East Side, if (1) all of the mitigation associated with the Phase 1 for that side of the DRI entering Phase 2 has been completed and (2) the mitigation required as part of the Phase 2 for that side of the DRI is developed consistent with the Development Order conditions for that side of the DRI. Similarly, Development of Phase 3 may commence prior to the phasing deadline for Phase 2, on either the DRI West Side or DRI East Side, if (1) all of the mitigation associated with Phases 1 & 2 for that side of the DRI entering Phase 3 has been completed and (2) the mitigation required as part of Phase 3 for that side of the DRI is developed consistent with the Development Order conditions for that side of the DRI.

All conditions contained herein must be followed in the development of any property within LTC Ranch. No modifications can be made to the provisions of this Development Order regulating Development Area A (DRI East Side) without written consent of LTC Joint Venture and no modifications can be made to the provisions of this Development Order regulating Development Areas B and C (DRI West Side) without written consent of Midway Glades Developers, LLC and LTC Midway, LLC (collectively, the “West Side Owners”). The owner(s) of property within the LTC Ranch DRI shall be responsible for

compliance with all conditions until such responsibility is assigned to and accepted by another entity such as a successor purchaser of the property, a homeowners' association or a special taxing district. LTC Joint Venture and the West Side Owners shall each be entitled to develop the properties they own in accordance with the uses and limitations set forth in Paragraph 10 above. Throughout this DRI Approval, the term "LTC Joint Venture" shall refer not only to LTC Joint Venture, but also to any successor or assign of the development rights and obligations of LTC Joint Venture under this DRI Approval relating to the DRI East Side. Throughout this DRI Approval, the term "West Side Owners" shall refer not only to Midway Glades Developers, LLC and LTC Midway, LLC, but also to any successor or assign of the development rights and obligations of Midway Glades Developers, LLC and LTC Midway, LLC under this DRI Approval relating to the DRI West Side.

3. FAILURE TO COMMENCE DEVELOPMENT

In the event significant physical development is not commenced within five years of the effective date of this Development Order, development approval shall be suspended by the local government until a Notification of Proposed Change is filed with the Florida Department of Community Affairs, the Treasure Coast Regional Planning Council, and the City of Port St. Lucie regarding the failure to commence development, and, if required, a Substantial Deviation Application for Development Approval is submitted. For the purpose of this paragraph, significant physical development shall be deemed to have been initiated after placement of permanent evidence of a structure (other than a mobile home) on the site, the pouring of slabs or footings, the construction of permanent roads or physical placement of permanent utilities, or any permanent work beyond the stage of excavation or land clearing. **This condition A.3 has been satisfied.**

4. TERMINATION DATE

This Development Order shall terminate May 23, 2041 (in accordance with previously filed extensions). Building Permits for all development must be issued by June 23, 2039 (in accordance with previously filed extensions), and construction completed by December 20, 2040 (in accordance with previously filed extensions). The foregoing shall not limit any right of LTC Joint Venture or any West Side Owner to obtain any further extensions of such deadlines allowed by laws then in effect.

5. MASTER PLANS

a. Master Plan, Map H-1

- 1) All future development, except agricultural uses, must be consistent with Map H-1 Master Plan (as amended herein) attached hereto as Exhibit "B". No increase of intensity in agricultural activities or clearing cutting for

agricultural purposes shall be permitted within proposed preservation areas.

- 2) Agricultural activities shall be permitted on all DRI property and all zoning categories until physical vertical development commences on each parcel or part thereof. When a building permit has been issued for vertical development, that land shall no longer be utilized for agricultural purposes. Map H-1, Master Plan identifies maximum permitted development densities and intensities, Development Area delineations, existing FPL transmission line easements, and minimum vehicular access points. Open space tabular data, designated upland and wetland preservation areas and applicable notes affecting future development are also identified on Map H-1, Master Plan. Other than the phases set forth thereon, the Master Plan shall not limit the order of development.
- 3) LTC Ranch will develop as one or more Planned Unit Developments (each a "PUD") in accordance with the requirements for PUDs in the City's Land Development Regulations.
- 4) The ADA describes the open spaces to be provided. A total of 25% open space shall be provided within the DRI East Side as a whole and a total of 35% open space shall be provided within the DRI West Side as a whole rather than within each parcel or portion therein independently. With each application for site plan approval, the owner of the parcel shall provide documentation of the area to be provided as open space to enable the City to ensure compliance with this requirement. Open space shall include upland and wetland preservation areas, parks, existing and constructed lakes and canals, dry retention areas, landscape and drainage areas. The upland and wetland preservation areas shown on Map H-1, Master Plan, are in the general locations that will be placed under conservation easements. Minor adjustments to the upland and wetland preservation areas may change subject to applicable local, state or federal permitting requirements, habitat management plan needs and permit needs not to exceed a decrease of 5% or 20 acres in open space, whichever is less, within either the DRI East Side or the DRI West Side. In any case, a minimum of 15% of the habitat found within the entire LTC Ranch DRI (East Side and West Side combined) shall be preserved. The foregoing habitat preservation requirement shall be satisfied by the preservation of the wetlands and uplands required in Section 8 below. Pursuant to existing conservation easements, the DRI East Side has already preserved the wetlands and uplands it is required to preserve, therefore no further habitat preservation is required within the DRI East Side.

b. Conceptual Master Development Plan

A conceptual master development plan shall be prepared to provide long-term guidance and direction for development by showing the general location of all residential and non-residential land uses, arterial and collector roads, stormwater facilities, school sites, civic and institutional sites, other major facilities, major access points and multi-use trails and greenways. The conceptual master development plan shall be consistent with the Master Plan, Map H-1, attached to this Development Order as Exhibit “B” but shall not be adopted as nor require an amendment to this Development Order. The conceptual master development plan shall be presented to the City’s Planning and Zoning Board and to the City Council for consideration and approval; provided, however, that notwithstanding the foregoing, the conceptual master development plan shall only be a generalized reference tool which is not regulatory but rather a planning reference to provide long range guidance for development approval. The conceptual master development plan shall be revised from time to time as needed to show approved and proposed development, and the City and the owner(s) of property within the LTC Ranch DRI shall agree on a mutually acceptable process for doing so. LTC Joint Venture shall have the right to submit and amend the conceptual master development plan with respect to the land within the DRI East Side and the West Side Owners shall each have the right to submit and amend the conceptual master development plan with respect to their portion of the land within the DRI West Side, in accordance with all requirements set forth herein.

- c. The following tracking mechanisms are required concurrent with each biennial report submitted for the DRI:
 - 1) The number of overall approved land use types requested and associated with thresholds for density or intensity of uses within the DRI project;
 - 2) The number of requested residential units by type and associated population or square footage of non-residential land uses, and associated ERU’s if utilizing the trade off mechanisms;
 - 3) The remaining density or intensity of land uses within the DRI project as subtracted from the approved amounts;
 - 4) Improvements required for the proposed use including infrastructure to service the proposal as related to the DRI conditions, including wastewater and water facilities, transportation related road and intersection improvements as well as daily and peak hour trips, park land, and compliance with adopted level of service standards and conditions contained in the Development Order;

A summary of this information for each approved project shall be provided in the required biennial monitoring report for the DRI.

6. AIR

- a. Stabilization of disturbed areas shall be undertaken within 7 days of completion of clearing in accordance with the City's NPDES requirements.
- b. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined emissions, including seeding and mulching of disturbed areas, shall be undertaken and implemented by the owner of a parcel being developed to the satisfaction of the City of Port St. Lucie and the Florida Department of Environmental Protection and in accordance with the City's NPDES requirements.

7. HISTORIC AND ARCHAEOLOGICAL SITES

In the event of discovery of any archaeological artifacts during project construction, the owner of the parcel being developed shall stop construction within that permitted area and immediately notify the Division of Historical Resources in the Florida Department of State ("Division"). Proper protection, to the satisfaction of the Division, shall be provided by the owner of that land.

8. HABITAT, VEGETATION, AND WILDLIFE

a. Wetland Habitat Preservation:

- 1) Wetland numbers 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24A, 24B, 32, 33, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 50, 51, and 52 (on the West Side) and W-39, W-40 and W-41 (on the East Side) (presently calculated to include 239.77 acres) as are shown on Map G, Wildlife Habitat/Listed Species Map, attached hereto as Exhibit "C", shall be preserved or enhanced by the permittee in accordance with jurisdictional permitting criteria. Preservation, monitoring and maintenance at all wetland preserve and mitigation areas shall be assured by deed restriction, conservation easements, best development and drainage plan design, and assignment of future preservation, monitoring, and maintenance responsibility to a master property owners association or other entity approved by the SFWMD and the City of Port St. Lucie prior to commencement of construction within parcels which contain wetland preservation or mitigation areas. Areas set aside for preservation shall have conservation easements placed on them for conservation in perpetuity. **The wetlands within the DRI East Side have been dedicated for preservation by those certain subdivision plats recorded in Plat Book 41, Page 1 and Plat Book 48, Page 2 of the Public Records of St. Lucie County, Florida.**

- 2) All or portions of wetland numbers 1, 2, 9, 15, 16, 17, 18, 19, 41, and 49 (on the West Side) and W-37, W-38, W-42 and W-43 (on the East Side) (presently calculated to include a total of 13.63 acres) may be developed consistent with jurisdictional permitting criteria and wetland mitigation policies. Verification of wetland boundaries/acreages and avoidance/minimization of wetland impacts shall be addressed at the time of application to the SFWMD for an ERP.
- 3) As shown on the Map H-1, Master Plan, a buffer zone of upland vegetation shall be provided around all preserved wetlands on site. The buffer shall be maintained in a natural condition with the exception of exotic and nuisance vegetation removal. Where native canopy, understory, and/or groundcover exists, these elements shall be maintained and preserved. The width of the buffer shall be a minimum of twenty-five (25) feet and an average of fifty (50) feet project-wide.
- 4) Where proposed wetland crossings cannot be reasonably avoided and wetland impacts have been minimized to the greatest extent feasible, construction techniques such as proper culverting or bridging shall be employed to maintain or restore wetland hydroperiods, drainage patterns and sheet flows, in accordance with SFWMD permitting criteria. Best Management Practices (BMP's) shall be utilized to minimize turbidity and erosion during construction activities.

b. Upland Habitat Preservation and Listed Species Protection:

- 1) Within the DRI East Side, no less than 6.8 acres of Upland Habitat (Pine Flatwoods) shall be preserved in the general locations shown on Map H-1, Master Plan, unless such boundaries are modified to conform to permits approved by any federal, state or regional permitting agency. Within the DRI West Side, no less than 215.48 acres of Upland Habitat (204.68 acres of Pine Flatwoods and restored Pine Flatwoods and 10.8 acres (100%) of existing Cabbage Palm Hammocks) shall be preserved in the general locations shown on Map H-1, Master Plan, unless such boundaries are modified to conform to permits approved by any federal, state or regional permitting agency. Habitat shall be defined to include canopy, understory, and ground cover. Upland habitat preserved pursuant to wetland buffer zone requirements and meeting the requirements of the City of Port St. Lucie shall be counted towards meeting this requirement. As a minimum, upland preserve areas should be of appropriate size, quality and arrangement to support listed species which may occur in the habitat type preserved. **The requirements of this paragraph A.8.b.1 have been satisfied with respect to the DRI East Side.**

- 2) If not prepared previously, to ensure accurate delineation and protection of the designated preserve areas, the owner of a parcel upon which development is proposed shall provide an overall special purpose boundary survey of the upland and wetland preserve areas upon the earlier of:
 - a) approval of a site plan application;
 - b) commencement of vertical construction activities; or
 - c) prior to issuance of an ERP.

The survey shall include those preserve areas adjacent to or within the parcel which is the subject of one of the three activities listed above.

- 3) In order to protect listed species on site, including the Gopher Tortoise and other observed and potential listed species identified in Tables 12B-1, 12B-2, and 12B-3 of the LTC Ranch Application for Development Approval, no less than 6.8 acres of upland habitat and 15.37 acres of native wetland habitat within the DRI East Side, and 215.48 acres of upland habitat and 224.40 acres of native wetland habitat within the DRI West Side, including canopy, understory and ground cover, shall be preserved in the general locations shown on Map H-1, Master Plan, unless such boundaries are modified to conform to permits approved by any federal, state or regional permitting agency. **The requirements of this paragraph A.8.b.3 have been satisfied with respect to the DRI East Side.**
- 4) Prior to commencement of construction activities within affected areas not designated for preservation, a site specific survey for listed species shall be required and performed in accordance with survey methodology approved by the City of Port St Lucie and the Florida Fish and Wildlife Conservation Commission. Protection, management and/or relocation of listed species shall be required into the designated preservation areas described in paragraph 3) above, in accordance with the governing agencies approval.
- 5) Specific follow-up site assessments for *Lilium catesbaei* (*Pine Lily*) within affected portions of the undisturbed Pine Flatwood habitat not designated for preservation within a parcel, will be necessary in late summer and fall prior to commencement of construction activities.
- 6) Prior to construction activities, the owner of a parcel upon which development is proposed shall complete a survey for the Sandhill Crane in

accordance with current guidelines established by the Florida Fish and Wildlife Conservation Commission and/or the United States Fish & Wildlife Service (USFWS). During the period of January 1 to June 30, no construction within 300 feet of any wetland preserve shall occur until the wetland has been surveyed for Sandhill Crane nests. In the event active nests are found, construction shall not occur until 90 days after the eggs have hatched or the nest activity ceases, whichever comes first.

- 7) Prior to commencement of construction activities, the owner of a parcel upon which development is proposed shall complete a survey for the Southeastern American Kestrel (*Falco sparverius paulus*), as outlined in the Florida Fish and Wildlife Conservation Commission Nongame Wildlife Technical Report No. 13. If the survey detects the Southeastern American Kestrel, a management plan must be prepared, as described below that requires the placement of nest boxes and preservation and management of adequate foraging habitat within the conservation areas designated on Map H-1, Master Plan, and described in paragraph 3) above.
- 8) Concurrent with the submittal of the conceptual master development plan required by Section A.5.b. and with the approval of the City of Port St. Lucie and SFWMD, a habitat management plan for the designated preserve areas within the DRI boundaries shall be submitted. With each application for site plan approval, the owner of a parcel upon which development is proposed shall include a habitat management plan for the parcel seeking approval. LTC Joint Venture shall be responsible for submitting and/or amending any master habitat management plan with respect to the land within the DRI East Side and the West Side Owners shall each be responsible for submitting and/or amending any master habitat management plan with respect to their portion of the land within the DRI West Side, in accordance with all requirements set forth herein. The habitat management plan submitted at site plan approval shall include the following management guidelines:
 - a) Removal of trash and debris.
 - b) Removal of exotic vegetation and pest species.
 - c) Prescribed burns, as appropriate, in consultation with the U.S. Forestry Service and the City of Port St. Lucie.
 - d) Strict adherence to the hazardous materials and waste management practices for agricultural uses outlined in Exhibit "20B-1" of the LTC Ranch ADA.

- e) Timber management and fencing for on-going agricultural activities.
- f) Prohibited activities shall include:
 - construction or placing of building materials on or above the ground, which shall not be deemed to include interpretive trails and/or materials (signage), as approved by the City of Port St. Lucie;
 - dumping or placing soil or other substances such as garbage, trash or cuttings;
 - removal or destruction of native trees, shrubs or ground covers;
 - excavation, dredging, or removal of soil materials;
 - diking or fencing (except where appropriate for silt fencing and for protection and management of preserves and Gopher Tortoises);
 - recreation vehicle use; and
 - any other activities detrimental to drainage, flood control, water conservation, erosion control, or wildlife conservation and management.
- 9) The DRI East Side and/or the DRI West Side may be relieved of the implementation of the management plan if the preserve areas within such DRI East Side or DRI West Side are sold or deeded free and clear of all liens and encumbrances to St. Lucie County, the City of Port St. Lucie, or such other environmental entity which accepts the ownership, so long as suitable restrictions assuring preservation in perpetuity as natural habitat of the designated preserve areas identified on Map H-1, Master Plan are required and if such transfer of responsibilities is consistent with SFWMD criteria. Thereafter, the assignee shall assume the implementation responsibilities. In addition, reasonable vehicular access for ingress and egress to the total preserve area for the purposes of wildlife study, monitoring and management of the preserve areas as may be necessary shall be granted. Vehicular access for general, uncontrolled public access shall not be granted.

- 10) Proper separation between lake/canal excavations and wetlands shall be maintained in accordance with SFWMD criteria. Wells in the shallow aquifer shall not be located where the proximity of the well will impact a protected, restored or enhanced wetland on the project site.
- 11) To help assure that maintenance or implementation of predevelopment hydroperiods occurs within the preserved, restored or enhanced wetlands and within any wetland mitigation areas, final drainage plans shall provide for routing of sufficient volumes of runoff of acceptable quality to wetlands prior to routing of any excess runoff to lake systems. Control elevations established shall be consistent with the intent to maintain or improve predevelopment hydroperiods within all wetland areas. The SFWMD will review the routing of runoff and control elevations at the time of permit submittal as shown on the final drainage plans to achieve the intent indicated above.
- 12) In the event the City of Port St. Lucie adopts a land acquisition impact fee ordinance for the preservation of native wetland and upland habitat, any owner that preserves a native wetland and upland habitat area shall be entitled to a credit, based on the impact fee ordinance in effect at the time of dedication of habitat, for all native habitat preserved as part of this Development Order.

9. DRAINAGE

- a. The owner of a parcel upon which development is proposed shall design and construct the stormwater management system for the parcel to retain the volumes of water consistent with providing flood protection. For non-residential development, the system shall be designed and constructed to retain or detain, as a minimum, the first one inch of runoff or the runoff equal to 2 ½ inches times the percentage of impervious surface, whichever is greater. Required retention volumes may be accommodated in a combination of vegetated swales, dry retention areas, lakes with vegetated littoral zones, or other suitable retention structures. All discharges from the surface water management system shall meet the water quality standards of Florida Administrative Code Rule 17-3. Under no circumstances shall post-development runoff volumes exceed predevelopment runoff volumes for a storm event of three-day duration and 25-year return frequency. Should the above criteria be subject to change, the SFWMD criteria in effect at the time of permit application shall be met.
- b. The owner of a parcel upon which development is proposed shall design and construct the surface water management system for the parcel such

that maintenance of normal hydroperiods within restored, preserved, and created wetlands can be protected against the negative impacts of activities within the project boundaries, and that the functions and values provided by these habitats will be maintained or improved. Water quality treatment shall be provided prior to discharge into wetlands. Unfiltered runoff from impervious surfaces and parking areas shall not be diverted directly into wetlands. Final drainage plans shall be submitted to the South Florida Water Management District and the City of Port St. Lucie for review and approval. At a minimum, such plans shall depict how preserved and created wetland areas will be incorporated into the development site plans for each parcel or drainage basin with appropriate supporting information to demonstrate how sufficient quantities of surface runoff from the developed parcels will be conveyed to wetland areas in order to maintain or improve their existing hydroperiod in accordance with elevations established in the ADA (or in accordance with elevations submitted by applicant from a water table monitoring program established during the permit application review process). Plans shall also indicate proposed lake and well locations and demonstrate that there are no adverse impacts to wetland hydroperiods and ground water levels in the vicinity of the project site. The owner of a parcel upon which development is proposed may establish a water level monitoring program, upon approval by the SFWMD, to verify or reduce water tables established in the ADA.

- c. Existing agricultural ditches shall be maintained or rerouted such that existing drainage patterns for ongoing agricultural uses are not adversely affected. Any proposed rerouting of existing agricultural ditches shall meet SFWMD excavation/wetland separation criteria.
- d. The master stormwater system shall be designed to accommodate discharge from the proposed road rights-of-way within the DRI boundary.

10. WATER SUPPLY: POTABLE AND NONPOTABLE WATER

- a. To reduce the demand for irrigation water in all developed portions of the project site, a minimum of 30 percent of all landscaping material and 50 percent of all planted trees shall be native plants adapted to the soil and climatic conditions occurring on site.
- b. For irrigation and on an interim basis for potable water, until Port St. Lucie Utilities are cleared by Florida Department of Environmental Protection to provide service, surficial aquifer wellfields serving the LTC Ranch shall be located such that principal land uses within the cone of influence of such wells shall not be engaged in storing or producing hazardous or toxic materials unless such use, handling, storage, or

production is consistent with binding wellfield protection regulations. Clearance generally means line construction, testing and acceptance of constructed transmission lines.

- c. If available, reclaimed water shall be used for irrigation.
- d. For the purpose of potable water conservation, water-saving plumbing devices shall be required in all construction (both residential and nonresidential) to reduce potable and nonpotable water demands. These devices shall include ultra-low volume water use plumbing fixtures and self-closing and/or metered water faucets. The project shall also use other water conserving devices/methods consistent with the criteria outlined in the water conservation plan of the public water supply permit issued to the City of Port St. Lucie Utilities Department by the SFWMD. Should another utility be approved, the project shall conform to the water conservation plan of that utility provider. Treated irrigation quality water shall be used for irrigation if available from the utility. Otherwise, irrigation water shall be withdrawn from existing or proposed lakes/wells whenever feasible and in accordance with SFWMD permitting criteria.
- e. Except as noted herein below, development shall occur concurrently with the provision of adequate central water services. Prior to approval of the first preliminary subdivision plat or site plan, land or capital charges shall be provided to the City as determined by the City's Utility Department in order to construct potable water facilities needed to serve the DRI development, or phase of development. The LTC Ranch DRI has received a commitment from the service provider for public water for the authorized and conceptual entitlements. A copy of the commitment letter from Port St. Lucie is attached as Exhibit "D".

Prior to an application for building permits for development demand exceeding 2.873 MGD, the owner of a parcel requesting approval shall demonstrate that adequate water supply will exist to handle all water for completed development.

Phase I or equivalent ERUS = 2.873 MGD

1,000 Residential Units
392,040 Square Feet of Industrial
90,000 Square Feet of Retail
34,975 Square Feet of Office

If the owner of a parcel upon which development is proposed is utilizing the trade-off mechanism, the request for use of the trade-off mechanism

must include a demonstration that adequate water supplies exist to handle the proposed land use. Wells shall be permitted on an interim basis, subject to approval by the State Department of Health and Rehabilitative Services and the service provider until development density has reached a threshold that enables the utility provider to provide central services to LTC Ranch. Installation and permitting of wells shall comply with Section 62-532, Florida Administrative Code.

- f. The City of Port St. Lucie Utilities Department shall have access to potable water systems within the proposed development at all times. Exclusive utility easements up to 20 feet shall be provided for water mains in accordance with applicable regulations. Exclusive utility easements with a minimum width of 20 feet shall be required to be dedicated to the City of Port St. Lucie along and adjacent to Midway Road and McCarty Road. Easements in excess of 20 feet may be required for larger sized pipelines in proximity to proposed structures.
- g. The LTC Ranch DRI development's landscape irrigation system may include piping, storage ponds and appurtenances as necessary to enable these systems to accommodate reclaimed water at future date, if deemed feasible by the City and the owner of the parcel being developed. Any on-site ponds proposed for the storage of reclaimed water must be reviewed and approved by the SFWMD.

11. WASTEWATER

- a. Except as noted herein below, development shall occur concurrently with the provision of adequate central wastewater treatment services. Prior to approval of the first preliminary subdivision plat or site plan, the owner of a parcel requesting approval shall provide land or capital charges to the City as determined by the city's Utility Department in order to construct wastewater system facilities needed to serve the DRI development, or phase of development. The LTC Ranch DRI has received a commitment from the service provider for central wastewater treatment services for the authorized and conceptual entitlements. A copy of the commitment letter from Port St. Lucie is attached as Exhibit "D".

The owner of a parcel requesting approval shall demonstrate that adequate treatment facilities will exist to handle all wastewater generated in excess of the following cumulative entitled before additional development is authorized:

Phase 1 or equivalent ERU = a total of 2.873 MGD

1,000 Residential Units
392,040 Square Feet of Industrial
90,000 Square Feet of Retail
34,975 Square Feet of Office

- b. For wastewater treatment from the City in excess of Phase 1, the issuance of building permits and final development orders shall be subject to concurrency management regulations of the City with respect to the provision of adequate wastewater facility capacity and levels of service pursuant to an approved developer's agreement. If the owner of a parcel upon which development is proposed is utilizing the trade-off mechanism, the request for use of the trade-off mechanism must include a demonstration that adequate treatment facilities will exist to handle the proposed land use. Evidence of adequate treatment and disposal capability shall be subject to approval by the service provider in consultation with the Department of Environmental Protection.
- c. If agreed with the service provider, the existing and proposed wastewater treatment and disposal system shall be constructed or modified to produce irrigation quality water, if possible, so that spray irrigation of such water will be a wastewater disposal method. Excess wastewater may be disposed of, as permitted.
- d. If requested by the service provider, a site for wastewater treatment plant shall be deeded in a location acceptable to the service provider and the owner of the parcel upon which development is proposed. Capacity credits shall be granted in an amount equal to the fair market value of the site dedicated and sewer connection fees shall be waived for the DRI property.
- e. The City of Port St. Lucie Utilities Department shall have access to wastewater collection systems within the proposed development at all times. Exclusive utility easements with a minimum width of 20 feet shall be provided for gravity sewer collection systems and exclusive utility easements up to 20 feet shall be provided for force mains in accordance with applicable regulations. Easements in excess of 20 feet may be required for larger sized pipelines in proximity to proposed structures.

12. HAZARDOUS MATERIALS AND WASTE

The owner of each nonresidential parcel shall follow the hazardous materials management plan submitted in the ADA. Pretreatment of hazardous wastewater which may be generated within the office, commercial or industrial portions of the DRI shall be the responsibility of individual site owners. The plan includes:

- a. Required disclosure by all owners or tenants of nonresidential property of all hazardous materials proposed to be stored, used, or generated on the premises;

- b. Required inspection of all business premises storing, using, or generating hazardous materials prior to the commencement of operation, and periodically thereafter to assure that adequate facilities and procedures are in place to properly manage hazardous materials projected to occur; and
- c. An outline of emergency procedures in case of a spill or contamination involving hazardous materials. This plan shall indicate exit routes from buildings, personnel and agencies to be contacted and any medical information necessary.

13. EDUCATION

A School Dedication Site is shown on Map H-1, within the DRI West Side.. Midway Glades Developers, LLC, or its successors or assigns, shall enter into an agreement with the School Board of St. Lucie County setting forth the calculation of school impact fee credits that Midway Glades Developers, LLC, or its successors or assigns, will receive for the conveyance of the foregoing school site to the School Board.. **The DRI East Side has no obligations with respect to this Paragraph 13, as there is no residential development permitted within the DRI East Side.**

14. RECREATION AND OPEN SPACE

Before the issuance of a certificate of occupancy for the first residence in the DRI West Side, Midway Glades Developers, LLC, or its successor or assigns, shall convey a site to the City of Port St. Lucie to be used for park and recreational facilities, depicted on Map H-1 as the 113 acre OSR/I Dedication Site. The OSR/I Dedication Site is encumbered by a Well Site Easement Agreement, whereby Midway Glades Developers, LLC granted the City an easement for a well site and related improvements, and for access thereto, and the area encumbered by this easement shall not be deemed to reduce the acreage of the land being donated to the City for the OSR/I Dedication Site. As to the City's park impact fee ordinance, the owner of a parcel upon which development is proposed may elect either a payment of the impact fee or construction of improvements for public parks with an impact fee credit, if approved by the City. **The DRI East Side has no obligations with respect to this Paragraph 14, as there is no residential development permitted within the DRI East Side.**

15. POLICE AND PUBLIC SAFETY

In conjunction with preliminary and/or final development plan application, the owner of a parcel requesting approval shall consult with the City of Port St. Lucie through the development review process to ensure that all development plans enhance the ability to provide for public safety through consideration of adequate access to the parcel,

consideration of lighting and building layout, and other features which will help ensure the safety and security of the project.

The owner of a parcel requesting approval may elect either a payment of any adopted impact fee or the designation of the site acceptable to St. Lucie County or the City of Port St. Lucie with an impact fee credit as may be permitted.

16. FIRE PROTECTION

In conjunction with preliminary and/or final development plan application, the owner of the parcel requesting approval shall consult with the St. Lucie County Fire District through the development review process to ensure that all development plans enhance the ability of the District to provide for public safety through consideration of adequate access to the parcel, consideration of building layout, consideration of fire hydrant location and spacing, and other features which will help ensure the safety and security of the project. If St. Lucie County or the City of Port St. Lucie adopts a fire impact fee ordinance, the owner of a parcel upon which development is proposed may elect either a payment of the impact fee or the designation of a site acceptable to the fire district with an impact fee credit as may be permitted.

17. TRANSPORTATION

- a. No individual building permit shall be granted for a parcel upon which development is proposed within the DRI West Side unless and until any right-of-way described in the St. Lucie County Thoroughfare Plan or on the City of Port St. Lucie Transportation Needs Assessment Map, as applicable, within the boundaries of the parcel has been dedicated to or acquired by the appropriate public agency, free and clear of all liens and encumbrances. No future road corridors within the DRI East Side are shown on the St. Lucie County Thoroughfare Plan or the City of Port St. Lucie Transportation Needs Assessment Map. Impact fee credits may be granted to the owner of the parcel for all dedicated right-of-way as permitted under the City's road impact fee ordinance. The dedication of right-of-way provided for in the annexation agreement entered into by LTC Joint Venture and the City Council of Port St. Lucie shall not be entitled to an impact fee credit. Pursuant to the Contribution Agreement dated April 15, 2003 and recorded in Official Records Book 1863, Page 1819, of the Public Records of St. Lucie County and attached hereto as Exhibit "F", a \$2,000,000.00 contribution was paid to the City. The Contribution Agreement states as follows: "In consideration of all the payments to be made by the Owner as set forth herein, the City agrees and hereby acknowledges that the entire LTC Ranch DRI is and shall be vested in perpetuity for purposes of transportation concurrency as set forth herein and shall not have any further obligation for any traffic or transportation impacts (including but not limited to off-site improvements or contribution for any road improvements) east of I-95, with the

exception of the Owner’s proportionate share of the intersection (including signalization) improvements, if warranted, for the north bound entrance ramp at the intersection of I-95 and Midway Road, and the Owner shall be permitted to develop the property as permitted on the date of execution of this Agreement to the full extent permitted by the Development Order. The foregoing shall not be interpreted to exempt the Owner from the payment of applicable transportation impact fees.” The forgoing improvements at the intersection of I-95 and Midway Road have been completed, therefore the entire LTC Ranch DRI has no further obligations for any traffic or transportation impacts east of I-95 (other than the payment of transportation impact fees). Obligations relating to improvements east of I-95 set forth in this Paragraph A.17 have therefore been identified as “satisfied”.

b. **The obligations set forth in this paragraph A.17.b (including subparagraphs 1 and 2 below) have all been satisfied.** No building permit shall be issued for any structure within a parcel which uses Delcris Drive (as shown on Map H-1) for access until all of the intersection improvements listed in either paragraph 1) or 2) below have been completed or contracts let and bonded with the County or the City of Port St. Lucie, as applicable to obtain the following configurations:

1) West Midway Road and Delcris Drive

- | | |
|--------------------------|----------------------------|
| Northbound Delcris Drive | Eastbound West Midway Road |
| One right-turn lane* | One through lane |
| One left-turn lane* | One right-turn lane* |
| | Westbound West Midway Road |
| | Two through lanes |
| | One left-turn lane* |

2) Glades Cut-Off Road and Delcris Drive

- | | |
|--------------------------------|--------------------------------|
| Northbound Glades Cut-Off Road | Eastbound Delcris Drive |
| One through lane | One right-turn lane* |
| One left-turn lane* | One left-turn lane* |
| | Southbound Glades Cut-Off Road |
| | One through lane |

* Required Improvement

No building permits for development in Development Area A (DRI East Side), as shown on Map H-1 shall be issued for more than 9,000 daily trips, 600 A.M. peak hour trips and 950 P.M. peak hour trips until contracts for all improvements

outlined in paragraphs 1 and 2 above have been let and the improvements have been bonded with the County or the City of Port St. Lucie, as applicable.

- c. No building permits shall be issued within a parcel which has direct access to Arterial A (as shown on Map H-1) until intersection improvements have been completed or contracts let and bonded with the County or the City of Port St. Lucie, as applicable to obtain the following access configurations (this paragraph A.17.c shall not apply to the DRI East Side, and the DRI East side shall have no obligation hereunder):

West Midway Road and Arterial A

Northbound Arterial A One right-turn lane* One left-turn lane*	Eastbound West Midway Road One through lane Westbound West Midway Road One through lane One left-turn lane*
--	---

* Required Improvement.

- d. No building permits shall be issued within a parcel which has direct access to Glades Cut-Off Road or West Midway Road until separate left and right turn lanes serving inbound and outbound movements at the Glades Cut-Off Road or West Midway Road access points have been let for construction. All access points onto West Midway Road and Glades Cut-Off Road shall comply with St. Lucie County's Access Management Guidelines.

- e. **The obligations set forth in this Paragraph A.17.e (including the traffic improvements listed below) have all been satisfied.** No building permits shall be issued until the plans have been authorized for completion and the following improvements have been budgeted by St. Lucie County or paid for by third parties for construction of the intersection improvements to obtain the following configurations at the intersection of West Midway Road and Glades Cut-Off Road:

Northbound Glades Cut-Off Road One through lane One left-turn lane*	Eastbound West Midway Road One right-turn lane* One through lane One left-turn lane*
Southbound Glades Cut-Off Road One through lane One left-turn lane*	Westbound West Midway One through lane One left-turn lane*

* Required Improvement

- f. Monitoring Program for St. Lucie West Boulevard from I-95 to West Peacock Boulevard.

The obligations set forth in this Paragraph A.17.f (including subparagraphs f.1 through f.4 below) have all been satisfied.

Prior to approval of development generating more than 15,800 average daily trips, 1050 A.M. peak hour trips or 1660 P.M. peak hour trips, an annual monitoring program of St. Lucie West Boulevard from I-95 to West Peacock Boulevard including the intersections of St. Lucie West Boulevard at I-95 and St Lucie West Boulevard at West Peacock Boulevard shall be undertaken.

This monitoring program shall end at the completion of developing the Authorized Entitlements - (Phases 1 and 2). The traffic monitoring program shall be conducted by a traffic engineering firm that is qualified by the Florida Department of Transportation in F(3.05), Traffic Operation Studies, and G(3.06), Traffic Operation Design, or equivalent. Traffic counts shall be conducted in the peak season period (January 1 - March 31). A two-day, mid-week twenty-four hour (hourly recording) count shall be made on the link. Turning movement counts shall be conducted during two P.M. peak hours (4:00 to 6:00 P.M.) at each intersection.

- f.1 Link and Intersection Traffic Volume Projections.

The monitoring program will project traffic demands for the link and intersections using historical traffic growth data from the monitoring program. Forecasts will be made for a three year period. When the link is projected to exceed its service volume for the adopted Level-of-Service standard for peak season peak hour conditions, or an intersection is projected to operate at below the adopted Level-of-Service standard, during the three year period, the month and the year for such exceedence will be estimated (exceedence date).

- f.2 Signalization.

The actual P.M. peak hour intersection traffic volumes collected in accordance with paragraph f. above, for the unsignalized study intersections shall be compared to the volume thresholds of signal warrants numbers I and 2 in the Manual of Uniform Traffic Control Devices (MUTCD). At such time that the actual P.M. peak hour turning movements exceed both the major street and minor street volume signal

warrant criteria, it will constitute an indication of a possible signal warrant and a complete signal analysis will be conducted unless the City engineer determines such study is not required. The complete signal warrant study shall be completed within four months of the approval of a monitoring report that finds the P.M. peak hour to indicate a possible signal warrant.

f.3 Improvements.

The link and intersection improvements identified in this monitoring program must be let for construction by the construction date. The construction date is defined as twelve (12) months prior to the exceedence date defined in paragraph h. above. Design and permitting of these improvements must be completed by the construction date.

The signalization requirements identified in this monitoring program must be let for construction within twelve months after a signal is warranted.

f.4 Annual Traffic Monitoring Report for St. Lucie West Boulevard

An annual traffic monitoring report on the operating condition of St. Lucie West Boulevard shall be submitted as part of the Annual Report. The report shall present existing counts and traffic conditions, and shall include all analysis and projections. The report shall specify any improvements necessary to provide Level-of-Service "D" for peak season, peak hour conditions. The report will identify any exceedence and construction dates as defined under this condition. The report will be submitted to all agencies which receive the annual development report and the Florida Department of Transportation. The City of Port St. Lucie shall review and approve the monitoring report and its findings in consultation with the Florida Department of Transportation's recommendation for state roads.

g. Monitoring Program for Roads and Intersections in Tables 1 and 2

The traffic monitoring set forth in this Paragraph A.17.g shall take place biennially instead of annually.

Commencing in January of 1998, a biennial monitoring program for the roadway links and intersections listed in Tables 1 and 2 shall be undertaken. The links and intersections contained in Table 1 have been projected to be significantly impacted by the LTC Ranch DRI by full build out of the Entitlements (Phases 1, 2 and 3). Monitoring of each roadway segment and intersection as specified by this condition may be discontinued whenever all related improvements to the roadway segment or intersection have been completed. The monitoring program shall end at completion of developing the Authorized Entitlements (Phases 1, 2 and 3).

The traffic monitoring program shall be conducted by a traffic engineering firm that is qualified by the Florida Department of Transportation in F(3.05), Traffic Operation Studies, and G(3.06), Traffic Operation Design or equivalent. Traffic counts shall be conducted in the peak season period (January 1 - March 31). A two-day, mid-week twenty-four hour (hourly recording) count shall be made on the link. Turning movement counts shall be conducted during two P.M. peak hours (4:00 to 6:00 P.M.) at each intersection.

g.1 Links and Intersection Traffic Volume Projections.

Commencing in January of 1998, the monitoring program will project traffic demands for each link and intersection listed in Table 1, using historical traffic growth data from the monitoring program. Forecasts will be made for a three year period. When a link is projected to exceed its service volume for a Level-of-Service "D" for peak season peak hour conditions, or an intersection is projected to operate below Level-of-Service "D" during the three year period, the month and the year for such exceedence will be estimated (exceedence date).

g.2 Signalization.

The actual P.M. peak hour intersection traffic volumes collected in accordance with above, for the unsignalized intersections in Table 1, shall be compared to the volume thresholds of signal warrants numbers 1 and 2 in the Manual of Uniform Traffic Control Devices (MUTCD). At such time that the actual P.M. peak hour turning movements exceed both the major street and minor street volume signal warrant criteria, it will constitute an indication of a possible signal warrant and a complete signal analysis will be conducted unless the City engineer determines such study is not required. The complete signal warrant study shall be completed within four months of approval of a monitoring report that finds the P.M. peak hour to indicate a possible signal warrant.

g.3 Improvements.

The link and intersection improvements listed in Table 1, which are shown to be needed by the monitoring program, must be let for construction by the construction date. The construction date is defined as twelve (12) months prior to the exceedence date defined in paragraph g.1 above. Design and permitting of these improvements must be completed by the construction date.

The signalization requirements identified in this monitoring program must be let for construction within twelve months after a signal is warranted.

g.4 Biennial Traffic Monitoring Report for Tables 1 and 2.

A biennial traffic monitoring report shall be submitted on the operating condition of the links and intersections listed in Tables 1 and 2, as part of the Biennial Report. The report shall present existing counts and traffic conditions, and shall include all analysis and projections. The report shall specify any improvements necessary to provide the adopted Level-of-Service for peak season, peak hour conditions. The report will identify any exceedence and construction dates as defined under this condition. The report will be submitted to all agencies which receive the biennial development report and the Florida Department of Transportation. The City of Port St. Lucie shall obtain comments from the appropriate agencies and shall review and approve the monitoring report and its findings.

g.5 Site Plan Approval.

Certain traffic improvements listed in Tables 1 & 2 below have been marked “satisfied”. The requirements of this paragraph g.5 shall only apply to those remaining traffic improvements listed in Tables 1 & 2 below, which have not been marked “satisfied”.

No site plan approval for development within the DRI West Side shall be issued if cumulative site plan approvals within the DRI West Side include development generating more than 10,000 average daily trips, 660 A.M. peak hour trips or 1,030 P.M. peak hour trips from the DRI West Side beginning one year prior to the construction date until any of the following improvements identified to be required by the monitoring program described above are contained in the first three years of the St. Lucie County or City of Port St. Lucie or Florida Department of Transportation work program or are bonded for construction (the “West Side Traffic Improvements”):

- West Midway Road from Arterial A to I-95 (widen to 4 lanes)
- Glades Cut-Off Road from I-95 to Arterial A (widen to 4 lanes)
- Intersection of West Midway Road and Arterial A
 - Signalization when warranted
 - Add second westbound left turn lane

No site plan approval for development within the DRI East Side shall be issued if cumulative site plan approvals within the DRI East Side include development generating more than 7,928 average daily trips, 535 A.M.

peak hour trips or 851 P.M. peak hour trips from the DRI East Side beginning one year prior to the construction date until any of the following improvements identified to be required by the monitoring program described above are contained in the first three years of the St. Lucie County or City of Port St. Lucie or Florida Department of Transportation work program or are bonded for construction (the “East Side Traffic Improvements”):

- Intersection of West Midway Road and I-95 West
 - Add second southbound left turn lane
 - Add second westbound left turn lane

No site plan approval for development within the DRI West Side shall be issued if cumulative site plan approvals include development within Development Areas B and C and if the combined trip generation of the development within Development Areas B and C (also known as the DRI West Side) would be more than 10,000 average daily trips, 660 A.M. peak hour trips or 1,030 P.M. peak hour trips beginning one year prior to the construction date until The West Side Traffic Improvements (defined above) identified to be required by the monitoring program described above are contained in the first three years of the St. Lucie County or City of Port St. Lucie or Florida Department of Transportation work program or are bonded for construction.

- h. Within the DRI West Side, no building permits shall be issued for development generating more than 35,053 (average daily trips) 2,126 A.M. peak hour trips, or 3,615 P.M. peak hour trips from the DRI West Side, until additional review of the cumulative regional impacts of the 35,053 daily trips and 2,126 A.M. peak hour trips, and 3,615 P.M. peak hour trips together with the impact of proposed development beyond the threshold is undertaken and the City may require additional transportation improvements to address such proposed development within the DRI West Side. Within the DRI East Side, no building permits shall be issued for development generating more than 14,183 (average daily trips) 1,321 A.M. peak hour trips, or 1,676 P.M. peak hour trips from the DRI East Side, until additional review of the cumulative regional impacts of the 14,183 daily trips and 1,321 A.M. peak hour trips, and 1,676 P.M. peak hour trips together with the impact of proposed development beyond the threshold is undertaken and the City may require additional transportation improvements to address such proposed development within the DRI East Side. A traffic report shall be provided with each biennial report for the DRI East Side or DRI West Side, showing the average daily trips, A.M. peak hour trips and P.M. peak hour trips generated by the then-existing development within such DRI East Side or DRI West Side, unless no new development has occurred within such DRI East Side or DRI West Side since the last biennial report. Attached as Exhibit “G” is a trip tracking table to be used in tracking trip generation as development within the DRI East Side or DRI West

Side is approved by the City. If the land use for any proposed development within the DRI does not match the uses shown on Exhibit “G”, then ITE Trip Generation 10th Edition should be applied with 34% internal capture and ITE pass-by. **The Contribution Agreement referenced in Paragraph A.17.a above states as follows: “In consideration of all the payments to be made by the Owner as set forth herein, the City agrees and hereby acknowledges that the entire LTC Ranch DRI is and shall be vested in perpetuity for purposes of transportation concurrency as set forth herein and shall not have any further obligation for any traffic or transportation impacts (including but not limited to off-site improvements or contribution for any road improvements) east of I-95, with the exception of the Owner’s proportionate share of the intersection (including signalization) improvements, if warranted, for the north bound entrance ramp at the intersection of I-95 and Midway Road, and the Owner shall be permitted to develop the property as permitted on the date of execution of this Agreement to the full extent permitted by the Development Order. The foregoing shall not be interpreted to exempt the Owner from the payment of applicable transportation impact fees.”** The forgoing improvements at the intersection of I-95 and Midway Road have been completed, therefore the entire LTC Ranch DRI has no further obligations for any traffic or transportation impacts east of I-95 (other than the payment of transportation impact fees). Therefore, any traffic improvements located east of I-95 referenced in Tables 1 & 2 below have been marked “satisfied”.

TABLE 1

ROADWAY LINKS	FROM	TO	POTENTIAL IMPROVEMENT TO:
West Midway Road	Arterial A	I-95	4-lane
	I-95	Glades Cut-Off Road	4-lane - Satisfied
	I-95	Glades Cut-Off Road	6-lane - Satisfied
	Glades Cut-Off Road	25th Street	4-lane - Satisfied
	25th Street	U. S. 1	4-lane - Satisfied
Glades Cut-Off Road	West Midway Road	Delcris Drive	4-lane - Satisfied
	I-95	Arterial A	4-lane
Glades Cut-Off Road ¹	Selvitz Road	West Midway Road	4-lane - Satisfied
St James Drive ²	West Midway Road	Aircso Boulevard	4-lane - Satisfied

East Torino Parkway ²	West Midway Road	St. Lucie West Boulevard	4-lane - Satisfied
St. Lucie West Blvd.	1-95	Cashmere Road	6-lane - Satisfied

TABLE 2

Intersections	Improvements
West Midway Road and Arterial A	Signalization, when warranted Add second WB left-turn lane
West Midway Road and I-95 West	Signalization when warranted - Satisfied Add second SB left-turn lane Add second WB left-turn lane
West Midway Road and I-95 East	Signalization when warranted - Satisfied
West Midway Road and Delcris Drive	Signalization when warranted - Satisfied Add second NB left-turn lane - Satisfied Add second WB through lane - Satisfied
West Midway Road and Glades Cut-Off Road	Add SB right-turn lane - Satisfied Add second NB left-turn lane - Satisfied
West Midway Road and Torino Parkway	As required by monitoring studies - Satisfied
West Midway Road and Selvitz Road	As required by monitoring studies - Satisfied
West Midway Road and 25th Street	As required by monitoring studies - Satisfied
Glades Cut-Off Road and Delcris Drive	Signalization when warranted - Satisfied
Okeechobee Road and I-95 East	Signalization when warranted - Satisfied Add third WB through lane - Satisfied

1 Glades Cut-Off Road will be monitored until two years after the completion of construction on the four laning of Prima Vista Boulevard between Airoso Boulevard and Cashmere Boulevard, or until two years after entering Phase 2, whichever is later. At that monitoring this road will be discontinued. - **Satisfied. This monitoring is no longer required.**

2 St. James Drive will be monitored until East Torino Parkway is connected between West Midway and North Peacock Drive. At that time monitoring of St. James Drive will be replaced with monitoring of East Torino Parkway. - **Satisfied. This monitoring is no longer required.**

3 **Pursuant to the Contribution Agreement referenced in Paragraph A.17.a above (and attached hereto as Exhibit "F"), the requirements to construct traffic improvements East of I-95 referenced in Tables 1 & 2 have been satisfied, and therefore those improvements have been marked "satisfied" in Tables 1 & 2.**

- i. Phase 1 development shall occur in Development Areas A and B. If development is requested in Area C during Phase 1, a traffic analysis evaluating Glades Cut-Off Road from I-95 to the most southerly development access shall be submitted to the City of Port St. Lucie (the DRI East Side shall have no obligation with respect to this traffic analysis). The analysis will document the adequacy of Glades Cut-Off Road to accommodate the proposed Area C development. Should roadway improvements (other than access turn lanes be required), then prior to issuance of a building permit in Area C, one or both of the West Side Owners shall enter into an agreement with the City to provide for four-laning Glades Cut-Off Road from

I-95 to the most southerly development access (the foregoing improvements to Glades Cut-Off Road shall be obligations of the DRI West Side). Access turn lanes will be required in conjunction with roadway or access connection permitting.

- j. Development quantities reflected in Section 2, DRI Approval, pages 3 - 4, and in the Map H-1, Master Plan (Exhibit "B") can be adjusted in accordance with the Conversion Matrix attached here to as Exhibit "E". Additionally, each biennial report submitted shall include a summary of the trade-off mechanisms requested or utilized to date.

Residential trade offs to non-residential shall be limited to a maximum of 1,350 dwelling units in additional Authorized Entitlements. Non-residential trade offs to residential shall be limited to a maximum of 1,060,000 square feet total. Further, no more than 60,000 total square feet of retail may be traded for any other use in the Authorized Entitlements. The limits in this paragraph can be exceeded with the approval of the City of Port St. Lucie, if such changes do not create additional unreviewed regional impacts.

No tradeoff shall be permitted within the DRI East Side without the express written consent of the LTC Joint Venture. No tradeoff shall be permitted within the DRI West Side without the express written consent of the West Side Owners. No tradeoffs shall be permitted between the DRI East Side and the DRI West Side, or vice versa (for example, reducing the square footage of retail space in the DRI West Side to allow additional square footage of office space in the DRI East Side), without the express written consent of the City, LTC Joint Venture and the West Side Owners , in which case the City may require additional transportation improvements.

18. COMPLIANCE AND VIOLATIONS.

LTC Joint Venture shall be responsible for compliance with all requirements and conditions set forth herein relating to the DRI East Side and the West Side Owners shall each be responsible for compliance with all requirements and conditions set forth herein relating to their respective properties within the DRI West Side. If the DRI East Side is in violation of any requirements or conditions set forth herein, such violation shall not prevent or otherwise affect the development of the DRI West Side. If the DRI West Side is in violation of any requirements or conditions set forth herein, such violation shall not prevent or otherwise affect the development of the DRI East Side.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF PORT ST. LUCIE, FLORIDA, AS FOLLOWS:

- A. It has been determined that the conditions contained herein assure that the development meets all the City of Port St. Lucie concurrency regulations.
- B. Approval of this Development Order does not constitute a zoning, as referenced in Section 193.461, Florida Statutes.
- C. Any modifications or deviations from the approved plans or requirements of this Development Order shall be submitted to the Port St. Lucie Director of Planning & Zoning for a determination by the City Council of Port St Lucie as to whether the change constitutes a substantial deviation as provided in Section 380.06(19), Florida Statutes. The City Council of Port St. Lucie shall make its determination of substantial deviation at a public hearing after notice to the applicant, if required by Chapter 380, Florida Statutes.
- D. The City of Port St. Lucie shall monitor the development of the project to ensure compliance with this Development Order. The Port St. Lucie Director of Planning & Zoning shall be the local official assigned the responsibility for monitoring the development and enforcing the terms of the Development Order. The Port St. Lucie Director of Planning & Zoning may require periodic reports of the development with regard to any item set forth in the Development Order.
- E. A biennial report or biennial reports as required by Section 380.06(6) Florida Statutes shall be submitted once every two (2) years on the anniversary date of the adoption of this Development Order, for the DRI East Side and the DRI West Side in accordance with the forms promulgated by the Department of Community Affairs, and shall continue until expiration of this Development Order. This requirement may be satisfied by separate biennial reports submitted for the DRI East Side and the DRI West Side, or by the submission of a single biennial report addressing both properties, at the option of LTC Joint Venture and the West Side Owners. LTC Joint Venture and the West Side Owners shall each only be responsible for the biennial report for their respective property and shall not be penalized if biennial report is not filed for the other party's property within the DRI. In addition to the information requested on the forms, the following information must be submitted as part of the biennial report:
 - 1. Any changes in the plan of development, or in the representations contained in the Application for Development Approval, or in the phasing for the reporting year and for the next year;
 - 2. A summary comparison of development activity proposed and actually conducted for the year;
 - 3. Undeveloped tracts of land that have been sold, transferred, or leased to a successor developer;

4. An updated Map H-1 incorporating the preliminary plan approvals, final plan approvals given to date showing the uses, parks, schools, uplands, wetlands and public facilities designated;
 5. Identification and intended use of lands purchased, leased, or optioned by a developer adjacent to the original site since the Development Order was issued;
 6. An assessment of the LTC Ranch's and local government's compliance with the conditions of approval contained in this Development Order and the commitments specified in the Application for Development Approval and summarized in the Regional Planning Council Assessment Report for the development undertaken;
 7. The Conversion Matrix set forth on Exhibit "E" shall be provided summarizing the trade-off mechanism utilized for transportation to date;
 8. A summary of the trade-off used for water and wastewater showing the total GPD used to date;
 9. A list of significant local, State, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 10. Any request for a substantial deviation determination that was filed in the reporting year or is anticipated to be filed during the next year;
 11. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;
 12. The traffic monitoring referenced in Paragraphs A.17.e and f is no longer required, as more specifically set forth above, however, a traffic report, including the traffic monitoring requirements of Paragraph 17.g and h above, will be provided with each biennial report.
 13. A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the applicant pursuant to Subsection 380.06(15), Florida Statutes; and
 14. Any other information requested by the City Council of Port St. Lucie or its Director of Planning & Zoning to be included in the biennial report;
 15. The biennial report shall be transmitted to the City of Port St. Lucie, and such additional parties as may be appropriate or required by law.
- F. The definitions found in Chapter 380, Florida Statutes, shall apply to this amended Development Order.

- G. The City of Port St. Lucie hereby agrees that prior to May 23, 2041 (in accordance with previously filed extensions), the LTC Ranch shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the City of Port St. Lucie demonstrates that substantial changes in the conditions underlying the approval of the Development Order have occurred or the Development Order was based on substantially inaccurate information provided by the original DRI applicant, or that the change is clearly established by the City of Port St. Lucie to be essential to the public health, safety, or welfare. The foregoing shall not limit any right of LTC Joint Venture or either of the West Side Owners to obtain any further extensions of such deadline allowed by laws then in effect.
- H. This Development Order shall be binding upon the owners of land within LTC Ranch and their assignees or successors in interest. It is understood that 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 government agency in existence on the effective date of this Development Order.
- I. The approval granted by this Development Order is conditional and shall not be construed to obviate the duty of the owners of land within the LTC Ranch DRI to comply with all other applicable local, state and federal permitting requirements in effect at the date of adoption of this Development Order to the extent consistent with this Development Order.
- J. Pursuant to Section 380.06(5)(c), Florida Statutes, this development is bound to the rules adopted pursuant to Chapters 373 and 403, Florida Statutes, in effect at the time of issuance of this Development Order.
- K. In the event that any portion or section of this Development Order is deemed to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order, which shall remain in full force and effect.
- L. This Development Order shall become effective after adoption by the City Council of Port St. Lucie and City Ordinance 21-03 becoming effective.
- M. Certified copies of this Development Order shall be transmitted immediately by certified mail to the applicants.
- N. Within 21 days of the effective date of this Resolution No. 21-R11, approving an amended and restated Development Order, the applicant shall record a notice of adoption of this order in compliance with Chapter 380.06(15)(f), Florida Statutes, with copies of said notice being provided to the City of Port St. Lucie.

After motion and second, the vote on this resolution was as follows:

(Remainder of page intentionally left blank.)

PASSED AND DULY ADOPTED this _____ day of _____, 20____.

CITY COUNCIL OF PORT ST. LUCIE, FLORIDA

BY _____
GREGORY J. ORAVEC, MAYOR

ATTEST:

APPROVED AS TO FORM AND CORRECTNESS:

KAREN A. PHILLIPS
City Clerk
(SEAL)

_____, City Attorney

EXHIBITS

Exhibit A	Legal Description
Exhibit B	Master Plan, Map H-1
Exhibit C	Wildlife Habitat/Listed Species Map (Map G)
Exhibit D	City Commitment Letter for Water
Exhibit E	Conversion Matrix
Exhibit F	Contribution Agreement
Exhibit G	Trip Generation Table