

## **RESOLUTION 25- R12**

**A RESOLUTION OF THE CITY COUNCIL OF PORT ST. LUCIE, FLORIDA, AMENDING AND RESTATING THE DEVELOPMENT ORDER FOR THE TRADITION DEVELOPMENT OF REGIONAL IMPACT APPROVED BY RESOLUTION 03-R67 ON SEPTEMBER 22, 2003, AMENDED BY RESOLUTION 03-R84 ON NOVEMBER 6, 2003, AMENDED BY RESOLUTION 06-R11 ON JANUARY 23, 2006, AMENDED BY RESOLUTION 07-R61 ON JULY 23, 2007, AMENDED BY RESOLUTION 08-R82 ON AUGUST 25, 2008; AMENDED BY RESOLUTION 10-R59 ON AUGUST 23, 2010; AMENDED BY RESOLUTION 16-R25 ON APRIL 25, 2016; MAKING FINDINGS OF FACT AND DETERMINING CONCLUSIONS OF LAW PERTAINING TO THE TRADITION DEVELOPMENT OF REGIONAL IMPACT, AND CONSTITUTING THIS RESOLUTION AS A DEVELOPMENT ORDER BY THE CITY OF PORT ST. LUCIE IN COMPLIANCE WITH LAW; AND PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE.**

**WHEREAS**, an Application for Development Approval for the Tradition Development of Regional Impact (DRI) was originally submitted on May 15, 2002, and was supplemented with additional information submitted on October 4, 2002, October 7, 2002, and March 27, 2003, in accordance with Section 380.06, Florida Statutes; and

**WHEREAS**, the developer proposes to develop a mixed use master planned community on 2,727.45+ acres, constituting a Development of Regional Impact (DRI) on the property fully described in Exhibit "A" of Exhibit "1" attached hereto ("DRI property") and located in the City of Port St. Lucie, Florida; and

**WHEREAS**, the developer entered into a Preliminary Development Agreement with the Department of Community Affairs on May 14, 2001 (recorded in St. Lucie County O.R. Book 1394 at Page 641) authorizing construction of 800 dwelling units, 78,500 gross square feet of office with not more than 262 parking spaces, 75,000 gross square feet of retail with not more than 375 parking spaces, ancillary uses including a school, a church, common areas and lakes, and associated infrastructure, including the extension of Gatlin Boulevard, internal roads, drainage facilities, and water/sewer facilities; and

**WHEREAS**, the City Council, as the governing body of the City of Port St. Lucie, pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider applications for development approval and notifications of proposed change for developments of regional impact; and

**WHEREAS**, the City Council adopted Resolution 03-R67, the Tradition Development Order, on September 22, 2003; and

**WHEREAS**, the City Council adopted Resolution 03-R84, amending the Tradition Development Order, on November 6, 2003, to modify Exhibit "E" of Exhibit "1" which exhibit sets forth the calculation of the developer's proportionate share contribution; and

**WHEREAS**, the City Council adopted Resolution 06-R11, amending the Tradition Development Order on January 26, 2006 to: add 490 acres to the Tradition DRI; modify the

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Development Plan (Map H) to specify the permitted uses on the land added to the DRI, to make adjustments to the overall road network and the master lake and drainage system, to integrate the regional park and the western Town Center, and to remove wetland 72; correct the acreage for the conservation/mitigation and open space/parks areas; to delete the transportation condition which is inconsistent with the adjustments to the overall road network; and revise the transportation conditions as a result of adjustments to the overall roadway network; and

**WHEREAS**, the City Council adopted Resolution 07-R61, amending the Tradition Development Order on July 23, 2007 to: modify the Development Plan (Map H) and Section 4.3 of the development order to remove wetland 78 and 79; to amend Section 4 of the development order to add an equivalency matrix to allow for increases and decreases in the amount of approved land uses without filing a notification of proposed change pursuant to Section 380.06(19), Florida Statutes; to amend Section 5 O to require biennial reports per Section 380.06(18), Florida Statutes; and to modify the Development Plan (Map H) to relocate the 1.75 acre commercial site located on the northwest corner of Tradition Parkway and Cromwell Lane to the northeast corner, thereby increasing the size of the existing commercial site to 4.65 acres; and

**WHEREAS**, the City Council adopted Resolution 08-R82, amending the Tradition Development Order on August 25, 2008 to: amend Section 4 to decrease the hotel rooms from 300 to 150, decrease the office square footage from 1,295,567 to 350,000, increase the commercial square footage from 675,512 to 1,123,000 and eliminate the hospital use with corresponding changes in the amount of PM Peak Hour Trips and to add day care centers as an ancillary use; to update certain conditions to designate completion including Conditions 5.B. Conservation Management Plan, 5.E. Education, 5.G. Fire and Emergency Medical Service; 5.L.1 Air Quality, and 5.N.3. and portions of 4., 5., and 6. Transportation; to delete 5.H. Police Service and Condition 5.N.6.f. Transportation; to amend Condition 5.D., Recreation and Open Space to provide date for property transfer; to amend Condition 5.J., Hurricane Preparedness, to extend date for providing plan for provision of shelter space; to amend Conditions 5.N.1. and 5.N.4., Transportation, to extend the date by which Village Parkway is required; to amend Condition 5.N.5.d., Transportation, to provide for a biennial analysis as part of the biennial status report; to amend Condition 5.N.6.b., Transportation, to provide a date certain for dedication of right of way for Village Parkway; to amend Condition 5.N.6.h., Transportation, to extend the date for dedication of certain road right of ways to the City; to amend Condition 5.N.6.h. and add Condition 5.N.6.i., Transportation, providing for platting and completion of road right of way as adjacent properties are developed; to add Condition 5.P. to address exemption of certain property from specific conditions within the development order; to document the automatic three year extension to all phase, buildout, and expiration dates granted by Section 380.06 (19) (c); and to make other minor changes; and

**WHEREAS**, the City Council adopted Resolution 10-R59, amending the Tradition Development Order on August 23, 2010 to: amend Section 4 to increase the office square footage from 350,000 to 700,000, decrease the commercial square footage from 1,123,000 to 950,000, and add warehouse square footage of 90,000 with corresponding changes in the amount of PM Peak Hour Trips; to revise conditions 5.J, 5.N.6.b, and 5.N.6.h to extend the compliance dates to December 31, 2010; and to revise Map H to eliminate the western Town Center designation; and

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**WHEREAS**, in recognition of the 2011 real estate market conditions, Section 380.06(19)(c), Florida Statutes was amended to provide for a four year extension to all DRI phase, buildout, and expiration dates which extension is not subject to further DRI review and may not be considered when determining whether a subsequent extension constitutes a substantial deviation; and

**WHEREAS**, Section 252.363, Florida Statutes, provides for the tolling and extension of DRI buildout dates during a state of emergency declared by the Governor and for an additional six months after the emergency expires pursuant to which the Tradition DRI was extended by 126 days and six months as a result of Executive Orders 11-128, 11-172, and 11-202 due to the ongoing threat of wild fires in the State of Florida; and

**WHEREAS**, Section 252.363, Florida Statutes, provides for the tolling and extension of DRI buildout dates during a state of emergency declared by the Governor and for an additional six months after the emergency expires pursuant to which the Tradition DRI was extended by an additional 510 days pursuant to Executive Order 12-140 for Tropical Storm Debby and Executive Order 12-199 and Executive Order 12-240 for Tropical Storm Isaac all of which Executive Orders pertained to certain counties including St. Lucie County; and

**WHEREAS**, Section 252.363, Florida Statutes, provides for the tolling and extension of DRI buildout dates during a state of emergency declared by the Governor and for an additional six months after the emergency expires pursuant to which the Tradition DRI was extended by 60 days and six months as a result of Executive Order 15-173 declaring a state of emergency throughout the State of Florida due to the threat of Tropical Storm Erika; and

**WHEREAS**, on August 31, 2015, as amended on December 14, 2015, Tradition Land Company, LLC, as successor in interest to Tradition Development Company, LLC and Horizons St. Lucie Development, LLC submitted a Notification of Proposed Change requesting to amend the Tradition Development Order to: amend Exhibit A to remove 348.18± acres of property from the Tradition DRI thereby reducing the total acreage in the DRI to 2,727.43± acres and to amend Exhibits A, B and C accordingly, to reduce the number of single family units from 5,945 to 4,990, to document the statutory extensions, and to extend the compliance dates for Conditions J and N.6.h to December 31, 2016; and

**WHEREAS**, on August 25, 2016, the Developer noticed the City of a change in the development program via the conversion of 29,205 square feet of retail to 171 multi-family residential units per the Conversion Matrix included in Exhibit F of the adopted Development Order; and

**WHEREAS**, on May 3, 2017, by virtue of the Executive Order 17-146, the Governor declared a state of emergency for 57 days throughout the entire State of Florida due to the Opioid Epidemic. The Governor subsequently extended Executive Order 17-146 11 (eleven) times –by virtue of Executive Orders 17-177/178, 17- 230, 17-285, 17-329, 18-47, 18-110, 18-177, 18-235, 18-279, and 18-362 for a total tolled period of 641 days and 6 months; and

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**WHEREAS**, on October 2, 2017, by virtue of the Executive Order 17-259, the Governor declared a state of emergency for 57 days throughout the entire State of Florida due to Hurricane Maria and the catastrophic damage caused to the families in Puerto Rico and whereas Florida must assist the people of Puerto Rico. The Governor subsequently extended Executive Order 17-259 six times by virtue of Executive Orders 17- 304, 18-17, 18-80, 18-135, 18-214, and 18-236 for a total period of 381 days plus 6 months; and

**WHEREAS**, on May 26, 2018, by virtue of the Executive Order 18-150, the Governor declared a state of emergency for 14 days (plus 6 months) throughout the entire State of Florida due to the threat of danger from Tropical Storm Alberto; and

**WHEREAS**, on July 9, 2018, by virtue of the Executive Order 18-191, the Governor declared a state of emergency for 60 days for St. Lucie County due to the release of water from Lake Okeechobee and increase in algae blooms, including overwhelming amounts of cyanobacteria which can produce hazardous toxins. The Governor subsequently extended Executive Order 18-191 two times by virtue of Executive Orders 18-249 and 18-311 for a total period of 179 days plus 6 months; and

**WHEREAS**, on October 4, 2018, by virtue of the Executive Order 18-275, the Governor declared a state of emergency for 60 days for St. Lucie County due to the presence of algal blooms. The Governor subsequently extended Executive Order 18-275 by virtue of Executive Order 18-282 for a total period of 73 days plus 6 months; and

**WHEREAS**, on August 28, 2019, by virtue of the Executive Order 19-189, the Governor declared a state of emergency for 60 days for St. Lucie County due to the threat posed by Hurricane Dorian. The Governor subsequently extended Executive Order 18-189 four times by virtue of Executive Orders 19-234, 19-281, 20-43, 20-106 for a total period of 293 days; and

**WHEREAS**, on March 4, 2020, the Developer noticed the City of a change in the development program via the conversion of 72,117 square feet of office entitlement to 87,046 square feet of warehouse use per the Conversion Matrix submitted (and approved) for the Tradition Storage P19-133 site plan application; and

**WHEREAS**, on July 31, 2020, the Governor issued Executive Order 20-181. Executive Order 20-181 declared a state of emergency for the threat posed by Hurricane Isaias. Executive Order 20-181 was approved with an original expiration date of 60 days, however it was terminated after only eleven days. Based on this Executive Order, Section 252.363, F.S authorizes a time extension of 11 days. Thus, the tolling period for exercising rights pursuant to the specified permits or authorizations is for 11 days and 6 months, thereby extending: 1) Resolution 03-R67 Buildout Date until November 11, 2037; and 2) Resolution 03-R67 Development Order expiration until December 27, 2048; and

**WHEREAS**, on March 7, 2020, the Governor issued Executive Order 20-52. Executive Order 20-52 declared a state of emergency for the threat posed by the Covid-19 Virus. Executive Order 20-52 was approved with an expiration date of 60 days. However, Executive Orders 20-114, 20-166, 20-192, 20-213, 20-276, 20-316, 21-45, and 21-94 extended the original Executive

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Order for a total of 474 days; however due to an overlap with Executive Orders for Hurricane(s) Dorian and Isaias, Section 252.363, F.S authorized a time extension of 355 days. Thus, the tolling period for exercising rights pursuant to the specified permits or authorizations is for 355 days and 6 months, thereby extending: 1) Resolution 03-R67 Buildout Date until June 20, 2040; and 2) Resolution 03-R67 Development Order expiration until June 17, 2050; and

**WHEREAS**, on September 24, 2022, the Governor issued Executive Order 22-219 as an amendment to Executive Order 22-218 to now include the entire state of Florida. Executive Order 22-219 declared a state of emergency for the threat posed by Hurricane Ian. Executive Order 22-219 was approved with an expiration date of 60 days. Based on this Executive Order, Section 252.363, F.S authorizes a time extension of 60 days. Thus, the tolling period for exercising rights pursuant to the specified permits or authorizations is for 60 days and 6 months, thereby extending: 1) Resolution 03-R67 Buildout Date until February 18, 2041; and 2) Resolution 03-R67 Development Order expiration until February 15, 2051; and

**WHEREAS**, on November 7, 2022, the Governor issued Executive Order 22-253. Executive Order 22-253 declared a state of emergency for the threat posed by Hurricane Nicole. Executive Order 22-253 was approved with an expiration date of 60 days. Based on this Executive Order, Section 252.363, F.S authorizes a time extension of 60 days; however based on the overlapping with Executive Order 22-219 the tolling overlap is counted only once and is not added together. Thus, the tolling period for exercising rights pursuant to the specified permits or authorizations is for 6 months, thereby extending: 1) Resolution 03-R67 Buildout Date until August 18, 2041; and 2) Resolution 03-R67 Development Order expiration until August 15, 2051.

**WHEREAS**, on March 2, 2022, Mattamy Palm Beach LLC, as successor in interest to Tradition Land Company, LLC and Tradition Development Company, LLC and Horizons St. Lucie Development, LLC submitted an application to amend the Tradition Development Order as amended to: amend Section 4 to decrease single-family residential units by 264 units from 4,990 units to 4,726 units, increase multi-family units by 264 units from 1,171\* units to 1,435 units, increase commercial square footage by 79,205 sq ft from 920,795\* sq ft to 1,000,000 sq ft, decrease office square footage by 274,475 sq ft from 627,823\* sq ft to 353,348 sq ft., increase the warehouse square footage from 90,000 to 177,046\*, and increase assisted living facilities from 300 dwelling units to 420 dwelling units with corresponding changes in the amount of PM Peak Hour Trips; to amend Conditions 5 F. Public Facilities, and to amend Condition 5.N., Transportation, and to document the statutory extensions (P22-093); and

\*denotes previous conversions of 29,205 sq ft of commercial square footage to 171 multi-family units and 72,177 sq ft of office use to 87,046 sq ft of warehouse use

**WHEREAS**, on October 5, 2024, the Governor issued Executive Order 24-214. Executive Order 24-214 declared a state of emergency for the threat posed by Hurricane Milton. Order 24-214 was approved with an expiration date of 60 days; however, this Executive Order was extended 8 times (EOs: 24-215; 24-264; 25-026; 25-068; 25-119; 25-150; 25-191; 25-242; and 26- 016) each with an additional 60 days. Based on this Executive Order, Section 252.363, F.S authorizes a time extension of 540 days and 24 months, thereby extending: 1) Resolution 03-R67 Buildout Date until February 8, 2045; and 2) Resolution 03-R67 Development Order expiration until February 6, 2055; and

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**WHEREAS**, the public notice requirements of the City of Port St. Lucie Code of Ordinances and Section 380.06(11), Florida Statutes, have been satisfied; and

**WHEREAS**, on April 1, 2025, the Planning and Zoning Board of the City of Port St. Lucie held a duly noticed public hearing on the Application for Amendment to the Development Order; and

**WHEREAS**, on April 28, 2025, the City Council held a duly noticed public hearing to consider the Amendment and supporting documentation and voted to table the item to June 23, 2025; and

**WHEREAS**, on June 23, 2025, the City Council held a duly noticed public hearing to consider the Amendment and supporting documentation and voted to table the item to a date uncertain; and

**WHEREAS**, on April 13, 2026, the City Council reopened the duly noticed public hearing to consider the Amendment, supporting documentation, and has considered the evidence and testimony taken thereat and made a part of the record at said public hearing; and

**WHEREAS**, the City Council has made the following FINDINGS OF FACT and CONCLUSIONS OF LAW with regard to the Application for Development Approval and the Notification of Proposed Change:

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

### **Section 1. Findings of Fact**

The City Council, having considered all 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 proposed development is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380.05, Florida Statutes.
3. The proposed development is consistent with Section 380.06 Florida Statutes.
4. This Development Order makes adequate provisions for the public facilities needed to accommodate the impacts of the proposed development.
5. The proposed development is consistent with the City of Port St. Lucie's comprehensive plan and land development regulations.
6. The Amendment to the Development Order and its supporting documentation were reviewed as required by the local land development regulations.

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7. The developer has elected to mitigate the proposed development's DRI transportation obligations and satisfy the City of Port St. Lucie's road concurrency requirements by constructing the improvements identified in Section 5N. In addition, the developer has agreed to pay \$3,000,000 to the City of Port St. Lucie in accordance with the Second Capacity Agreement dated January 27, 2003. However, additional site related specific and internal roadway network improvements may also be required.
8. This Resolution 25-R12, Tradition DRI Development Order as amended and restated, hereby supersedes and replaces the Preliminary Development Agreement for the Westchester Development of Regional Impact recorded at Official Record Book 1394, Page 641 of the Official Records of St. Lucie County, Resolution 03-R67, Resolution 03-R84, Resolution 06-R11, Resolution 07-R61, Resolution 08-R82, Resolution 10-R59, and Resolution 16-R25 approved by the City of Port St. Lucie for the Tradition DRI.

### Section 2. Conclusions of Law

The City Council, having made the above findings of fact, reaches the following conclusions of law:

1. The City Council, as the governing body of the City of Port St. Lucie, has legal jurisdiction over the Tradition DRI and is authorized and empowered by Chapter 380, Florida Statutes, to issue this Development Order.
2. The Tradition DRI is approved for the development authorized in this Development Order, subject to the conditions of approval contained in this Development Order, and its attachments.

### Section 3. Application for Development Approval

The Tradition Application for Development Approval is incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval, as modified by Development Order conditions, is a condition for approval.

For the purpose of this condition, the Application for Development Approval shall therefore only include the following items:

- a. Consolidated Application for Development Approval and Appendices dated March 27, 2003, containing the Application for Development Approval dated May 15, 2002; the Supplemental Application for Development Approval dated October 7, 2002; and the Supplemental Information dated October 4, 2002 and March 27, 2003; and
- b. Question 21 Appendices dated March 27, 2003.

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### Section 4. General Conditions of Approval

1. The Tradition DRI shall be developed in accordance with the General Conditions of Approval set forth herein and in Exhibit “1” attached hereto.
2. Development within the Tradition DRI shall be located substantially as depicted on the Master Development Plan (Map H), attached as Exhibit “B” to Exhibit “1”.
3. Development within the Tradition DRI shall be consistent with the Port St. Lucie Comprehensive Plan, the Port St. Lucie Land Development Regulations and this Development Order.
4. Within 10 days after adoption of this Development Order, the City Clerk shall render copies of this Development Order with all attachments, certified as complete and accurate, by certified mail (return receipt requested) to the Developer.
5. This Development Order shall take effect upon its approval by the City Council of the City of Port St. Lucie. Any appeal or challenge to this Development Order shall: i) stay the effectiveness of this Development Order; and ii) extend the phase, buildout, and termination dates and the time in which the Developer must fulfill obligations imposed by the Development Order by a period of time equal to the length of time that the appeal proceedings remain pending.
6. Notice of the adoption of this Amendment to the Development Order shall be recorded by the Developer, in accordance with Sections 28.222 and 380.06(4)(c), Florida Statutes, with the Clerk of the Circuit Court of St. Lucie County, Florida. The notice shall specify that this Development Order runs with the land and is binding on the Developer, its agents, lessees, successors or assigns. A copy of such notice shall be forwarded to the Port St. Lucie Planning and Zoning Department within seven days after recordation.
7. The property within the Tradition DRI shall not be subject to downzoning, 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 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.
8. 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 Tradition DRI, provided such fees are assessed in accordance with a duly adopted ordinance and are charged to all similarly situated developers for the same activities within all other areas of the City.
9. In the event that the Developer violates any condition of this Development Order, or otherwise fails to act in substantial compliance with this Development Order, the City may

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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" attached to Exhibit "1", after a stated compliance date. The Developer shall be given a written notice of violation by the City and a reasonable period of time to cure the violation. The Developer may petition the City Council for review of the notice of violation, prior to the stated compliance date, and said review shall be conducted at a public hearing. Filing of a petition for review shall delay the effectiveness of the notice of violation until the review has been conducted. If the violation has not been cured or corrected by the stated compliance date, all further development permits, approvals and services for the development said tract or parcel, or portion of tract or parcel, shall be withheld until the violation is corrected. For the 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, located within the DRI Property legally described in Exhibit "A" attached to Exhibit "1" and the Master Development Plan (Map H) attached as Exhibit "B" to Exhibit "1".

10. Upon request, and in accordance with the City's adopted development review fee schedule, the City shall provide to the Developer a letter stating whether the portion of the development at issue is in compliance with applicable conditions of this Development Order.
11. The Tradition DRI shall be bound by the rules adopted pursuant to Chapters 373 and 403, Florida Statutes, in effect at the time of issuance of this Development Order.
12. Compliance with the Development Order shall be monitored through normal City permitting procedures, the procedures listed in 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.
13. The Development Order shall be binding upon the Developer and its assignees 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 government agency in existence on the effective date of this Development Order.
14. It is declared to be the City's intent that, if any section, subsection, sentence, clause, condition or provision of this Development Order is held to be invalid by a court of competent jurisdiction, the remainder of this Development Order shall be construed as not having contained said section, subsection, sentence, clause, condition or provision and shall not be affected by such holding.

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PASSED AND ADOPTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2026. .

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

\_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard Berrios, City Attorney