

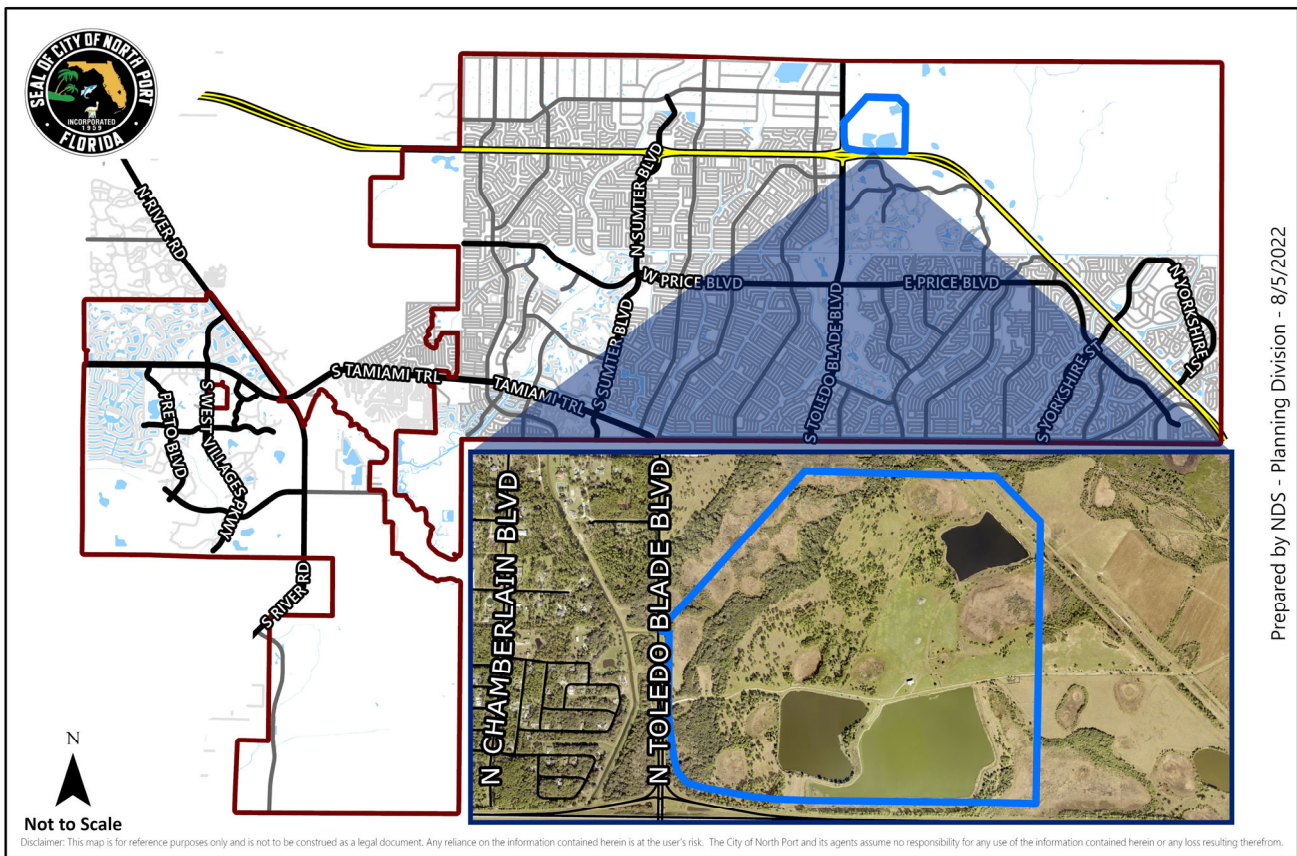


STAFF REPORT

Ordinance No. 2022-25

Notice of Proposed Change — North Port Gardens

- From:** Noah Fossick, Planner II
- Thru:** Lori Barnes, AICP, Planning and Zoning Division Manager
- Thru:** Alaina Ray, AICP, Neighborhood Development Services Director
- Thru:** Jason Yarborough, ICMA-CM, Assistant City Manager
- Thru:** A. Jerome Fletcher II, ICMA-CM, MPA, City Manager
- Date:** November 3, 2022



PROJECT: North Port Gardens, NOP-22-107

REQUEST: Consideration of Notice of Proposed Change petition amending the North Port Gardens Development of Regional Impact

APPLICANT: Kelley Klepper of Kimley-Horn & Associates, Inc.

OWNERS: Carlton Sarasota LLC. and Davis Sarasota LLC.

LOCATION: Located at the northeast corner of I-75 and Toledo Blade Blvd. (PIDs 1092-00-1000 and 1093-00-1000)

PROPERTY SIZE: ± 513 acres

I. BACKGROUND

Kelley Klepper of Kimley-Horn and Associates, Inc., on behalf of Carlton Sarasota LLC. and Davis Sarasota LLC. has formally submitted a Notice of Proposed Change application to the City of North Port to amend Exhibit B—Section C. Land Use Table 1 Development Totals, Exhibit B—Section Q. Transportation Conditions, subsection 5, Exhibit C Land Use Trade-Off Matrix (LUTM) Note 4, and Exhibit D Master Development Plan of the Development Order of the North Port Gardens Development of Regional Impact as adopted with Ordinance 2011-10. The subject property is located to the north of Interstate 75 and the east of Toledo Blade Boulevard, constituting approximately 513 acres.

The subject property is zoned Planned Community Development with a Future Land Use designation of Activity Center (the property is located in Activity Center #4). The subject property is bounded to the west by Toledo Blade Boulevard, to the south by Interstate 75, to the north by lands with No Zoning Designation and a Future Land Use designation of Agricultural, Estates, and to the east by lands with No Zoning Designation and a Future Land Use designation of Village.

II. PETITION

The applicant is petitioning the City to amend the Development Order of the North Port Gardens Development of Regional Impact (“DRI”).

Through the Notice of Proposed Change process, the applicant is requesting the following changes to the Development Order of the DRI:

- Amend the entitlements shown in Exhibit B Development Order Conditions, Section C. Land Use, Table 1: Development Totals and add two additional notes to the table.
- Amend Exhibit D Master Development Plan, Map H-1 and remove Map H-2.

III. REVIEW PROCESS

A pre-application meeting for the project was held on March 9, 2022. The petition for the Notice of Proposed Change was reviewed by City Staff in accordance with the Florida Statutes, the City’s Comprehensive Plan and Unified Land Development Code, and the approved Development Order for the North Port Gardens Development of Regional Impact.

The formal petition for a Notice of Proposed Change was received and deemed sufficient on June 1, 2022. The applicants and Staff have held several meetings to discuss the proposed amendments. A revision to the Notice of Proposed Change was submitted to the City on July 12, 2022.

The proposed ordinance for the Notice of Proposed Change petition has been reviewed and approved as to form and correctness by the City Attorney’s Office.

IV. DATA & ANALYSIS

Staff has reviewed the proposed Notice of Proposed Change for consistency with the Development Order of the North Port Gardens DRI, the City's Comprehensive Plan and Unified Land Development Code, and the Florida Statutes.

AMENDMENT #1

Exhibit B Development Order Conditions, Section C Land Use, Table 1: Development Totals

Request: The applicant is requesting an amendment to their entitlements as shown in Table 1: Development Totals. The existing entitlements allot the following:

- Phase 1 (2012-2016) — 150 Hotel/Lodging Rooms, 750,000 square feet of Retail.
- Phase 2 (2017-2026) — 500 Residential Dwelling Units, 300 Hotel/Lodging Rooms, 150,000 square feet of Office, 1,250,000 square feet of Retail.
- Total — 500 Residential Dwelling Units, 450 Hotel/Lodging Rooms, 150,000 square feet of Office, 2,000,000 square feet of Retail.

The proposed entitlements are as follows:

- Phase 1 (2012-2026) — 1,135 Residential Dwelling Units, 150 Hotel/Lodging Rooms, 200,000 square feet of Office, 150,000 square feet of Retail, 200,000 square feet of Light Industrial.
- Phase 2 (2027-2032) — 300 Hotel/Lodging Rooms, 600,000 square feet of Office, 200,000 square feet of Retail, 400,000 square feet of Light Industrial.
- Total — 1,135 Residential Dwelling Units, 450 Hotel/Lodging Rooms, 800,000 square feet of Office, 350,000 square feet of Retail, 600,000 square feet of Light Industrial.

Additionally, the applicant proposes to add the following notes to the table:

- Residential cannot increase units through trade-off matrix.
- Office may include, but not limited to, Medical, Health Sciences, and Research.

Applicant's Narrative: At the time North Port Gardens was initially contemplated the retail "Lifestyle Center" and "Power Center" was the focus of the request. These complexes were retail driven and a variation of the retail mall. After 2012 large retail complexes like lifestyle and power centers were not feasible to develop due to the changing nature of retail and the number of retail businesses that did not survive

IV. DATA & ANALYSIS (CONTINUED)

AMENDMENT #1

the “Great Recession”. The current demand for retail development is far less therefore this NOPC seeks a reduction in retail floor area in lieu of a large amount of light industrial and increase in office floor area. This adjustment is advantageous for the City due to the nature of job creation that comes with light industrial and office uses compared to retail uses. The proposed breakdown of uses is more in-line with ULDC section 53-102 which uses the Planned Community Development (PCD) district to provide a mechanism to attract major employers to the City, which can contribute to the diversification of the economic base in a manner consistent with the City's adopted Comprehensive Plan. Although retail uses do create jobs those jobs are typically lower paying, and many are part time positions. The jobs created with light industrial and office as identified in the proposed Table 1 below recognize those uses that generate value added job opportunities.

Staff's Response: The proposed amendment does not adversely impact the health, safety, and welfare of the citizens of North Port. The amendment of the entitlements represents a general reduction in external trips, likely lowering the impact to the Level of Service (LOS) of existing roadways.

The proposed amendment does represent a slight reduction in the total square footage of non-residential uses. However, the increase in Office and Light Industrial uses does create higher-wage positions when compared with Retail uses. According to the U.S. Bureau of Labor Statistics Occupation Employment and Wages May 2021 Study, the mean annual wage for Office and Administrative Support Occupations is \$43,430 with the mean annual wage for First-Line Supervisors for Office and Administrative Support Occupations being \$63,380. Comparably, the mean annual wage for Retail Salespersons is \$31,920 and the mean annual wage for First-Line Supervisors of Retail Sales Workers is \$46,890. The mean annual wage for professionals in Office uses is approximately 36% greater than a Retail Sales Worker and the mean annual wage for Supervisors of Office professionals is approximately 35% greater than those of Retail Salespersons. Equally, Light Industrial uses (classified as “Production Occupations”) have a mean annual wage of \$43,070 and increase of approximately 35% over the mean annual wage of Retail Salespersons. The mean annual wage of First-Line Supervisors of Production and Operating Workers is \$67,330, which is approximately 44% greater than their Retail counterparts.

The proposed amendment also increases residential dwelling units; albeit, the additional units above those already approved are conditioned on integration with other non-residential uses, either vertically in one structure or physically and functionally through multi-modal connections and proximity. The increase in units also allows

IV. DATA & ANALYSIS (CONTINUED)

AMENDMENT #1

housing to be sited closer to employment and potential “third places,” or those places other than homes and workplaces that foster social interactions. This promotes less car-intensive uses and promoted walk-and bike-ability. The proposed mix is more well-suited to promoting an environment where people can live, work, and play than the existing entitlements.

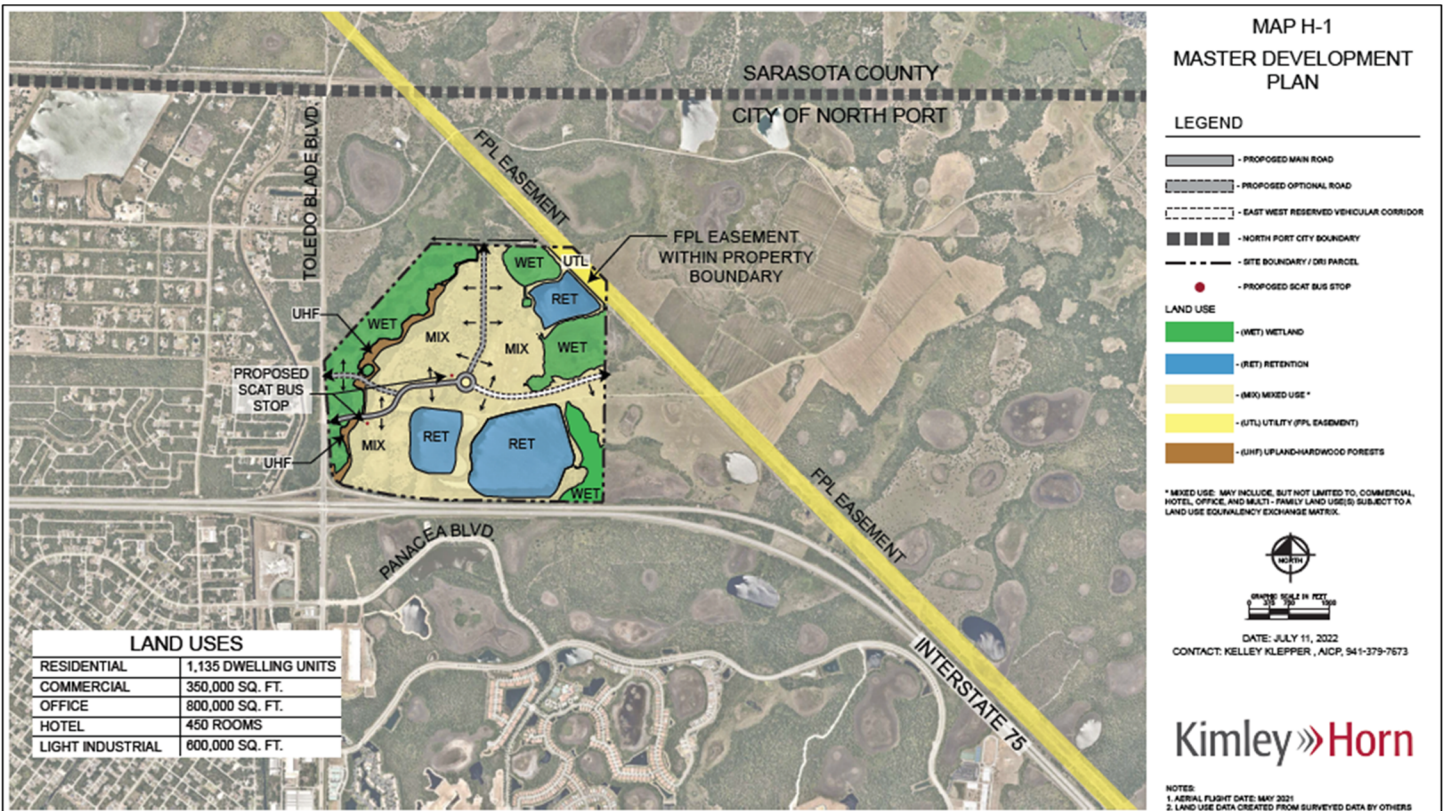
Additionally, the number of Residential Dwelling Units shall be capped at the 1,135 units proposed by a condition on both Table 1: Development Totals and a condition on Exhibit C Land Use Trade-Off Matrix (LUTM).

Staff concludes that the proposed amendment #1 is consistent with the Development Order of the North Port Gardens DRI, the City’s Comprehensive Plan and Unified Land Development Code, and the Florida Statutes.

AMENDMENT #2

Exhibit D Master Development Plan

Request: The applicant is requesting to amend Map H-1 (see below) and to remove Map H-2.



IV. DATA & ANALYSIS (CONTINUED)

AMENDMENT #2

Staff's Response: The proposed Map H-1 provides for all general requirements of the City's Unified Land Development Code. The proposed Map H-1 identifies at least two accessways: one accessway from Toledo Blade Blvd with a potential second accessway, a proposed connection to the currently undeveloped roadway of the Toledo Village project to the north of the property, and a reserved vehicular corridor to connect with the proposed roadway of the Toledo Village project.

Upon request by City Staff, the applicant has delineated the entire "developable" area as "MIX Mixed Use" to allow the greatest flexibility in the location of uses and the potential mix of uses on single sites. Any additional impacts to wetlands will be reviewed and approved with future plan submittals by City Staff, the Southwest Florida Water Management District, and the Florida Department of Environmental Protection.

The proposed Map H-1 also intends to maintain an existing pond that was previously planned to be removed. The existing pond to be maintained will provide additional stormwater retention and provide opportunities for uses to be placed waterfront.

All other elements of the existing Map H-1 have also been provided with the proposed Map H-1 such as the proposed transit stops.

Staff concludes that the proposed amendment #2 is consistent with the Development Order of the North Port Gardens DRI, the City's Comprehensive Plan and Unified Land Development Code, and the Florida Statutes.

FLORIDA STATUTES

Florida Statutes § 380.06 Developments of regional impact.

The review of developments of regional impact and proposed amendments are regulated herein.

Staff concludes that the petition for an amendment to the Development Order of the North Port Gardens Development of Regional Impact and the review of said petition is consistent with § 380.06.

COMPREHENSIVE PLAN

Future Land Use Element, Goal 2

"To promote an intensive mixture of employment, goods and services, and residential uses in Activity Centers; to promote a wide variety of residential and employment alternatives; to achieve the highest standards of quality in the urban environment; and to provide a balanced and healthy tax base."

IV. DATA & ANALYSIS (CONTINUED)

COMPREHENSIVE PLAN

Staff's Response: As mentioned with the analysis of the first proposed amendment, the transition from predominantly retail uses to a mix of office, light industrial, and retail uses with a larger focus on office and light industrial creates higher wage positions (see page 4). The increased mix of non-residential uses will also provide a bevy of employment opportunities ranging from professional services and medical services to light manufacturing to retail services and more.

Additionally, the mix of residential dwelling units with non-residential uses that bear higher wage positions and retail will promote living and working within North Port Gardens while also attracting workers from throughout North Port and the region to work and shop in the area. The residential units will be provided in a mix of densities that will diversify the housing stock and allow a mix of people to live in the area. Those that reside in the area will also have enhanced pedestrian connectivity that will enhance their quality of life.

Staff concludes that the Notice of Proposed Change is consistent with the Future Land Use Element Goal 2.

Future Land Use Element, Figure 1

Figure 1 contains the Standards for Activity Centers including the density and intensity of uses and the percentage allowable of each use category at buildout.

Staff's Response: The requested entitlements are allowable within the percent mix of land uses within Activity Center #4.

Staff concludes that the Notice of Proposed Change is consistent with the Future Land Use Element Figure 1.

Future Land Use Element, Policy 2.4.1

"This Activity Center shall be established to provide a large concentrated area of a mixture of residential, commercial, office, medical, industrial, recreational and cultural facilities at a scale which serves the entire City and the regional market due to its proximity to I-75."

Staff's Response: The proposed entitlements increase the diversity of non-residential uses from the existing entitlements. The proposal would allow an intense mixture of retail uses, office uses, light industrial uses, and hospitality uses. The scale of such uses is large enough to service citywide needs and be a regional attractor.

Staff concludes that the Notice of Proposed Change is consistent with

IV. DATA & ANALYSIS (CONTINUED)

COMPREHENSIVE PLAN

the Future Land Use Element, Policy 2.4.1.

Housing Element, Policy 6.1

“Ensure a compatible relationship between new housing and circulation patterns and encourage pedestrian and bicycle interconnectivity and transit friendly communities in order to minimize traffic impacts and promote healthy lifestyles.”

Staff’s Response: The Development Order of North Port Gardens requires enhanced pedestrian connectivity beyond the requirements of the Unified Land Development Code. Furthermore, the siting of housing in close proximity to employment opportunities and retail will allow residents to walk, bike, or utilize transit to commute to work and to shop. An additional condition is proposed for the each residential dwelling unit beyond the original six hundred fifty (650) entitled that would further increase the connectivity of the residential dwelling units with non-residential units by requiring either vertical or physical and functional integration of uses with multi-modal connections. The area will also be designed with multi-modal paths and open space meant for leisure of the residents and visitors.

Staff concludes that the Notice of Proposed Change is consistent with the Housing Element, Policy 6.1.

Housing Element, Objective 7

“Increase housing options and community livability by establishing mixed-use development and design standards through which residential dwelling units, commercial, and office uses are intermixed with public amenities and aesthetics.

Staff’s Response: North Port Gardens will provide a mix of residential and non-residential uses on a macro and micro scale. The entire development is mixed-use; however, all residential dwelling units above six hundred fifty (650) units will be required to integrated with a non-residential use. In addition, public art will be required for each site development in accordance with the Unified Land Development Code Chapter 59—Public Art Regulations. All development will also be subject to the design regulations of the Urban Design Standards Pattern Book for Activity Center Four. Thus, integration of uses and public amenities and aesthetics shall be guaranteed throughout the development

Staff concludes that the Notice of Proposed Change is consistent with the Housing Element, Objective 7.

IV. DATA & ANALYSIS (CONTINUED)

COMPREHENSIVE PLAN

Economic Development Element, Policy 5.1.2

“Expand housing options that support the local workforce by planning for development near employment and transportation centers.”

Staff’s Response: North Port Gardens is strategically located at the northeast corner of the interchange of the arterial Toledo Blade Blvd and Interstate-75 (“I-75”). According to Florida Traffic Online, an application of the Florida Department of Transportation, the segment of Toledo Blade Blvd from the City of North Port boundaries to I-75 has an annual average daily traffic count (AADT) of 20,000 trips. Thus, this segment of Toledo Blade Blvd is the most travelled roadway within the City of North Port that is not a federal/state highway (excludes US-41 and I-75). Additionally, the two segments of I-75 that lead to and from the interchange with Toledo Blade Blvd have an AADT of 55,500 trips and 62,500 trips. Moreover, North Port Gardens is proposing an intense mixture of employment-heavy development in three use categories— Office, Light Industrial, and Retail that totals 1,750,000 square feet. There is also additional employment in the hospitality industry that will result from the 450 hotel/lodging rooms planned for the development.

North Port Gardens is planned as an employment center located along the most travelled transportation corridors within the City of North Port. As such, the proposed 1,135 residential dwelling units will provide housing for the workforce of the DRI and other residents of North Port.

Staff concludes that the Notice of Proposed Change is consistent with Economic Development Element, Policy 5.1.2.

UNIFIED LAND DEVELOPMENT CODE

All site development shall be subject to the regulations of the Unified Land Development Code.

V. CONDITIONS

Based on the review of the proposed amendments of the Notice of Proposed Change for the North Port Gardens DRI, Staff has determined the following conditions are necessary to ensure the proposed amendments to the North Port Gardens Development of Regional Impact is in accordance with the Development Order, the City’s Comprehensive Plan and Unified Land Development Code, and the Florida Statutes:

To be added to Exhibit B Development Order Conditions, Section C. Land Use —

11. Multi-family residential dwelling units exceeding six hundred fifty (650) multi-family residential dwelling units and up to the entitled one thousand one hundred thirty-five (1,135) dwelling units (hereby referred to as the “additional dwelling units”). The

V. CONDITIONS (CONTINUED)

additional dwelling units shall be (a) vertically integrated with one or more non-residential uses, or (b) physically and functionally integrated with other non-residential uses. Physical and functional integration shall mean, but shall not be limited to, the incorporation of the following:

- A. The Developer(s) of all additional dwelling units shall create efficient pedestrian and bicycle connectivity between the residential development and other non-residential developments, as determined by City Staff. Bicycle and pedestrian pathways shall include the installation of pedestrian amenities, lighting, and shade trees. Shade structures are permitted and may reduce the number of shade trees required, as determined by City Staff. Shade structures shall meet all requirements in the Unified Land Development Code for accessory structures.
- B. The Developer(s) shall be responsible for the installation of bicycle racks or bicycle storage facilities at all multi-family and commercial areas. All bicycle and pedestrian pathways shall be illuminated in compliance with the Unified Land Development Code with outdoor fixtures that meet “dark sky” friendly lighting standards.

To be added to Exhibit B Development Order Conditions, Section Q. Transportation Conditions —

22. The final location of the East West Reserved Vehicular Corridor, as shown on Map H-1, may be relocated as project engineering is refined. However, a secondary accessway to the parcels located to the east of the North Port Gardens DRI shall be required that shall meet the standards of a local roadway consistent with the Unified Land Development Code of the City of North Port, Florida.

To be amended in Exhibit C Land Use Trade-Off Matrix (LUTM) —

4. The LUTM shall not apply to any increase in residential units above the one-thousand thirty-five (1,135) units entitled and any increase in hotel rooms above the 450 hotel rooms entitled as identified in Section C—Land Use Table 1. The maximum change does not apply to Retail, Industrial, and Office uses.

VI. PUBLIC NOTICE

PUBLIC NOTICE

In accordance with Florida Statutes § 166.041(3)(a), a notice was published in a newspaper of general circulation in the City at least ten (10) days prior to the adoption hearing.

VII. HEARING SCHEDULE

PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board	November 3, 2022 9:00 AM or as soon thereafter
City Commission 1st Reading	November 22, 2022 6:00 PM or as soon thereafter
City Commission 2nd Reading	December 13, 2022 10:00 AM or as soon thereafter

VIII. RECOMMENDED MOTION

Staff recommends that the Planning & Zoning Advisory Board recommend approval of NOP-22-107 and motion as follows:

I move to recommend approval of Ordinance No. 2022-25, Petition NOP-22-107, and find that, based on competent substantial evidence, the Notice of Proposed Change meets the standards in the Florida Statutes, the City of North Port's Comprehensive Plan and Unified Land Development Code, and the Development Order of the North Port Gardens Development of Regional Impact.

IX. ALTERNATIVE MOTIONS

Based on competent substantial evidence, the Planning & Zoning Advisory Board may also recommend the following:

- Approval with conditions of Ordinance No. 2022-25, Petition NOP-22-107.
- Denial of Ordinance No. 2022-25, Petition NOP-22-107.

X. EXHIBITS

A.	Certified Copy of Ordinance 2011-10 North Port Gardens DRI Development Order
B.	Ordinance No. 2022-25 with Exhibits



City of North Port

ORDINANCE NO. 2022-25

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING ORDINANCE NO. 2011-10 AND THE NORTH PORT GARDENS DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER RELATED TO LAND USE, TRANSPORTATION CONDITIONS, AND THE MASTER DEVELOPMENT PLAN; PROVIDING FOR FINDINGS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR FILING OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, on February 13, 2012, the City Commission of the City of North Port, Florida adopted Ordinance No. 2011-10, approving the North Port Gardens Development of Regional Impact Development Order (“Development Order”), recorded as Instrument #2012069586 in the public records of Sarasota County, Florida; and

WHEREAS, on June 2, 2022, Kelly Klepper of Kimley-Horn and Associates, Inc. (“Applicant”) on behalf of Pallardy Sarasota LLC; Carlton Sarasota LLC; Davis Sarasota LLC; and Pallardy LLC, Florida Limited Liability Companies (collectively, “Developer”), filed Petition Number NOP-22-107 requesting amendments to the Development Order to address the way in which improvements will be provided on the property; and

WHEREAS, during the review of these amendments, the development has been permitted to continue with respect to the portions of the Development Order not directly affected by the proposed amendments; and

WHEREAS, the Planning and Zoning Advisory Board considered the petition at a public hearing on October 6, 2022, and made its recommendation to the City Commission; and

WHEREAS, the City Commission held properly-noticed public hearings at first and second reading of this ordinance, at which time all interested parties had an opportunity to appear and be heard, and the City Commission considered all relevant evidence presented, as well as the Planning and Zoning Advisory Board’s recommendation; and

WHEREAS, the Planning and Zoning Advisory Board and the City Commission conducted a comprehensive review of the impacts generated by the development in conjunction with the Notice of Proposed Change (“NOPC”) and the Development Order; and

26 **WHEREAS**, the City Commission finds that competent substantial evidence supports the findings and
27 actions herein; and
28

29 **WHEREAS**, the City Commission finds that its action serves the public health, safety, and welfare of the
30 citizens of the City of North Port, Florida.
31

32 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**
33

34 **SECTION 1 – FINDINGS**
35

- 36 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
37
- 38 1.02 The real property subject to the Development Order is identified in Exhibit A to Ordinance
39 No. 2011-10.
40
- 41 1.03 Pursuant to Florida Statutes Section 380.06, the City Commission has the statutory authority to
42 consider the Notice of Proposed Change. The North Port Comprehensive Plan does not include
43 any procedures for the amendment of a development order for a development of regional impact.
- 44 1.04 The City Commission finds that all public notice requirements of the City and Florida Statutes
45 Chapter 380 have been adhered to and satisfied.
- 46 1.05 The City Commission finds the amendments to the Development Order to be consistent with the
47 North Port Comprehensive Plan and Unified Land Development Code.
- 48 1.06 The City Commission finds the amendments to the Development Order to be consistent with any
49 prior agreements or actions that are vested.
- 50 1.07 The City Commission finds the amendments to the Development Order to be consistent with
51 transportation concurrency and levels of service.
- 52 1.08 Pursuant to these amendments to the Development Order’s land-use trade-off matrix (“LUTM”)
53 in Table 1, the North Port Gardens DRI (“NPG”) includes:
- 54 a. 1,135 residential dwelling units;
55 b. 450 hotel/lodging rooms;
56 c. 800,000 square feet office;
57 d. 350,000 square feet retail; and
58 e. 600,000 square feet light industrial.
- 59 1.09 Based on the updated master development plan submitted, the development phases are as
60 follows:
- 61 a. Phase 1: 1,135 residential dwelling units; 150 hotel/lodging rooms; 200,000 square feet office;
62 150,000 square feet retail; and 200,000 square feet light industrial; and

63 b. Phase 2: 300 hotel/lodging rooms; 600,000 square feet office; 200,000 square feet retail; and
 64 400,000 square feet light industrial.

65 1.10 All identified exhibits are incorporated in this ordinance by reference.

66

67 **SECTION 2 – AMENDMENTS TO THE DEVELOPMENT ORDER**

68

69 2.01 The City Commission hereby approves Petition Number NOP-22-107 and adopts the following
 70 amendments to the Development Order.

71 2.02 These amendments to the Development Order are issued based on a comprehensive review of
 72 the impacts generated by the development in conjunction with the Notice of Proposed Change
 73 (“NOPC”) and the Development Order, as well as information provided in the Notice of Proposed
 74 Change, public hearing testimony, evidence, data, information, and recommendations provided
 75 by the Planning and Zoning Advisory Board and the City’s Planning and Zoning Division, which are
 76 incorporated into this Development Order and which ensure continued compliance with the
 77 North Port Comprehensive Plan.

78

79 2.03 Except as set forth in this ordinance, all other terms and conditions of the Development Order
 80 remain in full force and effect.

81

82 2.04 Exhibit B entitled “Development Order Conditions for North Port Gardens DRI” to Ordinance
 83 No. 2011-10 is amended as follows:

84 a. Section C - Land Use, Table 1 is replaced in its entirety as follows:

85

“TABLE 1: DEVELOPMENT TOTALS				
Use	Units	Phase 1	Phase 2	Total
		2012-2027	2027-2032	
Residential (1) (2)	Dwelling Units	1,135	---	1,135
Hotel/Lodging Rooms (1)	Rooms	150	300	450
Office (1) (3)	SF	200,000	600,000	800,000
Retail (1)	SF	150,000	200,000	350,000
Light Industrial (1)	SF	200,000	400,000	600,000

86

87

Notes:

88

1. Includes provisions for Mixed Use subject to a transportation and land use trade-off matrix.

89

2. Residential cannot increase units through trade-off matrix, all other uses do not have a maximum increase or decrease and residential has no limit on a decrease.

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91

3. Office may include, but not limited to, Medical, Health Sciences, and Research.”

92

93

b. Section C. Land Use, is amended to add a new subsection 11:

94 “11. Multi-family residential dwelling units exceeding six hundred fifty (650) multi-family
95 residential dwelling units and up to the entitled one thousand one hundred thirty-
96 five (1,135) dwelling units (“additional dwelling units”). The additional dwelling units
97 shall be: (a) vertically integrated with one or more non-residential uses, or (b)
98 physically and functionally integrated with other non-residential uses. Physical and
99 functional integration shall mean, but shall not be limited to, the incorporation of
100 the following:

101
102 a. The Developer(s) of all additional dwelling units shall create efficient pedestrian
103 and bicycle connectivity between the residential development and other non-
104 residential developments, as determined by City Staff. Bicycle and pedestrian
105 pathways shall include the installation of pedestrian amenities, lighting, and
106 shade trees. Shade structures are permitted and may reduce the number of shade
107 trees required, as determined by City Staff. Shade structures shall meet all
108 requirements in the Unified Land Development Code for accessory structures.

109
110 b. The Developer(s) shall be responsible for the installation of bicycle racks or bicycle
111 storage facilities at all multi-family and commercial areas. All bicycle and
112 pedestrian pathways shall be illuminated in compliance with the Unified Land
113 Development Code with outdoor fixtures that meet “dark sky” friendly lighting
114 standards.”

115
116 c. Section Q Transportation Conditions, is amended to add a new subsection 22:

117
118 “22. The final location of the East West Reserved Vehicular Corridor, as shown on Map
119 H-1, may be relocated as projected engineering is refined. However, a secondary
120 accessway to the parcels located to the east of the North Port Gardens DRI shall be
121 required and shall meet the standards of a local roadway consistent with the Unified
122 Land Development Code of the City of North Port, Florida.”

123
124 2.05 Exhibit C entitled “Land Use Trade-Off Matrix” to Ordinance No. 2011-10 is amended to replace
125 Note 4 in its entirety as follows:

126
127 “4 - The LUTM does not apply to any increase in residential units above the one-thousand
128 one hundred thirty-five (1,135) units entitled or to any increase in hotel rooms above
129 the four hundred fifty (450) hotel rooms entitled as identified in Section C – Land Use,
130 Table 1. The maximum change does not apply to Retail, Industrial, or Office uses.”

131
132 2.06 Exhibit D entitled “Master Development Plan” to Ordinance No. 2011-10 is amended as follows:

133
134 a. Map H-1 is replaced in its entirety with the new Map H-1 attached to this ordinance as
135 “Exhibit D-1.”

136
137 b. Map H-2 is removed in its entirety.
138

139 **SECTION 3 – ENFORCEMENT**

140 3.01 The City may enforce all conditions, restrictions, requirements, commitments, and impact
141 mitigating provisions contained or incorporated by reference in the amended Development Order
142 by action at law or equity.

143 3.02 In the event the City Commission, after notice and hearing, determines that the Developer has
144 failed to comply with any conditions, restrictions, requirements, or impact mitigating provisions
145 contained or incorporated by reference in the amended Development Order, the City Commission
146 may temporarily suspend the amended Development Order, during which no development
147 permit applications shall be granted within the development until compliance is achieved.

148 3.03 The obligations of the amended Development Order shall run with the land. The Developer is
149 bound by the terms of the amended Development Order so long as it owns the property. The
150 amended Development Order shall be binding upon and inure to the benefit of the Developer and
151 its assignees or successors in interest. It is understood that any reference in the amended
152 Development Order to any governmental agency shall be construed to mean any future
153 instrumentality which may be created and designed as successor in interest hereto, or which
154 otherwise possess any of the powers and duties of any referenced governmental agency in
155 existence on the effective date of the amended Development Order.

156 **SECTION 4 – FILING OF DOCUMENTS**

157 4.01 The City Clerk is directed to send a certified copy of this ordinance by the United States Postal
158 Service to the Applicant at 609 E. Jackson Street, Suite 200, Tampa, FL, 33602.

159
160 4.02 Pursuant to Florida Statutes Section 380.06(4)(c), the Developer must file notice of this
161 amendment to the Development Order, in accordance with Florida Statutes Section 28.222, with
162 the Sarasota County Clerk of the Circuit Court to be duly recorded in the official records of the
163 county.

164 a. The notice must include a legal description of the property covered by the order and must
165 state which unit of local government adopted the development order, the date of adoption,
166 the date of adoption of the amendments to the development order, the location where the
167 adopted order with any amendments may be examined, and that the development order
168 constitutes a land development regulation applicable to the property.

169 b. The Developer must deliver a file-stamped copy of the notice to the City Clerk and to the City's
170 Planning and Zoning Division.

171 **SECTION 5 – CONFLICTS**

172 5.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in
173 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

174 **SECTION 6 – SEVERABILITY**

175 6.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,
176 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
177 deemed a separate, distinct, and independent provision and will not affect the validity of the
178 remaining portions of the ordinance.

179 **SECTION 7 – EFFECTIVE DATE**

180 7.01 This ordinance takes effect immediately upon adoption.

181

182 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public
183 session on _____, 2022.

184 ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in
185 public session on _____, 2022.

CITY OF NORTH PORT, FLORIDA

187

188

189

PETE EMRICH
MAYOR

190

191

192

193 ATTEST

194

195

HEATHER FAUST, MMC
CITY CLERK

196

197

198

199

200 APPROVED AS TO FORM AND CORRECTNESS

201

202

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY

203

204

EXHIBIT D-1

MASTER DEVELOPMENT PLAN

(Map H-1)

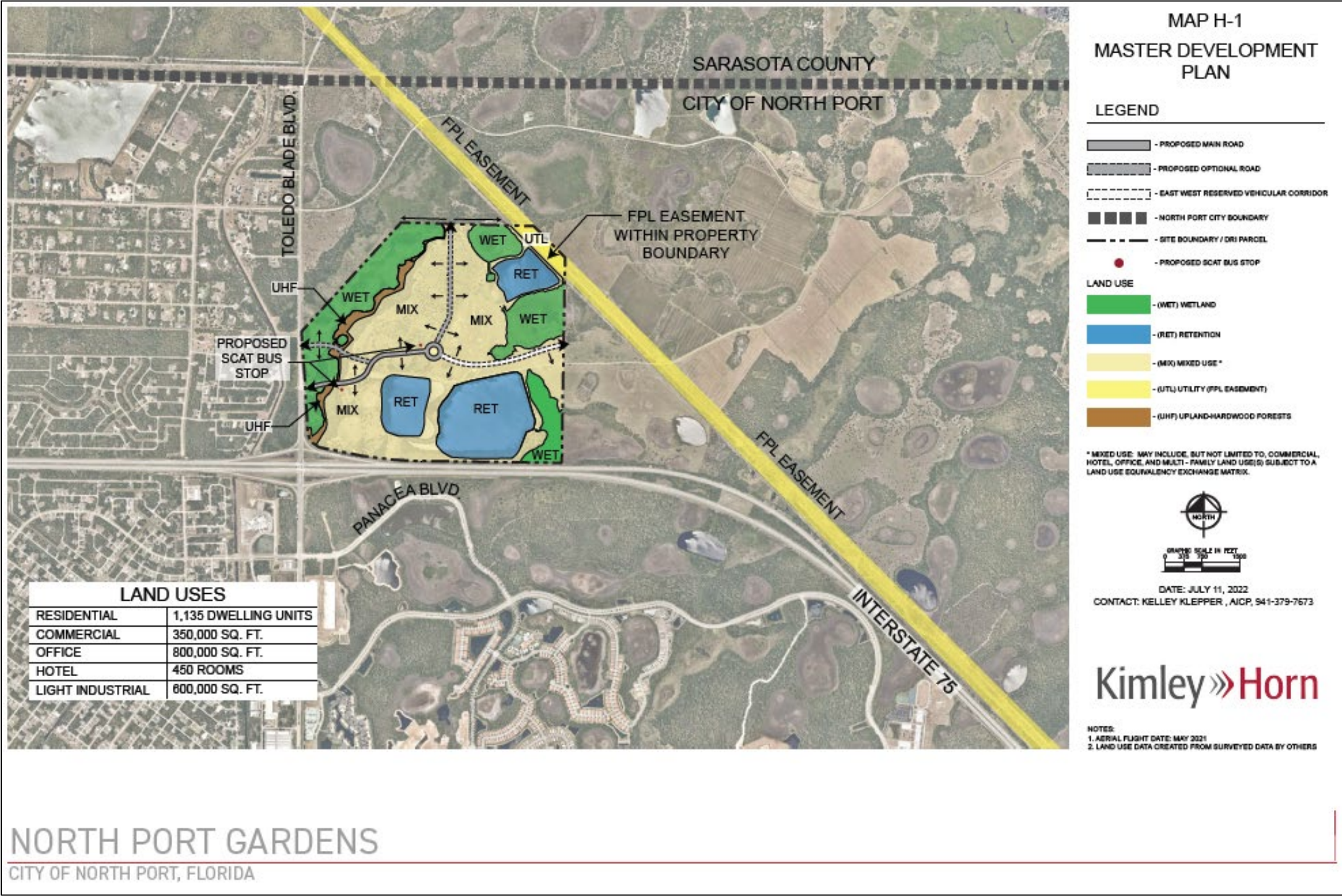


Exhibit A



City of North Port

ORDINANCE NO. 2011-10
North Port Gardens DRI 07-74

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA FOR THE NORTH PORT GARDENS, DEVELOPMENT OF REGIONAL IMPACT (DRI) APPLICATION FOR DEVELOPMENT APPROVAL (ADA); PROVIDING FOR FINDINGS AND CONCLUSIONS OF LAW: PROVIDING FOR ENFORCEMENT: PROVIDING FOR SEVERABILITY: PROVIDING FOR SERVICE AND RECORDING: AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF NORTH PORT, FLORIDA:

SECTION 1. Findings of Fact

- 1.1 On July 19, 2007, Peter T. Van Buskirk, as authorized agent for the Developer, submitted to the City of North Port (City), Southwest Florida Regional Planning Council (SWFRPC) and the Florida Division of Community Development (DCD) an Application for Development Approval (ADA) for the North Port Gardens Development of Regional Impact (DRI) in accordance with Chapter 380.06, Florida Statutes;
- 1.2 North Port Gardens DRI (NPG) development consists of approximately +/- 513 acres located in the incorporated area of City of North Port, Florida, north of Interstate 75 and east of Toledo Blade Boulevard, more particularly described in Exhibit "A" attached hereto and made a part hereof by reference;
- 1.3 The proposed development is consistent with the City's Comprehensive Plan. Specifically, NPG includes:
 - A. 500 residential dwelling units;
 - B. 450 hotel/lodging rooms;
 - C. 150,000 square feet office;
 - D. 2,000,000 square feet of retail;

✓ CERTIFIED BY:
PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

Exhibit A

- 1.4 The above development totals are subject to a land use trade-off matrix (LUTM) attached as Exhibit "C" attached hereto and made a part hereof by reference;
- 1.5 A comprehensive review of the impacts generated by the development has been conducted by the departments of the City Planning and Zoning Advisory Board, City Commission, SWFRPC, and DCD in conjunction with the ADA, sufficiency responses, and this DRI Development Order (DO); and
- 1.6 The SWFRPC, DCD, and the City of North Port were provided copies of the ADA by North Port Gardens, North Port Commercial Interchange, LLC (the Developer) and were, therefore, afforded the opportunity to comment on the proposed changes; and
- 1.7 Based on the master development plan submitted, the development phases are as follows:
- Phase 1: 150 hotel/lodging rooms, 750,000 square feet of retail
 - Phase 2: 500 residential dwelling units, 300 hotel/lodging rooms, 150,000 square feet office, and 1,250,000 square feet retail.

The above development totals are subject to a land use trade-off matrix (LUTM) attached as Exhibit C attached hereto and made a part hereof by reference; and

- 1.08 The City Commission has received and considered the report and recommendation of the SWFRPC; and
- 1.09 The proposed development is consistent with the report and recommendations, as amended, by the SWFRPC; and
- 1.10 The City Commission as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the ADA; and
- 1.11 The public notice requirements of the City and Chapter 380, Florida Statutes, have been adhered to and satisfied; and
- 1.12 The City of North Port Planning and Zoning Advisory Board (PZAB) has reviewed the ADA on July 21, 2011, and filed a recommendation on the ADA with the City Commission; and
- 1.13 The City Commission held duly noticed public hearing on January 30th, 2012 first reading and February 13th, 2012 adoption hearing, on the ADA and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, City departments, the Developer, and the review and report of the PZAB.

✓
CERTIFIED BY:
PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

Exhibit A

1.14 The existing and proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

SECTION 2. Incorporation of Application for Development Approval (ADA) and Associated Documents into the DO

- 2.1 This DO is issued based on information provided by the Developer in the original ADA (with their sufficiency responses), this public hearing testimony, data, information and recommendations provided by the PZAB and Planning Department which are incorporated into this DO, and ensures continued compliance with the City's Comprehensive Plan.
- 2.2 The real property which is the subject of this ADA and DO is legally described in Exhibit "A" of this Ordinance.
- 2.3 Exhibits A - Legal Description;
B - Conditions of Approval;
C - Land Use Matrix (LUTM);
D - Master Development Plan, Map H;
E - Wetland Delineation Map;
and F – Master Drainage Plan Map are adopted herein and included as part of the approval of this Ordinance.

SECTION 3. Conclusions of Law

The City Commission, after considering the testimony, evidence, documentation, the recommendation and findings of the Planning Commission, as well as all other matters presented to the City Commission at the public hearing herein referenced, hereby makes the following conclusions of law:

- 3.1 The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the City of North Port Comprehensive Plan (Ordinance 89-3, as amended), and local government approvals.
- 3.2 The Development is consistent with the report and recommendations of the SWFRPC issued on June 16, 2011 regarding the ADA and sufficiency responses.
- 3.3 These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct the development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- 3.4 The review by the City, SWFRPC, and other participating agencies and interested

CERTIFIED BY:
PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this DO and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this DO, the terms and conditions of this DO shall prevail. A summary of the development covered by this Development Order is included as Table 1 (See Exhibit B-Land Use Section).

SECTION 4. Providing for the approval of the North Port Gardens DRI (NPG) with conditions


- 4.1 NPG is hereby approved under the provisions of Chapter 380.06, Florida Statutes, for two phases for the development amounts identified in Table 1 of Exhibit B (Land Use Section) as specified below. Prior to commencing vertical development, NPG must be served by potable water and sanitary sewer as required in Exhibit B. Prior to beginning Phase 2, the Developer must submit a Notice of Proposed Change (NOPC) with new transportation, solid waste, and affordable housing analysis pursuant to Chapter 380.06(19), F.S. Development approval by this DO shall undergo subsequent reviews in accordance with the specific conditions herein pertaining to stormwater quality and quantity, parks and recreation, potable water and wastewater service. Amendments to Phase 1 and beginning Phase 2 will require additional review pursuant to Section 380.06 (19) and other applicable regulations.
- 4.2 North Port Neighborhood Development Services, Planning Division is hereby designated as the local government department responsible for monitoring the development, enforcing and monitoring the terms of the DO and for receiving the bi-annual report required by Chapter 380.06, Florida Statutes. The contents of the report are those items required in Chapter 380.06(19), F.S., Rule 9J-2.025(7), F.A.C. and as required in Exhibit B.

SECTION 5. Commencement, Build-Out, and Termination of Development

- 5.1 Commencement, build-out and termination of development shall be consistent with the Development approvals and Chapter 380, F.S. and Rule 9J-2 F.A.C.
- 5.2 Phase 1 shall be completed by December 31, 2016 and Phase 2 must be completed by December 31, 2027, which is the DRI build-out date and December 31, 2029 DO termination date.

SECTION 6. Developer Commitments

- 6.1 Developer commitments that were set forth in the ADA and Sufficiency Responses (SR), and within the DO shall be honored by the Developer, except as they may be superseded by specific terms of the DO.

 CERTIFIED BY:
 PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
 DATE: 3-6-2012

SECTION 7. Legal Description

7.1 Development of NPG shall be restricted to the 513 acre tract of land described in Exhibit "A".

SECTION 8. Restrictions on Down-Zoning

- 8.1 Prior to the DO build-out date, the City shall not down-zone or reduce the intensity or unit density permitted in NPG.
- 8.2 Any down-zoning or reduction in intensity shall be affected only through the usual and customary procedures required by statute or ordinance for change in local land development regulations.
- 8.3 For purposes of this DO, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this DO, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this DO. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the City to down-zone or alter the density of the development, but is included to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. Binding Order Upon Developer and City

9.1 This DO shall be binding upon the Developer, the City, and upon the Developer's grantees, successors, and assigns.

SECTION 10. Compliance with Codes and Ordinances

10.1 All development undertaken pursuant to this DO shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 11. Rendition

11.1 The City of North Port Neighborhood Development Services-Planning Division is hereby directed to send certified copies of this DO within thirty (30) days of the City Commission approval to the Developer, DCD, and SWFRPC.

SECTION 12. Notice of Recording

12.1 The Developer shall record a notice of adoption of this DRI DO within 45 days after the DO becomes effective as required pursuant to Chapter 380, Florida

CERTIFIED BY:
 PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
 DATE: 3-6-2012

Exhibit A

Statutes, and shall furnish the Neighborhood Development Services-Planning Division a copy of the recorded notice.

SECTION 13. Severability

13.1 It is the intent of this DO to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this DO is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this DO shall remain in full force and effect.

SECTION 14. Effective Date

14.1 This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this DO, until the resolution of said of appeal.

PASSED AND DULY ADOPTED ON THE SECOND AND FINAL READING IN PUBLIC SESSION WITH A QUORUM PRESENT AND VOTING BY THE CITY COMMISSION OF CITY OF NORTH PORT, FLORIDA THIS THE 13th DAY OF February, 2012.

CITY OF NORTH PORT, FLORIDA

Tom Jones
TOM JONES,
COMMISSION CHAIR

ATTEST:

Patsy Adkins for Helen Raimbeau
HELEN M. RAIMBEAU, MMC
CITY CLERK

Approved as to form and correctness:

Robert K. Robinson
ROBERT K. ROBINSON
CITY ATTORNEY

✓
CERTIFIED BY:
PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

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CERTIFIED BY:
PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: *3-6-2012*

EXHIBITS TO THE NORTH PORT GARDENS DRI DEVELOPMENT ORDER

- A. LEGAL DESCRIPTION
- B. DEVELOPMENT ORDER CONDITIONS
- C. LAND USE MATRIX
- D. MASTER DEVELOPMENT PLAN (MAPS H AND H1)
- E. WETLAND DELINIATION MAP
- F. MASTER DRAINAGE MAP

CERTIFIED BY:
PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

EXHIBIT A

LEGAL DESCRIPTION

North Port Commercial Interchange, LLC	
	parcel number
	1092-00-1000
North Port Commercial Interchange, LLC	
	parcel number
	1093-00-1000

DESCRIPTION OF REAL ESTATE:

PARCEL 1 (O.R.I. 2006061261), (O.R.I. 2006061262), (O.R.I. 2006061263)

A PORTION OF THE SOUTH HALF OF SECTION 6, TOWNSHIP 39 SOUTH, RANGE 22 EAST, SARASOTA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6, N.=1007797.74, E.=605625.27 FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE; THENCE N.00°30'07"E., "GRID BEARING" ALONG THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 56.50 FEET; THENCE N.42°23'13"E., A DISTANCE OF 2975.77 FEET; THENCE S.88°26'46"E., A DISTANCE OF 2676.20 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THAT CERTAIN 50 FOOT WIDE WATER PIPE LINE EASEMENT AS DESCRIBED IN O.R.I. # 1999158305, PUBLIC RECORDS OF SAID SARASOTA COUNTY, FLORIDA; THENCE S.44°53'43"E., ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 889.05 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 6; THENCE S.00°44'41"W., ALONG SAID EAST LINE, A DISTANCE OF 1812.32 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE N.87°10'58"W., ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 5292.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 231.76 ACRES, MORE OR LESS.

TOGETHER WITH:

CERTIFIED BY:
PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

Exhibit A

PARCEL 2 (O.R.I. 2006061264)

ALL THAT PART OF SECTION 7, LYING NORTH OF THE RIGHT-OF-WAY FOR INTERSTATE HIGHWAY 75, IN TOWNSHIP 39 SOUTH, RANGE 22 EAST, SARASOTA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 7; THENCE S.00°31'30"W., (GRID BEARING, FLORIDA TRANSVERSE MERCATOR, WEST ZONE) ALONG THE WEST LINE OF SAID SECTION 7 A DISTANCE OF 1168.58 FEET TO AN INTERSECTION WITH THE MOST NORTHERLY, RIGHT-OF-WAY LINE FOR THE TOLEDO BLADE BLVD., I-75 INTERCHANGE, WITH SAID POINT OF INTERSECTION BEARING N.00°31'30"E., A DISTANCE OF 1518.41 FEET FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE S.89°28'30"E. ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 100.00 FEET TO THE BEGINNING OF THE LIMITED ACCESS RIGHT-OF-WAY LINE FOR INTERSTATE HIGHWAY 75; THENCE ALONG THE EASTERLY, NORTHERLY AND NORTHEASTERLY, LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 75, THE FOLLOWING 10 COURSES MEASURED BETWEEN FOUND FDOT IRON ROD RIGHT-OF-WAY MARKERS, (1); THENCE S.00°31'30"W., A DISTANCE OF 197.89 FEET (2); THENCE S.07°46'49"E., A DISTANCE OF 103.36 FEET (3); THENCE S.02°27'30"E., A DISTANCE OF 500.80 FEET (4); THENCE S.18°43'13"E., A DISTANCE OF 201.37 FEET (5); THENCE S.56°59'14"E., A DISTANCE OF 201.63 FEET (6); THENCE S.76°20'06"E., A DISTANCE OF 227.61 FEET (7); THENCE S.79°19'14"E., A DISTANCE OF 700.98 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 3180.05 FEET, A CENTRAL ANGLE OF 05°53'42", A CHORD BEARING OF S.82°16'04"E. AND A CHORD LENGTH OF 327.04 FEET (8); THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 327.18 FEET TO THE POINT OF TANGENCY OF SAID CURVE (9); THENCE S.85°12'55"E., A DISTANCE OF 519.10 FEET (10); THENCE S.89°12'13"E., A DISTANCE OF 3134.47 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID SECTION 7; THENCE N.01°04'23"E., ALONG SAID EAST LINE OF SECTION 7, A DISTANCE OF 2325.50 FEET TO THE NORTHEAST CORNER OF SAID SECTION 7; THENCE N.87°10'58"W., ALONG THE NORTH LINE OF SAID SECTION 7, A DISTANCE OF 5292.12 FEET TO THE NORTHWEST CORNER OF SECTION 7 AND THE POINT OF BEGINNING.

LESS & EXCEPT: THE LAND DESCRIBED IN WARRANTY DEED TO THE CITY OF NORTH PORT RECORDED AS OFFICIAL RECORDS INSTRUMENT NUMBER 2000125114, OF THE PUBLIC RECORDS OF SAID SARASOTA COUNTY, FLORIDA.

CONTAINING 282.01 ACRES, MORE OR LESS, AFTER THE EXCEPTION.

CERTIFIED:
PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

EXHIBIT B

DEVELOPMENT ORDER
CONDITONS

CERTIFIED BY:
PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

EXHIBIT B
DEVELOPMENT ORDER CONDITIONS FOR NORTH PORT GARDENS DRI

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CHECKED BY:
 Patsy C. Adkins, DEPUTY CITY CLERK
 Patsy C. Adkins
 DATE: 3-6-2012

A. DEFINITIONS

1. "City" shall mean the City Commission for the City of North Port, or their designee(s).
2. "Developer" shall mean the North Port Gardens, North Port Commercial Interchange, LLC., its heirs, assigns, designees, agents, and successors in interest as to the North Port Gardens DRI (NPG).
3. "Development Approval" shall mean any approval for development granted through the DRI DO, the Major Site and Development (MAS) process or Construction Drawing approval where site plans or subdivision plats are not required.
4. "Funding Commitments" shall mean to assure completion of any improvement required by this DRI Development Order (DO), or any combination of the following:
 - a. binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, in a form satisfactory to the City; or
 - b. actual construction; or
 - c. the placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required, as long as the improvement is within the first two years of the responsible entity's work plan at the time of MAS approval of a subphase or phase; or
 - d. a local development agreement as defined by Florida Statutes or the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.
5. "Horizontal Development" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development (e.g., roadways, drainage, water, sewer, communications, utilities, etc.).
6. "Master Development Plan" shall mean Revised Map H1 and H2, dated, January 2011 attached as Exhibit "D" and incorporated by reference.
7. "Phase" shall mean the development totals listed in Table 1 below. NPG is to be built in two phases.

CERTIFICATE
Patsy C. Adkins, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

Exhibit A

8. "Project" shall mean the land uses by area as noted on Map H, square footage, density, and phase described in the ADA, and as modified in Table 1, to be constructed on the real property described in Exhibit "A" herein.
9. "Vertical Development" shall mean and be deemed to include the construction of or the addition to any structure.
10. "Warranted" shall mean a determination by the City, or FDOT for state roads (unless the improvement is identified as a "local improvement"), based on generally accepted transportation engineering practices that the Acceptable Level of Service (LOS) cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this DO. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
11. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District (SWFWMD).
12. The definitions contained in Chapter 380, Florida Statutes, shall apply to this DO.

✓ CERTIFIED BY:
PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

B. DEVELOPMENT APPROVAL AND GENERAL CONDITIONS

1. This DO approval shall constitute approval of the ADA subject to the conditions set forth herein and shall be limited to the development amounts set forth in, below and or subject to the land use trade-off matrix (LUTM) included as Exhibit "C".
2. Development totals are specifically approved subject to the conditions found within the DO and the accompanying LUTM. The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable LOS for roadways, solid waste service, mass transit, drainage, and parks and recreation.
3. The specific application of the LUTM included as Exhibit "C" shall demonstrate the following:
 - a. The LUTM allows the Developer variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change (NOPC) process. The conversion formulas presented below are based on net p.m. peak hour trip generation factors.
 - b. In seeking approval of a specific land use exchange, the Developer shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, solid waste, drainage, utilities, and parks and recreation. In seeking approval, the Developer shall not exceed the potable water and wastewater treatment projected for that phase without approval from the North Port utility department. Utility conversion will be addressed as part of phase 2 and incorporated into the revised Matrix as part of the NOPC.
 - c. An application for a land use exchange must be reviewed for consistency with the Master Development Plan and City staff shall be provided a revised Land Use and Phasing Schedule and a reallocation of square footage on the Master Development Plan (MDP) as necessary. Each proposal for a land use exchange and revised MDP shall be reviewed for compliance with the provisions of this DO, Chapter 380 Florida Statute, the North Port Land Development Code, and the North Port Comprehensive Plan.
 - d. A copy of each exchange request shall be provided to the Southwest Florida Regional Planning Council (SWFRPC) and the Florida Division of Community Development (DCD) for review 45 days prior to consideration of approval by the City.

✓
Patsy C. Adkins, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

Exhibit A

- e. The LUTM is limited to a maximum change (increase or decrease) of 30% of residential and hotel uses identified in Section C- Land Use Table 1 in order to maintain a mix of land use composition of NPG. This maximum change cap does not apply to Retail, Industrial and Office uses.
4. Major Site and Development (MAS) Applications shall be reviewed for compliance with this DO and shall be subject to the requirements of the City's of North Port Comprehensive Plan and Land Development Code, in effect at the time of such site plan application, which are not specifically addressed in this DO or are not inconsistent with this DO.
5. The ADA and sufficiency responses are hereby incorporated by reference.
6. The NPG shall occur in accordance with all commitments and impact-mitigating actions specified by the Developer in the ADA (and supplementary documents).
7. All conditions for Development Approval involving deed restrictions shall be submitted for approval to the City, and provide for enforcement by, and the award of reasonable attorney's fees to the City, in addition to enforcement by the North Port Gardens Property Owners Association and such other persons as may be appropriate.
8. The DO shall deem the NPG to meet the City's concurrency requirements for the duration of Phase 1 development per Table 1 (solid waste and fire/rescue are a portion of Phase 1 and shall follow condition of approval), provided the conditions herein are met by the Developer. The transportation and solid waste mitigation/concurrency provisions are only approved for Phase 1.
9. The development phasing schedule presented within the ADA shall be incorporated as a condition of approval. If Development Order conditions and Applicant Commitments incorporated within the DO to mitigate project impacts, are not carried out as indicated, to the extent of or in accordance with the timing schedules specified within the DO and this phasing schedule, as stated in the DO, a substantial deviation in accordance with statutory criteria may be determined pursuant to Chapter 380.06(19), Florida Statutes.
10. Reasonable access to the NPG project site by City employees shall be granted for the purposes of monitoring and implementation.
11. If conditions contained within the DO require the Developer to submit certain information with preliminary plan/site and development plan and construction plans, it shall be understood that such information shall be reviewed and approved by appropriate City staff in accordance with all applicable laws,

✓
C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

ordinances, rules, and regulations as may be in effect at the time of development.

12. If it is demonstrated during the course of monitoring the development that the DO was based on substantially inaccurate information provided by the Developer, resulting in additional substantial regional impacts, these impacts shall be subject to the requirements of Chapter 380, Florida Statutes.
13. Notwithstanding any terms or conditions of the subsequent DO, the City shall have no obligation to construct or improve any facility or capital improvement necessary or desirable to accommodate the development of NPG, unless the City agrees to construct or improve a designated facility for the benefit of NPG. The inclusion of any facility or improvement in the City five-Year Capital Improvement Plan shall not constitute a guarantee to the Developer that such facilities or improvement will be constructed.
14. Any proposed modifications to the DO will be reviewed to determine whether the proposed modification will exceed any of the criteria set forth in Chapter 380.06(19), Florida Statutes and is consistent with the City's Comprehensive Plan and Unified Land Development code.
15. The development phasing schedule presented within the ADA and as adjusted to the date of DO approval shall be incorporated as a condition of approval. If DO conditions and Developer commitments incorporated within the DO are not carried out as indicated in the Development Order, then this may be subject to substantial deviation review pursuant to Chapter 380.06(19), F.S. or may be considered non-compliance with DO by the City.
16. Pursuant to Chapter 380.06(16), the Developer shall receive credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. The local government and the Developer may enter into a capital contribution front-ending agreement to reimburse the Developer for voluntary contributions in excess of the proportionate share.
17. Should NPG significantly depart from the parameters set forth in this DO and the ADA, NPG will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes or may be considered non-compliance with DO by the City. Any change to the NPG which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require further review pursuant to Chapter 380 F.S. to determine if the change constitutes a Substantial Deviation.
18. Should the Developer divest itself of all interest in NPG prior to the expiration of the DO, the Developer shall designate the successor entity to be responsible for

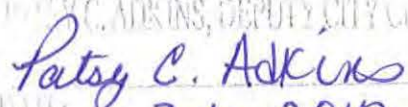
✓
Patsy C. Adkins, DEPUTY CITY CLERK
Patsy C. Adkins
DATE: 3-6-2012

preparation of the Annual Report, subject to approval by the City within 45 days of divesting interest.

19. The City of North Port Director of Development Services or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this DO. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this DO shall be through such means as are authorized by Chapter 380, Florida Statutes, the City's Comprehensive Plan, and through the North Port Land Development Code.

20. The Developer, its successors, assigns or transferees, shall submit a Biennial Report and Monitoring (BRM) in accordance with Section 380.06(18), Florida Statutes and Rule 9J-2.025(7), F.A.C. to the City, SWFRPC, DCD, FDOT and other agencies, as required by law every two years until build-out is achieved, on the anniversary date of the effective date. Six (6) copies of this report shall be submitted to the City's Neighborhood Development Services – Planning Division, who shall review the report for compliance with the terms and conditions of this DO and who may submit an appropriate report to the City Commission should the Director decide further orders and conditions are necessary. The Developer shall be notified of any City Commission hearings wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the City Commission shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this DO. The Annual Report shall contain the following:

- a. Any change in the plan of development, or in the representation contained in the ADA, or in the phasing or land uses for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer;
- d. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the land encompassed by the DO for the Project;
- e. An assessment of the Developer's and the local government's compliance with the conditions of approval contained in the DRI DO and the commitments that are contained in the ADA and which have been identified by the City, SWFRPC, or DCD, as being significant;
- f. Any known ADA or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;


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- g. An indication of a change, if any, in local government jurisdiction for any portion of the Development since the DO was issued;
- h. 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;
- i. A copy of any recorded notice of the adoption of a DO for the subsequent modification of an adopted DO that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes;
- j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
- k. An updated map showing the locations and acreage of upland and wetland preservation;
- l. Requirements of Chapter 380.06(18), F.S. and Rule 9J-2.025(7), F.A.C.
- m. Requirements of Section O. –Parks and Recreation.

C. LAND USE

- 1. All land use and development within the NPG shall be implemented in accordance with and be consistent with the cumulative goals, objectives, and policies contained within the City’s Comprehensive Plan, the Activity Center Land Use and Planned Community Development zoning district (PCD) of the ULDC and consistent with the conditions of the DO.
- 2. The NPG shall not be subject reduction in geographic size.
- 3. The precise timing, location and character of land uses within the DRI shall be apportioned and determined at the time of MAS approval and must be consistent with the DO including Table 1 in the Land Use Section C and the LUTM. The MAS must also be consistent with the City’s Comprehensive Plan and the ULDC. Timing shall be consistent with the phasing schedule identified.
- 4. The Developer shall utilize outdoor fixtures that meet “dark sky” friendly lighting standards wherever practicable, meeting the City’s Unified Land Development code requirements.
- 5. The NPG shall be developed consistent with the DO and Master Development Plan and stated land uses (Table 1). The Development Entitlements may include land use trade-offs (LUTM) for the uses as noted as shown in Exhibit “C”.

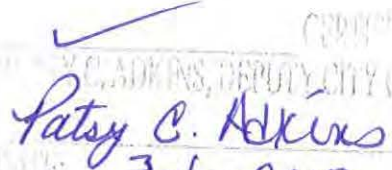

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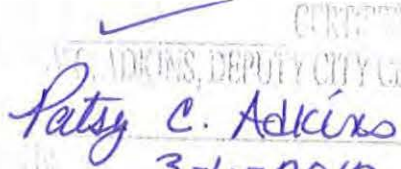
TABLE 1: DEVELOPMENT TOTALS

Use	Units	Phase 1	Phase 2	Total
		2012-2016	2017-2026	
Residential Dwelling Units*	Units	---	500	500
Hotel/Lodging Rooms*	Rooms	150	300	450
Office*	SF	---	150,000	150,000
Retail Consisting of a Power Center, a Lifestyle Center, and outparcels	SF	750,000	1,250,000	2,000,000

Note:

*Includes provisions for Mixed Use subject to a transportation and land use trade-off matrix.

6. The buffer area as shown on Map H shall be preserved to diminish noise and protect the Agricultural neighborhood to the west of the DRI. Additional landscape buffering along the entrance points is encouraged.
7. The NPG parcel is within the NE Quadrant where as shown in Comprehensive Plan Policy 5.6.1, Developers of this quadrant agree to the development of a quadrant plan, the plan shall be coordinated with adjacent counties, FDOT, SWFWMD, DEP and other appropriate agencies.
8. The City encourages and supports designs that promote gathering points. Landscaping and amenities are key to a development of this size in order to soften hardscape areas and prevent a "sea of parking". The Developer shall plant shade trees, install pedestrian amenities and lighting, and where possible, covered walkways for shade on the building frontage.
9. The City of North Port Urban Design Pattern Book indicates an architectural style for this DRI as Southern Small Town, or as amended, which will work well with the Town Center framework. Other design elements will include:
 - a. Benches
 - b. Bike Racks
 - c. Brick Pavers
 - d. Maximum building height of 70 feet (increased heights may be allowed pursuant to the City's ULDC variance procedures in effect at the time a variance is requested)
 - e. Dumpster areas shielded from public view
 - f. Decorative fencing where visible to the public and on collectors and arterials
 - g. Gazebos/pavillions
 - h. Landscape design


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- i. Pedestrian Lighting
 - j. Planters
 - k. Street Trees
 - l. Transit Shelters (subject to the availability of public transit)
 - m. Trash Receptacles
 - n. Underground utilities
 - o. Multi-modal facilities (including bicycle, pedestrian and transit if available)
 - p. Multi-use trails
10. The remaining lakes, with the lack of other storm systems, shall be planned as a focal point of recreational activity for those who will visit and reside at the Center, and will be formally addressed at the MAS stage as applicable.

D. LAND/SOILS

- 1. Effective erosion and sedimentation control devices and procedures employing the best management practices available shall be provided for by the Developer, and shall be reviewed by the City at the site and development plan stages.
- 2. The upland areas designated for conservation on Map H within the ADA shall be formally designated as conservation and open space on the Future Land Use Map (FLUM) and placed under a conservation easement, or other means acceptable to the City.
- 3. The Project shall utilize Low Impact Design (LID) standards such as bioswales, xeriscape, storm inlet pretreatment swales, where applicable and pervious pavers per the City's Unified Land Development Code.

E. VEGETATION, WILDLIFE & WETLANDS

- 1. Each site and development plan shall provide for conservation habitats, including tree protection and orientation and layout of site improvements in order to minimize encroachment and maximize resource protection.
- 2. Harmful exotic plants species, such as Melaleuca and Brazilian pepper shall be removed during each phase of construction, from development areas and open space areas.
- 3. Should a state or federally listed species of flora or fauna be found on site, the Developer shall notify the proper authorities and take necessary steps to protect the species in accordance with applicable state or federal permitting and management guidelines consistent with the City's Comprehensive Plan.

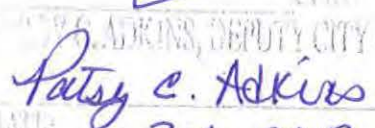

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4. The Developer shall, prior to construction within each development pod, coordinate with the Florida Fish and Wildlife Conservation Commission (FFWCC) regarding the permitting of any gopher tortoises consistent with the City's Comprehensive Plan.
5. The Developer shall comply with the tree preservation and landscaping requirements of the City. The Developer shall follow xeriscape principals in landscape design and the selection of species for planting. Substitute landscaping species may be used if approved by the City. Such approval shall be based on the following criteria for plant materials:
 - a. Does not require excessive irrigation or fertilizer
 - b. Is not prone to insect infestation or disease
 - c. Does not have invasive root systems
 - d. Other criteria as may be appropriate, and
 - e. Site buffers and the site landscaping will include native plants.
6. Littoral zones within lake systems proposed to receive stormwater discharges shall be designed in accordance with specifications under applicable permits issued by SWFWMD.
7. Sedimentation and erosion control measures shall be instituted and maintained around wetlands during construction activities, until appropriate vegetative cover is established to trap sediments and nutrients.
8. All preserved or created wetland and upland buffer areas connected to the stormwater management system, will be set aside as drainage and/or conservation easements on the recorded final plat. Deed restrictions will be established that serve to protect the ecological integrity of the wetland preserve areas and associated native wildlife.
9. The Developer must obtain all necessary permits related to the wetland impacts from the US Army Corps of Engineers, the SWFWMD and City of North Port review including official wetland jurisdictional determinations.
10. NPG will comply with the City of North Port Unified Land Development Code regulations that relate to the protection of natural resources and wetlands.
11. The Developer shall manage invasive species on the perimeter buffer and wetland systems of the property to improve the wetland system using conservation and preservation methods to assure the long term protection of the remaining wetlands during and after development as depicted in Table 13.1 of the ADA.

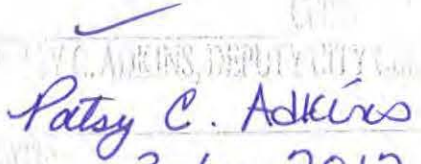

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12. Areas preserved in a natural state following development, as shown on Map H shall be preserved and/or conserved in accordance with the City's Comprehensive Plan requirements.
13. Lighting impacts on nocturnal wildlife will be reduced by use of "darksky" lighting within parking areas and for all outdoor lighting, where practical.
14. Prior to commencement of construction, the limits of upland and wetland preserves adjacent to the area of development shall be staked and roped to prevent encroachment by construction activities. In addition, best management practices for erosion control shall be implemented during construction of the project. Prior to commencement of construction, erosion control devices shall be installed where appropriate to control and reduce soil erosion, sediment transport, and turbidity. Such devices, which include haybale barriers, silt fencing, sediment booms, and temporary sediment traps, shall remain in place throughout the duration of construction until construction zones and surrounding areas are stabilized.
15. The wetland buffers shall remain in place and the vegetation within them shall be maintained and managed in accordance with approved plans. Preservation areas shall be marked with the appropriate signs and specific details of the maintenance plan shall be provided prior to construction authorization.
16. The wildlife corridor associated with preserved wetlands shall be maintained in perpetuity by the Developer, CDD, or property owners association. Road crossings across the proposed wildlife connections and appropriate crossing structures (e.g. box culverts, bridges, etc.) shall be reviewed for review by the City during the Site and Development Plan process. All areas of the wildlife corridor shall be maintained in a natural state.
17. Wetland preservation areas shall be as generally shown on Map F (Exhibit "E"). Specific acreages and locations are to be provided at time of MAS.
18. Detailed maintenance and monitoring plans for all wetland mitigation areas shall be provided for review and approval by the City and SWFWMD during subsequent phases of development approval and prior to construction authorization.
19. An average 25 ± foot upland buffer shall be provided adjacent to wetland preserves. Where an average 25 ± foot upland buffer adjacent to wetland preserves is not feasible, equivalent buffers as provided in the SWFWMD's Basis for Review and the City's ULDC requirements as applicable.

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F. AFFORDABLE HOUSING

1. Prior to the initiation of Phase II, the Developer shall conduct an updated revision to affordable housing impacts in accordance with Section 380.06(19) and utilizing a methodology acceptable to the Developer, SWFRPC and the City. If it is determined that the need for affordable housing mitigation is required, the Developer, successors, heirs, may implement one or more of the following:
 - a. The SWFRPC "Affordable Housing Condition" document, which was included as a part of the sufficiency response, states that 3 alternatives are available to DRI Developers to mitigate for affordable housing impacts. These alternatives include:
 - i. Require the Developer to construct or have constructed an appropriate number of affordable housing units on a site provided by the applicant within the DRI property boundaries.
 - ii. Require the Developer to provide for an off-site affordable housing tract with the appropriate number of affordable housing units.
 - iii. Require the Developer to provide a financial contribution to the City for affordable housing. The amount of the contribution would be as negotiated between the City and the Developer.

G. ECONOMY

1. The Developer shall establish a funding mechanism and responsible party such as, but not limited to, Community Development District(s); and provide a schedule which sets out the responsibility for original construction of facilities, and provisions for bearing future maintenance costs of such facilities:
 - a. Public Safety services and facilities
 - b. Buffer area and common open space
 - c. Drainage system (including lakes, retention ponds, and wetlands)
 - d. Water supply and distribution lines
 - e. Wastewater management system
 - f. Platted public roads as depicted on NPG Map H, including sidewalks
 - g. External roads and transportation improvements
 - h. Traffic signalization and intersection improvements including signage and street lighting – on site
 - i. Traffic signalization and intersection improvements including signage and street lighting – off site
 - j. Internal platted roadways
 - k. Private roads and transportation improvements including bike and pedestrian paths.

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H. WATER/WASTEWATER TREATMENT

1. The Developer of North Port Gardens (NPG) shall enter into a utility developer agreement (UDA) prior to approval of the first phase of construction. The UDA will provide a mechanism to assist the City in exploring and developing the surface and ground water resources within the NPG. The UDA will provide for the planning, design, and construction of the water, sewer and reuse improvements to make it possible for the City to provide water, sewer and reuse service to the NPG without negatively impacting the City's Utility system. The Agreement will include requirements for the provision of a utility master plan, a schedule of planned annual capacity allocation for a minimum of ten years or until build-out of the NPG, a schedule of annual guaranteed revenue for the reservation of capacity through a minimum of ten (10) years or until build-out of NPG, the design, permitting, construction, conveyance of the facilities and operation of the utility system. The UDA will include the payment of capacity fees and the associated guaranteed revenue for the reserved capacity. The UDA will include application of rules and regulations that will be applied in the NPG required by the City and the State of Florida. The UDA shall be negotiated simultaneously with the development of the master plan of the development. The UDA will be recorded as a legal and binding agreement between the NPG and the City.
2. The Developer shall provide updates to the utility master plan on a regular basis throughout the development of NPG, when requested by the City. The master plan shall include off-site improvements and demonstrate that the existing and future utility system and customers will not be negatively affected by the capacity and operational demands created by NPG.
3. The Developer shall build the required utility infrastructure (potable water, sanitary sewer and re-use) in compliance with the City and the State of Florida utility related rules, regulations and standards. The infrastructure shall be in compliance with the NPG master plans approved by the City as well as the utility master plans of the City. The water system shall be sized and looped to provide adequate fire protection, to protect water quality standards, and to minimize any need for wasting/flushing water.
4. Easements and/or rights of ways shall be provided for all of the transmission lines, water, sewer and reuse utility infrastructure.
5. All fees and costs related to the planning, design, construction and operation of the utility system in NPG shall be borne by the Developer. All fees must be paid in accordance with the UDA. Failure to pay the fees in accordance with the agreed schedule may negatively impact the reservation of capacity.

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6. The connection to central wastewater infrastructure for the project will be constructed in phase 1 and will convey waste generated by the development to the City's sanitary sewer system. Should model sales facilities be constructed in future phases for the residential areas they will be connected to the proposed wastewater transmission system constructed in phase 1. No septic tanks will be used on-site.
7. Until such time reuse is available, the site will be irrigated with surficial water from Lake SW-1. This lake will be recharged with treated stormwater from Lake SW-2 and augmented with groundwater. It is anticipated that any new irrigation wells would be drawn from the Intermediate Aquifer. Lake wells shall be constructed to be utilized as recharge for irrigation. When reuse water becomes available, the reuse water will be the primary source of irrigation water. The City intends to explore the use of surficial water from Lake SW-1 as potable water supply source. The lake wells shall be turned over to the City, evaluated and permitted for public supply. Access easements to the Lake and well facilities shall be granted to the City.
8. The Developer will utilize water conservation devices and methods necessary to meet the criteria established in the water conservation measures in the permit to the City. The Developer shall install reuse lines, as appropriate, for irrigation of landscaped common areas. When additional reuse is available, reuse lines will be provided to individual users for irrigation.
9. Landscape irrigation will be provided first through the use of reuse water, where available, and surface water from lakes. The Developer, and any other contractors, or site developers who will use groundwater, or surface water for landscape irrigation, and who will include dewatering as part of the construction activity will do so in accordance with any issued permit or must obtain the appropriate permits from the SWFWMD.
10. The development will incorporate where applicable and be consistent with ULDC code requirements, Florida Green Building, Leadership in Energy and Environmental Design (LEED) and Low Impact Development (LID) standards for design. These standards provide for reduced water use for drinking and irrigation. Methods include the use of native landscape plantings, development and implementation of an irrigation water conservation program, and installation of water-saving plumbing fixtures.
11. All new plantings shall consist mainly of native and/or drought tolerant plants that are disease resistant, low maintenance, and adapt to natural rainfall. The use of sod shall be minimized. The majority of landscaped areas should consist of mulched planting areas containing combinations of trees, shrubs, and ground

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- cover. The use of natural grasses, groundcovers, and shrubbery is preferred over sod.
12. The project shall only be allowed to use public water supply as provided by the City. If the applicant cannot obtain water, then the project will not proceed.
 13. There will be no use of septic or package treatment systems.
 14. If the City cannot provide potable water, then the project will not proceed without the Developer providing a water/wastewater plant on site with dedication of the infrastructure to the City.
 15. The Developer will utilize water conservation devices and methods necessary to meet the criteria established in the water conservation measures in the permit to the City.
 16. The City's commitments are contingent upon permit approvals from the SWFWMD.

I. DRAINAGE/WATER QUALITY

1. Site drainage plans shall be compatible with the Master Drainage Plan and shall require approval at the Site and Development Plan stage.
2. The Developer shall comply with all applicable rules, regulations, and requirements of the SWFWMD and the City in the design, construction and operation of the storm water drainage system.
3. The drainage system for the NPG shall implement the design standards and water quality best management practices outlined in the ADA, sufficiency documents, and refined through subsequent permitting.
4. The Developer shall implement an ongoing maintenance program that regularly inspects and maintains the storm water drainage system during and after build-out of the project. All drainage, retention, and detention facilities shall be kept free of weeds or other drainage obstructions. The Developer shall establish the legal entity which will carry out this program prior to any construction.
5. Prior to development of that portion of the property, the Developer will remove cattle and eliminate the use of agricultural pesticides/herbicides and fertilizer from the property, resulting in water quality improvements.

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6. Prior to development of that portion of the property, the Developer will remove the existing agricultural drainage system removing the potential of agricultural point source discharges. Elimination of the agricultural drainage system will also help to stabilize the rates of discharge from the site.
7. Prior to development of that portion of the property, the Developer will replace improved and unimproved pastures and associated unstabilized soil areas with commercial landscaping will dramatically reduce the opportunity for sediment transport and erosion, thereby reducing the potential for turbidity and other pollutant loadings associated with typical rainfall events.
8. The Developer will implement an Integrated Management Plan on common areas to encourage reductions in the use of water and pesticides and the use of slow-release nitrogen fertilizers.
9. North Port Gardens will encourage the use of xeriscape landscaping techniques and the responsible use of water, pesticides and fertilizers by its occupants.
10. Construction best management practices will be used to prevent construction related turbidity and erosion problems. A plan to regularly monitor and maintain, as necessary, erosion and turbidity control measures will be designed and implemented with feedback from the City and other regulatory agencies, as appropriate.

J. STORMWATER

1. The Developer shall ensure that stormwater runoff is retained within the NPG in accordance with applicable regulations of the SWFWMD, FDOT, and the City of North Port. The Developer shall design, construct and maintain the stormwater management system for the NPG and any additions, expansions, or replacements to the stormwater management system to meet the following standards:
 - a. Comply with the regulations and requirements of the SWFWMD, FDOT, and the City's Comprehensive Plan drainage LOS requirements for surface water management.
 - b. Install control structures to treat all stormwater runoff at each of the new project outfall structures in accordance with the stormwater management system drainage permits and master drainage plan, and periodically remove pollutant accumulations as required by the stormwater permitting agencies.
 - c. Use silt screens and aprons during any phase of project construction that may increase turbidity in adjacent surface waters.
 - d. Mulch, hydroseed, or sod exposed areas to prevent soil erosion and minimize air pollution and stormwater runoff.

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2. The project will coordinate with the approved Conceptual Environmental Resource Permit for Toledo Village (SWFWMD Permit No.: 49028341.000).
3. The stormwater management system for the NPG will utilize wet detention as the primary treatment and attenuation mechanism. Wetland areas draining offsite will receive the treated discharges from the detention areas. The detention systems will be designed with outfall control structures set at elevations to be determined by the seasonal high water levels of the surrounding wetlands.
4. The normal water levels within the wet detention systems will be designed in such a manner as to avoid impact to the existing water levels of the adjacent wetlands. Connectivity between preserved wetlands shall remain intact. The stage-storage relationship within the stormwater management systems will be calculated and entered into a stormwater model to determine the discharge flows to adjacent wetlands and tributaries.
5. The Developer proposes to use both the 25-year and 100-year events as design storm events. The stormwater management system will be designed to accommodate the 100-year return frequency, 24-hour duration event.
6. A surface water monitoring plan as described in Appendix 14-1 will be utilized to track the results of the proposed system.
7. The Project will utilize Low Impact Development (LID) Standards in project design as applicable.
8. Best Management Practices (BMPs) that are proposed to be utilized in this project include the following:
 - a. As past excavations in upland areas have reduced runoff to adjacent sloughs, the Developer proposes to discharge treated stormwater into wetlands from interceptor swales to simulate natural overland flow from uplands into the slough system.
 - b. Discharge from Lake SW-2 to be directed north and east to Wetlands WL-L and WL-M to maintain historic flows through the wetlands
 - c. Uptake of nutrients and excess runoff in wetlands to enhance water quality and reduce offsite flows.
 - d. Maintain discharge points the same as existing conditions. See MAP I-2

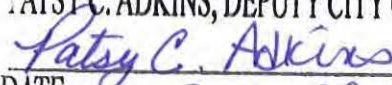
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- e. Increased attenuation in proposed lake area with greater storage compared with existing conditions lake storage which results in more opportunity for recharge into surficial water table.
- f. Utilize Lake SW-1 for irrigation and for storage of reuse water when it becomes available.
- g. Bioswales and perimeter swales which provide initial stormwater treatment prior to entering stormwater inlets.
- h. Pervious pavement systems.
- i. Routing stormwater through adjacent upland hammocks and through wetlands for additional secondary treatment.
- j. No direct discharge to major drainage facilities such as the Creighton Waterway.
- k. BMPs during construction include:
 - 1. Silt fence surrounding the perimeter of the job site.
 - 2. Floating turbidity barriers where warranted.
 - 3. Sediment sumps will be utilized where dewatering occurs
 - 4. Temporary construction entrances and exits shall be constructed to prevent the tracking of mud onto public roads.
 - 5. Silt barriers at all storm inlets
 - 6. Sod, mulch, and/or seed cleared areas as soon as possible to prevent erosion.

9. The drainage system shall be operated and maintained by a responsible entity to be established by the Developer. Such entity will be the master developer, or other acceptable legal entity recognized by the SWFWMD such as a Property Owners Association or a Community Development District. As each parcel is developed the operation and maintenance of the drainage system will be transferred to the responsible entity. Until such transfer is made, the owner of the development parcel will be responsible entity.

K. SOLID WASTE /HAZARDOUS WASTE

1. The NPG is not anticipated to include laboratories or uses which would have a significant hazardous material generation/usage impact as defined in Rule 9J-2.044 FAC. In the event that hazardous material usages on any project within the DRI will have significant hazardous materials generation/usage impact, prior to issuance of a certificate of occupancy for any such use, the Developer of the project generating such use, to the extent necessary and appropriate, after consultation with any leaseholders, shall submit a Hazardous Materials Management Plan for review and approval by the City in coordination with the first responders, as applicable by FDEP. A copy of the approved plan shall be provided to the City's Fire Department. The Hazard Materials Management Plan shall be incorporated into any lease for such project and by sale agreement.


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restrictive covenant or other appropriate legally binding enforcement provision when any of the property which the project is located is conveyed.

- 2. NPG agrees that development of up to 350,000 square feet of commercial, retail, office and other non-residential uses excluding hotel rooms or up to 150,000 square feet of commercial, retail, office and other non-residential uses and up to 150 hotel rooms can occur without solid waste needs being addressed for Phase 1.

Upon the 350,001st square foot of commercial, retail, office and other non-residential use excluding hotel rooms; or upon the 150,001st square foot of commercial, retail, office and other non-residential use and 151st hotel room, NPG agrees to pay the City upon demand an amount equal to 73% of a new garbage truck for Phase 1. Additional concurrency requirements for Phase 2 of development shall be addressed with the NOPC.

- 3. The Developer will explore possibilities reducing the project's solid waste volume by incorporating practices such as conservation, recycling, consistent with the Unified Land Development code in effect at the time of development including:
 - a. Any business found within the development boundary that generate hazardous waste will be responsible for the temporary storage, citing and proper disposal of the hazardous waste generated by such business. However, there will be no citing of hazardous waste storage facilities contrary to the city's zoning regulations.
 - b. The project will be bound by all applicable recycling requirements in effect in the City at the time of the development.
 - c. Any buildings where hazardous materials or waste is to be used, displayed, handled, generated or stored shall be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spill, leakage, or contaminated water.
 - d. Discharge of hazardous waste effluent into the sewage system shall be prohibited unless approved by permit issued by the Florida Department of Environmental Protection.
 - e. Restaurants owners will be required to comply with the City/County's grease trap ordinance that requires routine maintenance of the grease removal system.
 - f. The responsibility for disposing of medical and hazardous waste lies with the waste generator in accordance with state and federal law.

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L. ENERGY

1. The NPG will incorporate the following energy conservation features:
 - a. Prohibition of deed restrictions or covenants that would unreasonably prevent or unnecessarily hamper energy conservation efforts.
 - b. Provision of bicycle racks in Office and Commercial/Retail areas.
 - c. Selection of native plants, trees and other vegetation and landscaping design features that reduce requirements for water, fertilizer, maintenance and other needs.
2. NPG will incorporate where applicable and be consistent with ULDC code requirements, Florida Green Building, Leadership in Energy and Environmental Design (LEED), and Low Impact Development (LID) standards for design. Methods include the use of native landscape planting, development and implementation of an irrigation water conservation program, and installation of water-saving plumbing fixtures. These development standards allow for reduced energy used by utilizing energy efficient resource and designing buildings and landscape to address local climate conditions.
3. NPG will comply with the adopted standards and building codes for energy efficiency and energy reduction. The Developer will investigate additional measures and will further review energy standards with the City of North Port during the site and development process.
4. The Developer will comply with the adopted standards for tree canopy requirements.
5. The Developer will provide lighting for streets, parking, recreation and other public areas which shall include energy efficient fluorescent/electronic ballasts, photovoltaics, low voltage lighting, motion sensors and/or timers on lighting and full cut-off luminaries in fixtures that comply with the International Dark-Sky Association standards, as applicable.
6. All recreational areas as well as the integrated sidewalks, trails, and paths shall include native shade trees.
7. The Developer shall provide educational information on photovoltaic cells, solar hot water heaters, green roofs, other alternative energy sources, conservation and net metering to each potential home buyer.
8. The Developer shall allow potential home buyers to select photovoltaic cells, solar hot water heaters, green roofs and other alternative energy or energy efficient features as an option. These noted conditions shall be reported in the annual monitoring report.

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M. UTILITIES


1. Prior to any site development or construction, the Developer shall demonstrate to the City, the availability and sufficiency to telephone and electric power services to serve the development.

N. EDUCATION

1. The Developer shall comply with the Sarasota County Public School Facilities Element of the City's Comprehensive Plan regarding the process for school concurrency management, review and approval.

O. RECREATON AND OPEN SPACE

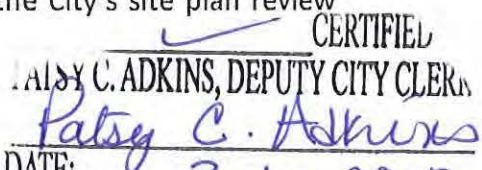
1. As determined at the Master Site and Development Plan stage, and as site conditions allow, passive recreational open space/lakes/preserve areas as shown on the NPG Development Plan, Exhibit "D"(Map H), shall provide for public access and passive recreational facilities including scenic areas, activities on the large remaining borrow pit, hiking, nature walks, boardwalks, and similar type facilities.
2. The NPG site will provide recreational and civic space for residents and visitors, including the potential for a more urban development pattern as well as open space and trails linked to environmental areas and lakes.
3. The general location and extent of recreation and open space land uses within the NPG development is shown on Exhibit "D" Map H.
4. Consistent with the goals of the City Comprehensive Plan, the proposed development will offer both active and passive recreational opportunities, including a substantial amount of open space. A trail system will provide linkage between these areas to create a successfully integrated recreation and open space network.
5. No public recreational trails designated pursuant to Chapter 260, F.S., and Chapter 16D-7, F.A.C. will be impacted by this project.
6. The Developer, at a minimum, shall comply with The City's LOS requirements at the time of DO issuance.
7. All landscaped open space areas shall be replanted with native vegetation after construction as required by the ULDC.


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- 8. As part of the DRI biennial monitoring process, the Developer shall identify compliance with the requirements listed above.

P. POLICE & FIRE RESCUE

- 1. The Developer is permitted to develop up to 350,000 square feet of commercial, retail, office and other non-residential uses excluding hotel rooms or up to 150,000 square feet of commercial, retail, office and other non-residential uses and up to 150 hotel rooms prior to the provision of a fire station or equivalent fire facilities.
- 2. If the Developer chooses to make any up-front payments, donate land or equipment, impact fee credits shall be paid to the Applicant together with reimbursement of any previously paid impact fee collected by the City.
- 3. Developer shall, if required by the City, provide a 1.5 acre site for the construction of a temporary fire facility. The location of the 1.5 acre site shall be agreed upon by the City and the Applicant. Upon construction of a permanent fire facility to serve NPG or the determination that the temporary facility is no longer needed, the City will remove all equipment, etc., from the 1.5 acre site. The 1.5 acre site shall revert to the Developer.
- 4. Fire hydrants shall be installed at the property site pursuant to the City's Fire Rescue standards prior to site construction and can be detailed further within the site and development stage.
- 5. Any on-site facilities with commercial pool operations shall comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.
- 6. During the site planning process, a utility master plan shall be developed that addresses fire flow. The City of North Port Fire District and the North Port Utilities Department shall be consulted during the preparation of the plan.
- 7. Portions of the commercial and residential developments may utilize natural gas as a source of energy. If natural gas is utilized, coordination with the City of North Port Fire Rescue District shall occur for those developments through the site plan review process.
- 8. Appropriate Crime Prevention through Environmental Design (CPTED) strategies are encouraged to be used when designing sites, buildings, streets, signs, landscaping and parking. The City staff may submit such designs to the Police Department for comments and consideration during the City's site plan review process.


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9. CPTED efforts should be coordinated at the time of MAS review.
10. The Developer should coordinate with the North Port Public Works Department to ensure underground gas lines drawings are provided to the responding fire stations.
11. Any buildings where hazardous material/waste is to be used, displayed, handled, generated or stored will be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spills, or contaminated substances.
12. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with sections 302, 303, 311, 312, or 313. Applications shall be updated annually by each reporting facility.
13. Any connection to natural gas lines should be coordinated with the appropriate authorities for all required inspections and approvals. All nature gas service will be required to meet all local, state, and federal safety requirements.
14. Restaurants will be required to meet the existing regulatory standards and approval requirements.
15. Fire protection shall be provided according to standards and fire flow criteria promulgated by the City of North Port Fire Rescue District and the North Port Utilities Department, as established in the City's Unified Land Development Code and the Florida Fire Prevention Code.

Q. TRANSPORTATION CONDITIONS

1. It is recommended at the MAS stage of development that the Developer discusses with SCAT and the City, the opportunities of a Park & Ride Lot or shared type facility due to the proximity of the property to the Interstate and the large quantity of parking required for commercial/retail development.
2. All roadway modifications, other than on the Interstate highway system, shall include bike lanes, sidewalks, bus bays and bus shelters (as determined by SCAT) where such facilities are consistent with the local and regional plans and can be permitted with the agency having jurisdiction over the roadway facility.
3. The Developer shall encourage transit use, carpooling and van pooling by:

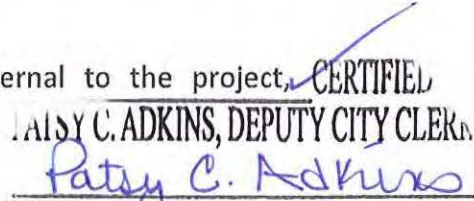
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Patsy C. Adkins
DATE: 3-6-2012

- a. Providing rideshare and transit information to tenants and employees and by designating employee parking spaces, conveniently located, for exclusively high occupancy vehicle use where appropriate.
 - b. Transit oriented development principals will be utilized including minimizing vehicular conflicts with onsite vehicles and pedestrians.
4. The Developer shall provide two (2) transit stops with bike racks and seating as may be required by the City and Sarasota County Area Transit (SCAT). The locations and necessary improvements will be agreed upon with the City and SCAT at MAS review and approval.
5. The improvements listed below have been identified as being required in order to provide adequate traffic circulation for Phase 1.

TABLE 5
PHASE 1 INTERSECTION/ROADWAY IMPROVEMENTS

PHASE I - PROPORTIONATE SHARE SUMMARY				
NORTH PORT GARDENS DRI - 3rd Sufficiency				
INTERSECTION	RECOMMENDED IMPROVEMENTS	PROJECT TRIPS WARRANTING SIGNALIZATION	WARRANTING VOLUME THRESHOLD	PROPORTIONATE SHARE (%)
Sunter Boulevard & I-75 North (NB) Ramps	Signalize when warranted.	181	525	34.5%
Sunter Boulevard & I-75 South (SB) Ramps	Signalize when warranted.	181	525	34.5%
Toledo Blade Boulevard & I-75 North (NB) Ramps	Signalize when warranted.	1080	525	100.0%
Toledo Blade Boulevard & I-75 South (SB) Ramps	Signalize when warranted.	1045	525	100.0%
Sunter Boulevard & I-75 North (NB) Ramps	Lengthen Existing NBL Turn Lane	Existing is 165'. Lengthen Avenue length to 275'		
Toledo Blade Boulevard & I-75 North (NB) Ramps	Lengthen Existing NBL Turn Lane	Existing is 275'. Lengthen Avenue length to 375'		

- a. Nothing herein shall be interpreted in such a way as to require that the City construct these intersection and/or ramp improvements. At the time the signal warrant is met for any of the four intersections listed, the developer in coordination with FDOT, will estimate the construction costs of the relevant traffic signal and the associated turn lane extension. The corresponding proportionate share amount(s) will be paid to the City at the time any traffic signal is warranted.
6. The Developer shall provide sidewalk connectivity internal to the project.


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external to adjacent land uses, on collectors and Toledo Blade frontage of the property per the City's Unified Land Development Code.

- 7. Prior to the initiation of Phase II development, a new transportation analysis shall be provided as part of a NOPC submittal pursuant to Chapter 380.06(19), F.S.

- 8. Purpose of the Biennial Traffic Monitoring Program

The following sets forth the methodology required for use in conducting the biennial traffic monitoring program and in preparing the biennial monitoring reports required pursuant to the provisions of the Transportation Conditions of the DO.

The purpose of the biennial traffic monitoring program is to monitor the currently existing and projected impacts of the development on the transportation facilities identified for mitigation within the NPG DRI traffic impact study (as defined in Exhibit B-Section 9.2.D.) by monitoring the gross p.m. peak hour traffic generated by NPG. Each biennial traffic monitoring report shall quantify the gross p.m. peak hour traffic currently existing and projected traffic to be generated by NPG over the next two (2) years, as well as compare this traffic volume to the trip thresholds established in the traffic impact study for the timing of the mitigation improvements.

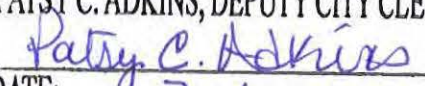
- 9. Biennial Traffic Monitoring Program Activities

The following activities shall be conducted by the Developer as part of the Biennial Traffic Monitoring Program:

A. Data Collection

1. Traffic Volume Counts

- Collect 4 PM to 6 PM peak hour traffic counts at the existing project driveway locations
- Collect turning movement counts at the following intersections for the eight highest hours of the day:
 - a. Sumter Boulevard & I-75 North (NB) Ramps:
 - Collect traffic data appropriate for a Traffic Signal Warrant Study (i.e. counts, delay data, crash data) when NPG is projected to contribute a number of trips sufficient to exceed 525 total trips when combined with background (non-project) traffic during each of



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Exhibit A

- the eight highest hours of the day, as shown in Exhibit B-Section Q.5.Table 5 herein.
- b. Sumter Boulevard & I-75 South (SB) Ramps
 - o Collect traffic data appropriate for a Traffic Signal Warrant Study (i.e. counts, delay data, crash data) when NPG is projected to contribute a number of trips sufficient to exceed 525 total trips when combined with background (non-project) traffic during each of the eight highest hours of the day, as shown in Exhibit B-Section Q.5.Table 5 herein.
 - c. Toledo Blade Boulevard & I-75 North (NB) Ramps
 - o Collect traffic data appropriate for a Traffic Signal Warrant Study (i.e. counts, delay data, crash data) when NPG is projected to contribute a number of trips sufficient to exceed 525 total trips when combined with background (non-project) traffic during each of the eight highest hours of the day, as shown in Exhibit B-Section Q.5.Table 5 herein.
 - d. Toledo Blade Boulevard & I-75 South (SB) Ramps
 - o Collect traffic data appropriate for a Traffic Signal Warrant Study (i.e. counts, delay data, crash data) when NPG is projected to contribute a number of trips sufficient to exceed 525 total trips when combined with background (non-project) traffic during each of the eight highest hours of the day, as shown in Exhibit B-Section Q.5.Table 5 herein.

2. Land Use Development and Traffic Generation

In order to prepare the analyses required to conduct a biennial evaluation pursuant to the requirements of the Transportation Conditions in the DO, the Developer shall provide a summary of the type and amount (including traffic generation estimates) of all NPG development for which final development order applications (MAS) have been approved to date, and for that which will be (or is projected to be) the subject of final MAS development order applications submitted during the ensuing two (2) years.

B. Data Tabulation

All traffic count information shall be tabulated and presented in a tabular format similar to that used in the transportation section of the ADA. Land use and traffic generation information for NPG shall be identified in cumulative totals.

C. Data Analysis

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The Developer shall perform the following comparisons:

- a. A comparison between the observed net external (net new trips and pass-by trips) PM peak hour traffic generated by NPG and the total approved net external PM peak hour traffic for NPG (1,717 total trips, 845 inbound trips, and 872 outbound trips).
- b. A comparison of the eight hour turning movement counts at the intersections listed in Exhibit B Section Q.9.A.1.b against the threshold for improvement of 525 total trips (420 trips in the major approach and 105 trips in the minor approach) during each of the eight highest hours of the day.
- c. A comparison between the observed NPG net external PM peak hour traffic generated plus net external PM peak hour trip generation of NPG development projected to occur within the two (2) year period beyond the date of said biennial report and the total approved net external PM peak hour traffic for NPG (1,717 total trips, 845 inbound trips, and 872 outbound trips).
- d. A comparison of the eight hour turning movement volumes projected to occur within the two (2) year period beyond the date of said biennial report including the approved net external trip generation of NPG development projected to occur within the two (2) year period beyond the date of said biennial report at the intersections listed in Section Exhibit B Section Q.9.A.1.b against the threshold for improvement of 525 total trips (420 trips in the major approach and 105 trips in the minor approach) during each of the eight highest hours of the day.

D. Analysis Findings and Recommendations

Based on the comparison results outlined in Exhibit B Section Q.9.2.C. above, the Developer shall identify if the thresholds of an improvement(s) have been exceeded for Phase 1, as identified in the requirements of the Transportation Conditions in the NPG DO and shown in the following Table 6:

TABLE 6

Transportation Improvements and Corresponding Thresholds		
Location of Improvement	Improvement Identified	Threshold for Improvement
Sumter Boulevard & I-75 North (NB) Ramps	Signalize when warranted	As per a Traffic Signal Warrant Study to be performed when the subject DRI is projected to contribute a number of trips sufficient to exceed 525 total trips when combined with background (non-project)

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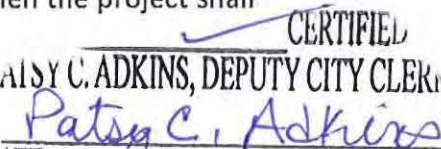
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		traffic during each of the eight highest hours of the day, as shown in Exhibit B-Section Q.5 herein
Sumter Boulevard & I-75 North (SB) Ramps	Signalize when warranted	As per a Traffic Signal Warrant Study to be performed when the subject DRI is projected to contribute a number of trips sufficient to exceed 525 total trips when combined with background (non-project) traffic during each of the eight highest hours of the day, as shown in Exhibit B-Section Q.5 herein.
Toledo Blade Boulevard & I-75 North (NB) Ramps	Signalize when warranted	As per a Traffic Signal Warrant Study to be performed when the subject DRI is projected to contribute a number of trips sufficient to exceed 525 total trips when combined with background (non-project) traffic during each of the eight highest hours of the day, as shown in Exhibit B-Section Q.5 herein
Toledo Blade Boulevard & I-75 North (SB) Ramps	Signalize when warranted	As per a Traffic Signal Warrant Study to be performed when the subject DRI is projected to contribute a number of trips sufficient to exceed 525 total trips when combined with background (non-project) traffic during each of the eight highest hours of the day, as shown in Exhibit B-Section Q.5 herein

E. Biennial Traffic Monitoring Report Documentation

The Developer shall prepare a biennial traffic monitoring report pursuant to the requirements of the Transportation Conditions in the DO. The biennial traffic monitoring report shall document the information collected, tabulated, and analyzed pursuant to Exhibit B Section Q.9.2. herein. As part of the report, the Developer shall detail the findings of the net external PM peak hour trip generation comparisons, as well as a determination of improvement thresholds being exceeded or projected to be exceeded. The improvements and improvement thresholds are identified in the table shown in Exhibit B Section Q.9.2.D above, which are taken from the Transportation Conditions in the DO.

Should the biennial traffic monitoring report identify that net external (net new trips and pass-by trips) PM peak hour traffic generated by NPG exceeds the total approved net external PM peak hour traffic for NPG (1,717 total trips, 845 inbound trips, and 872 outbound trips) by more than 15%, then the project shall


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go through a substantial deviation determination as outlined in Chapter 380, Florida Statutes, as amended.

The biennial traffic monitoring report shall be submitted pursuant to the submission requirements, and to the appropriate review agencies, as required in the Transportation Conditions in the NPG DRI Development Order.

10. Specific Parameters for Conducting the Biennial Traffic Monitoring Program Activities

The following requirements concern certain parameters to be used by the Developer when conducting the various activities required as part of the biennial traffic monitoring program.

A. Traffic Generation and Assignment

1. Trip Generation Rates

Estimates of NPG un-constructed development shall be based on the use of the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual or other rates supported by technical and/or other documentation justifying its use which has been reviewed and approved by the review agencies prior to submitting any traffic impact analyses within which such information is to be used. The NPG DRI traffic impact study utilized traffic volume data at existing similar retail developments to estimate the trip generation rate for the retail portion of the NPG. The aforementioned method of determining the trip generation rate for the retail portion of the NPG will continue to be an approved technique for projecting future trip generation.

11. The Developer will promote transit service through the inclusion of a transit center, bus stops or other appropriate transit access point in site design, consistent with City, County and/or regional transit development plans and to ensure accommodation of future transit services.

12. The Developer or his successor or assigns will be fully responsible for site-related roadway and intersection improvements (including related bicycle and pedestrian facilities). No impact fee credits will be allowed for on-site or site-related transportation improvements.

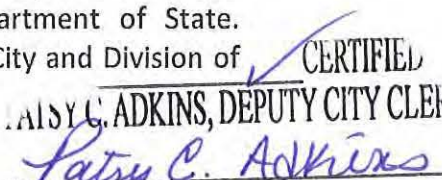
13. The Developer shall provide for transportation improvements, including design and engineering, utility relocation, right of way acquisition, construction, construction contract administration, and construction inspection, necessary to maintain adopted levels of service for significantly and adversely impacted regional roadways through build-out.

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14. The Developer shall provide efficient pedestrian and bicycle movement within and between the development's components, and to adjacent properties as reasonably deemed necessary by the City.
15. The Developer shall provide bicycle racks or bicycle storage facilities in recreational, commercial, and multi-family residential areas in accordance with City requirements.
16. The Developer will reserve sufficient right-of-way and construct within the DRI roadways that provide access with neighboring non-project parcels.
17. No development will be permitted beyond that approved for Phase 1 or based on a land use conversion that exceeds substantial deviation thresholds until such time as a NOPC application including a cumulative transportation analysis has been reviewed and approved in accordance with Chapter 380.06(19), Florida Statutes.
18. The Developer shall provide for coordination with and the transfer of funds to the appropriate agency with maintenance and improvement responsibility for those roadways upon which the project has significant and adverse impacts which are not under City of North Port's jurisdictional responsibility.
19. The Developer shall provide for internal circulation sufficient to distribute traffic through the area in order to minimize access points in accordance with City and FDOT policies. The Developer shall provide a map, no later than the date of submittal of the first biennial monitoring report that shows the long term roadway improvements for NPG; this should include roadway improvements for the entire DRI. The updates should also address how NPG will help implement the long term transportation network.
20. Biennial updates, and any NOPC, must include an updated map of the transportation network within and outside of the project site, and distribute project trips on this transportation network accordingly.
21. All project roads shall be constructed to appropriate City, County or State standards and shall be dedicated, unencumbered, for full public access.

R. HISTORICAL AND ARCHAEOLOGICAL SITES

1. In the event of discovery of any archaeological artifacts during the construction of the NPG, construction shall stop within the immediate, affected area (50 feet from the area of discovery) and immediate notification shall be provided to the City and the Division of Historic Resources, Florida Department of State. Construction may resume within the affected area after the City and Division of


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Historical Resources have determined the appropriate mitigation pursuant to Rule 9J-2.043 FAC if any are warranted, and such measures have been implemented by the Developer.


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EXHIBIT C

Land Use Trade-Off Matrix (LUTM)

Nort Port Gardens DRI - 3rd Sufficiency Response (Additions made 1/2012) Trade-Off Matrix 2016						
A. LAND USE TRADE-OFF RATES						
CHANGE FROM ↓	CHANGE TO →	Hotel (Room)	Shopping Center (KSF)	General Light Industrial (KSF)	Multi-Family Residential (DU) ⁴	General Office (KSF)
	Hotel (Room)	--	0.273	0.612	0.957	0.3603
	Shopping Center (KSF)	3.658	--	2.238	3.501	1.3182
	General Light Industrial (KSF)	1.635	0.447	--	1.565	0.5891
	Multi-Family Residential (DU)	1.045	0.286	0.639	--	0.3765
	General Office (KSF)	2.775	0.759	1.698	2.6559	--
B. TRADE-OFF EXAMPLES						
EXAMPLE 1: TRADE FROM SHOPPING CENTER TO GENERAL LIGHT INDUSTRIAL						
Trade 50 KSF of Shopping Center for xxx General Light industrial						
= 50 KSF (Shopping Center) X 2.238 KSF (General Light Industrial)						
= 111.9 KSF (General Light Industrial)						
EXAMPLE 2: TRADE FROM HOTEL TO SHOPPING CENTER						
Trade 20 Hotel Rooms for xxx KSF Shopping Center						
= 20 Rooms (Hotel) X 0.273 KSF (Shopping Center)						
= 5.46 KSF (Shopping Center)						
C. SOURCE INFORMATION AND DOCUMENTATION FOR TRADE-OFF RATES						
Land Use (ITE Land Use Code)	Development Total	Gross Trips ¹	Gross Trips/Measure			
Hotel (ITE LUC 310)	150 Room	89	0.593 per Room			
Shopping Center (ITE LUC 820)	750 KSF	1,628	2.171 per KSF			
General Light Industrial (ITE LUC 110) ²	0 KSF	0	0.970 per KSF			
Multi-Family Residential (ITE 220) ³	0 DU	0	0.620 per DU			
General Office (ITE 710) ⁵	0 KSF	0	1.647 per KSF			

1- Total two-way gross trips taken from the trip generation estimates of Phase 1 for the development.
 2- Though the industrial component was not originally part of the proposed development, the applicant requests the right to have flexibility with Phase 1 of the development program. Thus the Gross Trips/Measure is identified as 0.97 trips per 1000 square feet as indicated in ITE's Trip Generation, 8th Edition under Land Use Code 110.
 3- To give flexibility with Phase 1 of the development program, the trade-off matrix allows consideration of multi-family land use. The Gross Trips/Measure is identified as 0.62 trips per dwelling unit as indicated in ITE's Trip Generation, 8th Edition under Land Use Code 220.
 4- The LUTM is limited to a maximum change (increase or decrease) of 30% of residential and hotel uses identified in Section C – Land Use Table 1 in order to maintain a mix of land use composition of IIPG. This maximum change cap does not apply to Retail, Industrial and Office uses.
 5- The trip generation rate for General Office (Land Use Code 710) is based on the trip generation equation for 150,000 square feet.
 NOTE: "DU" equals dwelling unit.
 NOTE: "KSF" equals 1,000 square feet.

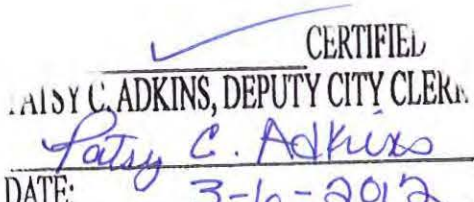

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Exhibit A

EXHIBIT D

MASTER DEVELOPMENT PLAN

(Map H-1)

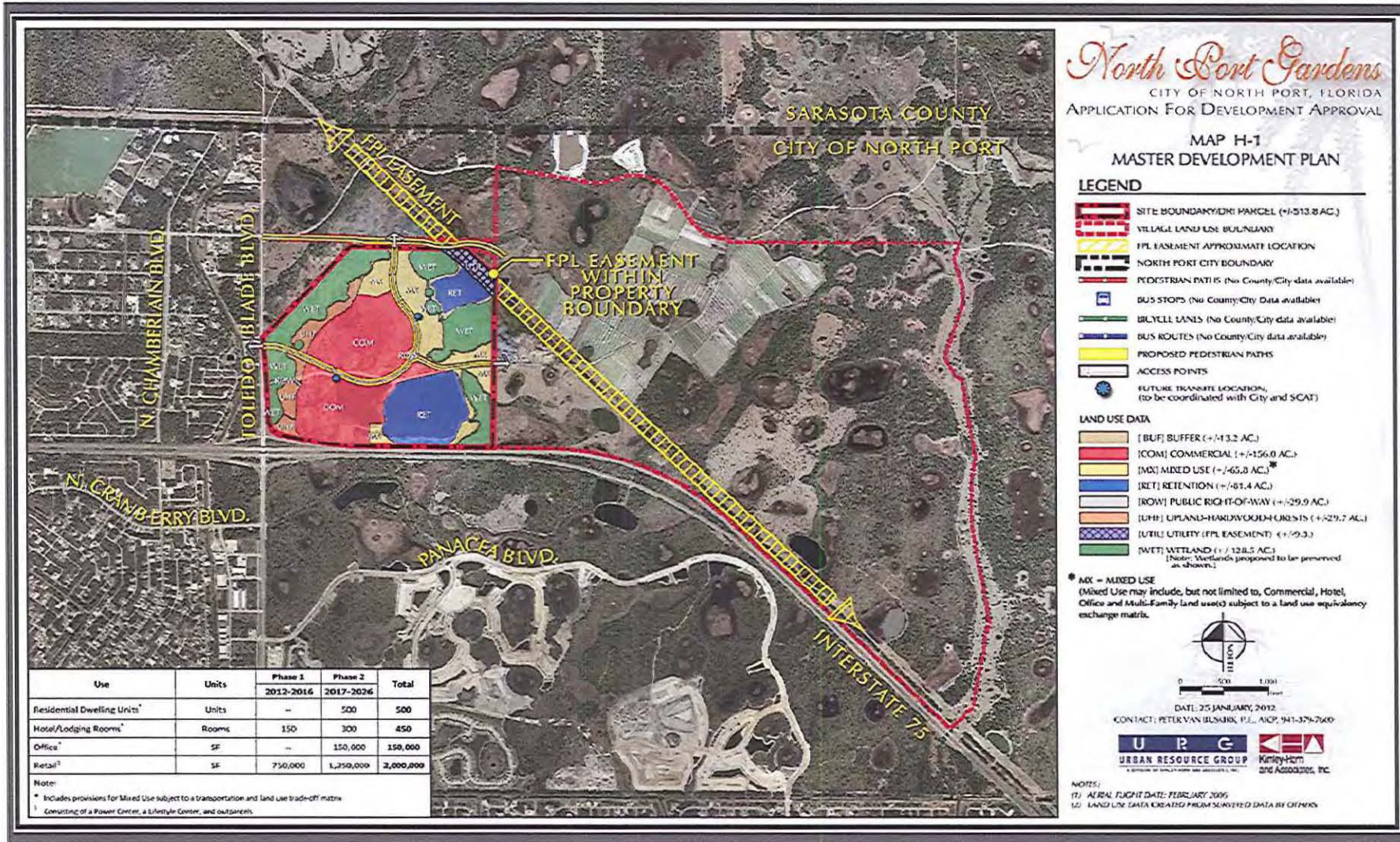
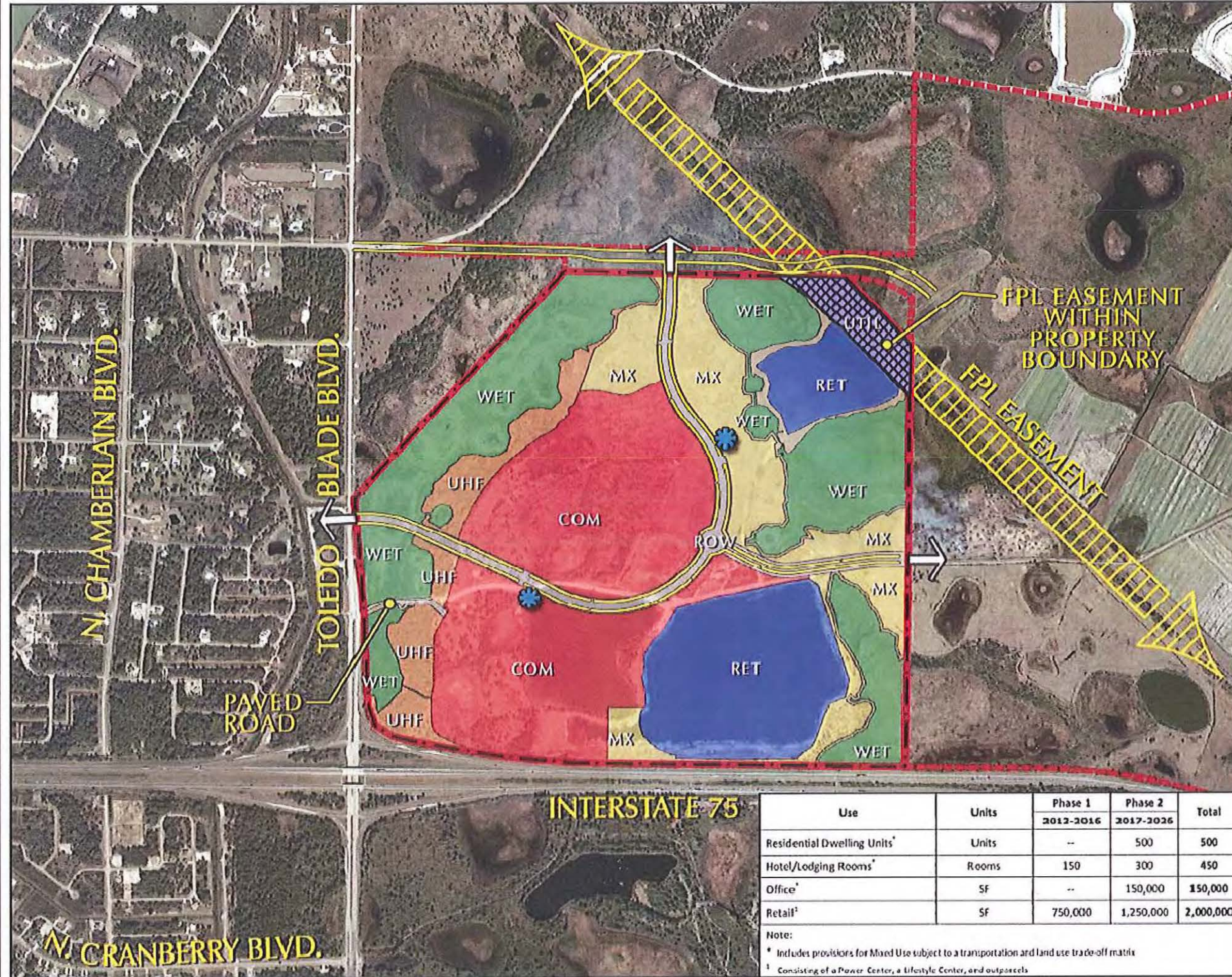


EXHIBIT D

MASTER DEVELOPMENT PLAN (Map H-2)

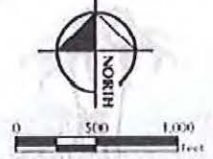


North Port Gardens
CITY OF NORTH PORT, FLORIDA
APPLICATION FOR DEVELOPMENT APPROVAL

MAP H-2 MASTER DEVELOPMENT PLAN

- LEGEND**
- [Red dashed line] SITE BOUNDARY/DRI PARCEL (+/-513.8 AC.)
 - [Red dashed line] VILLAGE LAND USE BOUNDARY
 - [Yellow hatched line] FPL EASEMENT APPROXIMATE LOCATION
 - [Black dashed line] NORTH PORT CITY BOUNDARY
 - [Red dashed line] PEDESTRIAN PATHS (No County/City data available)
 - [Blue square] BUS STOPS (No County/City Data available)
 - [Green line] BICYCLE LANES (No County/City data available)
 - [Blue line] BUS ROUTES (No County/City data available)
 - [Yellow line] PROPOSED PEDESTRIAN PATHS
 - [Black line] ACCESS POINTS
 - [Blue star] FUTURE TRANSITE LOCATION, (to be coordinated with City and 5CAT)
- LAND USE DATA**
- [Light blue] [BUF] BUFFER (+/-13.2 AC.)
 - [Red] [COM] COMMERCIAL (+/-156.0 AC.)
 - [Yellow] [MX] MIXED USE (+/-65.8 AC.)*
 - [Blue] [RET] RETENTION (+/-81.4 AC.)
 - [White] [ROW] PUBLIC RIGHT-OF-WAY (+/-29.9 AC.)
 - [Orange] [UHF] UPLAND-HARDWOOD-FORESTS (+/-29.7 AC.)
 - [Purple hatched] [UTIL] UTILITY (FPL EASEMENT) (+/-9.3)
 - [Green] [WET] WETLAND (+/-128.5 AC.)
[Note: Wetlands proposed to be preserved as shown.]

* MX = MIXED USE
(Mixed Use may include, but not limited to, Commercial, Hotel, Office and Multi-Family land use(s) subject to a land use equivalency exchange matrix.)



DATE: 25 JANUARY, 2012
CONTACT: PETER VAN BUSKIRK, P.L., ACP, 941-379-7600



NOTES:
(1) AERIAL FLIGHT DATE: FEBRUARY 2006
(2) LAND USE DATA CREATED FROM SURVEYED DATA BY OTHERS

Use	Units	Phase 1	Phase 2	Total
		2012-2016	2017-2026	
Residential Dwelling Units ¹	Units	--	500	500
Hotel/Lodging Rooms ¹	Rooms	150	300	450
Office ¹	SF	--	150,000	150,000
Retail ¹	SF	750,000	1,250,000	2,000,000

Note:
¹ Includes provisions for Mixed Use subject to a transportation and land use trade-off matrix
² Consisting of a Power Center, a Lifestyle Center, and outparcels

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EXHIBIT E

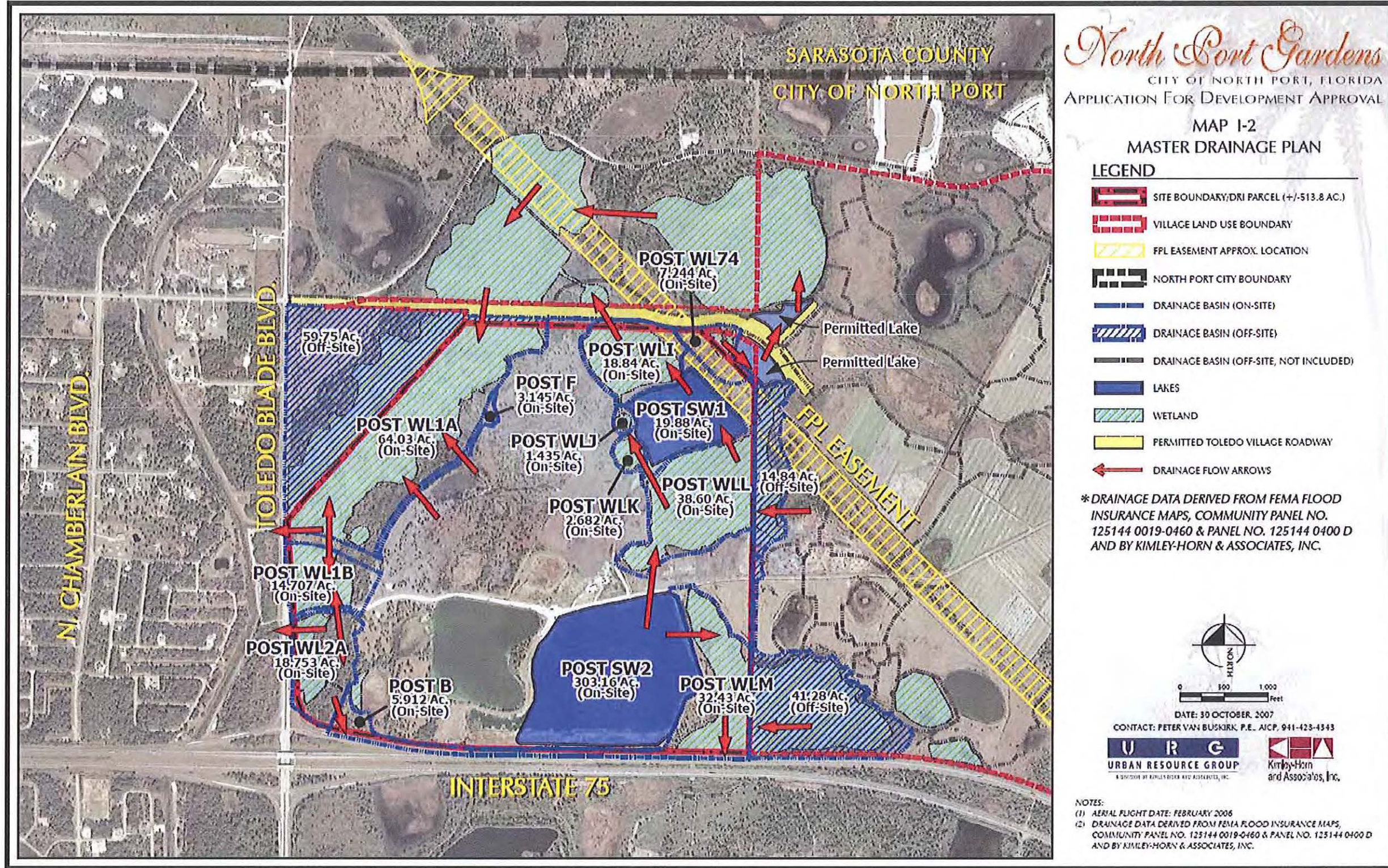
WETLAND DELINEATION MAP



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EXHIBIT F

Master Drainage Plan

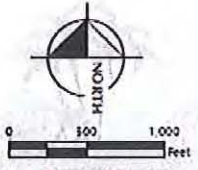


North Port Gardens
 CITY OF NORTH PORT, FLORIDA
 APPLICATION FOR DEVELOPMENT APPROVAL

MAP I-2
 MASTER DRAINAGE PLAN

- LEGEND**
- SITE BOUNDARY/DRI PARCEL (+/-513.8 AC.)
 - VILLAGE LAND USE BOUNDARY
 - FPL EASEMENT APPROX. LOCATION
 - NORTH PORT CITY BOUNDARY
 - DRAINAGE BASIN (ON-SITE)
 - DRAINAGE BASIN (OFF-SITE)
 - DRAINAGE BASIN (OFF-SITE, NOT INCLUDED)
 - LAKES
 - WETLAND
 - PERMITTED TOLEDO VILLAGE ROADWAY
 - DRAINAGE FLOW ARROWS

*DRAINAGE DATA DERIVED FROM FEMA FLOOD INSURANCE MAPS, COMMUNITY PANEL NO. 125144 0019-0460 & PANEL NO. 125144 0400 D AND BY KIMLEY-HORN & ASSOCIATES, INC.



DATE: 30 OCTOBER, 2007
 CONTACT: PETER VAN BUSKIRK, P.E. AICP, 941-423-4343



NOTES:
 (1) AERIAL FLIGHT DATE: FEBRUARY 2006
 (2) DRAINAGE DATA DERIVED FROM FEMA FLOOD INSURANCE MAPS, COMMUNITY PANEL NO. 125144 0019-0460 & PANEL NO. 125144 0400 D AND BY KIMLEY-HORN & ASSOCIATES, INC.

CERTIFIED BY:
 PATSY C. ADKINS, DEPUTY CITY CLERK
Patsy C. Adkins
 DATE: _____