



January 25, 2023

Lori Barnes, AICP, CPM
 Planning and Zoning Manager
 City of North Port, Florida
 4970 City Hall Boulevard
 North Port, Florida 34286

**Re: Heron Creek Development Order
 Revised Modification of Land Use Table**

Dear Ms. Barnes:

In accordance with your conversation with our land use counsel on Friday, January, 20, 2023, we are hereby revising the letter we sent you on January 11, 2023, for the purpose of modifying the Land Use Table contained in Section 3.01 of Ordinance No. 2011-33 of the City of North Port, Florida, the "Development Order" for Heron Creek (formerly Marsh Creek) Development of Regional Impact (DRI). Specifically, Heron Creek Associates, Ltd., has modified the Land Use Table to increase the Residential Multifamily uses with a corresponding reduction in Retail Shopping Center uses as shown below:

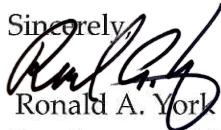
Land Use	Phase I (‘97-2001)	Phase II (‘02-2006)	Phase III (‘07-2011)	Phase IV (‘21-2024)
Residential Single Family (LUC 210)	376 DU	457 DU		70 DU
Residential Multi-Family (LUC 220)				750 DU
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		5 Courts		
Medical/Professional (LUC 720)				43,000 GLA
Office General (LUC 710)				40,000 CLA
Retail Shopping Center (LUC 820)	68,075 GLA	34,240 GLA	3,890 GLA	532,152 GLA

The Land Use Table has been modified to reflect the extended buildout date for Phase IV, which, due to various declarations of emergency issued by the Governor, has been extended by the Developer to November 8, 2024, pursuant to Sec. 252.363(1)(a), Florida

Statutes. The additional 430 Multi-Family units were created by the conversion of 102,380 GLA of Retail Shopping Center at a ratio of 4.2 Residential Multi-Family units to 1,000 GLA of Retail Shopping Center. Section 301(b) of the Development Order allows for land use conversion provided that (1) the external trips approved for the DRI remain the same, and (2) no additional impact will occur to other public facilities such as water and sewer. The Technical Memorandum prepared by William E. Oliver, P.E. on September 6, 2006, which was utilized in creating the conversion table, indicates that it is tailored to ensure that its use in converting uses will result in no increase in external trips over those approved in the DRI. The DRI grants no guarantee of entitlement to water and sewer service going forward; so, use of the table to convert uses has no effect on utility entitlements. Each future development project, regardless of the use, will still have to seek written confirmation from the City that water and sewer service will be available. The Developer is currently working with the utility department on an agreement for service to a new proposed development within the Towne Center and has already received confirmation that the City does have capacity to serve the development.

We would ask that you kindly acknowledge receipt of this letter.

Sincerely,



Ronald A. York
Development Manager

cc: James Stansbury, Florida Department of Economic Opportunity
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning
Council