

**Stoneybrook South  
Development of Regional Impact  
Development Order**

WHEREAS, it is the intent of the State of Florida, as expressed in Chapter 380, Florida Statutes, to protect the natural resources and environment of the state, facilitate orderly and well planned development, protect the health, welfare, safety and quality of life of the residents of the state; and

WHEREAS, the State of Florida has established land and water management policies to guide and coordinate local decisions relating to growth and development, and has determined that such policies should, to the maximum possible extent, be implemented by local governments through existing processes for the guidance of growth and development, and has also determined that all the existing rights of private property shall be preserved in accord with the constitutions of the State of Florida and the United States; and

WHEREAS, The Development of Regional Impact (DRI) review program has been established by the State of Florida in recognition that certain development projects which, because of their character, magnitude or location, will have a substantial effect on the health, safety or welfare of the citizens of more than one county; and

WHEREAS, US Homes, Inc./Lennar has filed an Application for Development Approval (ADA) for a Development of Regional Impact called Stoneybrook South DRI and relating to real property located within Polk and Osceola Counties, Florida; and

WHEREAS, this application has been reviewed by the East Central Florida Regional Planning Council, Central Florida Regional Planning Council, Polk County, and Osceola County in accordance with the requirements of Chapter 380, Florida Statutes; and

WHEREAS, the Board of County Commissioners of Polk County is the governing body of local government having jurisdiction over the issuance and conditions of a Development Order for a portion of the Stoneybrook South DRI that is within Polk County, pursuant to Section 380.06, *Florida Statutes*; and

WHEREAS, the Board of County Commissioners of Polk County has conducted a duly noticed public hearing for the ADA and, during the conduct of said hearing, solicited and evaluated comments, testimony and reports, both oral and written, from local, state and regional agencies and interested citizens concerned with the ADA and the issuance of a Development Order by Polk County.

I. FINDINGS OF FACT

- A. Rj Whidden and Associates, the authorized representative for StoneyBrook South, (hereinafter referred to as the "Developer" or the "Applicant") submitted an Application for Development Approval to the East Central Florida Regional Planning Council (hereinafter referred to as "ECFRPC"), the Central Florida Regional Planning Council (hereinafter referred to as "CFRPC"), Osceola County, and Polk County on December 23, 2003, and additional information on April 20, 2004, and July 2, 2004, which application and additional information (hereinafter collectively referred to as the "ADA", and incorporated herein by reference).
- B. The Master Development Plan (hereafter referred to as Map H) includes both the jurisdictions of Osceola County and Polk County.
- D. The ADA, for both Polk and Osceola Counties, proposes a large-scale residential mixed-use development to be completed in two phases over a eight year period, including multi-family or townhome/condo units, single family residential, an elementary school, and a golf course.
- E. The property is described in a legal description as **Exhibit "1"**.
- F. The Project is not located within an Area of Critical State Concern as defined in Section 380.05, *Florida Statutes* ("F.S.").
- G. On October 20, 2004, the ECFRPC conducted a duly noticed public hearing pursuant to Section 380.06, *Florida Statutes*, on November 10, 2004, the CFRPC conducted a duly noticed public hearing pursuant to Section 380.06, *Florida Statutes* concerning the approval recommendation with conditions.
- H. Both the ECFRPC and the CFRPC Report recommended final approval with conditions.
- I. The data and information contained in the ADA were sufficient to enable Polk County to conduct the necessary review pursuant to Section 380.06, *Florida Statutes*.
- J. The proposed development is consistent with the State Comprehensive Plan.
- K. The proposed development is consistent with the Polk County Comprehensive Plan.
- L. The proposed development is consistent with the Central Florida Regional Planning Council and the East Central Florida Regional Planning Council Strategic Regional Policy Plan.

- M. On March 8, 2005, the Planning Commission and on April 19, 2005, the "Board of County Commissioners of Polk County" (hereinafter referred to as the "County Commission") convened a public hearing to consider the ADA, and comments from the public and the Developer.
- Q. There are several conditions in the Osceola County Development Order that pertain to wetlands. However, wetlands have not been identified on the property within the jurisdiction of Polk County during the application review process; therefore, many of these conditions were removed. If any wetlands are identified, the local, state, and regional regulations will be implemented.

## II. CONCLUSIONS OF LAW

- A. Polk County's review of the Project, and the issuance of this Development Order have been conducted pursuant to, and comply with, the provisions of Chapter 380, *Florida Statutes*.
- B. The ADA complies with the requirements of Section 380.06, *Florida Statutes*, and Section 9J-2, Florida Administrative Code.
- C. This Development Order constitutes acceptance of the proposed uses, size, type and intensity of the Project. Development shall occur strictly in accordance with this Development Order and all other applicable regulations.
- D. The development within Polk County conforms to and is consistent with the duly adopted Polk County Comprehensive Plan (including the US 27 Selected Area Plan), and the Land Development Code.

NOW, THEREFORE, IT IS HEREBY ORDERED AND RESOLVED by the Board of County Commissioners of Polk County, Florida that the Stoneybrook South DRI Development Order for the Property described in **Exhibit 1**, attached hereto and by this reference made a part hereof, is approved pursuant to Section 380.06, Florida Statutes, subject to the following terms and conditions:

## III. CONDITIONS

### A. Scope of Approval

1. **Development** - The Stoneybrook South DRI project shall be developed in accordance with the information, data, plans and commitments contained in the Stoneybrook South DRI ADA and supplemental information incorporated herein by reference, unless otherwise provided by the conditions of this Development Order. The Development Order shall prevail over any conflicting information, data, plan, or commitments. For the purposes of this condition, the ADA shall consist of the following items:
  - A. ADA dated December 23, 2003
  - B. Response to Request for Additional Information dated April 20, 2004
  - C. Final Responses to Agency Comments dated July 2, 2004

2. **Phasing** - The DRI Development Order shall govern the development of lands totaling approximately 917 gross acres with approximately 18 acres being located in Polk County and 899 acres being located in Osceola County, as described in Exhibit 1 of the Development Order and is summarized on the Master Plan, attached as **Exhibit 2 and 3** of the Development Order. Development in Osceola County is to consist of 1,744 single-family homes, 900 multi-family homes, 1,010 town houses (3,654 total), a school to accommodate 1,500 students and an 18-hole golf course with a golf club facility. Development in Polk County is to consist of two of the golf holes a gatehouse and an entry roadway. The Stoneybrook South DRI is projected to generate 3,099 external peak hour and 32,377 daily trip ends. Phase 1 buildout is 2008 and phase 2 buildout is 2013.

**B. Archeological Resources**

3. **Artifact Discoveries** - Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the project manager. In the event of discovery of artifacts of historic or archaeological significance during project construction, the Developer shall stop construction at the site of discovery and notify Osceola County, Polk County and the Division of Historic Resources (DHR) of the Florida Department of State. From the date of notification, construction shall be suspended within a 100-foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site. The Developer shall provide proper protection of the discovery, to the satisfaction of the DHR.

**C. Natural Systems**

4. **Invasive Plants** – If any preserves, conservation buffers and edges of retained wetlands are provided on site, they shall be inspected at least annually for the establishment of any Category I Invasive Plant Species, as defined by the Florida Exotic Pest Plant Council (FLEPPC). Should any such plants be observed during the scheduled annual review or during any unscheduled review, then they shall be systematically removed and destroyed within 30 days to prevent further propagation.
5. **Endangered, Threatened or Species of Special Concern** - Except as otherwise allowable by this Development Order or by permits obtained by the Developer from the Florida Fish and Wildlife Conservation Commission or the US Fish and Wildlife Service, site development related activities shall not result in the harming, pursuit or harassment of plant or animal species classified as Endangered, Threatened or a Species of Special Concern by either the state or Federal government in contravention of applicable state or federal laws. Should such species be at any time determined to be residing on, or be otherwise significantly dependent upon the project site, the Developer shall immediately notify Osceola County and Polk County, the Florida Fish and Wildlife Conservation Commission, and the United States Fish and Wildlife Service and, to the extent required by laws and regulations, the Developer shall cease all activities which might negatively affect that individual or population. The Developer shall provide proper protection, to the satisfaction of all agencies with jurisdiction. "Harming" and "harassment" as used in this recommendation shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 CFR Section 17.3.

**D. Wildlife**

6. **Gopher Tortoises/Sand Skinks** - The appropriate permits for any impacts to gopher tortoises and/or sand skinks will be procured from the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service prior to the initiation of work.
7. **Habitat Management Plan (HMP)** - The habitat management plan (HMP) for Stoneybrook South shall be submitted to the Central Florida Regional Planning Council, the East Central Florida Regional Planning Council, Osceola County and Polk County for review and comment prior to approval from FFWCC. At a minimum, the HMP shall include provisions that:
  - A. Promote the indefinite viability of populations of endemic Lake Wales Ridge plants and animals;
  - B. Provide, at a minimum, for management of Protected Areas on the Master Development Plan;
  - C. Provide for fire management where needed. The development surrounding areas to be burned should include any necessary buffers, deed restrictions or conditions, or whatever other means is necessary to ensure that controlled burning can be conducted on these preserves.
  - D. Provide for control of irrigation and stormwater management components that may affect lands within these Protected Areas;
  - E. Provide for the regular monitoring of the success of target plant and wildlife populations and reporting of such monitoring in the DRI annual reports;
  - F. Provide for alternative mitigation strategies, both on and off site should the original plans prove ineffective;
  - G. Provide for financing and professional implementation of the HMP, to include the power to access and lien property owners within the Stoneybrook South development for the purpose of insuring adequate funding to implement the purposes set forth herein;
  - H. Provide for controlled access to the Protected Areas by residents and visitors and exclusion of household pets;
  - I. Provide for Stoneybrook South resident and visitor education regarding the purpose and methods of the HMP;
  - J. And address other matters as guided by the above listed agencies.
8. **Areas within the HMP** - Areas controlled by the HMP shall be designated as separate tracts, shall have their title held by an entity approved in the HMP and shall be subjected to permanent Conservation Easements made to the benefit of the FFWCC or other conservation oriented entity approved by Osceola County or Polk County, whichever is jurisdictional. This plan shall be included as part of this development order and shall be amended as needed to reflect the future surveys and changing resource conditions. All such proposed amendments shall be submitted to the applicable wildlife management agencies for approval as part of the amendment review process. Should future modifications to applicable state or federal ecological permits by applicable agencies result in necessary modifications to the HMP, then such modifications shall be treated as amendments subject to the provisions of paragraph 380.06(19)(d), Florida Statutes and shall be presumed to not create a

substantial deviation of the Development Order. No site development activities shall conflict or interfere with the achievement of the HMP's objectives.

**E. Water Management**

9. **Xeriscape** - The Developer shall provide information on Xeriscape™ and/or native vegetation and/or drought-tolerant vegetation (e.g. SFWMD Xeriscape Plant Guide, water conservation guides & the Institute of Food and Agricultural Service's (IFAS) Xeriscape™ plant guides and the IFAS Cooperative Extension Service's "Florida Yards and Neighborhoods" materials) to the owners and managers of the golf course, and all new and existing residents (This can be partially met by placing said literature in a prominent display in the sales office for the development).
10. **Non-Potable Water** - To meet the non-potable water use demands of the Project, the development shall use the following sources, in order of priority, for surface irrigation of common and private areas, unless prohibited by the FDEP, SFWMD, or other regulatory agency.
  - A. Treated wastewater made available to the Property;
  - B. Surface water stored on-site in surface water storage ponds;
  - C. Potable water may be used on residential lots if no lesser quality source is available, but shall be converted to a lesser quality source when it becomes available.
11. **Re-Use Water** - At the time of initial infrastructure installation for each portion of the development, the Developer shall provide for the installation of the reuse water infrastructure that is necessary to serve all areas that are to be irrigated at buildout of the project.
12. **Xeriscape** - New development shall employ Xeriscape principles via planting and/or preservation of native vegetation. Where using native species is not practical, other drought-resistant species shall be used to the greatest possible extent. Native or drought-resistant plants include those in the Florida Native Plant Society's Native Plants for Landscaping in Florida or comparable guidelines prepared by the FDACS, Florida Game and Freshwater Fish Commission, Florida Department of Environmental Protection, Regional Planning Council or water management districts.
13. **Native Vegetation** - To minimize dependence on grounds irrigation and promote retention of wildlife habitat, at least 75 percent native vegetation shall be utilized in common area landscaping.
14. **Inspection of Surface Water** - The developer (or owner/successors, as applicable) or its assigns shall establish and implement an inspection and maintenance program for the Project's surface water management system to assure proper operation of all components at their permitted design specifications, to include schedules for the performance of:
  - A. Stormwater facility operating inspections on a regular basis;
  - B. Routine maintenance activities (e.g., mowing, trash removal, etc.);
  - C. Periodic removal of accumulated silts and other materials;
  - D. Ongoing educational programs for maintenance staff personnel shall be conducted

regarding the correct usage of and application rates for fertilizers and chemicals (e.g., herbicides, pesticides) on the golf course and other common landscaped, the removal of noxious weeds and retention of desirable aquatic vegetation, and correct procedures for other maintenance/landscaping-related activities which have the potential for adversely affecting water quality conditions on or off the Project site.

**F. Transportation**

**15. Trip Phasing** - For purposes of the transportation conditions, the Stoneybrook South DRI shall be divided into the following traffic phases and sub-phases based on reaching any of the following: the year, the daily trip level, the external daily trip level, the peak hour trip level or the external peak hour trip level, as follows:

Table 17-1

Phase and Year (Years are end years of each phase or sub-phase)	Daily Trips	Daily Trips Cumulative	Peak Hour Trips	Peak Hour Trips Cumulative
1a (2007)	6,545	6,545	600	600
1b (2008)	10,176	16,721	933	1,533
2 (2013)	15,657	32,377	1,566	3,099

**G. Monitoring and Modeling**

**16. Methodology** - Prior to the initiation of each phase and sub-phase as identified in the preceding paragraph, the developer shall conduct a monitoring/modeling program. This program shall ascertain the Level of Service (LOS) on facilities where the Stoneybrook South DRI is estimated to contribute an amount of traffic greater than or equal to 5 percent of the adopted LOS service volume. The methodology of the monitoring/modeling program shall be agreed upon by the East Central Florida Regional Planning Council (ECFRPC), Osceola County, Orange County, Polk County, Lake County, the Florida Department of Transportation, the Central Florida Regional Planning Council (CFRPC), the Florida Department of Community Affairs and the Developer. The depth of each monitoring and modeling effort shall be similar to that required within an Application for Development Approval and shall be consistent with the requirements of the appropriate county's Concurrency Management System as it relates to facilities within their county. All studies and monitoring/modeling programs shall be consistent with the ECFRPC and CFRPC's methodologies. In the event that all parties cannot come to agreement on the methodology, the CFRPC, ECFRPC, FDOT, Osceola County and Polk County shall be the final arbiters. Osceola or Polk County's decision shall be final as it relates to their county facilities, the FDOT's decision shall be final on state facilities and the CFRPC or ECFRPC's decision shall be final as it relates to all other facilities in their respective jurisdictions.

A. The following roadways are those within the study area which were analyzed for full build out of the Stoneybrook South DRI. The facilities to be monitored/modeled for the next phase or sub-phase may include, but shall not be limited to, those segments of the regional roadways within this list and one segment beyond where the

Stoneybrook South DRI is estimated to contribute a cumulative amount of traffic greater than or equal to five percent of the adopted LOS service volume. The analyzed facilities will include signalized intersections and link analyses of collector and higher classified roadways and interchange ramps.

Osceola County, ECFRPC, CFRPC, Orange County, Polk County, Lake County, FDOT and FDCA shall have the right to make reasonable requests for additional information from the Developer to verify adherence to these provisions. The developer shall supply adequate information toward compliance with these requirements.

Candidate Roadways for Monitoring/Modeling Study

**SR 25 / US 27**

CR 474 to US 192  
US 192 to Sand Mine Road  
Sand Mine Road to Project Entrance  
Project Entrance to CR 54  
CR 54 to I-4  
I-4 to CR 547

**US 192**

US 27 to Avalon Road / CR 545  
Avalon Road / CR 545 to Formosa Gardens Blvd  
Formosa Gardens Blvd to World Drive  
World Drive to I-4  
I 4 to International Drive  
International Drive to Vineland Road (SR 535)

**CR 54**

US 27 to Westside Boulevard  
Westside Boulevard to CR 532  
CR 532 to Lake Wilson Road  
Lake Wilson to US 17/92

**Interstate 4**

South Apopka Vineland Road to World Center Parkway  
World Center Parkway to Osceola Parkway  
Osceola Parkway to US 192  
US 192 to Central Florida Greenway  
Central Florida Greenway to World Drive  
World Drive to Western Beltway  
Western Beltway to Osceola-Polk County Line Road  
Osceola-Polk Line Road to US 27  
US 27 to CR 557

**World Drive**

Osceola County Line to US 192  
US 192 to I-4

**Osceola-Polk Line Road (CR 532)**

I-4 to Lake Wilson Road / CR 545  
Lake Wilson Road (CR 545) to US 17-92

**Avalon Road / CR 545**

Seidel Road to US 192

**Tri County Road Two**

US 27 to Westside Boulevard

Westside Boulevard to S Goodman Road

**Champions Gate Boulevard (CR 532)**

CR 54 to Masters Boulevard

Masters Boulevard to I-4

**Masters Boulevard**

Tri County Road Two to Champions Gate Blvd

**Central Florida Greenway**

I 4 to Celebration Avenue

**US 17-92**

Ham Brown Road to Poinciana Boulevard

Poinciana Boulevard to Old Tampa Highway

Old Tampa Highway to Osceola-Polk Line Road

Osceola-Polk Line Road to CR 54

CR 54 to Deer Run Drive

**Osceola Parkway**

I 4 to International Drive

**World Center Parkway**

I 4 to S Apopka Vineland Road

**Western Beltway**

US 192 to Sand Hill Road

Sand Hill Road to I-4

**Old Lake Wilson**

Indian Ridge Trail to Osceola-Polk County Road

**Lake Wilson Road**

Osceola-Polk County Road to CR 54

**Old Tampa Highway**

US 17-92 to Poinciana Boulevard

**Poinciana Boulevard**

Reaves Road to US 17-92

US 17-92 to Merchantile Lane

**Westside Boulevard**

Tri County Road Two to CR 54

**Ramps**

I-4 with CR 532

I-4 with US 27

17. **Results/Mitigation** - The Stoneybrook South DRI shall not commence beyond Phase 1a (an equivalent of 600 external peak hour or 6,545 external daily trips) into Phase 1b when service levels are below the minimum service level adopted in the applicable local government's comprehensive plan during the peak hour and the project contributes, or is projected to contribute with the next phase or sub-phase of traffic, five percent of the adopted LOS service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secured and committed for completion of construction within the first three (3) years of an adopted capital improvement plan or FDOT work program (non-FIHS) or within five (5) years for FIHS facilities. This provision shall also apply prior to advancing into Phase 1b, or any subsequent phase. The following schedule of improvements (Table 27-1) shall be tied to the development level that the improvement is needed within each phase or sub-phase. The Development Order shall be amended to incorporate these needs and the commensurate trip level by which the improvement is needed to support project development.

- A. For the purposes of this development order, adequate "secured and committed" mitigation measures shall include one of the following:
- i. A roadway improvement scheduled for completion of construction within the first three (3) years of the appropriate local government's adopted comprehensive plan capital improvement element (or as otherwise provided in the applicable jurisdiction's capital improvement element); A roadway improvement scheduled for completion of construction within the first three (3) years of the Florida Department of Transportation's five-year Work Program (non-FIHS) or within five (5) years for FIHS facilities.
  - ii. A binding financially secured and irrevocable commitment by the Developer or other appropriate persons or entities for the design, engineering, land acquisition and actual construction of the necessary improvements (with the posting of a cash bond, surety bond, irrevocable letter of credit, escrow account or other security in a form acceptable to the agency of jurisdiction) within the next three years and incorporated by reference into the development order within 90 days of the effective date of the D.O.
  - iii. Any other mitigation option specifically provided for in this development order and permitted by law.
  - iv. Any other mitigation option permitted by law, including a local government development agreement consistent with Chapter 163, F.S., which ameliorates the projected impact and is incorporated into the development order by amendment.
- B. These mitigation measures shall occur by the required threshold in order for the project to proceed through the balance of the applicable phase or sub-phase. If the Developer can successfully demonstrate and gain approval by the local government with jurisdiction that a portion of a phase or sub-phase does not adversely affect the roadway network as determined by the monitoring and modeling tests discussed above, then the Developer may proceed with that portion of the phase (and only that portion).
- C. In the event that a roadway widening is identified which is not compatible with adopted policy of the FDOT (e.g. 8 or 10 laning of a state roadway) or local

government (e.g. constrained), the Developer, Osceola County, Polk County, the ECFRPC, the CFRPC and the party having either maintenance or jurisdictional responsibility for the facility shall jointly determine alternate mitigation solutions to provide for the movement of people.

**18. Mitigation/Agreements** - Toward the achievement of the objectives in the two preceding conditions, an agreement(s) among Osceola County, Polk County, the Florida Department of Transportation and the developer shall be entered into within twelve months of the issuance of a development order for this project by Polk County. Said agreement(s) shall address and clarify such issues related to equity in the application of collected fees for transportation improvements. Application of fees shall be on a proportionate-share basis with respect to the improvements to be provided and not solely on the basis of impact fees. However, such an agreement would not alter or waive the provisions and requirements of the other conditions of the Development Order as a mitigative measure for the transportation impacts of the Stoneybrook South DRI. In the event that one of the designated parties to the agreement (other than the Developer) fails to execute said interlocal agreement(s) within the specified time, then the developer may proceed with the project based upon the monitoring/modeling schedule and all other recommendations specified herein as it affects the non-participating party. Separate agreements may be entered into with one or more parties and the Developer.

**19. Impacted Segments** - The following state and regionally significant roadway segments are projected to be both significantly impacted by traffic from the Stoneybrook South DRI development and to operate below the adopted level of service standard during either phase 1 or 2. Mitigation must be in place prior to Stoneybrook South exceeding the trip levels noted below unless the final results of the monitoring and modeling study proves otherwise. This list shall be amended based upon the results of each monitoring and modeling study as necessary.

Table 21-1

Roadway	Roadway Section	Improvement	Timing of Improvement
Tri County Road 2	Masters Boulevard to first phase development area	2 lane section <sup>1</sup>	Prior to issuance of Certificate of Occupancy
Tri County Road 2	Continuation of above to US 27	2 lane section	Prior to issuance of Certificates of Occupancy
Westside Blvd.	CR 54 to Northern Project Terminus	2 lane section <sup>2</sup>	Prior to issuance of Certificates of Occupancy for Phase 1b
	CR 54 to Northern Project Terminus	Widen to 4 lanes	Concurrent with start Phase II construction
US 27	US 192 to Project Entrance	Widen to 6 Lanes	To be determined based on Monitoring and Modeling Results
	Project Entrance to CR 54	To be determined based on Monitoring and Modeling Results	
	CR 54 to I-4.	Widen to 6 Lanes	
US 192	US 27 to CR 545	Widen to 8 Lanes	
	CR 545 to Formosa Gardens Blvd.	Widen to 6 Lanes	

	I-4 to International Dr.	Widen to 8 Lanes	
CR 54	US 27 to Westside Blvd.	Widen to 4 Lanes	
Interstate 4	World Center Parkway to US 192	Widen to 8 lanes	
	World Drive to US 27	Widen to 8 lanes	
Osceola-Polk Line Rd. (CR 532)	Lake Wilson Rd. to US 17-92	Widen to 4 lanes	
Champions Gate Blvd (CR 532)	CR 54 to I-4	Widen to 6 lanes	
Masters Blvd.	Tri County Toad 2 to Champions Gate Blvd.	Widen to 4 lanes	
US 17-92	Poinciana Blvd. to Osceola-Polk Line Rd. (CR 532)	Widen to 4 lanes	
<b>Phase 1a Intersection Improvements</b>			
Champions Gate Blvd (CR 532)	CR 54	Signalize	When deemed warranted by Polk County
Champions Gate Blvd (CR 532)	I-4 WB Ramps	Signalize	When deemed warranted by the FDOT in consultation with Osceola County
Tri County Road 2	US 27	Westbound right-turn lane	Prior to issuance of Certificate of Occupancy

<sup>1</sup> Tri County Road 2 between Masters and the 1st phase of development shall be constructed as a two lane urban section with sufficient right of way to provide 4 lanes when determined necessary by monitoring and modeling

<sup>2</sup> Westside Boulevard between Tri County Road 2 and CR 54 shall be constructed as a two lane urban section prior to Phase 1b with sufficient right of way to provide 4 lanes.

20. **Needed Improvements without Mitigation** - If the monitoring/modeling results which are required above indicate that improvements must be made to state roads, and if mitigation is not provided as set forth in these conditions or as otherwise required pursuant to 9J-2.045(7), then prior to any construction of future phases or sub-phases and subject to the provisions of Section 380, 06(15) (e), Florida Statutes, the developer, Polk County and FDOT shall enter into an agreement which ensures that:
- i. a proportionate share payment is made by the developer to the appropriate entity/ (ies) to mitigate project impacts;
  - ii. said proportionate share payment shall be used by the appropriate entity only for the design, engineering, right-of-way purchase, permitting and/or construction of improvement to the segments/intersections for which the payment is made; and
  - iii. said proportionate share payment by the developer constitutes adequate provision for the public facilities needed with respect to the road segments to accommodate the impacts of the project through the phase or sub-phase for which the proportionate share was calculated, as required by Section 380.15(e)(2), Florida Statutes. All such proportionate share agreements shall be included in this development order by amendment pursuant to Section

380.06(19), F.S. The formula to be used to determine proportionate share contribution is as follows:

$$\frac{(\text{DRI Trips})}{(\text{SV Increase})} * \text{Cost} = \text{Proportionate Share}$$

For this formula, DRI Trips is the cumulative number of trips from the development expected to reach the roadway during the peak hour from the complete buildout of a stage or phase being approved. SV Increase is the change in peak hour maximum service volume of the roadway resulting from construction of the improvement necessary to maintain the adopted level of service; and Cost of Improvement is the cost (at the time of Developer payment) of an improvement necessary to maintain the adopted level of service. Construction cost includes all improvement associated costs including engineering design, right-of-way acquisition, planning, engineering, inspection, and other associated physical development costs directly required and associated with the construction of the improvement, as determined by the governmental agency having maintenance obligations over the roadway.

- A. Notwithstanding any provision contained herein to the contrary, except as specifically agreed in writing, Osceola County and Polk County shall have no financial responsibility to contribute to or participate in the funding of the design, engineering, permitting, and/or construction of improvements to state roads.
  - B. The monitoring and modeling required after Phase 1A and prior to Phase 2 shall be used to verify impacts from previous phases and to more accurately estimate probable cumulative impacts from later phases. If necessary, the proportionate share amount will be adjusted to reflect actual impacts from a phase or sub-phase and the more accurate information, which will result from the estimates for later phases or sub-phases. If it is verified that the roadway improvements mentioned above are still needed, then the project shall not proceed into later phases or sub-phases until the proportionate share payment is made or said improvements are scheduled for construction in the applicable entities' work program within the first three years of an adopted CIP or Work Program from the date when impacts are estimated to be significant and adverse.
  - C. If the parties cannot reach agreement independently by that time, or if so desired by the parties at any time prior to that, then the issues in dispute shall be submitted to the CFRPC for voluntary mediation pursuant to its adopted dispute resolution process. The solutions recommended as a result of this process shall be implemented and the development order amended pursuant to Section 380.06(19), Florida Statutes, to include these solutions. These solutions must also be acceptable to Osceola County and/or Polk County in its sole discretion and these solutions shall not include any requirement that Osceola County or Polk County participate in or contribute to the funding of improvements to any state roads, unless the subject County agrees otherwise.
23. **Bike System** - In the interest of safety, and to promote alternative forms of transportation, the Developer shall provide an on-site system of bikeways during construction and/or resurfacing of named internal roads shown on the Master Plan including Tri-County Road 2, the extension of Westside Boulevard into Polk County,

and the project entrance off of US 27. Special consideration shall be given to roadways connecting short-term residential units, residential units, schools and commercial centers. Bicycle support facilities (e.g., parking) shall be made available at commercial centers.

24. **Bicycle and Pedestrian Systems** - The on-site bicycle and pedestrian systems shall be designed and constructed to provide for adjacent expansion with a smooth transition to external bicycle systems. Construction of Tri County Road 2, Westside Boulevard and named internal roadways shall incorporate bicycle and pedestrian facilities conforming to the latest state criteria.

25. **Bicycle and Pedestrian Facilities** - Bicycle lockers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed by the applicant where necessary to augment and facilitate the operations of transit service to the site and bicycle facilities. Construction shall incorporate Transit Oriented Design (TOD) features so that when transit is available to the site, there will be at least one focus point within the DRI that both residents and transit can easily access. The Developer shall make known to tenants and residents that the Stoneybrook project has access to an existing ride-sharing program operated by LYNX or its successor agency. Transit and current ride-sharing information shall be prominently displayed in all public gathering areas and other areas as suggested by LYNX and Osceola County, or any other public transit agency. The developer shall designate an employee for the life of the project who is responsible for working with the area public/private transit providers, conducting ridesharing campaigns within the project, publicity, processing applications, distribution information (including transit information), etc.

26. **Park and Ride Lots** - The applicant shall designate with signage one or more park and ride lots areas either on site for use as a rideshare lot to lessen the overall impacts on regional roadways. Onsite lots may remain unpaved, may be shared with park uses and shall accommodate at least 100 vehicles. Should Osceola County adopt adjacent activity centers that specifically incorporate adequate rideshare lots, then this could partially satisfy this condition. However, the DRI site shall provide for a minimum of 50 parking spaces onsite if the activity center is not developed by 2010. Osceola County shall be the agency with jurisdiction to determine the specific implementation of this condition.

27. **FDOT Right-of-Way** - Any construction in, or use of FDOT right of way will require the use of FDOT standards and specifications. Additionally, the applicable FDOT permit engineer must be contacted for approval and permits prior to any construction in FDOT right of way, or any use of FDOT right of way.

#### H. Public Safety

28. **Park Site** - A 5 acre park site shall be donated to Osceola County adjacent to the school site in the location shown on Map H, Concept Plan (Exhibit 2). This site shall be utilized by the County and the School Board as a joint use facility. The County may locate an emergency management facility within the park site.

## **I. Annual Reporting**

29. **Annual Report** - The developer shall conduct an annual report for the life of the development order. In the event portions of the property are sold to one or more other parties for development purposes, then the developer shall retain the responsibility for seeing that the annual report is duly submitted and address the development on the entire property. The developer shall include in all land contracts executed after the date of this development order, language requiring buyers and their successors to provide the developer all necessary information to complete this annual report requirement. The report shall be distributed to Osceola County, Polk County, the ECFRPC, the CFRPC, FDCA, FDOT, FFWCC, SFWMD and all affected permit agencies. The report shall include any information specifically required to be included by the conditions of the development order as well as the information required by DCA rules and shall be presented in a format as depicted in the Development Summary Table provided by the ECFRPC and as required in the DCA Annual Report Form.. The report to the county shall also include a statement that all persons/agencies listed above have been sent copies of the annual report.
30. **Annual Traffic Monitoring Report** - The Applicant shall annually monitor any traffic impacts from the project on the roadway segments and associated intersections listed in this DO and as identified in the DRI traffic analysis. The applicant shall schedule an annual traffic monitoring methodology meeting, when warranted by Polk or Osceola County, prior to November 1 each year. The annual traffic monitoring meeting shall be attended by the Polk County --- Planning Division, Polk County Transportation Planning Organization (TPO), Osceola County the Florida Department of Transportation (FDOT) Districts I and V, Central Florida Regional Planning Council (CFRPC), East Central Florida Regional Planning Council (ECFRPC), and Osceola County Planning Department for their review and acceptance of the methodology. In the event that all parties cannot come to an agreement on the methodology, Polk County shall be the final arbiter. The applicant shall start the traffic monitoring in the year when development is expected in the next reporting year.
- A. The purpose of the annual traffic monitoring study shall be to assist Osceola County, Polk County and FDOT in identifying near term roadway and intersection deficiencies and in determining the schedule of any roadway or intersection improvements that may be required to address the deficiencies per the findings of the Annual Traffic Monitoring Study, as well as the appropriate funding agency.
- B. If an improvement is warranted to maintain an acceptable level-of-service, the Applicant shall have one year from the acceptance of the Annual Report by the County Board of Commissioners to either construct the improvement(s) or enter into a Development Agreement with the Board of County Commissioners Board (BoCC) per Florida Statute 163 and the Polk County Land Development Code that describes the improvements, the timing of the improvements, and the responsible funding party(s). This Development Agreement may also provide for vesting consistent with the Polk County Land Development Code. This condition does not prohibit the issuance of certificates of occupancy for development that has already received building permits or for residential projects that have been platted.
- C. The annual traffic monitoring study shall contain the following:

- i. Applicant shall conduct or obtain roadway traffic counts for the PM peak hour during January, February, or March. One bi-directional count shall be conducted or obtained for each roadway link segment that was determined to be significantly impacted per the current phase or sub-phase of development as determined in the DRI traffic analysis
- ii. Traffic shall be forecast for the year following the report year. Non-project traffic shall be forecast based on trips reserved in the Polk County's concurrency management system. Project traffic shall consist of trips from development constructed since the date of the counts plus trips from development expected to occur within the following year.
- iii. Test for significant impact of project traffic on roadway segments included in the annual traffic monitoring study. Test for significance shall be based on directional project traffic equal to or greater than 5 percent of the roadway's adopted peak hour level-of-service standard.
- iv. The projected background roadway level-of-service (without additional project trips) and the projected build roadway level-of-service (with additional project trips) for the following year shall be determined for roadways that are projected to be significantly impacted.
- v. PM peak hour intersection level-of-service analyses shall be performed for signalized and unsignalized intersections on significantly impacted roadways, as determined through the annual monitoring.
- vi. Roadway segments that are under construction during the report year and expected to be under construction during the following year may be omitted from the annual traffic monitoring study until construction has been concluded and normal traffic patterns have resumed.
- vii. Identify applicable programmed roadway improvements scheduled for implementation during the subject annual traffic monitoring period.
- viii. Provide status report on roadway improvements within the study area under implementation during the annual traffic monitoring period.
  - a. The candidate list of roadway segments to be included in each Annual Traffic Monitoring Study shall at a minimum consist of the roadway segments identified earlier in this DO.
  - b. If any roadway segments, intersections, or interchanges are projected to operate below the adopted level-of-service and if the project traffic is a significant impact, then no Level 2 approvals shall be issued until;
    - Improvements to the roadway have been programmed within the first three years of the Capital Improvement Plan of the jurisdiction having authority of the roadway or within the first three years of FDOT's Five- Year Work Program for non-FIHS facilities or within the first five years of the FDOT Five-Year Work Program for FIHS facilities;
    - Supplemental intersection or arterial/corridor level-of-service analyses can reasonably demonstrate that the facility will operate at an acceptable level-of-service to the satisfaction of the jurisdiction having authority of the roadway;
  - c. However, all development with Level 2 approval or building permits or demolition permits or development that has been platted may continue until completion.

- d. If the issue(s) pertaining to the adversely impacted roadway segments, intersection(s), and/or interchange(s) are not addressed through supplemental analysis, referred to in the preceding condition (c)ii, or an alternative concurrency management strategy to the satisfaction of Polk County and the agency having jurisdiction of the facility, then the Applicant shall have one year from acceptance of the Annual Report by the Polk County Board of Commissioners to either construct the appropriate improvements or enter into a Development Agreement with the Polk County Board of Commissioners per Florida Statute 163 that describes the improvement(s), the timing of the improvement(s), and the responsible funding party(s).

**J. Restrictions on Down Zoning**

31. This Development of Regional Impact will not be subject to down zoning, unit density reduction or intensity reduction for the duration of the effectiveness of this Development Order, unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Polk County to be essential to the public health, safety or welfare.

**K. Local Monitoring**

32. The Polk County Director of Growth Management, or his designee, shall be the local government official responsible for assuring compliance with this Development Order for the portion in Polk County.

**L. Modifications to the Development Order**

33. **Submittal of Changes** - The Developer shall submit, simultaneously, to Polk County, Osceola County, the East Central Florida Regional Planning Council, Central Florida Regional Planning Council, and the Department of Community Affairs any requests for approval of a proposed change to this Development Order for the Subject Property.

This submission shall be in a format established by the DCA and shall include as a minimum the precise language which is proposed for deletion or addition to the Development Order and a statement summarizing all previous changes that have been made to the Development Order.

**M. Certification**

34. **Certification of Development Order** - Certified copies of this Development Order shall be transmitted by certified mail to the Florida Department of Community Affairs, the East Central Florida Regional Planning Council, Central Florida Regional Planning Council, Polk County, and Osceola County, and all other parties required by law. A signed copy of the Development Order approved by Osceola County shall be provided to Polk County by the Applicant.

**N. Effective Date, Compliance Date, and Recording of this Development Order**

35. **Effective Date** - This Development Order and any subsequent amendments shall be effective (the "Effective Date") on the later of: (i) forty-five (45) days after the date it is rendered by the County to the Developer, the owner of the Property, the DCA and the CFRPC, or as otherwise stated in Florida Statute.
36. **Recording** - In accordance with Section 380.06(15(f), Florida Statutes, and Section 113 of the Polk County Land Development Code, a notice of adoption of this Development Order and the Development Order, and any subsequent modifications, shall be recorded by the Developer with the Clerk of the Circuit Court for Polk County, Florida, at the Developer's expense, immediately after the Effective Date of this Amended Development Order or any subsequent modifications. The recording of this notice shall not constitute a lien, cloud or encumbrance on the Project, or actual or constructive notice of any such lien, cloud or encumbrance.
37. **Compliance Date** - This Development Order shall terminate on January 5, 2013, providing there has been commencement of physical development based on an approved Level 2 Review on Phase I-A by January 5, 2008. If not, then this Development Order shall terminate on January 5, 2008.

**O. Substantial Deviation**

38. **Development Permits** - Subsequent requests for development permits shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is determined after due notice and hearing, one or more of the following is present:
- A. A substantial deviation from the terms and conditions of this Amended Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated by the CFRPC.
  - B. An expiration of the period of effectiveness of this Amended Development Order as provided herein.

Upon finding that either of the above is present, the Board may order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.

**STONEYBROOK SOUTH**

**OSCEOLA COUNTY - CONTAINS 899.7 ACRES, MORE OR LESS.**

**DESCRIPTIONS (AS PROVIDED)**

**CHAPMAN PROPERTY**

**CHAPMAN PARCEL 1 (PID 30-25-27-0000-0060-0000)**

The NE 1/4 of the NE 1/4 and the SE 1/4 of the NE 1/4 of Section 30, Township 25 South, Range 27 East, Osceola county, Florida, less the South 15.0 feet of the West 465.0 feet thereof.

**CHAPMAN PARCEL 2 (PID 30-25-27-0000-0070-0000)**

The North 3/4 of the East 1/2 of the NW1/4 of the NE1/4 & the North 15 feet of the South 1/4 of the East 1/2 of the NW1/4 of the NE1/4 of Section 30, Township 25 South, Range 27 East, Osceola County, Florida, less the West 15 feet of the North 1/2 of the NW1/4 of the NE1/4 of said Section 30.

**CHAPMAN PARCEL 3 (PID 19-25-27-0000-0045-0000)**

The East 1/2 of the SE1/4 of the SE1/4 of Section 19, Township 25 South, Range 27 East, Osceola County.

**MERLA-PARCEL A**

West 1/2 of the South 1/2 of Section 31, Township 25 South, Range 27 East, Osceola County, Florida.

**MERLA-PARCEL B**

East 1/2 of the South 1/2 of Section 31, Township 25 South, Range 27 East, Osceola County, Florida.

**TRI-COUNTY GROVES**

The North 1/2 of Section 31, Township 25 South, Range 27 East, Osceola County, Florida

**DUNSON TRACTS**

The Southwest 1/4 of the Southwest 1/4 of Section 29, Township 25 South, Range 27 East, Osceola County, Florida; and the Northwest 1/4 of the Southwest 1/4 of said Section 29, Township 25 South, Range 27 East (also known as Lots 7, 8, 9, and 10, Block C, FLORIDA FRUIT AND TRUCK LAND COMPANY); and the East 1/2 of the Southeast 1/4 of Section 30, Township 25 South, Range 27 East, (LESS road right of way)

**AND:**

**LESS AND EXCEPT THEREFROM THE FOLLOWING DESCRIBED LAND:**

From the Southeast corner of Section 30, Township 25 South, Range 27 East, Osceola County, Florida, run South 88°36'48" West, along the South line of said Section 30, 448.28 feet to the Point of Beginning, continue South 88°35'48" West, 880.10 feet to the Southwest corner of the East 1/2 of Southeast 1/4 of said Section 30, run thence North 00°17'07" West, along the West line of said East 1/2 of Southeast 1/4, 1510.84 feet, run thence North 77°28'55" East, 166.87 feet, run thence North 01°54'02", West, 95.62 feet, run thence North 16°31'10" East, 242.36 feet, run thence North 07°32'15" West, 129.06 feet, run thence North 81°07'41" East, 127.15 feet, run thence South 78°24'26" East, 190.74 feet, run thence North 85°04'10" East 296.60 feet, run thence South 02°06'47" East 86.35 feet, run thence South 33°38'14" East 78.25 feet, run thence South 15°00'33" East 144.64 feet, run thence South 00°50'01" West 145.56 feet, run thence South 41°51'04" West 187.55', run thence South 52°04'40" West 124.80 feet, run thence South

## STONEYBROOK SOUTH

22°15'47" West, 132.17 feet, run thence South 25°55'41" East 240.66 feet, run thence South 38°05'30" East, 185.54 feet, run thence South 00°29'27" East, 346.82 feet, run thence South 50°40'12" West, 211.23 feet, run thence South 50°40'12" West 211.23 feet, run thence South 00°39'05" East 218.70 feet, run thence South 72°14'00" East 72.96 feet, run thence South 37°03'09" East 187.63 feet to the Point of Beginning.

AND EXCEPTING THAT CERTAIN RESERVATION MORE PARTICULARLY DESCRIBED AS: RESERVING UNTO FORMER GRANTORS, THEIR HEIRS, ASSIGNS AND GRANTEEES AN EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED LAND: Beginning at the Southeast corner of Section 30, Township 25 South, Range 27 East, Osceola County, run South 88°30'48" West along the South line of said Section 30, 448.28 feet, run thence North 37°03'09" West 36.93 feet, run thence North 88°36'48" East 470.43 feet, to the East line of said Section 30, run thence South 00°11'52" East along said East line 30.01 feet to the Point of Beginning.

The Osceola County Site contains 899.7 Acres, more or less.

Within this acreage figure is 1.2 acres defined by the Tri-County Road Maintenance Map Right of Way limits and 1.2 acres within the 15-foot platted Right of Way by the Florida Fruit & Truck Company subdivision along which the current dirt roadway for Tri-County Road is located.

**STONEYBROOK SOUTH**

**POLK COUNTY - CONTAINS 17.55 ACRES, MORE OR LESS.**

TRI COUNTY GROVES INC.  
DESCRIPTION PER TITLE COMMITMENT

PARCEL 2

THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, ALL BEING EAST OF U.S. HIGHWAY 27/S.R. 25, SECTION 36, TOWNSHIP 25 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA

The Overall Site contains 917.2 Acres, more or less.

Within this acreage figure is 1.2 acres defined by the Tri-County Road Maintenance Map Right of Way limits and 1.2 acres within the 15-foot platted Right of Way by the Florida Fruit & Truck Company subdivision along which the current dirt roadway for Tri-County Road is located.

# Exhibit 2 Stoneybrook South DRI

Sections 19, 29, 30 & 31, Township 25 South, Range 27 East

Osceola County, Florida

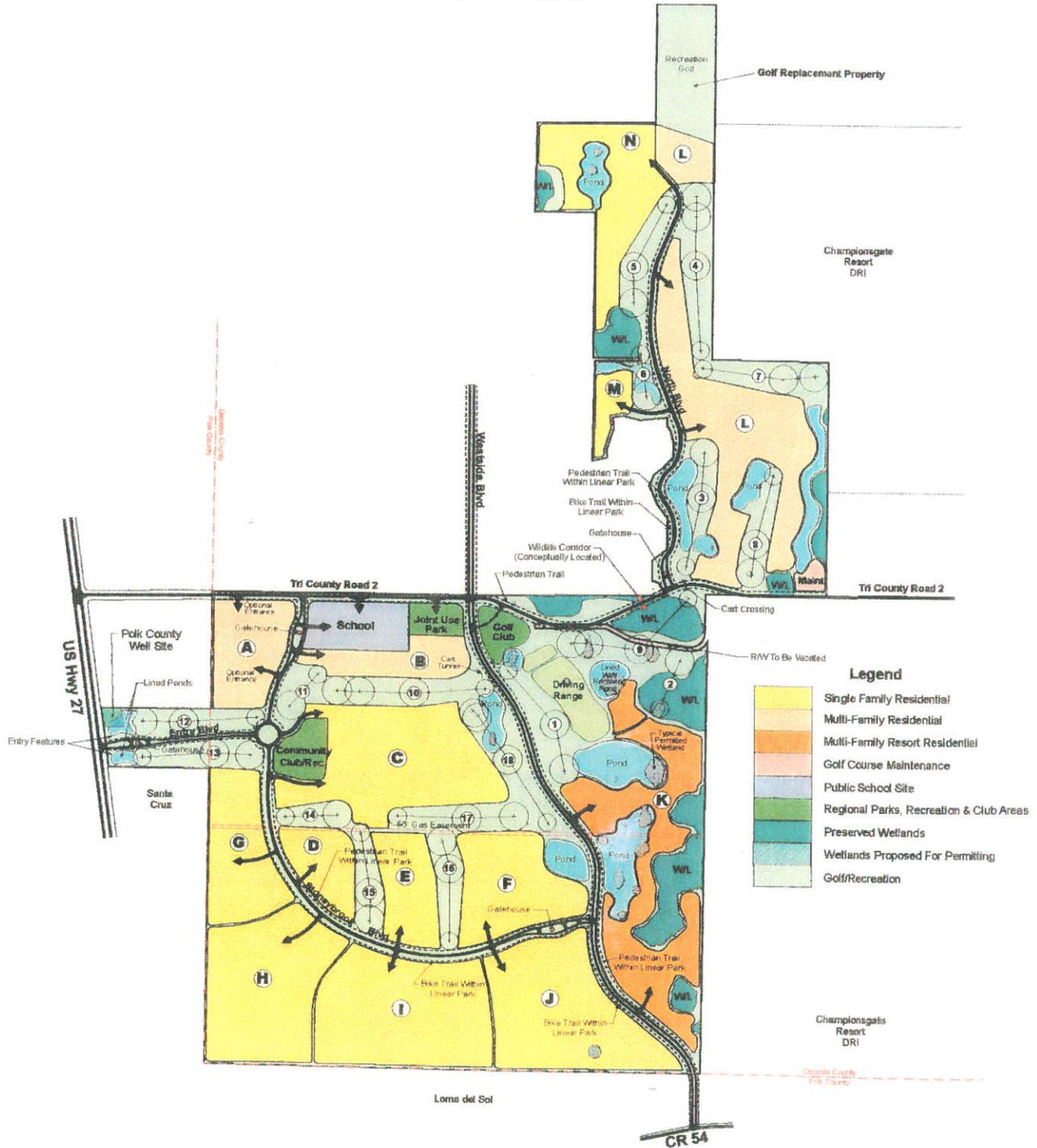
Section 36, Township 25 South, Range 26 East

Polk County, Florida

Map H (Revised)

Concept Plan

Date Revised: 8 March 2005



Note:

Land use for Rapid Infiltration Basins (RIBs) for Tohopekalgia Water Authority use for treated effluent will be an allowable use for portions of land lying south of Tri-County Road and west of Westside Blvd., no less than 15 acres of RIB bottom land.



## Exhibit 3

### Proposed Development Program by Phase

Parcel from Map H	Land Use	FAC 28-24	Phase 1A+1B (2005-2009)	Phase 2 (2010-2012)	Totals
A	T-Home/Condo	.023	126 du 21.1 ac	-	126 du 21.1 ac
B	T-Home/Condo	.023	112 du 14.3 ac	-	112 du 14.3 ac
C	SFR	.023	254 du 50.8 ac	-	254 du 50.8 ac
D	SFR	.023	70 du 14.1 ac	-	70 du 14.1 ac
E	SFR	.023	-	90 du 18.1 ac	90 du 18.1 ac
F	SFR	.023	-	147 du 29.4 ac	147 du 29.4 ac
G	SFR	.023	134 du 26.8 ac	-	134 du 26.8 ac
H	SFR	.023	193 du 46.3 ac	38 du 0 ac	231 du 46.3 ac
I	SFR	.023	-	260 du 52.0 ac	260 du 52.0 ac
J	SFR	.023	-	246 du 49.3 ac	246 du 49.3 ac
K	T-Home/Condo	.023	800 du 49.8 ac	100 du 0 ac	900 du 49.8 ac
L	T-Home/Condo	.023	-	772 du 57.6 ac	772 du 57.6 ac
M	SFR	.023	-	28 du 5.7 ac	28 du 5.7 ac
N	SFR	.023	-	-	284 du 56.5 ac
Golf Course & Club	Rec/Open	-	191.1 ac	-	191.1 ac
Elementary School	School	-	15.0 ac	-	15.0 ac
Preserved Wetlands	Conservation	-	46.0 ac	-	46.0 ac
Club/Rec Center	Rec/Open	-	7.0 ac	-	7.0 ac
Water Mgmt Ponds	Water Mgmt/Open	-	49.1 ac	-	49.1 ac
J/U Regional Park	Rec/Open	-	5.0 ac	-	5.0 ac
Parks, Buffers & Trails	Rec/Open	-	53.0 ac	-	53.0 ac
Spine & Collector Roads	Residential	-	51.3 ac	9.2 ac	60.5 ac
<b>Totals</b>	<b>Res/Institutional</b>	<b>-</b>	<b>645.2 ac 1689 du</b>	<b>271.8 ac 1965 du</b>	<b>917 ac 3654 du</b>

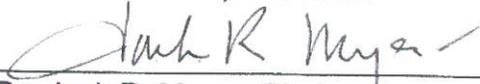
Source: Rj Whidden and Associates, Inc

Notes:

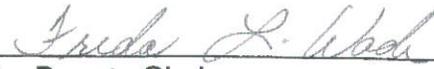
1. Residential Tracts A through N exclude water management ponds.
2. Golf Course includes driving range, clubhouse, landscaping feature ponds, maintenance area, waste water receiving pond but excludes water management ponds.
3. Water management ponds exclude effluent receiving ponds and landscaping feature ponds.
4. Acreages shown are approximate and subject to change with engineering design.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF  
POLK COUNTY, FLORIDA, THIS 19th DAY OF APRIL, 2005.

BOARD OF COUNTY COMMISSIONERS OF  
POLK COUNTY, FLORIDA

  
By: Jack R. Myers, Chairman

ATTEST: Richard M. Weiss

  
By: Deputy Clerk



STATE OF FLORIDA     )  
                                  )  
COUNTY OF POLK     )

I, Richard M. Weiss, Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Resolution No. 05-72 approving an Application for Development Approval for the Stoneybrook Development of Regional Impact. Resolution No. 05-72 was adopted by said Board on April 19, 2005.

WITNESS my hand and official seal on this 13<sup>th</sup> day of June 2005.

RICHARD M. WEISS  
Clerk and Auditor

BY: *Freda L. Wade*  
Freda L. Wade  
Deputy Clerk