

ORDINANCE NO. 2023-034

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING AN AMENDMENT TO ORDINANCE NO. 2010-006 AND THE DEVELOPMENT ORDER FOR THE MAINSTREET @ COCONUT CREEK DEVELOPMENT, A DEVELOPMENT OF REGIONAL IMPACT TO BE LOCATED IN SECTION 42, TOWNSHIP 18, RANGE 48, AMENDING CERTAIN DEVELOPMENT CONDITIONS; PROVIDING FOR AN EXTENSION OF THE VESTED DEVELOPMENT RIGHTS; PROVIDING FOR EXTENSION OF COMPLIANCE/TERMINATION DATE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission approved Ordinance No. 2010-006, approving a Development of Regional Impact (DRI) Development Order for the MainStreet @ Coconut Creek development pursuant to Chapter 380, Florida Statutes (“Development Order”); and

WHEREAS, the Johns Family Partners, LLLP, a Florida Limited Liability Limited Partnership, has filed an application to the City for an amendment to Ordinance No. 2010-006 and the MainStreet @ Coconut Creek DRI Development Order (“Amended Development Order”); and

WHEREAS, at its public hearing held on October 11, 2023, the Planning and Zoning Board heard, reviewed, and duly considered the reports, findings, and recommendations of the City staff, together with the opinions and testimony stated at the public hearing, and has recommended approval of this item to the City Commission subject to the following conditions:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to the first City Commission meeting or as otherwise stated therein; and

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WHEREAS, the City of Coconut Creek City Commission, after complying with all applicable notice requirements has reviewed the recommendation of the Planning and Zoning Board and has held a first reading on December 14, 2023, and has determined that the approval of the Amended Development Order, subject to the conditions and requirements specified in the ordinance, is in the best interest of the residents of the City of Coconut Creek and serves a public purpose in accordance with law; and

WHEREAS, all staff reports, minutes of meetings, findings of fact, and support documents are hereby incorporated as referenced; and

WHEREAS, the City Commission finds that the approval of the proposed Amended Development Order will protect the public health, safety, and welfare of the residents of the City, and furthers the purpose, goals, objectives and policies of the Comprehensive Plan.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: That Ordinance No. 2010-006 is hereby amended as follows:
That the development shall be identified as follows:

- A. The legal description of the property to be developed as the MainStreet @ Coconut Creek DRI and the subject of this Development Order is attached hereto and made a part hereof as Exhibit "A."
- B. The development shall be known as "MainStreet @ Coconut Creek."
- C. The owner is Johns Family Partners, LLLP, a Florida Limited Liability Limited Partnership, 4850 SW 51 Terrace, Ocala, Florida 34474 (hereinafter "Developer").
- D. The names of the authorized agents for Developer are as follows:

1. Robert M. Gorlow
~~R.M. Gorlow & Associates, Inc.~~
~~7485 Fairway Drive, Suite 430~~
~~Miami Lakes, FL 33014~~

GSR RE PARTNERS, LLC
Attn: Alexander S. Rosemurgy
1801 S Federal Highway
Boca Raton, FL 33432

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2. Dennis D. Mele, Esq.
Ruden McClosky
~~200 East Broward Blvd, Suite 1500~~
~~Fort Lauderdale, FL 33301~~

DUNAY, MISKEL & BACKMAN, LLP
Scott Backman, Esq.
14 SE 4th Street, Suite 36
Boca Raton, FL 33432

Section 2: That the Master Development Plan, attached hereto as Exhibit "B"¹, conceptually depicts the location of project access and natural areas, the exact location and size of land uses to be determined during the site plan process, and the location of the preservation area. The Mainstreet @ Coconut Creek DRI is, for planning purposes, approved for 3,750 residential dwelling units, 525,000 square feet of office use, and 1,625,000 square feet of commercial use provided, however, that the actual mix of building square footage among residential, office, and commercial land uses shall be determined during the City's site planning process to be consistent with the City of Coconut Creek's MainStreet Design Standards ~~that apply to all development within the MainStreet Regional Activity Center (RAC), as may be modified by the applicable, City Commission-approved, Planned MainStreet Development District (PMDD) document.~~

Section 3: That pursuant to Section 380.06(15), Florida Statutes, the City makes the following findings of fact:

- A. The foregoing WHEREAS clauses and development identification set forth in Section 1 of this ordinance are hereby ratified as true and correct and are incorporated herein as findings of fact.
- B. The MainStreet @ Coconut Creek DRI is not an Area of Critical State Concern.
- C. The MainStreet @ Coconut Creek DRI does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area.
- D. The development, as approved herein, is consistent with the City of Coconut Creek and Broward County Comprehensive Plans, the Regional Policy Plan of the SFRPC South Florida Regional Planning Council ("SFRPC"), and State Comprehensive Plan.
- E. The development, as approved herein, makes adequate provisions for the public facilities needed to accommodate the impacts of the proposed development in accordance with the City of Coconut Creek and Broward County Comprehensive Plans.
- F. The development, as approved herein, is consistent with the land use designations for the property specified in the City of Coconut Creek and Broward County Land Use Plans.

¹ Note: Exhibit B is being repealed and replaced with a new Exhibit B.

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- G. The development, as approved herein, is consistent with the applicable provisions of the land development regulations of the City of Coconut Creek and Broward County.
- H. The development, as approved herein, is consistent with the report and recommendations set forth in the SFRPC Assessment.

Section 4: That pursuant to Section 380.06(15), Florida Statutes, the City makes the following conclusions of law:

- A. Approval of the MainStreet @ Coconut Creek DRI, subject to the provisions of this ordinance, is consistent with the requirements of Chapter 380, Florida Statutes, and is in conformance with all other applicable local and state laws and regulations.

Section 5: That the Application for Development Approval ("ADA"), as revised and consolidated pursuant to the requirements below, is incorporated herein by reference and has been relied upon by the parties in discharging their statutory duty under Chapter 380, Florida Statutes, and applicable local ordinances. Substantial compliance with the representations contained in the ADA is a condition of approval unless waived or modified by agreement among the City, the SFRPC, and the Developer, its successors, grantees, or assigns.

Section 6: That the SFRPC Assessment, dated June 7, 2010, is hereby incorporated into this ordinance by reference.

Section 7: That the MainStreet @ Coconut Creek DRI, as described in this ordinance is hereby approved subject to the following conditions, stipulations, and requirements which shall apply to the Applicant, Developer, its successors, grantees, and assigns, jointly and severally or both, and where applicable to the City, and shall be binding upon the real property described herein:

A. General Conditions

1. The Developer shall apply for Planned MainStreet Development District (PMDD) rezonings of all the majority of parcels subject to the DRI prior to any development of the parcels. The future Developer of any remaining parcel(s) within the DRI shall also apply for PMDD rezoning prior to development of the parcels. The Developer shall comply with the MainStreet Design Standards which apply to all development within the MainStreet Regional Activity Center (RAC), as may be modified by the applicable approved PMDD document.
2. The Developer shall comply with the City of Coconut Creek's Affordable Housing Linkage Fee, which shall be collected prior to the issuance of each individual building permit in accordance with Section 13-112 of the City's Code of Ordinances.

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3. The Developer shall cooperate with the City of Coconut Creek regarding implementing elements of a Public Art, Cultural, and Urban Amenities Program.
4. The Development Order shall become effective in accordance with Rule 9J-2.025(5), F.A.C.
5. Land dedication for public greenspace for the purpose of perpetual public ownership and access shall be based on a hierarchy of urban spaces as described below. The cypress head indicated as part of the DRI shall be preserved in perpetuity and shall not be counted towards land dedication for public greenspace, but may be counted towards the public greenspace requirements contained within the MainStreet Design Standards. Compliance with this provision shall satisfy all of the requirements of Section 13-267, Public Sites and Open Spaces, of the City's Code. The Developer shall provide the following and dedicate, restrict, or provide public access as follows:
 - a. Centralized Village Green: to be centrally located within the MainStreet @ Coconut Creek DRI at a minimum size of two (2) acres. On or prior to site plan approval by the City Commission for the portion of the MainStreet @ Coconut Creek DRI containing the Centralized Village Green as conceptually depicted in the master Public Greenspace Plan, Developer shall deliver to the City all fully executed documents in recordable form, acceptable to the City Attorney, necessary to dedicate the two (2) acres to the City and to restrict it for public park use. Said documents shall be held in escrow until the subject property is transferred to Developer and recorded at Developer's expense immediately after final City Commission approval of said site plan, including successful expiration of the appeal period for same at the time of closing.
 - b. Main Plaza: to be located near higher intensity development or entertainment venues at a minimum size of one zero point eight eight (40.88) acre. On or prior to site plan approval by the City Commission for the portion of the MainStreet @ Coconut Creek DRI containing the Main Plaza as conceptually depicted in the Master Public Greenspace Plan, Developer shall deliver to City all fully executed documents in recordable form, acceptable to the City Attorney, necessary to dedicate a perpetual non-exclusive access easement on, over, and across the Main Plaza area for the benefit of the public to access the plaza. Said documents shall be held in escrow until the subject property is transferred to Developer and recorded at Developer's expense immediately after final City Commission approval of said site plan, including

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~~successful expiration of the appeal period for same at the time of closing.~~

c. Residential and Leisure Parks: shall be located on individual site plans that contain residential uses as conceptually depicted in the Master Public Greenspace Plan. The Residential and Leisure Park acreage should total a minimum of five (5) acres. These parks may be provided in the form of parks, plazas, and gathering areas and shall be primarily located and planned in a centralized and contiguous manner in individual site plans. On or prior to site plan approval by the City ~~Commission for any~~ Commission for any portions of the MainStreet @ Coconut Creek DRI containing Residential and Leisure Parks as conceptually depicted in the Master Public Greenspace Plan, Developer shall deliver to the City all fully executed documents in recordable form, acceptable to the City Attorney, necessary to dedicate a perpetual non-exclusive access easement on, over and across such parks for the benefit of the public to access the Residential and Leisure Parks. Said documents shall be held in escrow until the subject property is transferred to Developer and recorded at Developer's expense at the time of closing.

Public greenspace, as described above, is exclusive of the greenspace requirements over the MainStreet Design Standards. Adequate greenway trails to and from the cypress head, including trail connections under the FPL Easement, shall be provided and indicated in the PMDD rezoning application. As part of the PMDD rezoning application, Developer shall submit a Master Public Greenspace Plan for the entire MainStreet @ Coconut Creek DRI. The Master Public Greenspace Plan shall, at a minimum, conceptually illustrate function and location of all required spaces included in Section 5 a., b., and c. above. The Master Public Greenspace plan shall require City Commission approval as part of any rezoning ordinance approval.

6. The Developer shall comply with Leadership in Energy and Environmental Design (LEED), the Florida Green Building Coalition (FGBC), or Green Globes standards in the DRI development consistent with the City's MainStreet Design Standards ordinance and exceed the minimum requirements for compliance.
7. All development authorized in this Development Order must be consistent with the MainStreet RAC land use designation, as amended.

B. Application for Development Approval

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1. For purposes of this condition, the ~~Application for Development Approval~~ (“ADA”) shall include the following documents:
 - a. ~~Application for Development Approval~~ (ADA) received by SFRPC on April 20, 2009;
 - b. Developer’s Response to Statement of Information Needed (First Round) received by SFRPC on September 25, 2009;
 - c. Developer’s Response to Statement of Information Needed (Second Round) received by SFRPC on November 25, 2009;
2. The Developer shall integrate all original and supplemental information into a Consolidated Application for Development Approval, which reflects the approved development program, and submit two copies of the Consolidated Application for Development Approval (including one paper copy and one copy in CD-ROM format) each to the ~~South Florida Regional Planning Council~~ (SFRPC), to the City of Coconut Creek, Broward County Environmental Protection and Growth Management Department, Florida Department of Transportation, District IV, and the Department of Economic Opportunity, within 30 days of the effective date of this Development Order. The Consolidated Application for Development Approval shall be prepared as follows:
 - a. Where new, clarified or revised information was prepared subsequent to submittal of the Application for Development Approval dated April 20, 2009 and prior to issuance of ~~the~~ this Development Order, whether in response to a formal statement of information needed or otherwise, the original pages of the Application for Development Approval will be replaced with revised pages.
 - b. Revised pages shall be marked “Page Number (R) - Date” with “Page Number” being the number of the original page, “(R)” indicating that the page was revised, and “Date” stating the date of the revision.
3. Pursuant to Rule 9J-2.025(3)(b)9, Florida Administrative Code (FAC), the Consolidated Application for Development Approval shall be incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes, and local ordinances. Substantial compliance with the representations contained in the Consolidated Application for Development Approval, unless modified by Development Order conditions, is a condition for approval.

C. Approved Development

1. MainStreet @ Coconut Creek DRI shall be permitted to develop a maximum amount of development in accordance with the land uses listed below, subject to required approvals.

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Land Use	Total Permitted Development
Commercial	1,625,000 square feet of gross floor area
Office	525,000 square feet of gross floor area
Residential	3,750 residential units

2. MainStreet @ Coconut Creek DRI shall be developed ~~in a single phase~~ on the property legally described in Exhibit "A" in accordance with the Phasing Plan approved for the MainStreet PMDD rezoning.
3. The MainStreet @ Coconut Creek DRI development shall be constructed in accordance with Exhibit "B" [DRI Master Development Plan (Map H)], which conceptually depicts the project access and natural areas within the development, the exact location and size of land uses to be determined during zoning and site plan review and approval.
4. Pursuant to Section 380.06(5)(c)2, Florida Statutes, MainStreet @ Coconut Creek DRI shall be bound by the rules adopted pursuant to chapters 373 and 403, Florida Statutes, in effect at the time of the approval of this Development Order.

D. Commencement of Development

The Developer shall commence significant physical development within five (5) years from the effective date of this amended Development Order. This time period shall be tolled during the pendency of any appeal pursuant to Section 380.07, Florida Statutes. For the purpose of this condition, development shall be deemed to have been initiated after placement of permanent evidence of a structure (other than a temporary construction trailer) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation or land clearing; the construction of roadways; or the construction of other utility infrastructure.

E. Buildout Date

² Note: Effective April 9, 2018, the statutory provisions in Chapter 380, Florida Statutes, related to developments of regional impact were amended to eliminate the state review process regarding changes to existing DRIs. This change was in addition to statutory changes in 2015 and 2016 that eliminated the DRI review process for certain new developments. Amendments to development orders for existing DRIs are now considered by the local governments that issue development orders, without state and regional review, pursuant to their local development review procedures.

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The buildout date for the MainStreet @ Coconut Creek DRI shall be December 31, 2020, July 20, 2036, unless the buildout is extended as provided in Section 380.06(197)(eb), Florida Statutes.

F. Downzoning Date

The property within the MainStreet @ Coconut Creek DRI shall not be subject to downzoning, unit density reduction, or intensity reduction before the expiration of this Development Order, unless the City of Coconut Creek demonstrates that substantial changes in the conditions underlying the approval of this Development Order have occurred or the Development Order was based upon substantially inaccurate information provided by the Developer, or that the change is clearly essential to the public health, safety, or welfare. Further, the MainStreet @ Coconut Creek DRI shall be vested with 1,525,000 gross square feet of commercial uses, 494,500 gross square feet of office uses, and 3,750 residential units from the development entitlements allocated to the Coconut Creek MainStreet Regional Activity Center in the City and County land use plan map designations so long as the Development Order for the MainStreet @ Coconut Creek DRI is in effect.

G. Stormwater

The Developer shall ensure that stormwater runoff is retained within MainStreet @ Coconut Creek DRI in accordance with applicable regulations of SFWMD, FDOT, the Cocomar Water Control District, Broward County, and the City of Coconut Creek. The Developer shall design, construct, and maintain the stormwater management system for MainStreet @ Coconut Creek DRI and any additions, expansion, or replacements to the stormwater management system to meet the following standards:

1. Comply with the regulations and requirements of the SFWMD, the Cocomar Water Control District, the Broward County Environmental Protection and Growth Management Department (EPGMD), and the City of Coconut Creek Comprehensive Plan drainage level of service requirements for surface water management. Lake edges may be designed in accordance with current permitting regulations which allow a maximum of 40% bulkhead design around shoreline length, and shall be encouraged to ~~exceed these maximum bulkhead standards by seeking cooperation with, and utilize littoral shelves and wetland buffers as part of the lake edge, for approval by, applicable regulatory agencies~~ where feasible or to include other alternative lake edges subject to approval by applicable regulatory agencies.
2. Install pollutant retardant 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;

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3. During any phase of the project construction, NPDES erosion control measures shall be implemented to avoid contamination of any adjacent drainage systems or water bodies; and
4. Mulch, spray, or grass exposed areas to prevent soil erosion and minimize air pollution and stormwater runoff.

H. Water Supply, Water Use and Irrigation

1. The Developer shall ensure sufficient potable water capacity to meet the demand. The construction of the water main including trunk and service lines shall be the responsibility of and paid for by the Developer. Each parcel shall be required to extend the trunk line to adjacent properties at no cost to the City. All water mains shall be looped. Construction of the water system shall meet Broward County Health Department, City of Coconut Creek, and other jurisdictional agencies' codes and standards.
2. The Developer shall design, construct, and maintain the onsite irrigation system for MainStreet @ Coconut Creek DRI, expansions, or replacements to the onsite irrigation system to minimize salt-water intrusion and excessive irrigation in accordance with SFWMD guidelines. The Developer shall use alternative irrigation water sources, i.e., reclaimed or runoff water and conserving techniques to reduce the demand on the region's potable water supply, including the installation of rain sensors on irrigation timers and/or soil moisture sensors, and compliance with restrictions on irrigation timing as required by the City of Coconut Creek or Broward County, whichever is more restrictive. In the event the reclaimed or runoff water source is not available, the irrigation system shall meet the reclaimed water design criteria and requirements for future reclaimed use.
3. The Developer shall install a distribution line for reclaimed water on-site adequate to meet the needs of the MainStreet @ Coconut Creek DRI for reclaimed water on-site.
4. The Developer must obtain a Water Use Permit from the SFWMD for the proposed surface water withdrawals for landscape irrigation.
5. A building permit shall not be issued unless the Developer demonstrates that the water supplier has an adequate permitted allocation of potable water and adequate potable water treatment and distribution facilities to meet the demands of the development for which the building permit is being requested.
6. The project shall utilize low volume water use plumbing fixtures, self-closing and/or metered water faucets, Florida-friendly landscaping techniques, and other water conserving devices and/or methods. These devices and methods

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shall meet the criteria outlined on the water conservation plan of the public water supply permit issued to Broward County by the South Florida Water Management district.

7. The Developer shall ensure sufficient reclaimed water capacity to meet the demand. The construction of the reclaimed water trunk and service lines shall be the responsibility of the Developer. Each parcel will be required to extend the trunk line to adjacent properties at no cost to the City. Construction shall meet Broward County Environmental Protection Department, City of Coconut Creek, and other jurisdictional agencies' codes and standards. The City will design and construct the off-site reclaimed water system to the eastern property line of the MainStreet Project area. The City will prorate the cost of the off-site reclaimed water lines and appurtenances based on flow and the cost will be assessed to benefitted properties. The construction of the off-site reclaimed water is contingent upon funding availability.

I. Energy

1. The Developer shall incorporate energy conservation measures into the design and operation of projects within MainStreet @ Coconut Creek DRI. At a minimum, all development shall be constructed in conformance with the specifications of the applicable building code at the time of the issuance of the building permit and the Florida Energy Code. ~~The Developer shall, to the extent capacity is reasonably available, use natural gas for all land uses listed in the Section 7(c)(1) Approved Development, including residential.~~ The Developer shall also use renewable energy sources (e.g., solar heating) for water heating, space heating, air-cooling, and lighting control in accordance with the sustainability requirements outlined in the PMDD. The Developer shall monitor design review procedures and electrical energy conservation measures, as proposed in the Consolidated Application for Development Approval, during the construction phase to assess the effectiveness of same.
2. The Developer shall use efficient, low emission vehicles for on-site services, including parking enforcement, maintenance and security services, with specific consideration of alternative fuel vehicles. In addition, a minimum of ~~two level 2~~ ten percent (10%) of the required parking shall include charging stations shall be provided or be EV ready, as more specifically detailed within the PMDD. Hybrid or electric vehicles shall be used for on-site services including parking enforcement, maintenance and security services to the extent feasible. Developer shall provide for solar use, bicycle and pedestrian pathways, and other new technology available and as further outlined in the PMDD Sustainable Design Requirements. In accordance with the City's Green Plan Action Objective 2.1, Developer shall also work with the City in an effort to provide for forty percent (40%) tree canopy coverage throughout MainStreet @ Coconut Creek to the extent feasible.

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3. The Developer shall comply with Section 13-142 or as may be amended, which requires the conversion of certain overhead to underground utility lines. The City may proceed to convert such overhead utility lines within the area covered by this Development Order prior to construction that would trigger such conversion. If the City completes this work prior to such construction, the Developer shall be responsible to reimburse the City for the area of utilities converted in the same manner as required of other developers in the City pursuant to City code, as may be amended.

J. Wastewater

1. Prior to issuance of the project Engineering Permit, the Developer shall ensure that sufficient wastewater capacity exists to meet the wastewater total discharge.
2. The Developer shall construct and pay for a regional lift station or lift stations as deemed necessary by the City. The lift station(s) design(s) and appurtenances shall be approved by the City. Prior to the issuance of the first certificate of occupancy, the Developer shall provide a minimum of 100 ft x 100 ft perpetual, irrevocable easement, or as otherwise approved by the City Engineer, over each lift station, which ownership(s) shall be conveyed to the City. Upon receipt of utility easements and conveyance of utilities, the City will reimburse the developer for the portion of the design and construction costs equal to the hydraulic share of such lift stations and force mains benefitting the property other than Developer's Property. Prior to the approval of the first site plan, Developer shall enter into a Water and Wastewater Agreement with the City, which agreement shall contain the provisions for cost sharing as contained herein.
3. Each parcel will be required to extend the gravity lines to adjacent properties at maximum depth and at no cost to the City. The construction of the gravity lines and appurtenances shall meet Broward County Environmental Protection Department, City of Coconut Creek, and other jurisdictional agencies' codes and standards.

K. Solid Waste

The Developer shall implement a recycling program for all uses in the DRI development in compliance with the City's MainStreet Design Standards ordinance regarding recycling requirements, as amended by the City.

L. Landscaping

1. The Developer shall comply with the tree preservation and landscaping requirements outlined in Chapter 13, Article 3, Division 4, Subdivision IV of the City of Coconut Creek, as may be amended. The Developer shall follow

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Florida-friendly landscaping principles in landscape design and the selection of species for planting. Substitute landscaping species may be used if approved by the City of Coconut Creek. 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; and,
- d. Other criteria as may be appropriate.

2. The ~~16.25~~⁺~~-13.4~~-acre Local Area of Particular Concern (LAPC) contained in the DRI is subject to Chapter 27, Article XIV, Sections 27-401 through 27-418 of the Broward County Code, titled Broward County Tree Preservation and Abuse Ordinance. A Broward County Tree Removal License is required for tree removal, and/or relocation in the area designated LAPC that are not jurisdictional wetlands and a Broward County Environmental Resource License is required prior to any disturbance of wetlands.
3. The Developer shall ~~encourage the removal of~~ remove all invasive exotic vegetation including Melaleuca, Brazilian-pepper, Australian Pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species during the development process, and a management plan may be necessary to control re-invasion of same. In addition, the Developer shall not include any plants considered to be invasive of South Florida's native plant communities in any landscape material. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Broward County Aquatic and Wetlands Resources Section of the Development and Environmental Regulation Division of the EPGMD.
4. Prior to issuance of a SFWMD surface water management permit or the first site plan approval that is adjacent to the preservation area, as shown on Exhibit "B", a proposed site plan shall be submitted to the Tree Preservation Section of the Development and Environmental Regulation Division which delineates the boundaries of the entire LAPC to be preserved. If the LAPC is included in any plat, an Environmental Impact Report is required in accordance with the Broward County Land Development Code.

M. Economic Development

1. The Developer shall use economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within MainStreet @ Coconut Creek DRI. Examples of such agencies and programs include, but are not limited to, those contained in the South Florida Small and Minority Business Resource Directory. The Developer shall attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Developer is encouraged to provide potential

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commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting MainStreet @ Coconut Creek DRI's employment needs. This information shall be ~~biennially updated and submitted as part of the Biennial Status Report to the City every year as part of a DRI Status Report.~~

2. The City shall create an eco-business plan for the MainStreet Project Area that promotes businesses with green products, services, resources, and business practices. City's Climate Action Green Plan shall provide guidance for eco-businesses. The Developer shall participate provide by appointing an eco-business coordinator, developing an action plan, and providing status reports on all eco-business activities of the development as part of the biennial DRI Status report.

N. Hazardous Materials

MainStreet @ Coconut Creek DRI is not anticipated to include laboratories or other uses which would have a significant hazardous materials generation/usage impact as defined in Rule 9J-2.044(2)(f) and (5)(a), FAC. In the event that hazardous material usage on any project within MainStreet @ Coconut Creek DRI will have a significant hazardous materials generation/usage impact, prior to issuance of a certificate of occupancy for any such use, the owner(s) and/or 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 of Coconut Creek, in coordination with the first responders, as applicable, the Broward County EPGMD, the Florida Department of Environmental Protection (FDEP), and the SFRPC, which conforms with the requirements of Rule 9J-2.044(5)(b)(2), FAC. A copy of the approved plan shall be provided to the City of Coconut Creek Fire Department. The Hazardous Materials Management Plan shall be incorporated into any lease for such project and by sale agreement, restrictive covenant or other appropriate legally binding enforcement provision when any of the property on which such project is located is conveyed.

O. Air Quality

1. Prior to initiating construction or modification of a parking facility, as defined by Broward County Ordinance Sec. 27-176, the Developer shall meet with Broward County EPFMD Resilient Environment Department and the FDEP to establish parameters for a Carbon Monoxide Air Quality Analysis. This analysis will address worst case concentrations for each phase and build out while incorporating the methodology of the latest FDEP guidelines. All Level of Service (LOS) "E" or "F" intersections impacted by 5% or more project traffic and parking facilities of significant impact shall be analyzed prior to issuance of the first certificate of occupancy. Developer shall provide the City with a copy of any report generated pursuant to this section.

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2. Broward County Ordinance Sec. 27-176, requires that prior to construction of a new parking facility or modification of an existing one, the applicant shall submit a parking facility license application, prepare an air quality impact study and obtain a parking facility license if the number of parking spaces for the entire DRI is greater than or equal to 1,500 surface spaces; or 750 multilevel parking spaces; or combined 1,000 surface and multilevel parking spaces. For DRIs involving phase development, the applicant shall submit a parking facility license application, prepare an air quality impact study and obtain a parking facility license if the number of parking spaces for the current phase and the total number of existing parking spaces is greater than or equal to 1,500 surface spaces; or 750 multilevel parking spaces; or combined 1,000 surface and multilevel parking spaces.
3. Developer shall participate, in conjunction with the City, consistent with the practice of other property owners in the MainStreet RAC, in carbon reduction strategies by providing the following data: electric bills with kilowatts used, gross building square foot area, natural gas, fuel and propane gas used, for ICLEI – Local Governments for Sustainability, Clean Air Climate Protection software (<http://icleiusa.org/about-iclei>), or applicable software as may be updated from time to time by ICLEI.

The Developer shall provide this data as part of the biennial DRI status report to the City every year. The City shall provide results to the Developer upon completion of the software analysis. In addition, the City maintains a commitment to zero emissions by 2050 through the City's Race to Zero Program. Developer shall provide for solar use, bicycle and pedestrian pathways, and other new technology available and as further outlined in the PMDD Sustainable Design Requirements. In accordance with the City's Green Plan Action Objective 2.1, Developer shall also work with the City in an effort to provide for forty percent (40%) tree canopy coverage throughout MainStreet @ Coconut Creek to the extent feasible.

P. Fill

The Developer shall ensure that any fill material used within MainStreet @ Coconut Creek DRI, whether from onsite excavation activities or from offsite sources, meets the clean soils criteria of the EPGMD and the FDEP, as applicable.

Q. Historic and Archeological Sites

In the event of discovery of any archeological artifacts during the construction of MainStreet @ Coconut Creek DRI, construction shall stop within a thirty-foot radius/buffer and immediate notification shall be provided to the Division of Historical Resources, Florida Department of State, and the City of Coconut Creek. Construction may resume within the affected area after the City of Coconut Creek

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and the Division of 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.

R. Public Safety

1. The term "public safety" used herein shall include but not be limited to the City of Coconut Creek Fire Rescue and Police Departments.
2. Prior to the issuance of the first building permit for a principal building for the site, the Developer shall work with the City of Coconut Creek to ensure the adequate provision of fire/rescue and police services necessary to serve MainStreet @ Coconut Creek DRI.
3. The Developer will comply with the Police and Fire Impact Fees requirement per City Code Section 13-121, Imposition of Fees.

S. Wetlands

1. The Developer shall preserve the approximately 16.25+/- 13.4-acre LAPC on the site.
2. The preserve area may be used for retention of pre-treated stormwater runoff storage if all necessary local, state and federal licenses/permits provide such authorization.
3. The Developer may propose the utilization of the LAPC for interpretive passive recreational use subject to the approval of applicable governmental entities.
4. The project shall comply with the City of Coconut Creek Land Development Code regulations that relate to the protection of natural resources and wetlands.
5. The Developer acknowledges that there are existing wetlands in this DRI and shall comply with all local, state and federal applicable wetlands permitting and licensing requirements in the development of the site.
6. The proposed development contains or abuts water bodies or will be creating same. Excavation or filling of lakes or canals is regulated under Article XI of Broward County Natural Resource Protection Code and may require a County Environmental Resource License.

T. Transportation

1. Access to MainStreet @ Coconut Creek DRI shall be provided as follows:

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- a. Access to MainStreet @ Coconut Creek DRI shall be provided as shown on Map H, attached as Exhibit "B".
- 2. The Developer shall undertake the following to mitigate off-site transportation impacts generated by the MainStreet @ Coconut Creek DRI:
 - a. Internal roadway network:
 - i. Prior to the issuance of the first Certificate of Occupancy for Phase 2, in accordance with the Phasing Plan approved for the PMDD, the Developer shall fund, and construct, or cause the construction, as applicable, the portions of Banks Road to provide a continuous two (2)-lane undivided roadway between Wiles Road and Sample Road, as reflected in the street sections approved for the PMDD. The roadway shall be inspected and accepted by the City prior to the issuance of the first Certificate of Occupancy for Phase 2. Prior to the issuance of the first Certificate of Occupancy, a four (4)-lane divided roadway shall be constructed on Banks Road immediately north of Sample Road for a distance of 100 feet if the intersection at Banks Road and Sample Road is unsignalized and 300 feet if the intersection of Banks Road and Sample Road is signalized. The Developer shall fund, construct, or cause the construction, as applicable, the widening of Banks Road to a continuous four (4)-lane divided roadway between Wiles Road and Sample Road at the first to occur of one of the following:
 - (1) P.M. peak hour traffic volumes on the roadway reach 75% of LOS D capacity for a two-lane roadway as determined in the Biennial Report or as determined by actual traffic counts. The widening of the facility shall have commenced within 12 months of the Biennial Report's Findings or a report of actual findings. The widening of the facility shall have commenced prior to the issuance of a building permit for a principal building for the Applicant's improvements generating 750 or more p.m. peak hour trips as determined by the trip generation rates in Exhibit F. The design of the roadway shall be consistent with the cross sections in the City of Coconut Creek's MainStreet Design Standards PMDD, or as agreed to between the City and applicant (see Exhibit "H" for construction phasing). as approved by the City Commission.
 - ii. Prior to the issuance of the first Certificate of Occupancy for Phase 3, in accordance with the Phasing Plan approved for the PMDD, the Developer shall fund and construct, the remaining portions of Cullum Road to provide a continuous two (2)-lane roadway between NW 54th Avenue and Lyons Road.
 - iii. Prior to the issuance of the first Certificate of Occupancy for Phase 1, in accordance with the Phasing Plan approved for the

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PMDD, the Developer shall construct, the portions of NW 40th Street to provide a continuous two (2)-lane roadway between Lyons Road and City Market Avenue. Prior to the issuance of the first Certificate of Occupancy for Phase 2, in accordance with the Phasing Plan approved for the PMDD, the Developer shall fund and construct, the portions of NW 40th Street to provide the balance of the two (2)-lane roadway between City Market Avenue and NW 54th Avenue.

iv. Prior to the issuance of the first Certificate of Occupancy for Phase 3, in accordance with the Phasing Plan approved for the PMDD, the Developer shall fund and construct, the portions of City Market Avenue to provide a continuous two (2)-lane roadway between NW 40th Street and Sample Road.

Developer shall execute and deliver to the City all instruments reasonably necessary to convey to the City, for the use by the public as additional right of way for the aforementioned improvements described in Paragraph T.1.a and Paragraph T.2.a, above. The roadways shall be inspected and accepted by the City prior to the issuance of the applicable Certificate of Occupancy.

b. Developer shall execute and deliver to the City all instruments reasonably necessary to convey to the City, for the use by the public as additional right of way for the expansion of NW 54 Avenue and Cullum Road, that portion of the Site designated as "Future Dedication Parcel" on Exhibit "C" attached hereto and made a part hereof. The City may, prior to such conveyance, modify the description of the Future Dedication Parcel from that shown on Exhibit "C"; provided, such modified right of way shall not be greater than 120 feet wide and not more than approximately 2,000 feet in length. The conveyance by Developer shall be made within thirty (30) days of receipt by Developer of written notice from the City requesting the conveyance and stating that the City has entered into an agreement with a third party which provides for any third party to construct the roadway expansion improvements on the Future Dedication Parcel at the cost and expense of any such third party. All costs and expenses incurred in connection with the conveyance by Developer of the Future Dedication Parcel (other than the Developer's attorneys' fees) shall be paid by the City or the third party. In the event that construction of the roadway expansion improvements described herein has not commenced at the time that Developer obtains a building permit for a principal building on the Site, Developer shall have the obligation at its expense to construct NW 54 Avenue as shown in Exhibit G-1 and Cullum Road as provided in Section T.2.c.. Notwithstanding the foregoing, in the event the expansion of NW 54 Avenue and Cullum Road has not been constructed by a third party at the time the Developer obtains a building permit for a principal building on the site, Developer shall have the right to construct the expansion of the two roadways at such alternate location as has then been approved by the City, whereupon the City shall

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~~re-convey to the Developer the Future Dedication Parcel if previously conveyed to the City, once the Developer dedicates the revised right of way location. In the event construction of the right of way expansion of NW 54 Avenue and Cullum Road is undertaken and completed by a third party, City shall, upon Developer's request, issue a Notice of Compliance with Developer's obligation to cause construction of the right of way improvements. The provisions of this paragraph shall be binding upon and become the obligation of or benefit to the successors and assigns of the Developer as to all or any portion of the Site. In the event the property conveyed by such instruments is not utilized by the City, the property may be re-conveyed to the Developer in accordance with F.S. 255.22.~~

Signalization:

- i. If warranted, the developer shall construct traffic signals at the following locations. The determination of whether applicable warrant criteria are met shall be made by conducting an annual signal warrant analysis based upon applicable criteria defined in the then-current edition of the Manual on Uniform Traffic Control Devices (MUTCD), subject to review and approval by the governing agency. The commencement of the annual signal warrant analysis and final date for conducting the annual signal warrant analysis are defined for each intersection below:
 1. Lyons Road & Cullum Road. First annual signal warrant analysis will be conducted within 6 months of issuance of first Certificate of Occupancy for development within Phase 1, in accordance with the Phasing Plan approved for the PMDD, unless warranted sooner, and will continue until 3 years following issuance of final Certificate of Occupancy within Phase 4.
 2. Lyons Road & 40th Street. First annual signal warrant analysis will be conducted within 6 months of issuance of first Certificate of Occupancy for development within Phase 1, in accordance with the Phasing Plan approved for the PMDD, unless warranted sooner, and will continue until 3 years following issuance of final Certificate of Occupancy within Phase 3.
 3. Banks Road & Wiles Road. First annual signal warrant analysis will be conducted within 6 months of issuance of first Certificate of Occupancy for development within Phase 3, in accordance with the Phasing Plan approved for the PMDD, unless warranted sooner, and will continue until 3 years following issuance of final Certificate of Occupancy within Phase 5.
- ii. If warranted, the developer shall contribute 25% of the cost to construct traffic signals at the following locations. The determination of whether applicable warrant criteria are met shall be made by conducting an annual signal warrant analysis based

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upon applicable criteria defined in the then-current edition of the Manual on Uniform Traffic Control Devices (MUTCD). Developer shall provide a bond for the above noted signals when not warranted for the life of the build-out of the Project plus three (3) years. The commencement of the annual signal warrant analysis and final date for conducting the annual signal warrant analysis are defined for each intersection below:

1. City Market Avenue & Sample Road. First annual signal warrant analysis will be conducted within 6 months of issuance of first Certificate of Occupancy for development within Phase 3, in accordance with the Phasing Plan approved for the PMDD, unless warranted sooner, and will commence until 2 years following issuance of final Certificate of Occupancy within Block Phase 5.
2. NW 54th Avenue & NW 40th Street. First annual signal warrant analysis will be conducted within 6 months of issuance of first Certificate of Occupancy for development within Phase 3, in accordance with the Phasing Plan approved for the PMDD, unless warranted sooner, and will commence until 2 years following issuance of final Certificate of Occupancy within Block Phase 5.
- c. Prior to the issuance of a Certificate of Occupancy, the Developer shall fund, construct or cause the construction, as applicable, of Cullum Road as a two-lane undivided facility between Banks Road and Lyons Road, and Cullum Road as a four-lane divided facility between State Road 7/US 441 and Banks Road. The design of the roadway shall be consistent with the cross sections in the City of Coconut Creek's MainStreet Design Standards PMDD as approved by the City Commission.

Site-Access Improvements:

The Developer shall construct the following site-access related improvements:

- i. Wiles Road & Banks Road: eastbound right-turn lane. Turn lane shall be constructed prior to issuance of first Certificate of Occupancy for development within Phase 4, in accordance with the Phasing Plan approved for the PMDD.
- ii. NW 40th Street & Lyons Road: southbound right-turn lane. Turn lane shall be constructed prior to issuance of first Certificate of Occupancy for development within Phase 1, in accordance with the Phasing Plan approved for the PMDD.
- iii. City Market Avenue & Sample Road: westbound right-turn lane. Turn lane shall be constructed prior to issuance of first Certificate of Occupancy for development within Phase 3, in accordance with the Phasing Plan approved for the PMDD.

The schedule of construction of these improvements is included in attached Exhibit "D" and illustrated in Exhibit "G-1." If these

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improvements are warranted and determined infeasible for reasons including but not limited to right-of-way constraints, significant utility conflicts, insufficient geometry, or are otherwise not permitted by the governing agencies including the City of Coconut Creek, the Developer shall make payment equivalent to the construction cost to the City of Coconut Creek per the payment schedule in attached Exhibit "D." Developer shall not be responsible for payment equivalent to the construction cost where the noted improvement is determined not to be warranted, pursuant to the thresholds noted in Exhibit "D."

d. Contributions towards off-site mitigation.

The Developer shall pay the sum of \$10,870,200 up to a maximum \$13,929,800.00 for the purpose of transportation impact mitigation identified as "Net Transportation Mitigation Fee". This Net Transportation Mitigation Fee shall be based upon the cost of constructing the improvements included in Exhibit "E" and illustrated in Exhibit "G-2"³.

A portion of the above total Net Transportation Mitigation Fee (\$5,871,854 up to \$7,991,912.00) shall be paid to Broward County during the review of construction plans for environmental review approval by the Broward County Development and Environmental Regulation Division for purposes of the RAC Land Use Plan Amendment (PCT 10-3) traffic impact mitigation. Based on the PM peak hour traffic generation rates in Exhibit "F", the County's share equates to: \$594.62 \$774.41 per residential condominium/townhouse unit; \$341.02 \$203.44 per high-rise unit; \$2.404 \$3.76 per square foot of retail/commercial use; and \$1.26 \$1.95 per square foot of office use. These amounts shall be adjusted every October 1 by the amount of change reflected for previous twelve (12) month period in the Implicit Price Deflator of the Gross National Product prepared by the United States Department of Commerce Bureau of Economic Analysis. This obligation may also be entirely satisfied at any time by paying the total amount of the unpaid Mitigation Payment as adjusted annually. However, in no case shall the payment exceed the amount required for the actual development for which building permits are obtained. The purpose of these payments is to contribute towards the funding of transportation improvements in the North Central Transportation Concurrency Management Area. These improvements may include, but are not limited to, transit infrastructure improvements, programmed roadway improvements, or pedestrian/greenway improvement.

It is understood that the Developer intends to seek credit from Broward County for its payment for RAC Land Use Plan Amendment traffic impact mitigation in accordance with Section 380.06(5), Florida Statutes, and nothing herein shall be construed to prohibit the Developer from seeking credits from Broward County. Developer shall also receive credit for the Net

³ Note: Exhibit E is being deleted as the information is duplicative with the amended Exhibit D.

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Transportation Mitigation Fee payment to the City, as detailed below, for any applicable mitigation measures constructed by Developer.

The remaining sum of Net Transportation Mitigation Fee (\$4,998,346 up to \$5,937,888) shall be paid to the City of Coconut Creek for purposes of traffic mitigation per the payment schedule outlined in Exhibit "D"⁴, based on the trip generation rates in Exhibit "F"⁵. This obligation shall be paid to the City prior to the issuance of each individual building permits based upon the level of development proposed for such permit. The Net Transportation Mitigation Fee payment for each building permit shall equate to: \$575.38 per residential apartment/condominium/townhouse unit; \$151.16 per high-rise unit; \$2.79 per square foot of retail/commercial use; and \$1.45 per square foot of office use. Commencing three (3) years after the effective date of this Development Order amendment, these amounts shall be adjusted every October 1 by the amount of change reflected for previous twelve (12) month period in the Implicit Price Deflator of the Gross National Product prepared by the United States Department of Commerce Bureau of Economic Analysis. However, in no case shall the payment exceed the amount required for the actual development for which building permits are obtained. This obligation may also be entirely satisfied at any time by paying the total amount of the unpaid Mitigation Payment as adjusted annually. Prior to the sale of land within the Property, the applicant shall be responsible for forming an association of property owners to ensure equitable assignment of responsibilities and shall provide recorded evidence of this association to the City. These mitigation fees shall be allocated to improvements demonstrated to mitigate the impacts of the Property. These improvements shall be coordinated with the FDOT and other appropriate jurisdictions. Applicable transportation improvements constructed by Developer shall be credited towards any applicable City Net Transportation Mitigation Fees noted in this paragraph.

e. The Developer shall construct the following improvements:

1. ~~Banks Road and Wiles Road — Signalization.~~
2. ~~Banks Road and Sample Road — All proposed laneage and signalization~~
~~Proposed Street Sections in accordance with the MainStreet PMDD rezoning.~~
3. ~~Sample Road and Lyons Road — Eastbound/Westbound right-turn lane overlap phases.~~
4. ~~Downtown Access Road and NW 54th Avenue — Eastbound signalization.~~
5. ~~Sample Road and Florida's Turnpike — Northbound triple left turn lanes.~~
6. ~~Cullum Road and Lyons Road — Signalization.~~

⁴ Note: Exhibit D is being repealed and replaced with a new Exhibit D.

⁵ Note: Exhibit F is being repealed and replaced with a new Exhibit F.

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~~All signalization shall be constructed when warranted by the applicable government agency. The schedule of construction of these improvements is included in attached Exhibit "E" and illustrated in Exhibits "G-1" and "G-2". If these improvements are determined infeasible for reasons including but not limited to right of way constraints, significant utility conflicts, insufficient geometry, or are otherwise not permitted by the governing agencies including the City of Coconut Creek, the Developer shall make payment equivalent to the construction cost to the City of Coconut Creek per the payment schedule in attached Exhibit "D".~~

In addition to the payments required in Section 7(T)(2)(d) above, the Developer shall satisfy the regional Transportation Concurrency requirements of Broward County in accordance with Policy 3.4.23 of the Transportation Element of Broward County Comprehensive Plan prior to receiving Broward County Development and Environmental Regulation Division approval of construction plans for any development. It is understood that the Developer intends to seek credit from Broward County for its payment for Activity Center Land Use Plan Amendment traffic impact mitigation and nothing herein shall be construed to prohibit the Developer from seeking credits from Broward County.

f. The Developer in coordination with the City may, subject to obtaining the appropriate construction permits, construct additional improvements beyond those listed in Section 7(T)(2)(e) above, but consistent with the improvements associated with the overall mitigation cost derived from the ADA analysis included in Exhibit ~~E~~D and as illustrated in Exhibits "G-1" and "G-2." If the Developer constructs additional improvements beyond Section 7(T)(2)(e) but consistent with the improvements identified in the ADA analysis for mitigation, a mitigation fee credit shall be provided. The amount of credit shall be consistent with the improvement costs in Exhibit ~~E~~D.

~~g. The Developer shall construct the following improvements to facilitate onsite access subject to obtaining agency approval and permitting. All geometric improvements shall be constructed when determined necessary to facilitate adequate access to the development.~~

- ~~1. Lyons Road and Jardin Driveway Signalization when warranted.~~
- ~~2. Lyons Road and Uptown Driveway Southbound right turn lane and signalization when warranted.~~
- ~~3. Sample Road and Fishermans' Landing Driveway Westbound right turn lane, eastbound left turn lane, and signalization when warranted.~~

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4. ~~Cullum Road and NW 54th Avenue roundabout.~~

5. ~~Cullum Road and Banks Read—roundabout.~~

3. The Developer shall encourage transit use, carpooling, carsharing and vanpooling by using some of the following Transportation Demand Management (TDM) strategies consistent with the City of Coconut Creek's MainStreet Design Standards:

- a. Within 90 days of obtaining the first certificate of occupancy for a structure, making rideshare, car-sharing, and transit information available to tenants/residents and employees including three (3) carshare designated parking spaces within the development;
- b. ~~by designating employee parking spaces in all new parking facilities, conveniently located, for exclusively high occupancy vehicle use where appropriate; and through the provision of transit subsidies for the purchasing of transit fares/passes for residents and employees;~~
- c. ~~developing a Travel Demand Management Plan (TDM Plan) within one (1) year of obtaining the first certification of occupancy for a structure developed in coordination with the City of Coconut Creek, to be approved by Broward County Transit and FDOT, that promotes car and van pool programs, maintains a ridesharing database, promotes transit use, makes transit passes available to employees on site who wish to use transit, and promotes preferential parking for onsite employees who volunteer for these trip reduction initiatives. An on-site Employee Transportation Coordinator shall be designated by the Developer who shall coordinate the implementation of the TDMP and provide annual reports to the FDOT and the City of Coconut Creek. Continuation of the TDMP and Employee Transportation Coordinator shall be determined jointly between the FDOT, the City of Coconut Creek and the Applicant;~~
- d. b. cooperating with the City of Coconut Creek, Broward County Transit, FDOT, and Broward MPO to incorporate transit-oriented design principles into the design and development of the site;
- e. c. providing designated, clearly marked, convenient rideshare pick-up and drop-off locations throughout the site and in accordance with the approved PMDD standards;
- f. d. cooperating with the City of Coconut Creek to minimize the number of off-street parking spaces provided within the Main Street @ Coconut Creek DRI consistent with the City of Coconut Creek's MainStreet Design Standards approved PMDD;

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- g. e. performing a shared parking study to identify any reductions in parking that can be achieved by combining the parking supply for residential, office and retail uses within the commercial development on site based upon differences in time-of-day demand for the various tenants within the commercial development;
- h. ~~by participating in the funding of bus pull out bays that are to be located on the site of the MainStreet @ Coconut Creek DRI, the exact number and location of which shall be determined in coordination with the Applicant, the City of Coconut Creek, Broward County Transit, FDOT, and Broward County MPO;~~
- i. f. by enhancing and defining bicycle routes throughout MainStreet through the use of dedicated and shared pathways;
- j. g. by providing bicycle racks and secure bicycle storage in the design and development of the site consistent with the MainStreet Design PMDD Standards;
- k. h. coordinating with the South Florida Regional Transportation Authority (SFRTA) and the City of Coconut Creek in the implementation of a Tri-Rail shuttle route, if and when such route becomes available, that serves the MainStreet @ Coconut Creek DRI;
- l. i. The Developer shall coordinate with the City and participate in meetings and discussions with the City and Broward County MPO in the master planning process for the construct a community transit hub. per the Broward MPO's LRTP with shelter facilities within the site. Developer shall work with the City and construct a community transit hub, if recommended by the Broward County MPO based on their study. The community transit hub design shall be consistent with the guidelines put forth in Section 3.5 of the "Accessing Transit Design Handbook for Florida Bus Passenger Facilities", or other similar guidelines adopted by the City of Coconut Creek, MPO, or Broward County Transit, or as otherwise recommended by the Broward County MPO. The "Accessing Transit Design Handbook for Florida Bus Passenger Facilities can be viewed at <http://www.dot.state.fl.us/transit/Pages/2008> Transit Handbook.pdf. The location, time of construction and design requirements shall be determined jointly among the Developer, FDOT, the City of Coconut Creek, and Broward County Transit. Developer shall also work with the City to implement locations for community transit stops, as may be identified by the City of Coconut Creek Transit Master Plan.
- m. j. The Developer shall construct three (3) eight foot wide by forty foot long paved pedestrian bus landing pads with eight foot wide by fifteen foot long bus shelter pads (structural design to be provided by the City

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~~of Coconut Creek) adjacent and far side to the bus landing pads. The Developer shall also provide and install the approved City of Coconut Creek shelters. Two locations are on the southbound Lyons Road (Bus Stop ID # 3372 and Bus Stop ID # 3216) and one location is on the westbound Sample Road (Bus Stop ID # 4862). Time of installation to be address determined during the plat approval. transit improvements as required by Broward County during the platting process.~~

U. Schools

The Developer shall comply with the provisions of the Public School Facilities Element of the City and County Comprehensive Plan including the Amended Interlocal Agreement for Public School Facility Planning dated December 7, 2007, as may be amended from time to time, adopted by the City, Broward County and the School Board of Broward County, as provided in Sec. 5-182(m) of the Broward County Land Development Code.

V. Biennial Report and Monitoring

1. The biennial DRI Status report required by Section 380.06(18), Florida Statutes, shall be submitted every two (2) years, until buildout is achieved, on the anniversary date of the effective date of this Development Order to the City of Coconut Creek, the SFRPC, FDOT, and the Florida Department of Economic Opportunity. The contents of the report shall include those items required by this Development Order and Rule 9J-2.025(7), FAC.
2. The City of Coconut Creek City Manager, or his or her designee shall be responsible for monitoring the Developer's compliance with the conditions of this Development Order and shall ensure that the applicable Development Order conditions have been complied with prior to the issuance of any development permits. Upon the written request of the owner(s) or developer(s) of the property within MainStreet @ Coconut Creek DRI, the City of Coconut Creek shall certify in writing to the owner(s), developers, mortgagees, and potential mortgagees or their designee(s) the compliance status of the conditions of this Development Order relative to the property within MainStreet @ Coconut Creek DRI to which the request is related. If all conditions of this Development Order are being satisfied or are otherwise in compliance, the certification shall provide that the Development Order is in full compliance. If all conditions are not being complied with, the City of Coconut Creek shall specify in writing which conditions are not in compliance.
3. In the event the Developer or, its successors and assigns, violate any of the conditions of the Development Order or otherwise fails to act in substantial compliance with the Development Order (hereinafter "violator"), the City of Coconut Creek may stay the effectiveness of the Developer Order as to the tract or portion of the tract in which the violation or conduct has occurred and

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withhold further permits, approvals, and services for development in said tract of portion of the tract, upon passage of any appropriate resolution by the City of Coconut Creek, adopted in accordance with this section, finding that such violation has occurred. The violator shall be given written notice that states: i) the nature of the purported violation and ii) that unless the violation is cured within fifteen (15) days of said notice, a public hearing will be held to consider the matter within thirty (30) days of said notice. If the violation is not curable within fifteen (15) days, the violator's diligent good faith efforts to cure the violation will obviate the need to hold a public hearing and the Development Order will remain in effect unless the violator does not diligently pursue the curative action to completion within a reasonable time, in which event the City of Coconut Creek shall give fifteen (15) days notice to the violator of its intention to stay the effectiveness of the Development Order and withhold further permits, approvals, and services as to the tract, or portion of the tract, in which the violation has occurred until the violation is cured. For purposes of this provision, the word "tract" shall be defined to mean any quantity of land capable of being described with such definiteness that its boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit, and which is located within MainStreet @ Coconut Creek DRI.

W. Expiration or Termination Date

The expiration date for this Development Order shall be December 31, 2020 July 20, 2036, unless the expiration date is extended as provided in Section 380.06(197)(eb), Florida Statutes.

X. Transmittal to the ~~SFRPC~~, Department of Community Affairs Commerce, and the Developer

Within thirty (30) days after the approval of this Development Order, a certified copy of this Development Order with all exhibits shall be sent via first class certified U.S. Mail to the ~~SFRPC~~, the Department of Community Affairs Commerce, and the Developer.

Y. Recording

Within thirty (30) days after the effective date of this Development Order, the Developer shall record notice of the adoption of this Development Order together with the Development Order with the Clerk of the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida in accordance with Sections 28.222 and 380.06(15)(f), Florida Statutes. This notice shall specify that this Development Order runs with the land and is binding upon the Developer, its agents, successors, grantees and assigns, jointly or severally. The Developer shall provide a copy of the recorded notice to the City of Coconut Creek, the SFRPC, and the Department of ~~Economic Opportunity~~ Commerce.

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Section 8: Approval. That the City Commission hereby approves the amendments to the MainStreet @ Coconut Creek Development of Regional Impact Development Order Ordinance No. 2010-006 subject to the following condition of approval:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed as stated therein.
2. Pursuant to Section 380.06163.3225, Fla. Stat., the Developer shall enter into a Development Agreement with the City of Coconut Creek, in a form approved by the City Attorney, upon the terms and conditions approved by the City Commission. Such Development Agreement, upon execution, shall be incorporated herein and compliance with the terms and conditions of such Development Agreement shall be a condition of approval of this MainStreet at Coconut Creek Development of Regional Impact Development Order.

Section 9: That pursuant to Section 380.06(5)(c), Florida Statutes, the Developer elects to be bound by the applicable rules adopted pursuant to Chapters 403 and 373 Florida Statutes, which are in effect when this Development Order is issued.

Section 10: Violation of Conditions. That failure to adhere to the terms and conditions of the approval above, or to the terms and conditions of the separately approved Development Agreement, shall be considered a violation of the City Code and persons found violating the conditions shall be subject to the penalties prescribed by the City Code, including but not limited to, the revocation of the approvals granted by this resolution. The applicant understands and acknowledges that it must comply with all other applicable requirements of the City before it may commence construction or operation, and this ordinance may be revoked by the City Commission at any time upon a determination that the applicant is not in compliance with the City Code or this ordinance.

Section 11: Other Approvals. That this approval does not in any way create a right on the part of the applicant to obtain a permit from a county, state or federal agency, and does not create liability on the part of the City for issuance of the approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency or undertakes action that result in a violation of state or federal law.

Section 12: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 13: Severability. That should any section or provision of this ordinance, or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

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Asterisks (**) indicate existing text not shown.

Section 14: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 14TH DAY OF DECEMBER, 2023.

PASSED SECOND READING THIS _____ DAY OF _____, 2024.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	_____
Welch	<u>Aye</u>	_____
Railey	<u>Aye</u>	_____
Brodie	<u>Aye</u>	_____
Wasserman	<u>Aye</u>	_____

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LIST OF EXHIBITS

EXHIBIT "A" - Legal Description

EXHIBIT "B" - Master Development Plan

~~EXHIBIT "C"~~ - ~~Future Dedication Parcel~~

EXHIBIT "D" - Transportation Mitigation Overall Summary;
Preliminary Opinion of Probably Costs by Trip
Generation Threshold

~~EXHIBIT "E"~~ - ~~Transportation Mitigation Thresholds by Intersection~~

EXHIBIT "F" - Trip Generation

EXHIBIT "G-1" - Developer Constructed Improvements

EXHIBIT "G-2" - Summary of Traffic Mitigation

~~EXHIBIT "H"~~ - ~~Banks Road Construction Phasing~~

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EXHIBIT "A"

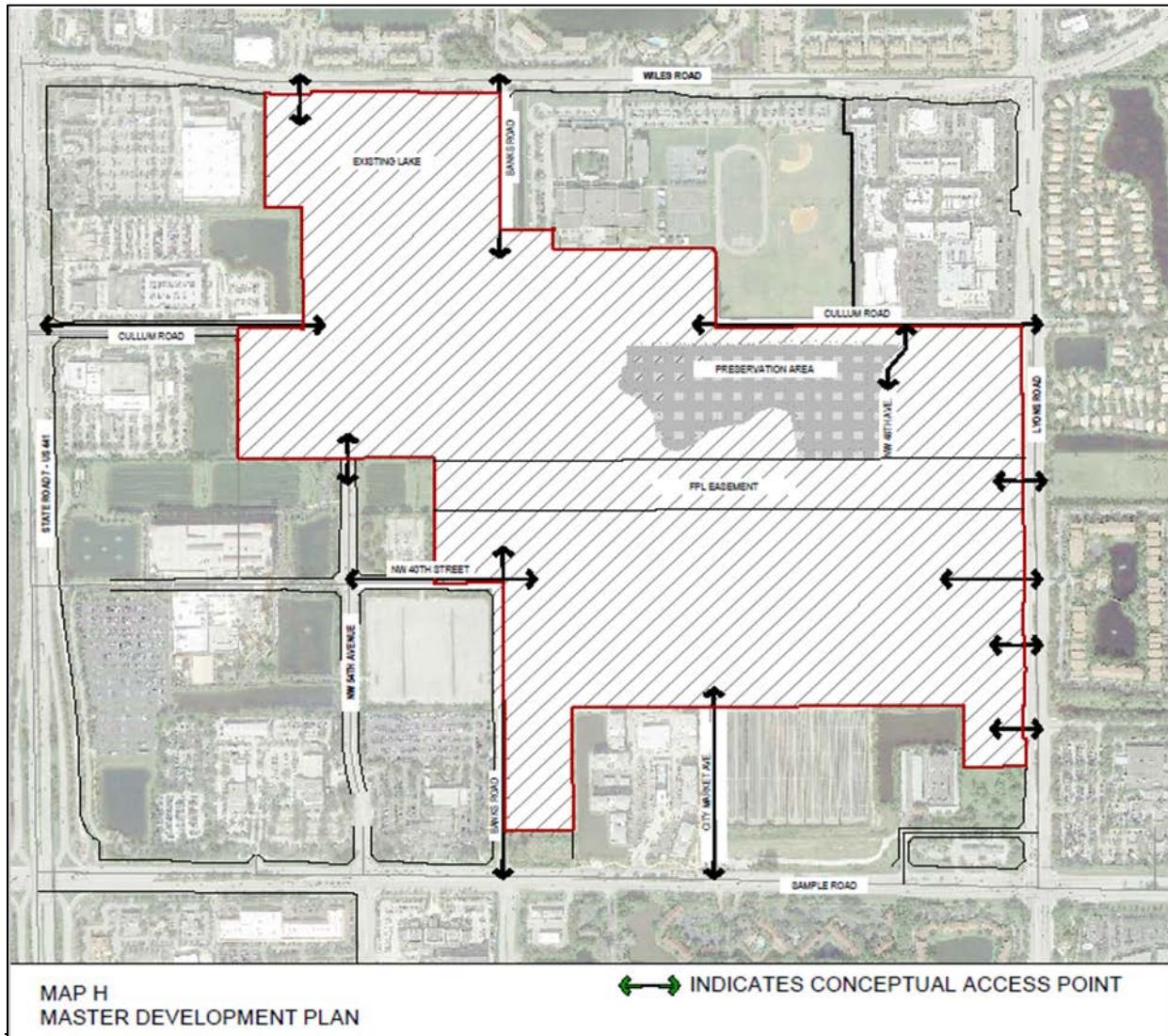
Legal Description

TRACTS 24, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, AND 73, BLOCK 89, PALM BEACH FARMS CO. PLAT NO. 3, AS PER MAP OF PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA; LESS AND EXCEPT THE NORTH 20 FEET OF TRACTS 33 AND 42 CONVEYED TO BROWARD COUNTY BY WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 24, PAGE 594 AND OFFICIAL RECORDS BOOK 14, PAGE 599; LESS THOSE PORTIONS OF TRACTS 33 AND 55 CONVEYED TO THE BROWARD COUNTY EXPRESSWAY AUTHORITY, AND BROWARD COUNTY, FLORIDA, BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13966, PAGE 480; LESS THAT PORTION OF TRACT 24 KNOWN AS PARCEL NO. 101, CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 21899, PAGES 826 THROUGH 842, INCLUSIVE AND THAT PORTION OF TRACT 42 KNOWN AS PARCEL NO. 102, CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 21899, PAGES 845 THROUGH 861, INCLUSIVE, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND LESS ALL PREVIOUSLY DEEDED OR DEDICATED ROAD RIGHTS OF WAY.

TOGETHER WITH ALL OF THE UNDERLYING PLATTED RIGHTS-OF-WAY AS DELINEATED ON THE AFORESAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3, LYING IMMEDIATELY ADJACENT TO AND BEING CONTIGUOUS WITH THE AFORESAID TRACTS 24, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, AND 73 IN BLOCK 89.

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EXHIBIT "B"
Master Development Plan



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EXHIBIT "C"

Future Dedication Parcel

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EXHIBIT “D”

Transportation Mitigation Overall Summary Preliminary Opinion of Probably Costs by Trip Generation Threshold

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EXHIBIT D
**MainStreet at Coconut Creek DRI - Transportation Mitigation Overall Summary
Preliminary Opinion of Probable Costs - January 10, 2024**

Condition Reference	Improvement Locations	Transportation Mitigation Overall Cost	Developer-Constructed Improvement Cost	Developer-Contribution Payment	PM Peak Hour Trip Generation Threshold
(A) Internal/Adjacent Roadways					
2.a.i	Banks Road (2 lane section from Sample to Lyons)*	\$ 6,000,000.00	\$ 6,000,000.00		N/A
2.a.ii	Cullum Road (2 lane section from 54th Ave to Lyons Road)*	\$ 5,800,000.00	\$ 5,800,000.00		N/A
2.a.iii	NW 40th Street (2 lane section from NW 54th Avenue to Lyons Road)	\$ 4,500,000.00	\$ 4,500,000.00		N/A
2.a.iv.1	City Market Avenue (2 lane section from 40th Street to Property Boundary)	**	**	**	N/A
2.a.iv.2	City Market Avenue (2 lane section from Property Boundary to Sample Rd)	**	**	**	N/A
(B) Signalization					
2.b.i.1	Cullum Road and Lyons Road (Signalization Only)	\$ 750,000.00	\$ 750,000.00		When Warranted
2.b.i.2	40th Street and Lyons Road (Signalization Only)	\$ 750,000.00	\$ 750,000.00		When Warranted
2.b.i.3	Banks Road at Wiles Road (Signalization Only)	\$ 750,000.00	\$ 750,000.00		When Warranted
2.b.ii.2	NW 54th Avenue and NW 40th Street	\$ 750,000.00	\$ 750,000.00		When Warranted
2.b.ii.1	City Market Avenue and Sample Road (Signalization Only)	\$ 750,000.00	\$ 750,000.00		When Warranted
(C) Site Improvements					
2.c.i	Wiles Road & Banks Road - EB right turn lane	\$ 135,000.00	\$ 135,000.00		N/A
2.c.ii	NW 40th Street & Lyons Road - SB right-turn lane	\$ 135,000.00	\$ 135,000.00		N/A
2.c.iii	City Market Ave & Sample Road - WB right-turn lane	\$ 135,000.00	\$ 135,000.00		N/A
(D) Off-Site Developer Contributions					
2.d (4)	State Road 7 at Wiles Road	\$ 1,914,000.00	\$ -	\$ 1,914,000.00	1,380
2.d (1)	Winston Park Boulevard at Lyons Road	\$ 45,000.00	\$ -	\$ 45,000.00	1,391
2.d (2)	Wiles Road at Lyons Road	\$ 2,094,600.00	\$ -	\$ 2,094,600.00	1,391
2.d (7)	Sample Road and Lyons Road	\$ 4,601,700.00	\$ 10,000.00	\$ 4,591,700.00	1,475
2.d (11)	Copans Road at Lyons Road	\$ 3,931,900.00	\$ -	\$ 3,931,900.00	1,475
2.d (10)	Sample Road at 42nd Avenue	\$ 651,100.00	\$ -	\$ 651,100.00	1,623
2.d (3)	Wiles and Powerline Road	\$ 722,500.00	\$ -	\$ 722,500.00	1,698
2.d (12)	Coconut Creek Parkway at Lyons Road	\$ 415,900.00	\$ -	\$ 415,900.00	2,319
2.d (5)	Sample Road at Riverside Drive	\$ 1,620,600.00	\$ -	\$ 1,620,600.00	2,704
2.d (6)	Sample Road at NW 54th Avenue	\$ 1,399,900.00	\$ -	\$ 1,399,900.00	3,223
2.d (15)	Hillsboro Boulevard at Lyons Road (Signal Modification Only)	\$ 100,000.00	\$ -	\$ 100,000.00	3,774
Total (Section D - Off-Site Developer Contributions)		\$ 17,497,200.00	\$ 10,000.00	\$ 17,487,200.00	

Notes:

* City has applied for surtax funding for these improvements

** Overall cost and developer contribution subject to determination of roadway design + proportionate share determination from affected property owners

EXHIBIT "E"

Transportation Mitigation Thresholds by Intersection

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EXHIBIT “F”

Trip Generation

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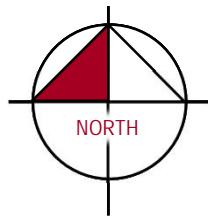
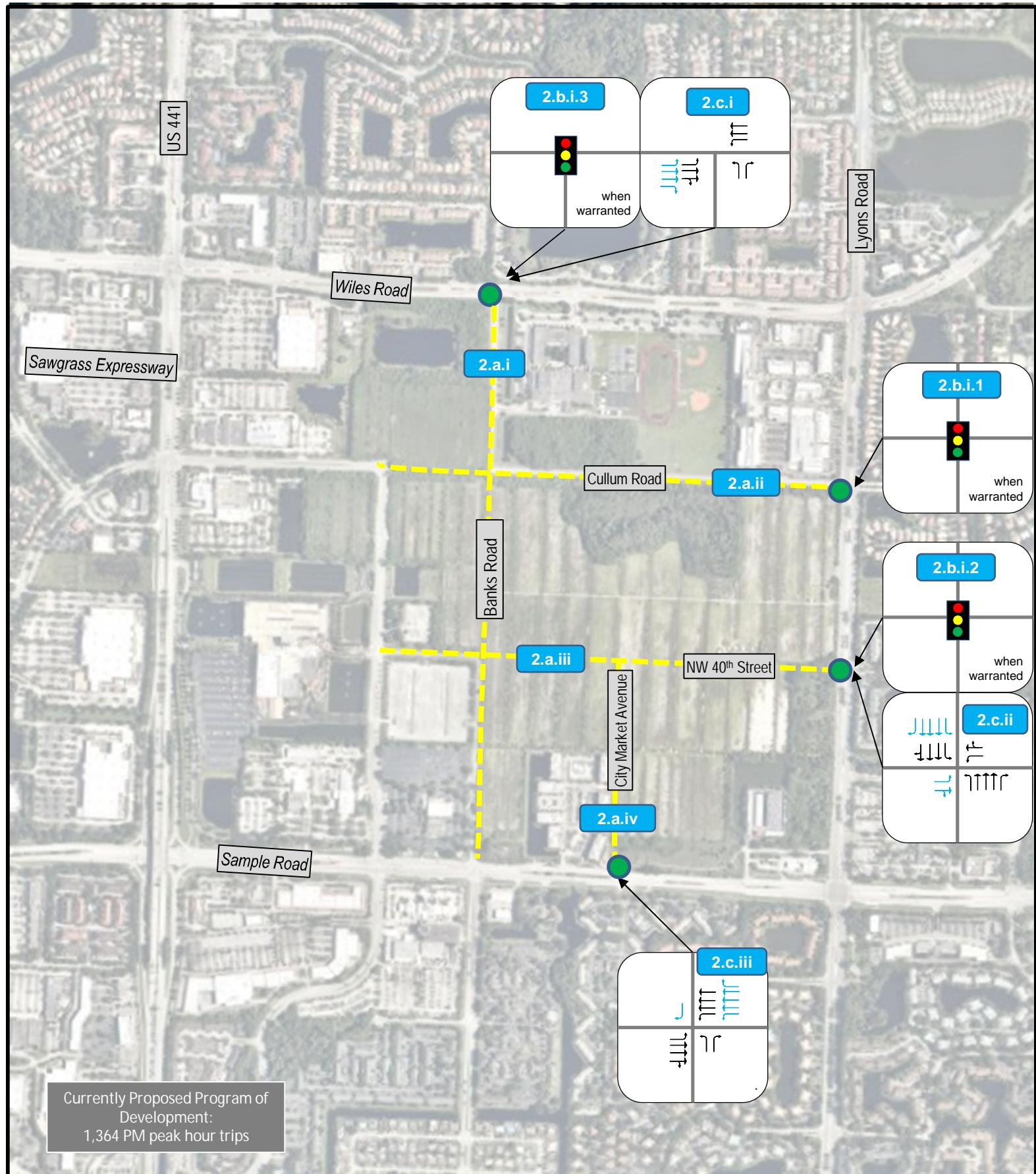
EXHIBIT "F"
TRIP GENERATION

Land Use	Intensity	Daily	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Proposed Scenario								
Multifamily Low-Rise	100 DU	716	54	13	41	64	40	24
Multifamily Mid-Rise	3850 DU	18,318	605	139	466	638	389	249
General Office (>5,000 SF)	525 KSF	5,300	520	447	73	604	97	507
General Commercial	1,625.000 KSF	48,292	1,092	677	415	4,201	2,016	2,185
		<i>Subtotal</i>	72,626	2,271	1,276	5,507	2,542	2,965
Internal Capture								
Multifamily Low-Rise		163	0	0	0	29	18	11
Multifamily Mid-Rise		4167	8	3	5	284	179	105
General Office (>5,000 SF)		145	78	67	11	91	15	76
General Commercial		4,330	8	5	3	312	115	197
		<i>Subtotal</i>	8,805	94	75	716	327	389
Pass-By Capture								
Multifamily Low-Rise	0.0%	0	0	0	0	0	0	0
Multifamily Mid-Rise	0.0%	0	0	0	0	0	0	0
General Office (>5,000 SF)	10.0%	516	44	38	6	51	8	43
General Commercial	29.0%	12,749	314	195	119	1,128	551	577
		<i>Subtotal</i>	13,265	358	233	1,179	559	620
Driveway Volumes		63,821	2,177	1,201	976	4,791	2,215	2,576
Net New External Trips		50,556	1,819	968	851	3,612	1,656	1,956
Proposed Net External Trips-Existing Net New External Trips		50,556	1,819	968	851	3,612	1,656	1,956
<u>Land Use</u>		<u>Daily</u>	<u>AM Peak Hour</u>			<u>PM Peak Hour</u>	<u>Pass By</u>	
Multifamily Low-Rise		$T = 6.41(X) + 75.31$	$T = .31(X) + 22.85$ (24% in, 76% out)			$T = .43(X) + 20.55$ (63% in, 37% out)	0.0%	
Multifamily Mid-Rise		$T = 4.77(X) - 46.46$	$T = .44(X) - 11.61$ (23% in, 77% out)			$T = .39(X) + .34$ (61% in, 39% out)	0.0%	
General Commercial		$T = 26.11(X) + 5,863.73$	$T = .59(X) + 133.55$ (62% in, 38% out)			$\ln(T) = 0.72 \ln(X) + 3.02$ (48% in, 52% out)	29.0%	

EXHIBIT “G-1”

Developer Constructed Improvements

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LEGEND

- Developer-Constructed Intersection Improvement
- Developer-Constructed Roadway Improvement
- ↑ Existing Laneage
- ↑ Proposed Laneage

EXHIBIT G-1

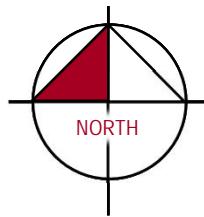
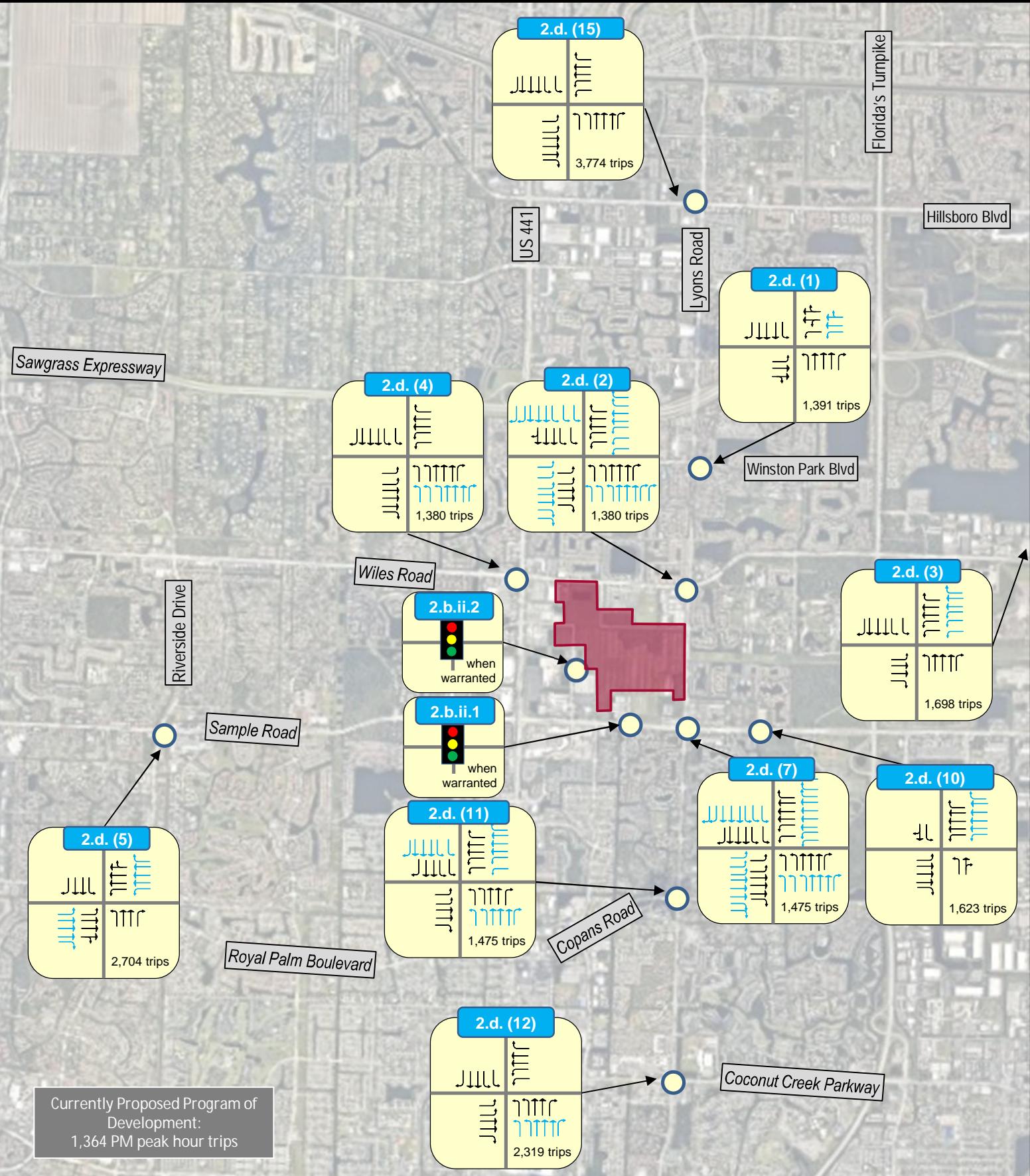
Main Street at Coconut Creek DRI
Summary of Developer-Constructed Improvements
KH #140924000

Kimley»Horn

EXHIBIT “G-2”

Summary of Traffic Mitigation

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LEGEND

- Developer-Contributed Improvement
- ↑ Existing Laneage
- ↑ Proposed Laneage

EXHIBIT G-2

Main Street at Coconut Creek DRI
Summary of Developer-Contributed
Improvements
KH #140924000

Kimley»Horn

EXHIBIT "H"

Banks Road Construction Phasing

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