

**LAKE COUNTY PLANNING AND ZONING DIVISION
DRI – NOPC STAFF REPORT**

**Planning and Zoning Board
August 3, 2016**



**Board of County Commissioners
August 23, 2016**

Summer Bay Resort DRI Development Order (DO) Amendment	Commissioner District 1 Sullivan	Agenda Item #4
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Requested Action: Amend the approved Development Order (Ordinance #2007-29) for the Summer Bay Resort Development of Regional Impact (DRI) to allow new uses.

Owner: Summer Bay Partnership, (c/o Mr. Joseph Scott, President)

Applicant: RJ Whidden & Assoc., Inc. (c/o John F. Adams)

- Site Location & Information -

Size	Approximately 351.82 +/- acres
Location	North of U.S. Highway 192, east of U.S. Highway 27, and west of Orange County
Future Land Use	Urban Medium Density and Regional Commercial
Zoning District	Ordinance 2007-29 (Amended & Restated Planned Unit Development Order)
Proposed Land Use	Summer Bay Resort
Joint Planning Area/ ISBA	NA
Overlay Districts	US 192 Major Commercial Corridor and US 27 Major Commercial Corridor

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Cagan Crossings and Urban Low Density	Planned Unit Development (PUD), Medium Density Residential (R-4), Agriculture, and Community Commercial (C-1)	Commercial and residential land uses	Cagans Crossing DRI
South	Polk County	Community Commercial (C-1) and Polk County	Commercial Development along US HWY 192	
East	Orange County	Orange County	Condos	Liki Tiki Village by Diamond Resorts
West	Green Swamp Ridge and Cagan Crossings	Community Facility District (CFD), Community Commercial (C-1), and Planned Unit Development (PUD)	US HWY 27, residential subdivision, commercial uses	Cagans Crossing DRI and High Grove Unit 1 Subdivision

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of changes to the Summer Bay Resort DRI Development Order as proposed via Notice of Proposed Change (NOPC) application, with the adoption of a new ordinance identified as the Summer Bay Resort DRI, 4th Amended and Restated Development Order.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

Pursuant to the requirements of Chapter 380.06(19), Florida Statutes (F.S.), the Applicant submitted a Notice of Proposed Change (NOPC) application, which proposes non-substantial changes to the approved Summer Bay Resort Development of Regional Impact (DRI) Development Order (DO), which is Ordinance 2007-29. The DRI is located along the northside of the US Highway 192 in southeast Lake County. The Cagan Crossings DRI borders Summer Bay on the north and northwest, Polk County is to the south, across US Highway 192, Orange County borders Summer Bay on the east, US Highway 27 borders the property to the southwest and Osceola County is to the southeast. Commercial developments and the High Grove Subdivision are located on the westside of US Hwy 27. Additional commercial development and undeveloped land areas exist to the north and within the Cagan Crossings DRI.

Current uses allowed by Summer Bay Resort Ordinance 2007-29 (approved in 2007)

- 35,391 square feet of administrative and management office space for the development;
- 10,450 square foot maintenance facility;
- 486 hotel/motel suites;
- 280,020 square feet of commercial retail and services;
- 2,215 apartments and/or timeshare residential units; and
- Infrastructural elements, ancillary recreational facilities.

Of the approved uses specified above approximately 697 dwelling units, 150 hotel rooms, and 136,160 square feet of non-residential uses have been developed.

Uses Proposed by the NOPC Application

The NOPC proposes a new DRI build-out date, revision to the Map H (Attachment 1), incorporating new uses of hospital, storage use for indoor mini-warehouse and outdoor storage for recreational vehicles, boats, etc., a new land use phasing plan and land use exchange matrix (Attachment 2). The NOPC indicates that the new changes can be accommodated by reducing the land use intensity of some of the previously approved uses to ensure that current levels of service (LOS) to regional resources and facilities are maintained.

- Extend development build out date from its previous date of December 31, 2009 to December 31, 2023.
- Decrease the residential apartment units from 2,215 units to 2,040 units
- Increase the approved commercial square footage from 280,020 square feet to 1,250,000 square feet
- Decrease the number of hotels suites (rooms) from 486 to 250.
- Add a hospital use of 150-beds; to include 250,200 square feet for emergency center and administration, medical and professional office uses.
- Add mini-warehouse and storage use on 3-acres.
- Introduce a conversion matrix for land development flexibility to be reported and monitored with future biennial reports.
- DO condition changes to be consistent with and to reflect new LDR and comprehensive plan requirements. Some DO conditions are proposed for inclusion into a new PUD ordinance to implement the new Summer Bay FLUC.

Pursuant to Chapter 380.06(19)(e)1, Florida Statutes (F.S.), the above stated changes are not considered either individually or cumulatively to be a substantial deviation to the previously approved Development Order (DO). Attachment 1 demonstrates that there is no increase of development impacts beyond what has been previously approved and evidenced by Ordinance 2007-29. Review of the application by Florida Department of Transportation (FDOT - Attachment 3), East Central Florida Planning Council (ECFRPC - Attachment 4) and Lake County staff conclude that the proposed new uses do not substantially deviate from the previously approved DO in accordance with Chapter 380.06(19)(e)1, 2(i),(k), and (l), F.S. However, FDOT recommended conditions for inclusion into the proposed DO to ensure that LOS levels remain acceptable through development build-out. As such, Lake County staff recommends approval of the NOPC application, with new conditions specified in the proposed 4th Amended and Restated Development Order.

In accordance with the DRI requirements, on June 25, 2016, the ECFRPC concluded that the above listed proposed uses are presumed to create additional regional impacts that could be rebutted with clear and convincing evidence (Attachment 2). The FDOT correspondence dated June 6, 2016 contains evidence to rebut the presumption that the proposed changes substantially deviate from the previously approved DO (Ordinance 2007-29). To that end, Chapter 380.09(16) allows the local government to amend the DO in accordance with the local government's procedures for amendment of a DO, which include notice to the Applicant and to the public, whereby the local government shall either deny the NOPC application or adopt an amendment to the DO, with or without conditions.

As previously indicated, concurrent with this NOPC application, the Applicant proposes a future land use map amendment to the Lake County 2030 Comprehensive Plan (Comp Plan) because the current Urban Medium Density and Regional Commercial future land use categories (FLUC), adopted in Year 2011, do not correspond to the uses of the DRI. Be advised that this new future land use category (FLUC) and the uses proposed by the NOPC application have been reviewed concurrently. Lake County staff concludes that the new Summer Bay Resort future land use category (FLUC) will not adversely impact current public facility capacities or LOS.

Summer Bay DRI Resort Background History

On August 14, 1984, Rainbow, N.V./Bramalea filed a DRI application for development approval to the Board of County Commissioners (BCC) on land containing approximately 351 acres (308 developable acres). The Bramalea DRI-DO, was conditionally approved by the BCC on August 14, 1984 and subsequently recorded. The approval was for 2,631 dwelling units, 29.4 +/- acres of Commercial, and 25 +/- acres of Recreation/Open Space consisting of approximately 308 acres. The conditional approval is recognized as the original Development Order (Book 819, Page 1959).

However, it was amended and approved on December 4, 1984 to incorporate additional recommendations by the BCC and East Central Florida Regional Planning Council (ECFRPC). That approval is recognized as the Amended Development Order (Book 827, Page 615). The amendment entailed commercial accessibility conditions via interior roads rather than US 27 & US 192, school siting condition, fifty (50) foot building setback condition from the US 27 and US 192 right-of-way.

On January 23, 1990, the BCC approved Ordinance #6-90 for a preliminary development plan for a Planned Unit Development (PUD); the PUD allowed 2,461 single-family residential units, 250,000 square feet of commercial uses, and a 312 room hotel with customary accessory uses.

Summer Bay Partnership, is the successor to Rainbow, N.V./Bramalea. On June 26, 2007, the BCC approved Ordinance 2007-29 to restate the development order, to allow the current uses as specified above. Since its approval, Summer Bay has been developing the subject property in accordance with the development order.

- Summary of Analysis -

- A. Whether the proposed Development Order (DO) changes are consistent with applicable provisions of the Code;**
The proposed changes to amend the previously approved DO are submitted via a Notice of Proposed Change (NOPC) application. The proposed changes to amend the DO are generally consistent with the previously approved uses authorized by Ordinance 2007-29. The current ordinance allows both residential and non-residential uses, thus rendering it consistent with the provisions of the Code. This is shown in the above Summary Analysis and the land use development matrix to ensure development impacts do not exceed previously recognized levels of service (LOS). It must be noted that the Applicant intends to create a new PUD zoning district for the property contingent upon the BCC approval of a concurrent Comp Plan amendment to create a new Summer Bay future land use category (FLUC). The future PUD zoning ordinance will contain conditions to administer and implement the proposed development program outlined by the proposed DO amendment. The future PUD zoning ordinance will be presented during the adoption public hearings of this proposed DO amendment and the new Summer Bay FLUC. Both of these amendments must undergo review by the Florida Department of Economic Opportunity (DEO) prior to adoption, which is anticipated for October 2016.
- B. Whether the proposed DO changes are consistent with all elements of the Lake County Comprehensive Plan;**
It must be noted that as an active Summer Bay DRI, it is recognized as having vested rights pursuant to Comp Plan Policy I-7.1.2. The uses proposed by the NOPC application currently conflict with the existing Regional Commercial and Urban Medium FLUC. The establishment of these FLUCs with the adoption of the 2030 Comp Plan created a land use incompatibility within the Summer Bay Resort DRI. The existing residential units exceed the maximum residential density allowed by Urban Medium FLUC. Additionally, the proposed hospital use requires the approval of a CUP or other land use regulatory instrument or zoning ordinance.

To address this matter, the Applicant has submitted a concurrent Comp Plan amendment to create a new Summer Bay future land use category (FLUC) and associated Comp Plan policies to facilitate using the property for the uses proposed by the NOPC application. This will resolve the current land use incompatibility of the existing and proposed development and create consistency between the uses and the 2030 Comp Plan.

C. Whether, and the extent to which, the DO changes are inconsistent with existing and proposed land uses;

The proposed DO amendment to add hospital use is inconsistent with the existing FLUC on the property. This inconsistency prompts the submittal of the NOPC, along with a concurrent proposed Comp Plan future land use amendment to establish a new Summer Bay FLUC to allow the proposed hospital use. The creation of the new FLUC will facilitate better land development and implementation process for the Summer Bay property consistent with the manner of land development currently being implemented.

D. Whether there have been changed conditions that justify the DO changes;

The adoption of the 2030 Comprehensive Plan in 2011 designated the Summer Bay Resort property as Urban Medium and Regional Commercial Future Land Use prompts the NOPC application to amend the DO. As previously indicated, the active Summer Bay DRI is recognized as having vested rights. Additionally, the Applicant contends that the growing residential and non-residential population in this area of the county is underserved by needed hospital services.

E. Whether, and the extent to which, the proposed DO changes would result in demands on public facilities, and whether, or to the extent to which, the proposed DO changes would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities;

Water and Sewage – The Summer Bay Resort is currently serviced by Southlake Utilities, Inc.

Transportation – The proposed new uses will require the establishment of a Proportionate Share Agreement prior to or in conjunction with any new development application for the proposed uses.

Solid Waste – Lake County Solid Waste Division has indicated there is sufficient capacity to support this project.

Schools - Impacts on levels of service have been addressed in the previously approved Summer Bay DO.

Fire and Emergency Services - Lake County Fire Station 112, located at 16240 DR 474, approximately 3 miles north of the Summer Bay Resort for fire-emergency services, including advanced life support.

F. Whether, and the extent to which, the proposed DO changes would result in significant adverse impacts on the natural environment;

There is no indication that the uses proposed by the NOPC will result in a significant impact on the natural environment. The wetlands within the DRI are within a recorded conservation easement. The current approved Summer Bay DO addressed natural resources impacts and mitigation measures associated with impacts to natural systems. However, any new future development will require a re-assessment of natural resource impacts. Any new development will be required to meet all Comprehensive Plan and Land Development Regulations requirements to protect the environment.

G. Whether, and the extent to which, the proposed DO changes would affect the property values in the area.

The site is developed or is being developed in accordance with the provisions provided in the Summer Bay DRI DO. The application does not contain any information regarding the effect on property values in the area.

H. Whether, and the extent to which, the proposed DO changes would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The uses proposed by the NOPC will take place within the current Summer Bay DRI boundaries and follow the pre-established and existing development pattern in the area.

I. Whether the proposed DO changes are consistent with or advance the public interest, and is in harmony with the purpose and interest of these regulations.

The changes proposed by the NOPC application are consistent with the public interest and these regulations.

FINDINGS OF FACT: Staff has reviewed the application for the proposed future land use map and text amendment and found:

1. Pursuant to Chapter 380.06(19)(e)1, Florida Statutes (F.S.), the above stated changes are not considered either individually or cumulatively to be a substantial deviation to the previously approved Development Order (DO).
2. The NOPC application to amend the previously approved Development Order is consistent with Comprehensive Plan Goal I-1, and Policy I-1.1.3, *Direct Orderly, Compact Growth*, which requires an orderly and logical development pattern between FLUC; and
3. The uses proposed by the NOPC cannot be implemented under the current Regional Office and Urban Medium FLUC. The uses proposed by the NOPC can only be implemented with the adoption of a new PUD ordinance, which cannot be established without adoption of the proposed Summer Bay FLUC.

Therefore, based on these findings of fact, staff recommends **APPROVAL** of the request to Amend the Development Order on approximately 351.82 +/- acres, located north of U.S. Highway 192, east of U.S. Highway 27, and west of Orange County, with conditions as specified in the proposed 4th Amended and Restated Development Order.

Case Manager: Michele Janiszewski, Planner

WRITTEN COMMENTS FILED: **Supportive: -0-** **Concern: -0-** **Opposition: -0-**

ATTACHMENT 1

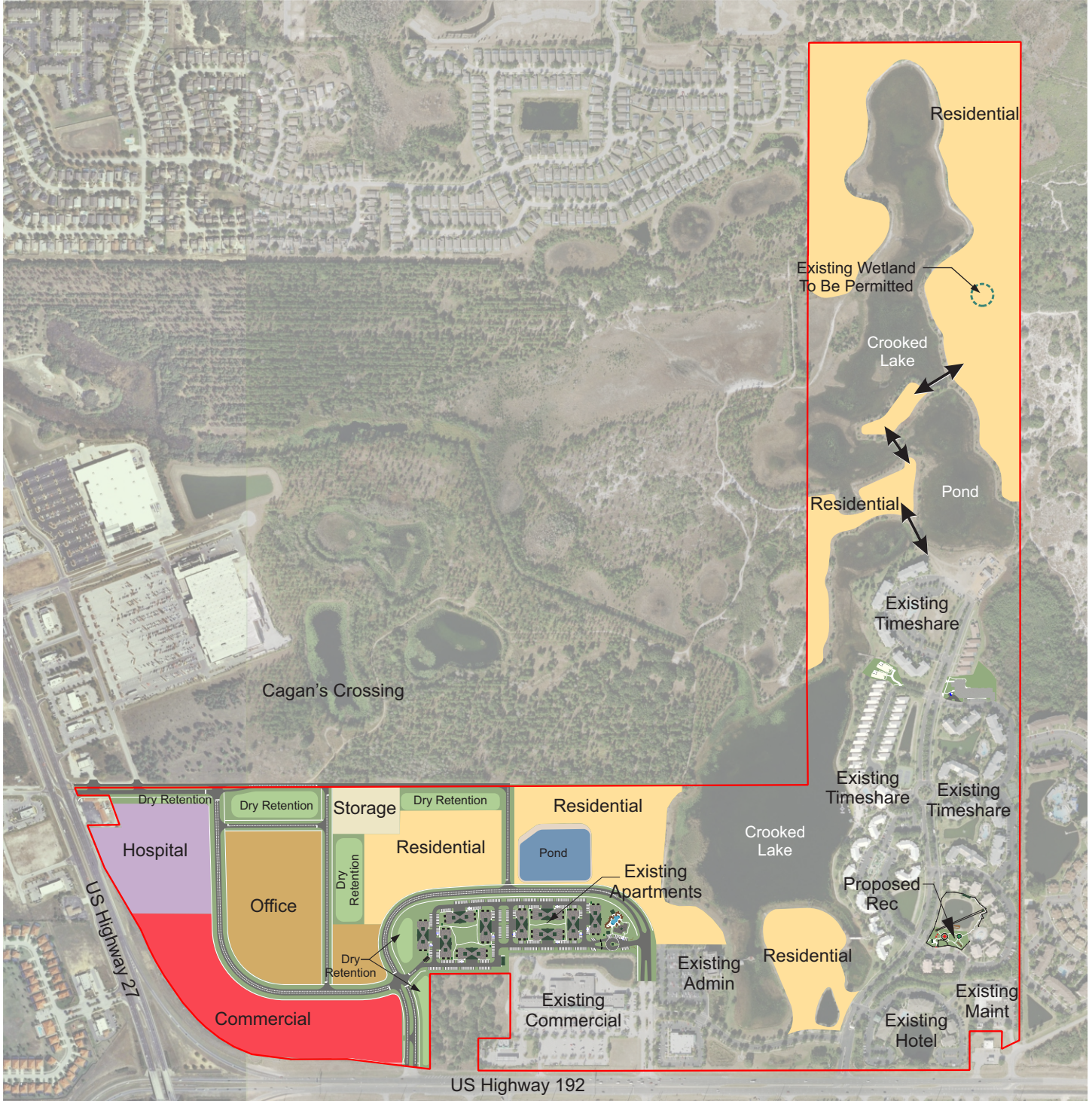
Summer Bay

Sections 25, 35 and 36, Township 24 South, Range 26 East
Osceola County, Florida

Revised Map H

Concept Plan

Date Revised: 10 May 2016



Residential use shown hereon may include Timeshare, Single Family, Multi-Family, or Condominium Assisted Living Units. The PD zoning will implement the specific product type.

These documents and their contents are the property of Rj WHIDDEN and ASSOCIATES, INC. and are issued only for the specific project noted on these drawings. Any reproductions, revisions or modifications of these documents without the expressed written consent of Rj WHIDDEN and ASSOCIATES, INC. is prohibited by law.

This plan is a preliminary concept only. As such it is subject to modification pending environmental, engineering, design, agency review and permit considerations.



ATTACHMENT 2

Exhibit "C"
Summer Bay DRI NOPC
Land Use Conversion Table

Land Uses (Convert From)	Land Uses (Convert To)								
	Hotel (Rooms)	Apartments (DU)	Timshare (DU)	Medical Office (KSF)	Shopping Center (KSF)	Hospital (beds)	Emergency Room (KSF)	Mini-Warehouse (Acres)	Assisted Living (Beds)
Hotel (Rooms)		1.2308	3.0717	0.2182	0.2182	0.4225	0.1905	0.2250	2.7273
Apartments (DU)	0.8125		2.4957	0.1773	0.1773	0.3433	0.1548	0.1828	2.2159
Timeshare (DU)	0.3256	0.4007		0.0710	0.0710	0.1376	0.0620	0.0733	0.8879
Medical Office (KSF)	4.5833	5.6410	14.0785		1.0000	1.9366	0.8730	1.0313	12.5000
Shopping Center (KSF)	3.7292	4.5897	11.4548	0.8136		1.5757	0.7103	0.8391	10.1705
Hospital (Beds)	2.3667	2.9128	7.2696	0.5164	0.5164		0.4508	0.5325	6.4545
Emergency Room (KSF)	5.2500	6.4615	16.1263	1.1455	1.1455	2.2183		1.1813	14.3182
Mini-Warehouse (Acres)	4.4444	5.4701	13.6519	0.9697	0.9697	1.8779	0.8466		12.1212
Assisted Living (Beds)	0.3667	0.4513	1.1263	0.0800	0.0800	0.1549	0.0698	0.0825	

Sample Conversions:

March 2015

1. If you wanted to convert 100 DU's of Apartments to Timeshare:

$$100 \text{ DU Apartments} \times 2.4957 = 250 \text{ Timeshare Dwelling Units}$$

2. If you wanted to convert 50 KSF of Shopping Center to Hospital:

$$50 \text{ KSF Shopping Center} \times 1.5757 = 79 \text{ Hospital Beds}$$

Source: GMB Engineers & Planners, Inc.

Notes: The development will be limited to maximum and minimum changes consistent with F.S. 380.06 19(b)

The land use matrix was developed using the p.m. peak hour total trips generated by the Summer Bay DRI - Phase III (2,655 ph)

The following summarizes the p.m. peak hour total trip generation rates used in this analysis:

- Hotel : 0.60 trips per Room
- Apartments : 0.49 trips per DU
- Timeshare : 0.20 trips per DU
- Medical Office : 2.75 trips per KSF
- Retail : 2.24 trips per KSF
- Hospital : 1.42 trips per Bed
- Emergency Room : 3.15 trips per KSF
- Assisted Living : 0.22 trips per Bed

ATTACHMENT 3



Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 S. Woodland Boulevard
DeLand, Florida 32720-6834

JIM BOXOLD
SECRETARY

June 6, 2016

Mr. Fred Milch, AICP
East Central Florida Regional Planning Council
309 E. Cranes Roost Blvd., Suite 2000
Altamonte Springs, FL 32701

SUBJECT: Summer Bay Development of Regional Impact (DRI)
REPORT NAME: Notice of Proposed Change (NOPC), Third RAI
REPORT DATE: May 23, 2016
JURISDICTION: Lake County, Orange County, ECFRPC #140109

Dear Mr. Milch:

The Department of Transportation has completed its review of the Summer Bay DRI NOPC dated May 23, 2016. Our comments are enclosed for your consideration.

We appreciate the opportunity to participate in this review process and if you have any questions, please contact Judy Pizzo at your earliest convenience at 386-943-5167 or email at Judy.Pizzo@dot.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Cooke".

David J. Cooke
Transportation Planning Manager

C: James Stansbury, Department of Economic Development
Robert Chandler, Lake County

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DEVELOPMENT OF REGIONAL IMPACT (DRI) REVIEW FORM

DRI NAME: SUMMER BAY DRI
SUBJECT: NOPC- 3RD RAI
LOCAL GOV'T./JURISDICTION: LAKE COUNTY
ECFRPC IDENTIFICATION #:
REVIEW COMMENTS DEADLINE: JUNE 17, 2016
TODAY'S DATE: JUNE 6, 2016

Comment Number	Page(s)	General Areas of Concern	Specific Review Comment(s)
1	n/a	Final Coordination	It is noted that the Applicant and the FDOT will continue to work together to develop a Proportionate Share Agreement that will be attached to the Amended and Restated Development Order. The only remaining items that require additional coordination are described below.
2	4	Sidewalk Calculations – Proportionate Share Summary	Please add sidewalk cost and contribution amount to Table 15 – Proportionate Share Summary. Please show the cost per mile assumption, the total distance, and the distance that the DRI will be responsible for.
3	n/a	Proportionate Share Agreement	FDOT will prepare a draft of the proportionate share agreement addressing impacts to state facilities.
4	n/a	Payment Schedule	It is noted that the Applicant has proposed making multiple payments to mitigate the Phase 2 impacts. However, the payment for all Phase 2 impacts is to be made prior to issuance of any building permits for Phase 2 development, as stated in 73C-40.045(7)(a)3.d.(II).

ATTACHMENT 4



East Central Florida Regional Planning Council

309 Cranes Roost Blvd. Suite 2000, Altamonte Springs, FL 32701
Phone 407.262.7772 • Fax 407.262.7788 • www.ecfrpc.org

Hugh W. Harling, Jr. P.E.
Executive Director

June 25, 2016

Mr. Steve Greene
Chief Planner
P.O. Box 7800
Tavares, FL 32778-7800

RE: Summer Bay Development of Regional Impact (DRI)
Notification of a Proposed Change (NOPC), ECFRPC # 140109

Dear Mr. Greene:

We have reviewed the Summer Bay DRI Notification of a Proposed Change and it is our understanding that the following changes are proposed:

1. Extend the build-out date and period of effectiveness is proposed to be extended for a ten year period to December 31, 2023. The new buildout date for Phase 2 is proposed for December 31, 2018 and for a build-out date of Phase 3 to December 31, 2023. The restriction on down-zoning is proposed to be extended to coincide with the period of effectiveness to December 31, 2023.
2. The timeshare/apartment unit count is proposed to be decreased from 2,215 units to 1,500 units.
3. The commercial development threshold is proposed to be increased from 280,020 square feet to 1,250,000 square feet.
4. The hotel/motel suites are proposed to be decreased from 486 suites to 250 suites.
5. Add a 150 bed hospital with a 20,000 square feet emergency center along with administrative office uses and 180,000 square feet of medical/professional offices.
6. Add a mini-warehouse, approximately half of which will be used for internal use for guests of the development.
7. A conversion use matrix is included to allow the land uses to be modified within certain parameters and will be reported in future biennial reports.
8. Other changes that are not of a regional nature are also proposed. Some requirements were deleted because they will be moved into the Planned Development and will still be in effect.

We offer the following comments regarding these proposed changes:

- A. The proposed time extension is presumed to create additional regional impacts, however, this presumption may be rebutted with clear and convincing evidence. Toward this end, a

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transportation analysis was provided that adequately addressed the changes due to the time frame extension as well as from the changes in land uses. The Development Order will still include a requirement to monitor and model traffic impacts with the appropriate mitigation required based on the findings from future studies.

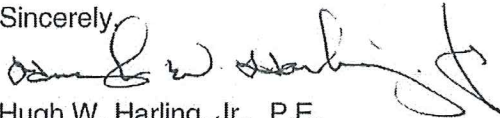
It should be noted, however, that the Florida Department of Transportation is still in negotiations with the developer regarding current impacts to state facilities and the development of a proportionate share agreement intended to mitigate impacts from the project. The resulting requirements should be included in the Development Order and the agreement with FDOT included as an attachment to the Development Order.

- B. A connection between this project and the project directly to the north, Cagan Crossing, is a requirement of this Development Order. It is our suggestion that the county require this connection as soon as feasible in order to limit impacts to the regional roadway network. Shaded pedestrian and bicycle facilities should be included in this connection.
- C. Overall, the other changes proposed in the Development Order are adequately addressed through revised conditions or through inclusion in the Planned Development.

In conclusion, it is our opinion that these proposed changes do not result in an automatic substantial deviation determination pursuant to the threshold criteria of section 380.06(19), Florida Statutes, nor is it expected that it will cause new or increased impacts to regional resources or facilities when considered independently or cumulatively with prior project changes. We, therefore, do not recommend that this proposal be submitted for additional regional review by this agency.

If you have any questions, please give me or Fred Milch a call at (407) 262-7772, extension 315.

Sincerely,



Hugh W. Harling, Jr., P.E.
Executive Director, ECFRPC

- c: Judy Pizzo, FDOT
Heather Garcia, FDOT
Mike Woodward, Kimley-Horn
John Moore, FDOT
James Stansbury, FDEO
Renzo Nastasi, Orange County Transportation Planning
Anginie Durbal-Mohammed, Orange County Transportation Planning
Mirna Barq, Orange County Transportation Planning
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Lisa Kelly, FDEP
Pam Richmond, Lake Sumter TPO
TJ Fish, Lake Sumter TPO
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1 **ORDINANCE #2016-XX**

2 **SUMMER BAY RESORT DEVELOPMENT OF REGIONAL IMPACT**

3 **NOPC-2016-01-1**

4
5 **WHEREAS**, the Summer Bay Resort Development of Regional Impact (DRI) subject property
6 consisting of approximately 351.82 acres, generally located North of U.S. Highway 192, east of U.S. Highway
7 27, and west of Orange County, and situated within Sections 25, 35, and 36, Township 24 South, Range 26
8 East, as described by

9
10 **LEGAL DESCRIPTION – (Exhibit “A”)**

11
12 **WHEREAS**, on August 14, 1984 the original developer known as Rainbow, N.V./Bramalea filed a
13 DRI Application for Development Approval with the Lake County Board of County Commissioners, herein
14 sometimes referred to the BCC, for a development originally known as BRAMALEA, which is now known as
15 the Summer Bay Resort DRI, in accordance with Section 380.06, Florida Statutes, on real property located in
16 Lake County, Florida, as described on "Exhibit A" attached hereto and by this reference incorporated into this
17 Amended and Restated Development Order (the "Property"), approximately 351.84 acres; and

18
19 **WHEREAS**, the Summer Bay Resort was originally conditionally approved pursuant to the
20 Development Order, Bramalea - Development of Regional Impact, Lake County, Florida, approved on
21 August 14, 1984 and recorded in OR Book 819, Page 1959, Public Records of Lake County, Florida;
22 hereinafter referred to as the "original Development Order"; and

23
24 **WHEREAS**, the original Development Order was amended to address recommendations of the East
25 Central Florida Regional Planning Council (ECFRPC) thus predicating an Amended Development Order,
26 Bramalea-Development of Regional Impact, Lake County, Florida, approved on December 4, 1984, recorded
27 in OR Book 827, Page 615, Public Record of Lake County, Florida, hereinafter referred to as the "Amended
28 Development Order"; and

29
30 **WHEREAS**, on January 23, 1990, the Board of County Commissioners of Lake County, Florida
31 approved Ordinance #6-90 for a preliminary development plan for a Planned Unit Development on the
32 property located at the SE boundary of Lake County at its intersection of US 27 and SR 192; and

33
34 **WHEREAS**, a Developer's Agreement, recorded in OR Book 02135, Page 0059 Public Record of
35 Lake County, between Lake County and Orlando 311 LTD, a Texas Limited Partnership was executed,
36 dated as of February 28, 1995, as described on "Exhibit D" attached hereto and by this reference
37 incorporated into this Amended and Restated Development Order; and

1 **WHEREAS**, the “Amended Development Order” was amended and approved on March 23, 1999,
2 recorded in OR Book 1710, Page 685, Public Record of Lake County, Florida, hereinafter referred to as the
3 “Amended and Restated Development Order”; and
4

5 **WHEREAS**, on June 26, 2007, the Board of County Commissioners of Lake County, Florida
6 approved Ordinance #2007-29, Summer Bay, PH#28-07-2, recorded in OR Book 03528, Pages 1489 - 1544
7 for a preliminary development plan for a revised Planned Unit Development and revised DRI, hereinafter
8 referred to as the “Amended and Restated Planned Unit Development Ordinance For the Summer Bay DRI”;
9 and
10

11 **WHEREAS**, on December 16, 2013, R.J. Whidden and Associates, Inc., 22 West Monument
12 Avenue, Suite 4, 316 Church Street Kissimmee, Florida 34741, the authorized agent for the Developer ,
13 submitted a Notification of Proposed Change to an approved Development of Regional Impact to amend the
14 “Amended and Restated Planned Unit Development Ordinance For the Summer Bay DRI” as described
15 herein; and
16

17 **WHEREAS**, on XXX, the Board of County Commissioners of Lake County, Florida approved
18 Ordinance #XXX, Summer Bay, XXX, recorded in OR Book XXX, Pages XXX - XXX for a revised DRI,
19 hereinafter referred to as the “Amended and Restated Development Order”; and
20

21 **WHEREAS**, Summer Bay Partnership, by Bryanstone, Inc., a Missouri Corporation, sole managing
22 general partner of Summer Bay Partnership, a Florida general partnership, hereinafter referred to as the
23 "Developer," the successor to Rainbow, N.V./Bramalea, has the authority to file any application for
24 Development Approval (ADA) and obtain a Development Order approval with respect to the Property now
25 known as the Summer Bay Resort,, in accordance with Section 380.06, Florida Statutes; and
26

27 **WHEREAS**, the Developer proposes development of the following:
28 2,040 dwelling units (including 1,500 timeshare units, 240 apartment units and up to 300 assisted living
29 units), 400,000 square feet of retail/services with 1400 parking spaces, 250 hotel/motel rooms, a 150 bed
30 hospital with a 20,000 square feet emergency center, an existing 50,220 square feet of administrative office
31 internal to the development, 180,000 square feet of medical/professional, 3.0 acres of Mini-Warehouse (of
32 which 1.5 acres will be limited to internal use for guests of the development) and 25 acres of
33 Recreational/Open Space, on approximately 351.82 acres, hereinafter referred to as “Summer Bay Resort”
34 or the “Development”, on real property located in Lake County and described in the Application for
35 Development of Regional Impact; and by this reference incorporated herein, and more formally in the legal
36 description on attached "Exhibit A," constituting a Development of Regional Impact of mixed use as
37 described on the Revised Master Plan of Development attached hereto as "Exhibit B" (Map H), and by this
38 reference incorporated into this Amended and Restated Development Order, and the Revised Land Use
39 Table as described on "Exhibit C" attached hereto and by this reference incorporated into this Amended and
40 Restated Development Order, which is subject to and governed by the Trip Equivalency Matrix Table as

1 described on "Exhibit C-1" attached hereto and by this reference incorporated into this Amended and
2 Restated Development Order; and

3
4 **WHEREAS**, the Developer previously proposed a five (5) year extension of the expiration date for
5 the development order so that the effective dates of said five year extension run from the January 1, 2005,
6 through December 31, 2009. This five (5) year extension period will allow the Developer to continue all
7 aspects of the Summer Bay DRI as detailed herein.

8
9 **WHEREAS**, Pursuant to House Bill 7203 of the 2007 Florida Legislature approved providing a three
10 year extension of the expiration date for all active DRI's within the State of Florida, the BCC and the
11 Developer agree that the effective expiration date of the previous DRI was December 31, 2009.

12
13 **WHEREAS**, the BCC, as governing body of the local government having jurisdiction, is authorized
14 to consider Applications for Development Approval for Developments of Regional Impact; and

15
16 **WHEREAS**, on May 25, 2010, the Lake County BCC adopted the 2030 Comprehensive Plan (Comp
17 Plan) and Future Land Use Map (FLUM) and upon the effective date of these documents pursuant to
18 Chapter 163.3184, Florida Statutes, the Summer Bay Resort is currently located within the Urban Medium
19 and Regional Commercial Future Land Use Category (FLUC) as shown on the FLUM; and

20
21 **WHEREAS**, this Amended and Restated Development Order does not require an amendment to the
22 County's Comp Plan; however, the Developer has submitted an amendment to the Comp Plan to create a
23 future land use category consistent with this Amended and Restated Development Order; and

24
25 **WHEREAS**, the Comp Plan amendment has been submitted by the developer to Lake County and
26 the adoption of said Comp Plan amendment is being adopted concurrently with this Amended and Restated
27 Development Order pursuant to Section 380.06 (6) (b), Florida Statutes; and

28
29 **WHEREAS**, the public notice requirements of Lake County and Section 380.06 (10), Florida
30 Statutes, have been satisfied and notice has been given to the Florida Department of Economic Opportunity,
31 hereinafter referred to as "DEO" and the East Central Florida Regional Planning Council, hereinafter referred
32 to as "ECFRPC"; and

33
34 **WHEREAS**, the public notice requirements of Lake County and Section 380.06, Florida Statutes,
35 have been satisfied and noticed of the proposed Fourth Amended and Restated Development Order (DO)
36 has been given to the DEO and ECFRPC and

37
38 **WHEREAS**, Lake County received and considered the report and recommendations of the ECFRPC
39 and the Florida Department of Transportation (FDOT); and

PART II. FINDINGS OF FACTS

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A. The proposed development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes.

B. The proposed development is consistent with the report and recommendations of the ECFRPC submitted pursuant to Section 380.06 (11), Florida Statutes, provided the Development proceeds according to the conditions stated hereinafter.

C. The proposed development is consistent with the Lake County Comprehensive Plan and Amended and Restated Development Order (Ordinance 2007-29) and other County land development regulations.

D. The proposed development shall comprise 2,040 dwelling units (including 1,500 timeshare units, 240 apartment units and up to 300 assisted living units), 400,000 square feet of retail/services with 1400 parking spaces, 250 hotel/motel rooms, a 150 bed hospital with a 20,000 square feet emergency center, an existing 50,220 square feet of administrative office internal to the development, 180,000 square feet of medical/professional, 3.0 acres of Mini-Warehouse (of which 1.5 acres will be limited to internal use for guests of the development) and 25 acres of Recreational/Open Space, on approximately 351.82 acres, to be developed in accordance with the Revised Concept Plan, Map H attached and referred to as "Exhibit B", and the Revised Land Use Table attached and referred to as "Exhibit C", which is subject to and governed by the Trip Equivalency Matrix Table attached and referred to as "Exhibit C-1".

The Developer may increase or decrease the amount of a particular land use within the approved development summary, attached hereto as "Exhibit C - Revised Land Use Summary" and by this reference made a part hereof, by using a conversion table, attached hereto as "Exhibit C-1 – Trip Equivalency Matrix Table" and by this reference made a part hereof, that is based on equivalent peak hour directional trip ends. Use of the conversion table may increase or decrease the total amount of each land use by no more than the amount allowed for in the substantial deviation criteria identified in Chapter 380.06(19)(b) 1-14, Florida Statutes, unless the Recorded Amended and Restated Summer Bay DRI Development Order is amended to accommodate a greater change. Such greater changes shall be considered cumulatively and shall be subject to normal Development Order amendment processes. Use of the conversion table will be through the Planned Development Amendment zoning process and will be reported on an individual and cumulative basis with Project impacts documented in the annual report. Any future Notification of a Proposed Change ("NOPC") shall incorporate any changes due to the use of the matrix.

E. The development proposed by this Notice of Proposed Change to Amended and Restated Development Order (Ordinance 2007-29) is consistent with the State Comprehensive Plan.

1 F. The development proposed by this Notice of Proposed Change to Amended and Restated
2 Development Order (Ordinance 2007-29) is consistent with and does not unreasonably interfere with
3 the achievement of the objectives of the 1989 State Land Development Plan (State Comprehensive
4 Plan).

5 **III. Conclusions of Law**

6
7 A. Lake County is the governing body having jurisdiction over the review of the Fourth Amended and
8 Restated Development Order, (ARDO) pursuant to Chapter 380.06, F.S. and is authorized and
9 empowered to issue this Fourth ARDO.

10
11 B. The development permitted by this Fourth ARDO is consistent with the achievement of the objectives
12 of the State Comprehensive Plan.

13
14 C. The development permitted by this Fourth ARDO is consistent with the report and recommendations
15 of the ECFRPC.

16
17 D. The development permitted by this Fourth ARDO is consistent with the adopted Lake County 2030
18 Comprehensive Plan and Land Development Regulations.

19
20 E. The provisions of this Fourth ARDO shall not be construed as a waiver or exception of any rule,
21 regulation or ordinance of Lake County, or its departments, agencies, or commissions. Therefore,
22 the development shall be developed in accordance with all applicable ordinances, rules and
23 regulations pertaining to land development within Lake County, as they may be amended from time
24 to time provided, however, that the development shall be developed to be consistent with and in
25 accordance with the development permitted by this Fourth ARDO.

26
27 F. The impacts of this development, as conditioned by this Fourth ARDO, are adequately addressed
28 pursuant to the requirements of Chapter 380, F.S. and the changes effectuated by this ADO do no
29 constitute a substantial deviation to the original DRI DO, or crate new or additional local impacts.

30
31 G. This Fourth ARDO shall replace Ordinance 2007-29 and all prior development orders. To the extent
32 that any other document is inconsistent with the terms and conditions of this Fourth ARDO, the
33 Fourth ARDO shall prevail.

34
35 H. Pursuant to F.S. 380.06 (15)(h), if the property within the DRI is annexed by another local
36 municipality, the annexing jurisdiction shall adopt a new development order (DO) that incorporates
37 all rights and obligations specified in this Fourth ARDO.

1 **NOW, THEREFORE**, having made the aforementioned Findings of Fact and Conclusions of Law, the
2 proposed development is hereby approved, subject to the following terms and conditions of
3 development:
4

5 This proposed change to the Amended and Restated Development Order (Ordinance 2007-29)
6 constitutes final DRI approval of 2,040 dwelling units (including up to 300 assisted living units),
7 1,250,000 square feet of retail/services with 1400 parking spaces, 250 hotel/motel rooms, a 150 bed
8 hospital with a 20,000 square foot emergency center, an existing 50,220 square feet of
9 administrative office internal to the development, 180,000 square feet of medical/professional, 3.0
10 acres of Mini-Warehouse (of which 1.5 acres will be limited to internal use for guests of the
11 development) and Recreation/Open Space (25 acres), more or less, of on 351.82 acres as defined
12 under Findings of Fact, Item D.
13

14 **PART IV. CONDITIONS OF APPROVAL**

15 **A. General Conditions**

- 16 1. Exhibit C-1 provides for an exchange matrix which allows for the conversion of approved mixed use
17 land uses pursuant to the thresholds and guidelines mandated by the approved NOPC.
- 18 2. Previous requirements for the School Board, Police Department, and Fire Department under
19 Ordinance #6-90 have since been addressed by Developer's Agreements negotiated with Lake
20 County which are attached hereto as (Exhibit "D").
- 21 3. Buffers shall be provided in locations shown on the attached Revised Concept Plan, Map H. The type,
22 height, and materials used shall be specified on subsequent site plans which will address
23 development parcels submitted for Approval.
- 24 4. Twenty-five (25) feet buffer to be established and maintained along the property line of the DRI land
25 area.
- 26 5. Wetland buffers shall be subject to the Buffer Agreement issued by the St. Johns River Water
27 Management District as recorded in the Public Records of Lake County, Book 02144 Pages 1306 –
28 1317 inclusive, or Lake County LDR, as amended.
- 29 6. Permitted Uses:
30 250 hotel/motel suites.
31 1,250,000 square feet commercial-retail/services
32 2,040 apartments and/or timeshare residential units (including up to 300 assisted living units).
33 150 bed hospital with a 20,000 square feet emergency center (180,000 square feet of
34 medical/professional offices)
35 3.0 acres of mini-warehouse (1.5 acres will be limited to internal use for guests of the development)
36 25 acres of recreation/open space
37
38
39

1 Density and intensity of the above referenced uses are subject to limitations found in the Land Use Table
2 Exhibit "C" and the Trip Equivalency Matrix Table Exhibit "C-1".

3
4 B. Specific Conditions

- 5
6 1. Development with the DRI. The Fourth ARDO shall be developed in accordance with the information,
7 data, plans, and commitments contained in the Bramalea DRI/ADA and supplemental information
8 unless otherwise specified or directed by the conditions for approval contained in this Fourth ARDO,
9 or unless prevented from compliance by the application of any condition for approval contained
10 herein. For purposes of this condition, the Application for Development Approval shall consist of the
11 following:
- 12 1.1. Application for Development Approval dated January 16, 1984.
 - 13
 - 14 1.2. Responses to requests for additional information in review of the ADA.
 - 15
 - 16 1.3. Commitments made during the review as presented in the Recommended Section of this
17 report.
 - 18
 - 19 1.4. The Notification of a Proposed Change to a Previously Approved Development of Regional
20 Impact dated February 2, 1988 and materials and information submitted by the Developer in
21 connection herewith.
 - 22
 - 23 1.5. The Notification of a Proposed Change to a Previously Approved Development of Regional
24 Impact dated 16 December 2013 and materials and information submitted by the Developer
25 in connection herewith.
- 26 2. The Revised Concept Plan, Map H, set forth on "Exhibit B" attached hereto and made a part hereof,
27 is, and shall be, the Concept_Plan for the Development and is hereby made a part of this Amended
28 and Restated Development Order.
- 29
- 30 3. The Development shall consist of no more than the specifically described development set forth on
31 the Revised Land Use Table attached hereto as "Exhibit C" and incorporated herein by reference.
- 32
- 33 4. The Revised Land Use Table shall be subject to and governed by the Trip Equivalency Matrix Table
34 attached hereto as "Exhibit C-1" and incorporated herein by reference.
- 35
- 36 5. The Developer shall give DEO and ECFRPC written notice of its intent to convert units using the
37 conversion methodologies set forth in "Exhibit C-1" at least 30 days prior to the conversion being
38 approved by Lake County in accordance with its process for amending a Planned Unit Development,
39 which includes local public hearings before the Planning and the Board of County Commissioners.
40 The notice shall identify the actual conversion methodology used and the resulting impacts of the

1 conversion in terms of traffic generations. The DRI Biennial Report shall include information
2 indicating the cumulative number and type of units, and wastewater generation and potable water
3 usage which have been approved by Lake County as of the biennial report date.

4 6. A Developer's Agreement between Lake County and the previous developer executed February 28,
5 1985, is attached hereto as "Exhibit D" and incorporated herein by reference.

6
7 7. The Development shall be phased as set forth on the Phasing Table attached hereto as "Exhibit E"
8 and incorporated herein by reference.

9
10 8. Recreation and Open Space:

11
12 8.1. Acreage Committed to Recreation / Open Space:

13
14 8.1.1. There shall be a total of twenty-five (25) acres, more or less, committed to
15 Recreation and Open Space uses, excluding water bodies and open space within
16 each parcel.

17
18 8.1.2. Any recreational structure (except on wetland soils), facility or use is permitted
19 provided that Lake County approves such use and furthermore, that all recreational
20 uses are internal to the Development for the benefit of its residents and guests; not
21 to be commercially marketed for the general use of the offsite public.

22
23 9. Natural and Historical Resources:

24
25 9.1. Except as otherwise allowable by this Amended and Restated Development Order or any
26 applicable permit consistent with this Amended and Restated Development Order, site
27 development activities shall not result in the harming, pursuit or harassment of wildlife
28 species classified as endangered, threatened or a species of special concern by either the
29 state or federal government in contravention of applicable state or federal laws. Should such
30 species be determined to be residing on, or be otherwise significantly dependent upon the
31 project site, the Applicant shall cease all activities which might negatively affect that
32 individual or population and immediately notify Lake County, the Florida Game and Fresh
33 Water Fish Commission, and the United States Fish and Wildlife Service. The Developer
34 shall provide proper protection, to the satisfaction of all agencies with jurisdiction.

35
36 "Harming" and "harassment" as used in this recommendation shall be defined in the same
37 manner as "harm and harass" respectively as defined in 50 CFR Section 17.3.

1 The Developer shall provide the County Zoning Department with wildlife-related permits for
2 the Project issued by the Florida Game and Fresh Water Fish Commission or the U.S. Fish
3 and Wildlife Service.
4

5 9.2. Project construction personnel shall be notified, through posted advisories or other methods,
6 of the potential for artifact discoveries on the site and to report suspected findings to the
7 project manager. In the event of discovery of historic or archaeological significance during
8 project construction, the Developer shall stop construction at the site of discovery and notify
9 Lake County and the Division of Historic Resources of the Florida Department of State.
10 From date of notification, construction shall be suspended within a 100-foot radius of the site
11 of discovery for a period of up to 120 days to allow evaluation of the site.
12

13 9.3. Buffer areas of native vegetation shall be maintained landward of the St. John's River Water
14 Management District (SJRWMD) jurisdictional wetland line for all unaltered wetlands
15 associated with the natural lakes. These buffers shall be an average fifty (50) feet, minimum
16 twenty-five (25) feet in width or where a different width is determined through permitting
17 review by the SJRWMD to adequately protect the water quality and wildlife values of the
18 wetlands and lake. Other wetland buffers areas may be established with temporary
19 construction fencing or similar barriers prior to any adjacent land alteration to allow these
20 areas to be maintained or established with native vegetation.
21

22 9.4. The use of wetland buffers shall be limited to pervious trails and passive recreational uses
23 that have received the necessary, regulatory permits. No landscape maintenance in the
24 established buffers beyond removal of exotic and nuisance plants is allowed as they are to
25 be retained in their natural state. The use of pesticides, herbicides or fertilizers shall be
26 prohibited in these buffers and the wetlands they protect, except when used in accordance
27 with specific permits from agencies having jurisdiction thereover and consistent with the
28 management intent of these buffers and wetlands.
29

30 9.5. Wetlands, their associated buffers and other areas designated for conservation/preservation
31 and on-site mitigation areas shall be regarded as preservation areas and identified as
32 separate conservation tracts for the purpose of protecting their natural attributes.
33 Developmental use of these areas shall be restricted by a conservation easement that is
34 conveyed to Lake County, the SJRWMD or other conservation-oriented entity acceptable to
35 the County and the Department of Economic Opportunity (DEO). The easement shall be
36 recorded in the public records of Lake County prior to the initiation of any construction
37 adjacent to them. The use of wetlands shall be limited to passive recreation uses including,
38 but not limited to, normal public facilities without structures.
39

40 9.6. Mitigation for unavoidable wetland impacts will be provided as required by the SJRWMD
41 through purchase of mitigation banking credits and/or off-site mitigation.

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- 9.7. All on-site wetlands to be preserved will be flagged or otherwise clearly marked prior to the initiation of construction. These markers will remain for the duration of construction.
- 9.8. Temporary erosion and sediment control measures such as berms, sediment basins, grassing, sodding, sand bagging, baled hay or straw, silt barriers, stacked silt barriers, etc., will be provided at the landward side of buffer areas, and maintained until disturbed areas are fully established and the permanent stormwater management facilities are completed and operational.
- 9.9. Re-vegetation and stabilization of disturbed ground surfaces will be accomplished as soon as possible.
- 9.10. Stormwater facilities are to be built as early in the construction phase as possible to ensure the treatment of stormwater runoff.
- 9.11. Any fill material placed around newly installed structures will be fully compacted.
- 9.12. Any construction equipment that leaks excessive amounts of fuel, oil or hydraulic fluid is prohibited.

10. Stormwater Management:

- 10.1. Wet detention ponds of more than five (5) acres in surface area that are constructed by the Developer shall be constructed with slopes no steeper than 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer shall ensure, by supplemental replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at minimum the area between ordinary high water and ordinary low water) for the duration of the Development.
- 10.2. The proposed surface water management system shall be designed, constructed and operated as to ensure that the natural functions and hydroperiods of any retained onsite wetlands will not be adversely impacted or diminished, consistent with SJRWMD and Lake County requirements.
- 10.3. Flood plain impact compensatory storage site shall be provided in accordance with SJRWMD and Lake County requirements.

- 1 10.4. The Developer shall ensure that the entity or entities proposed to assume responsibility for
2 the Development's surface water management system be created with or have defined
3 duties and responsibilities regarding the operation and maintenance of the surface water
4 management system, and sufficient legal authority and power to establish the mandatory
5 collection of fees and/or assessments from all residents for use in financing the operations,
6 replacement and maintenance of all components of the Development's surface water
7 management system.
8
- 9 10.5. If discharge to surface water bodies is proposed, unless relieved of the responsibility to
10 monitor surface water conditions by the SJRWMD, the Developer and its successors shall provide for the establishment and operation of a surface
11 water monitoring program consisting of the following components:
12
- 13
- 14 10.5.1. Surface water samples shall be collected at all proposed discharge points to natural
15 lakes.
16
- 17 10.5.2. The water samples shall be collected and analyzed at least three (3) times annually
18 on a seasonal basis, with the sampling commencing within six months following the
19 effective date of this Amended and Restated Development Order. The sampling
20 period shall extend at least four years beyond the date of either of the following
21 conditions:
22
- 23 10.5.2.1. Project buildout;
24
- 25 10.5.2.2. A declaration by the Developer or successors that the Project is
26 completed, or no additional construction is planned or contemplated
27 regardless of the status of Development phasing. However, if the
28 Development construction should be re-initiated at any time following the
29 Declaration, the conditions of the sampling programs shall also be
30 applicable.
31
- 32 10.6. Water quality parameters to be measured shall be recommended by the Developer with
33 approval by the SJRWMD. A summary of collected data shall be furnished to the SJRWMD
34 and Lake County as part of the DRI Biennial Report.
35
- 36 10.7. If water quality standard violations are detected or if monitoring indicated a degradation
37 trend from pre-development conditions, then the Developer shall immediately proceed with
38 the development and implementation of an expanded water quality sampling program in
39 coordination with the SJRWMD and Lake County to identify the reason for the degradation.
40 The Developer or its successors, as applicable) will incorporate water quality treatment
41 and/or water management methods into the Development's surface water management

1 system to correct or mitigate any degradation attributable to the Development if the
2 measures implemented by the Developer are found to be ineffective or to adversely impact
3 water quality/quantity conditions on or downstream of the Development site.
4

5 11. Potable Water / Wastewater Facility:
6

7 11.1. Prior to receiving final development plan approval from the County, the Developer shall
8 submit a Master Water Plan acceptable to Lake County based upon water supply and
9 wastewater disposal criteria adopted and promulgated by Lake County.
10

11 11.2. To meet the non-potable water use demands of the Development, the Development shall
12 use, in order of priority:
13

14 11.2.1. all treated re-use wastewater made available to the site, up to the entire non-potable
15 demand,
16

17 11.2.2. stormwater; and
18

19 11.2.3. non-potable quality groundwater from existing on-site wells; unless prohibited by the
20 Florida Department of Environmental Protection (FDEP), the SJRWMD or other
21 jurisdictional regulatory agencies.
22

23 12. Optional Potable Water / Wastewater Sources:
24

25 12.1. Long-term potable water, fire flows, and wastewater service shall be provided by the
26 Developer under one of the following four options:
27

28 12.1.1 Option 1 – The Developer may begin negotiations for contract with Polk County to
29 provide potable water and wastewater service to the Development before execution
30 of the final contract, the contract shall be approved by Lake County, or
31

32 12.1.2 Option 2 – The Developer may create a utility, and, if necessary, may obtain Florida
33 Public Service Commission certificates of service, and build on-site potable water
34 and wastewater facilities capable of serving the Development capable of being
35 expanded to serve adjacent development. The Developer shall post a performance
36 bond equal to one hundred ten percent (110%) of the total construction cost
37 necessary to provide water and wastewater service to the Development, prior to
38 final approval of the final development plan; or

1 12.1.3 Option 3 – The Developer may allow a private utility to construct and operate water
2 and/or wastewater facilities for the Development subject to all state and county laws
3 and land regulations; or
4

5 12.1.4. Option 4 – Developer may elect to negotiate an interlocal agreement with the City of
6 Clermont to provide water and/or wastewater facilities to the Development.
7

8 12.2 To minimize dependence on groundwater irrigation and to promote retention of wildlife
9 habitat, Xeriscape principles of landscaping using native vegetation and irrigation programs
10 that are in balance with landscape demands shall be utilized to the extent practicable in
11 common areas and conservation areas and other eligible areas.
12

13 12.3. The Development shall utilize ultra-low volume water use plumbing fixtures and for non-
14 residential areas, water faucets that are self-closing or metered or other water conserving
15 devices; and/or methods that meet the criteria outlined in the water conservation plan of the
16 public water supply permit issued to the service provider by the SJRWMD.
17

18 13. Transportation:
19

20 13.1.a. For the purpose of the transportation conditions, the Summer Bay development shall be
21 divided into sub-phases with cumulative external daily traffic volumes as follows:
22

23	13.1.a.1.	Phase I/ Existing	External ADT (Cumulative)	7,585
24		Phase I/ Existing	External ADT (per phase)	7,585
25				
26	13.1.a.2.	Phase 2 (YR 2018)	External ADT (Cumulative)	15,023
27		Phase 2 (YR 2018)	External ADT (per phase)	7,438
28				
29	13.1.a.3.	<u>Phase 3</u> (YR 2023)	External ADT (Cumulative)	32,743
30		Phase 3 (YR 2023)	External ADT (per phase)	17,720
31				

32 13.1.b. Monitoring and Modeling Methodology. Prior to the initiation of phase 3, as identified in the
33 preceding paragraph, the developer shall conduct a monitoring/modeling program. This
34 program shall ascertain the Level of Service (LOS) on facilities where Summer Bay DRI is
35 estimated to contribute an amount of traffic greater than or equal to 5 percent of the adopted
36 LOS service volume. The methodology of the monitoring/modeling program shall be agreed
37 upon by the East Central Florida Regional Planning Council (ECFRPC), Lake County,
38 Orange County, Osceola County, the Florida Department of Transportation (FDOT), and the
39 Florida Department of Economic Opportunity (FDEO). The depth of each monitoring and
40 modeling effort shall be similar to that required within an Application for Development

1 Approval but shall be consistent with the requirements of the Lake County Concurrency
2 Management System as it relates to facilities within the county.

3
4 All studies and monitoring/modeling programs shall be consistent with the ECFRPC's
5 methodology. In the event that all parties cannot come to agreement on the methodology,
6 the ECFRPC, FDOT and Lake County shall be the final arbiters. Lake County's decision
7 shall be final as it relates to county facilities, the FDOT's decision shall be final on state
8 facilities and the ECFRPC's decision shall be final as it relates to all other facilities.

9
10 The following list of roadways are those within the study area, which were analyzed for full
11 build out of the Summer Bay DRI. The facilities to be monitored/modeled for the next phase
12 may include, but shall not be limited to, those segments of the regional roadways within this
13 list and one segment beyond where the Summer Bay DRI is estimated to contribute a
14 cumulative amount of traffic greater than or equal to five percent of the adopted LOS service
15 volume.

16
17 The analyzed facilities will include signalized intersections and link analyses of collector and
18 high classification roadways and interchange ramps.

19
20 The reviewing agencies and local governments shall have the right to make reasonable
21 requests for additional information from the Developer to verify adherence to these
22 provisions. The Developer shall supply adequate information toward compliance with these
23 requirements.

24
25 **Candidate Roadways for Monitoring/Modeling Study**

<u>Roadway</u>	<u>Segment</u>
<u>U.S. 192</u>	<u>U.S. 27 to Town Center Boulevard</u>
	<u>Project Entrance to Town Center Boulevard</u>
	<u>Town Center Boulevard to Summer Bay Boulevard</u>
	<u>Summer Bay Boulevard to County Line</u>
	<u>County Line to CR 545 / Avalon Road</u>
	<u>CR 545 / Avalon Road to West Orange Lake Boulevard</u>
	<u>West Orange Lake Boulevard to SR 429</u>
	<u>SR 429 to Formosa Gardens Boulevard</u>
	<u>Formosa Gardens Boulevard to Sherberth Road</u>
	<u>Sherberth Road to Old Lake Wilson Road</u>
	<u>Old Lake Wilson Road to Griffen Road</u>
	<u>Griffen Road to World Drive</u>

<u>U.S. 27 / SR 25</u>	<u>Boggy Marsh Road to CR 474</u>
	<u>CR 474 to U.S. 192</u>
	<u>U.S. 192 to Sand Mine Road</u>
	<u>Sand Mine Road to CR 54</u>
	<u>CR 54 to Interstate 4</u>
<u>CR 545 / Avalon Road</u>	<u>New Independence Parkway to U.S. 192</u>
<u>SR 429</u>	<u>Seidel Road to Interstate 4</u>
<u>CR 474</u>	<u>Green Swamp Road to U.S. 27</u>
<u>Seidel Road</u>	<u>CR 545 / Avalon Road to SR 429</u>
	<u>SR 429 to Lake Hancock Road</u>
<u>CR 54</u>	<u>U.S. 27 to Lake Wilson Road</u>
<u>CR 532 / Champions Gate Boulevard</u>	<u>CR 54 to Interstate 4</u>
<u>Formosa Gardens Boulevard</u>	<u>Funie Steed Road to U.S. 192</u>
<u>Old Lake Wilson</u>	<u>U.S. 192 to Sinclair Road</u>
<u>Sherberth Road</u>	<u>U.S. 192 to Orange County Line</u>

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Candidate Intersections for Monitoring/Modeling Study

<u>U.S. 27 & CR 474</u>
<u>U.S. 27 & U.S. 192 (ramps)</u>
<u>U.S. 27 & Polo Park Boulevard</u>
<u>U.S. 27 & Legacy Park Boulevard / Florence Villa Grove</u>
<u>U.S. 27 & Sand Mine Road</u>
<u>U.S. 27 & CR 54 / Ronald Reagan Parkway</u>
<u>U.S. 192 & Town Center Boulevard</u>
<u>U.S. 192 & Summer Bay Boulevard</u>
<u>U.S. 192 & Avalon Road / Westside Boulevard</u>
<u>U.S. 192 & Vista Del Lago Boulevard</u>
<u>U.S. 192 & West Orange Lake Boulevard</u>
<u>U.S. 192 & SR 429 Ramps (SB and NB)</u>
<u>U.S. 192 & East Orange Lake Boulevard</u>
<u>U.S. 192 & Black Lake Road</u>
<u>U.S. 192 & Sherberth Road</u>
<u>U.S. 192 & Old Lake Wilson Road</u>
<u>U.S. 192 & Griffen Road</u>
<u>CR 54 & Champions Gate Boulevard</u>

3

1 13.1.c. The Summer Bay DRI shall not commence beyond Phase 2 (an equivalent of 22,608
2 external daily trip ends) into Phase 3 when service levels are below the minimum service
3 level adopted in the applicable local government's comprehensive plan during the peak hour
4 and the project contributes, or is projected to contribute with the next phase of traffic, five
5 percent of the adopted LOS service volume of the roadway or intersection as determined by
6 the monitoring program required in the preceding condition, unless mitigation measures
7 and/or improvements are secured and committed for completion of construction during the
8 phase in which the impacts occur. The schedule of improvements shall be tied to the
9 development level that the improvement is needed within each phase. The Amended and
10 Restated Development Order shall be amended to incorporate these needs at the
11 commensurate trip level by which the improvement is needed to support project
12 development.

13 a. For purposes of this Amended and Restated Development Order, adequate
14 "secured and committed" mitigation measures shall include one of the following:

15 1. A roadway improvement scheduled for construction within the first three (3)
16 years of the appropriate local government's adopted comprehensive plan
17 capital improvement element (or as otherwise provided in the applicable
18 jurisdiction's capital improvement element); A roadway improvement
19 scheduled for construction within the first three (3) years of the Florida
20 Department of Transportation's five-year Work Program.

21
22 2. A binding financially secured and irrevocable commitment by the Developer
23 or other appropriate persons or entities for the design, engineering, land
24 acquisition and actual construction of the necessary improvements (with the
25 posting of a cash bond, surety bond, irrevocable letter of credit, escrow
26 account or other security in a form acceptable to the agency of jurisdiction)
27 within the next three years and incorporated by reference into the Amended
28 and Restated Development Order.

29 3. Any other mitigation option specifically provided for in this Amended and
30 Restated Development Order. Any other mitigation option permitted by law,
31 including a local government development agreement consistent with
32 Chapter 163, F.S., which ameliorates the projected impact and is
33 incorporated into the Amended and Restated Development Order by
34 amendment.

35 13.2 Entrances:

36
37 13.2.1. The Development shall be limited to five (5) external entrances on the adjacent state
38 roadways; four (4) on US 192 and one (1) on US 27, subject to permitting with the
39 Florida Department of Transportation (FDOT).

40 13.2.2. Additional entrances shall be permitted to the adjacent development north of
41 Summer Bay through the PD zoning process as approved by Lake County.

1 13.3 Transportation Improvements:
2

3 13.3.1 Commencing with Phase 2, the following transportation improvements shall be
4 accomplished by the completion of each phase.
5

6 13.3.1.-1. Phase 2:
7

8 13.3.1.-1.1. Right and left turning lanes, as required by FDOT, at each of the external
9 Development entrances.
10

11 13.3.1.1.2. Monitoring of any external Development entrances to the project and
12 signalization of said entrance, when warranted.
13

14 13.3.1.1.3. The following state and regionally significant intersections are projected to
15 be both significantly impacted by traffic from the Summer Bay DRI and to
16 operate below the adopted level of service standard. Mitigation must be in
17 place prior to the Summer Bay DRI entering Phase 2.
18

Phase 2 Intersections	Improvement(s)
US 27 at CR 474	Add EB Right Turn Lane
US 27 at Cagan Crossings Blvd	Signal Re-timing
US 27 at Polo Park Blvd	Signal Re-timing
US 192 at Town Center Blvd	Add EB Left Turn Lane Add SB Left Turn Lane NB/SB Re-striping
US 192 at Avalon Rd/Westside Blvd	Add EB Left Turn Lane
US 192 at SR 429 Ramps	Signal Re-timing

19
20
21 13.3.1.2. Phase 3:
22

23 13.3.1.2.1. The following state and regionally significant roadways are projected to be
24 both significantly impacted by traffic from the Summer Bay DRI and to
25 operate below the adopted level of service standard. Mitigation must be in
26 place prior to the Summer Bay DRI entering the designated phase.
27
28

1 Alternative improvements may also be presented based on the future
2 monitoring and modeling program results. This list shall be amended based
3 upon the results of the monitoring and modeling study, as necessary, and
4 incorporated into the Development Order.

5
6 13.4. The Developer shall provide funds for all necessary signalization within the
7 Development and on US 192 and US 27 (as required to support the
8 Development).

9
10 14. Ingress and Egress to Retail / Service Uses:

11
12 14.1. Direct ingress and egress to retail/service uses shall be from interior roadways only and not
13 from US 192 and US 27. The Developer shall be required to provide reasonable access into
14 the Development to that 5-acre out parcel abutting on US Highway 192 if and only if the
15 owner of said out parcel is legally deprived of its current existing access to US Highway 192.
16 Notwithstanding the above, the Developer shall provide a fifty (50) foot wide access point to
17 said out parcel along the east right-of-way line of the Developer's western most entrance
18 road which intersects with US Highway 192.

19
20 15. Parking:

21
22 15.1. The 510,222 square feet of retail/services includes 2,550 parking spaces.

23 16. Housing:

24
25 16.1. The Development shall not exceed 662 employees which equates to the level of
26 employment generated by the original Development Order, as reflected in the Assumptions
27 of Exhibit C-1 without further review by the ECFRPC, the DEO, and Lake County. An
28 Accounting of employment generation shall be provided in the required Biennial Report.

29
30 17. Police and Fire Protection sites, facilities, equipment, supplies, and vehicles, as outlined in the
31 original Development Order issued August 14, 1984, have been resolved with Lake County by a
32 substitution agreement as described on "Exhibit D" attached hereto and by this reference
33 incorporated into this Amended and Restated Development Order.

34
35 18. The School facility site required in the original Development Order issued August 14, 1984 has been
36 rejected by Lake County and resolved with Lake County by a substitution agreement as described
37 on "Exhibit D" attached hereto and by this reference incorporated into this Amended and Restated
38 Development Order.

- 1 19. DRI Biennial Report Requirements:
2
3 19.1. The Developer, its successors or assigns, will submit a Biennial_Report on or before the
4 anniversary date of the execution of this Amended and Restated Development Order every
5 two (2) calendar years during the buildout of the development plan. Said Biennial Report will
6 be submitted to Lake County, the ECFRPC, DEO, FDOT, SJRWMD and any other affected
7 permit agencies. The report shall include the information required under the conditions of
8 approval and the information enumerated below and in the format specified in DCA Form
9 #RPM-BSP-Annual Report-1. The reports to Lake County shall also include a statement that
10 all persons/agencies listed above have been sent copies of the Biennial Report. In
11 accordance with Chapter 380.06(18), Florida Statutes, failure to timely file a Biennial Report
12 may result in the temporary suspension of this Amended and Restated Development Order.
13 The report shall address the following:
14
15 19.2. Any information that is specifically required by the development order to be included in the
16 biennial report, pursuant to and compliant with Section 380.06(18), F.S. Rule 9J-2.025(7),
17 FAC., ECFRPC, and FDOT
18 19.3. Provide information with regard to water quality parameters for the reporting
19 years.
20
21 19.4. Provide information with regard to employment generation for the reporting years.
22
23 19.5. Provide any other information as specifically required by the Conditions of the
24 Amended and Restated Development Order.
25
26 20. Local Monitoring:
27
28 20.1. The Lake County Planning Director or his/her designee shall be responsible for
29 monitoring the Development and enforcing the provisions of the Amended and
30 Restated Development Order. Lake County shall not issue any permits or approvals
31 or provide any extensions of services if the Developer fails to act in substantial
32 compliance with this Amended and Restated Development Order.
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21. Downzoning, Unit Density or Intensity Reduction:

23.1. Until December 31, 2023, the approved development described in this Amended and Restated Development Order shall not be subject to downzoning, unit density reduction or intensity reduction unless Lake County can demonstrate that substantial changes in the conditions underlying the approval of this Amended and Restated Development Order have occurred, or that this Amended and Restated Development order was based upon substantially inaccurate information provided by the Owner or Developer, or that the change is clearly established by Lake County to be essential to the public health, safety and welfare.

PART V. MODIFICATION TO THE DEVELOPMENT ORDER

That this Order shall constitute the Fourth ARDO in response to Notification of Proposed Change to an Approved Development of Regional Impact filed by the Developer for the Summer Bay Resort DRI.

That the definitions found in Chapter 380.06, Florida Statutes shall apply to this Amended and Restated Development Order.

That this Fourth ARDO shall be binding upon the Developer and its heirs, assigns and successors in interest. It is understood that any reference to any governmental agency shall be construed to mean any future instrumentally which may be created or designated successors in interest to, or otherwise possess, any of the powers and duties of any referenced governmental agency in existence on the effective date of this Amended and Restated Development Order.

That in the event that any portion or section of this Fourth ARDO is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall not void or invalidate the remaining portions or sections of the Fourth ARDO, which shall remain in full force and effect, but such a decision shall have the effect of suspending development activity in the entire development of regional impact until a corrective amendment is processed and approved in accordance with the requirements of Section 380.06, Florida Statutes.

Substantial Deviations:

No change shall be made to the Fourth ARDO or to the approved land uses, unless and until Lake County has approved and authorized the change.

1 The Developer shall fully comply with Section 380.06(19), Florida Statutes, regarding “substantial
2 deviation” and “non-substantial deviations”. That a substantial deviation from the terms or conditions
3 of this Amended and Restated Development Order or other changes to the approved development
4 plans which create a reasonable likelihood of adverse regional impact shall result in Lake County
5 ordering termination of all development, and in such event, Lake County may request that a new DRI
6 application for Development Approval be submitted, reviewed and approved pursuant to Section
7 380.05, Florida Statutes; provided, however, that any other changes in the approved plans must
8 have the prior approval of Lake County.

9
10 **Effect of Amended and Restated Development Order:**

11
12 That this Fourth ARDO shall remain in effect until December 31, 2023. The effective period may be
13 extended by Lake County upon a finding of excusable delay in any proposed development activity
14 and upon a finding that conditions have not changed significantly to warrant further review of the
15 plans of the development.

16
17 Projected Phase 2 buildout is December 2018 and projected Phase 3 and full buildout is December
18 21, 2023. The termination date and DRI DO expiration dates are established as December 31,
19 2023. Any extensions of the DRI buildout, termination or expiration shall be governed by the
20 provisions of Section 380.06(19), F.S.

21
22 That this Fourth ARDO shall supersede the original Development Order, the Restated Development
23 Order and the Amended and Restated Planned Unit Development Ordinance For the Summer Bay
24 DRI thereto, specifically including the original Development Order recorded at OR Book 819,
25 beginning at Page 1959, of the Public Records of Lake County, Florida, ~~and~~ the Amended
26 Development Order recorded at OR Book 827, beginning at Page 615, of the Public Records of Lake
27 County, Florida, and the Amended and Restated Planned Unit Development Ordinance For the
28 Summer Bay DRI recorded at OR Book 03528, beginning at Page 1489, of the Public Records of
29 Lake County, Florida.

30
31 That this Fourth ARDO shall become effective upon transmittal by First Class Certified U.S. Mail,
32 return receipt requested, to the Developer, ECFRPC, and the ~~DCA~~ DEO, provided however that the
33 filing of a notice of appeal pursuant to Chapter 380.07, Florida Statutes, will stay the effectiveness of
34 this Amended and Restated Development Order.

1
2 **PART VI. Recording**
3

4 Within 10 days of the issuance of this Fourth ARDO, the Developer shall cause a notice of the
5 adoption of the Fourth ARDO and any subsequent modification of the Fourth ARDO to be recorded,
6 at the Developer's expense, with the Clerk of the Circuit Court of each county in which the
7 development is located. This notice shall meet the requirements of Section 380.06(15)(f), Florida
8 Statutes. The recording shall not constitute a lien, or encumbrance on the Property, or actual
9 constructive notice of any such lien, cloud or encumbrance.
10

11 **PART VII. SIGNATORIES**

12 **EFFECTIVE DATE.** This Ordinance shall become effective as provided by law.
13

14 **ENACTED** this _____ day of _____, 2016.
15

16 **FILED** with the Secretary of State _____, 2016.
17

18 **EFFECTIVE** _____, 2016.
19

20 **BOARD OF COUNTY COMMISSIONERS**
21 **OF LAKE COUNTY, FLORIDA**
22

23
24 _____
25 **SEAN M. PARKS, Chairman**
26

27 **ATTEST:**
28

29 _____
30 **NEIL KELLY, Clerk of the**
31 **Board of County Commissioners**
32 **Lake County, Florida**

33 **APPROVED AS TO FORM AND LEGALITY:**
34

35 _____
36 **MELANIE MARSH, County Attorney**
37

EXHIBIT - A
SUMMER BAY RESORT DRI
LEGAL DESCRIPTION

A PORTION OF SECTIONS 25, 35 AND 36, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 36, TOWNSHIP 24 SOUTH, RANGE 26 EAST; THENCE ALONG THE EAST LINE OF SAID SECTION 36 RUN N 00°11'19" W, 384.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE RUN N 00°11'19" W, 2267.10 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 36; THENCE CONTINUE ALONG SAID EAST LINE RUN N 00°19'00" W, 2628.48 FEET TO THE NORTHEAST CORNER OF SAID SECTION 36, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF AFOREMENTIONED SECTION 25, TOWNSHIP 24 SOUTH, RANGE 26 EAST; THENCE ALONG THE EAST LINE OF SAID SECTION 25 RUN N 00°04'10" E, 1320.82 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25, THENCE ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25 RUN S 89°26'35" W, 1325.28 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25, THENCE ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25; RUN S 00°05'10" E, 1324.91 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE THE SOUTHEAST 1/4 OF SAID SECTION 25 SAID CORNER ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 36; THENCE ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 36 RUN S 00°13'46" E, 2625.67 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE ALONG THE WEST LINE OF THE E 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 36 RUN S 00°09'33" E, 661.48 FEET TO THE NORTH LINE OF THE SOUTH 3/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 36; THENCE DEPARTING SAID WEST LINE RUN ALONG SAID NORTH LINE S 89°27'27" W, 1326.52 FEET TO THE NORTHEAST CORNER OF THE SOUTH 3/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 36; THENCE ALONG THE NORTH LINE OF THE SOUTH 3/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 36, RUN S 89°27'11" W, 2650.77 FEET TO THE NORTHWEST CORNER OF THE SOUTH 3/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 36 SAID CORNER ALSO BEING THE NORTHEAST CORNER OF THE SOUTH 3/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 26 EAST; THENCE ALONG THE NORTH LINE OF THE SOUTH 3/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 35 RUN S 89°36'52" W, 579.12 FEET TO A POINT OF THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 27; THENCE DEPARTING SAID NORTH LINE RUN ALONG SAID EASTERLY RIGHT OF WAY LINE S 20°36'04" E, 60.82 FEET; THENCE RUN S 69°23'57" W, 7.00 FEET; THENCE RUN S 20°36'04" E, 5.56 FEET TO A POINT; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE RUN N 89°36'52"E, 200.00 FEET; THENCE RUN S 20°36'04" E, 195.00 FEET; THENCE RUN S 89°36'52" W, 200.00 FEET TO A POINT OF THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 27; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE RUN S 20°36'04" E, 267.11 FEET; THENCE RUN S 30°52'29" E, 436.78 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1799.98 FEET, A CENTRAL ANGLE OF 20°59'07" AND A CHORD BEARING OF S 32°14'40" E; THENCE ALONG THE ARC OF SAID CURVE, RUN 659.26 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 844.93 FEET, A CENTRAL ANGLE OF 29°32'54" AND A CHORD BEARING OF S 57°31'30" E; THENCE ALONG THE ARC OF SAID CURVE RUN 435.74 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 192; THENCE THE FOLLOWING THREE COURSES AND DISTANCES ALONG SAID NORTH RIGHT OF WAY LINE RUN S 85°46'28" E, 261.89 FEET; THENCE RUN N 89°46'05" E, 349.01 FEET; THENCE RUN S 83°06'25" E, 488.78 FEET TO A POINT; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE RUN N 00°13'55" W, 585.62 FEET; THENCE RUN N 89°46'05" E, 500.00 FEET; THENCE RUN S 00°13'55" E, 400.00 FEET; THENCE RUN S 89°46'05" W, 200.00 FEET; THENCE RUN S 00°13'55" E, 200.00 FEET TO A POINT ON THE AFORESAID NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 192; THENCE ALONG SAID NORTH RIGHT OF WAY LINE RUN N 89°46'05" E, 3064.86 FEET TO A POINT; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE RUN N 00°13'55" W, 250.00 FEET; THENCE RUN N 89°46'05" E, 200.00 FEET; THENCE RUN S 00°13'55" E, 117.16 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2814.93 FEET, A CENTRAL ANGLE OF 02°29'29" AND A CHORD BEARING OF N 64°54'29" E; THENCE ALONG THE ARC OF SAID CURVE RUN 122.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 351.82 ACRES, MORE OR LESS.

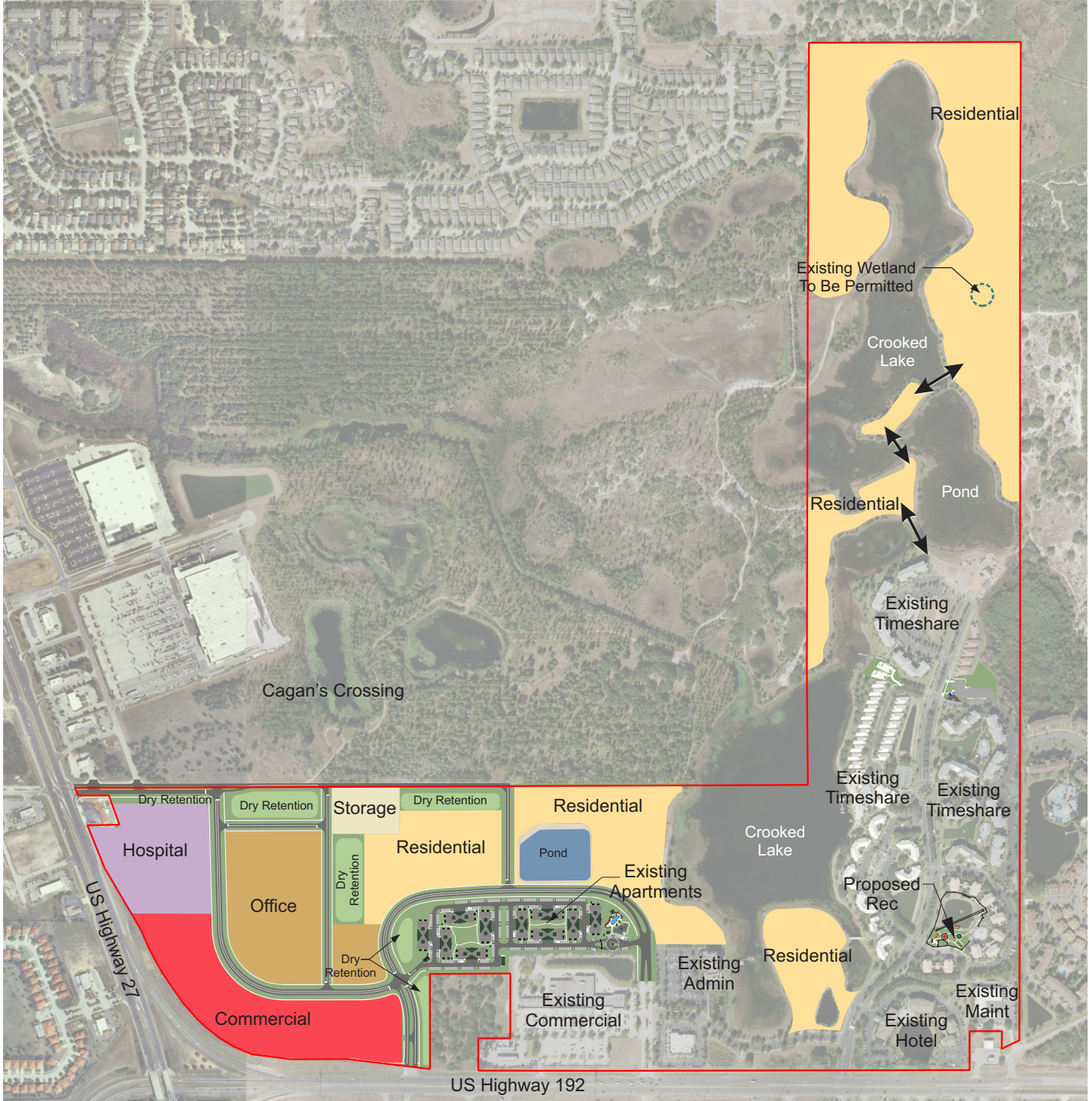
EXHIBIT - B

Summer Bay

Sections 25, 35 and 36, Township 24 South, Range 26 East
Osceola County, Florida

Revised Map H Concept Plan

Date Revised: 10 May 2016



Residential use shown hereon may include Timeshare, Single Family, Multi-Family, or Condominium Assisted Living Units. The PD zoning will implement the specific product type.

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This plan is a preliminary concept only. As such it is subject to modification pending environmental, engineering, design, agency review and permit considerations.



EXHBIT – C

SUMMER BAY RESORT DRI

Proposed Land Use Types (July 2016)

Residential - 2,040 units (apartment/timeshare dwellings)

Commercial/Retail - 1,250,000 square feet

Hotel - 250 suites (rooms) from 486.

Hospital - 150-beds; 20,000 SF emergency center; 50,200 SF administrative/office; 180,000SF medical and professional office uses.

Mini-warehouse and storage – 3 (1.5 acres for resort guest use)

EXHIBIT - C1

Exhibit "C"
Summer Bay DRI NOPC
Land Use Conversion Table

Land Uses (Convert From)	Land Uses (Convert To)								
	Hotel (Rooms)	Apartments (DU)	Timshare (DU)	Medical Office (KSF)	Shopping Center (KSF)	Hospital (beds)	Emergency Room (KSF)	Mini-Warehouse (Acres)	Assisted Living (Beds)
Hotel (Rooms)		1.2308	3.0717	0.2182	0.2182	0.4225	0.1905	0.2250	2.7273
Apartments (DU)	0.8125		2.4957	0.1773	0.1773	0.3433	0.1548	0.1828	2.2159
Timeshare (DU)	0.3256	0.4007		0.0710	0.0710	0.1376	0.0620	0.0733	0.8879
Medical Office (KSF)	4.5833	5.6410	14.0785		1.0000	1.9366	0.8730	1.0313	12.5000
Shopping Center (KSF)	3.7292	4.5897	11.4548	0.8136		1.5757	0.7103	0.8391	10.1705
Hospital (Beds)	2.3667	2.9128	7.2696	0.5164	0.5164		0.4508	0.5325	6.4545
Emergency Room (KSF)	5.2500	6.4615	16.1263	1.1455	1.1455	2.2183		1.1813	14.3182
Mini-Warehouse (Acres)	4.4444	5.4701	13.6519	0.9697	0.9697	1.8779	0.8466		12.1212
Assisted Living (Beds)	0.3667	0.4513	1.1263	0.0800	0.0800	0.1549	0.0698	0.0825	

Sample Conversions:

March 2015

1. If you wanted to convert 100 DU's of Apartments to Timeshare:

$$100 \text{ DU Apartments} \times 2.4957 = 250 \text{ Timeshare Dwelling Units}$$

2. If you wanted to convert 50 KSF of Shopping Center to Hospital:

$$50 \text{ KSF Shopping Center} \times 1.5757 = 79 \text{ Hospital Beds}$$

Source: GMB Engineers & Planners, Inc.

*Notes: The development will be limited to maximum and minimum changes consistent with F.S. 380.06 19(b)
 The land use matrix was developed using the p.m. peak hour total trips generated by the Summer Bay DRI - Phase III (2,655 ph)
 The following summarizes the p.m. peak hour total trip generation rates used in this analysis:*

- Hotel : 0.60 trips per Room
- Apartments : 0.49 trips per DU
- Timeshare : 0.20 trips per DU
- Medical Office : 2.75 trips per KSF
- Retail : 2.24 trips per KSF
- Hospital : 1.42 trips per Bed
- Emergency Room : 3.15 trips per KSF
- Assisted Living : 0.22 trips per Bed