WilsonMiller®

RIVERWOOD DRI
INCREMENT ONE

DRI #05-8889-94

CHARLOTTE COUNTY, FLORIDA

ANNUAL MONITORING REPORT
2001 - 2003

PREPARED BY

WilsonMiller

New Directions In Planning, Design & Engineering

Planners Engineers Ecologists Surveyors
Landscape Architects Transportation Consultants

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ID# 110

LOCATION :	Charlotte County	
PROJECT:	Riverwood AIDA Increment One	DRI#05-8889-94
APPLICANT:	Centex Homes, Inc. 5801 Pelican Bay Boulevard, Suite 600 Naples, FL 34108	
CONTACT:	Thomas J. Wegwert	
AGENT:	Sharon Jenkins-Owen, AICP WilsonMiller, Inc. 4571 Colonial Boulevard, Suite 100 Fort Myers, FL 33912-1062	
REVIEWED BY:	SWFRPC	
DATE SUBMITTED:	07/26/89	
REVIEW DATE:	08/16/90	
RPC RECOMMENDATION:	Conditional Approval	
DEVELOPMENT ORDER:	Conditional Approval	
DATE ISSUED:	11/18/90	
RPC DO REVIEW:	Accepted Development Order as rendered.	
REGIONAL ISSUES:	Drainage/Water Quality, Hurricane Evacuation/Floodplains, Transportation, Vegetation and Wildlife, Water Supply, Wetlands, Wastewater Management, Energy.	
PROJECT TYPE:	Mixed Use	
TOTAL ACRES:	855+/-	
HOUSING UNITS:	1,100	**HOTEL ROOMS:**
COMMERCIAL SQ. FT.:	140,000	**OFFICE SQ. FT.**
INDUSTRIAL SQ. FT.:		**HOSPITAL BEDS:**
WET SLIPS:		**DRY SLIPS:**
OTHER:	Golf Course	**EST. POPULATION:** 2,409
TOTAL PROJECT COST:		
BUILDOUT YEAR:	2002	**CONSTRUCTION YEARS:** 12
PROJECT STATUS:	The last monitoring report for the Master DRI was submitted in November 2001. During the period covered by this monitoring report, 91 dwelling units have been constructed within Myakka Point. A total of 761 residential dwelling units have been constructed within Increment One.	
MODIFICATIONS:	No changes have occurred during this annual reporting period.	

ANNUAL STATUS REPORT

Reporting Period: November 01, 2001 to October 31, 2003

Development: Riverwood AIDA - Increment One

Location: Port Charlotte, Charlotte County

Developer: Centex Homes, Inc.
5801 Pelican Bay Boulevard, Suite 600
Naples, FL 34108

1. **Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.**

   Note: If a response is to be more than one sentence, attach as Exhibit A, a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

   a. **Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;**

   b. **State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.**

   c. **Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.**

   Response: No changes in the plan of development or phasing for the reporting year and for the subsequent years have occurred during this annual reporting period. No incremental DRI applications for development approval or requests for a substantial deviation determination were filed during this reporting year.

2. **Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new Development of Regional Impact development order for the project? Provide a copy of the order adopted by the annexing local government.**

   Response: There has been no change in local government jurisdiction for any portion of the development since the development order was issued.

3. **Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.**

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

Response: All master plans and incremental site plans were previously submitted.

4. **Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total development proposed and actually conducted to date.**

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response is to be more than one sentence, attach as Exhibit C.

Response: The last monitoring report for the Master DRI was submitted in November 2001 During the period covered by this monitoring report, 91 dwelling units have been constructed within Myakka Point. A total of 761 residential dwelling units have been constructed within Increment One.

5. **Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.**
Note: If a response is to be more than one sentence, attach as Exhibit D.

Response: Centex Homes, Inc. has purchased all the undeveloped portions of the Riverwood AMDA, which includes Increment One.

6. **Describe any lands purchased or optioned adjacent to the original Development of Regional Impact site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.**

Note: If a response is to be more than one sentence, attach as Exhibit E.

Response: No lands adjacent to the original Development of Regional Impact site have been purchased or optioned by the developer.

7. **List any substantial local, state, and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.**

Note: If a response is to more than one sentence, attach as Exhibit F.

Response: Please refer to Exhibit F.

8. **Provide a list specifying each development order condition and each developer commitment as contained in the ADA and state how and when each condition or commitment has been complied with during the annual report reporting period.**

   Note: Attached as Exhibit G.

   Response: Please refer to Exhibit G.

9. **Provide any information that is specifically required by the development order to be included in the annual report.**

   Response: To our knowledge, the requirements of the annual monitoring report are being satisfied by submittal of this report.

10. **Provide a statement certifying that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), F.S.**

    Response: Copies of this DRI Monitoring Report have been sent, via U.S. Mail to:

    - Mr. Dan Trescott, Southwest Florida Regional Planning Council
    - Mr. Gary Thompson, Comprehensive Plan Review Division, Charlotte County
    - Mr. Bernard Piawah, Florida Department of Community Affairs
    - Mr. Thomas J. Wegwert, Centex Homes, Inc.

Person completing the questionnaire: Sharon Jenkins-Owen, AICP
Title: Project Manager
Representing: WilsonMiller, Inc.
4571 Colonial Boulevard, Suite 100
Fort Myers, FL 33912-1062

RIVERWOOD INCREMENT ONE PERMITS

EXHIBIT F

PERMIT NO.	DATE	AGENCY	FUNCTION
RIVERWOOD PDA PHASE 1			
SW 89-EX-20	6/25/90	Charlotte County	Excavation
SW 89-222S	2/1/91	Charlotte County	Construction Plan Approval
DS08-203935	12/18/91	FDEP	Potable Water
01-025-89	11/7/90	FDOT	Driveway Connection Permit
406845	1989	FDEP	Stormwater
2010169.01	12/31/91	SWFWMD	General Water Use Permit
RIVERWOOD PDA PHASE 2			
40845.01	10/10/90	SWFWMD	Stormwater
DS08-220735	1/29/92	FDEP	Master Meter
DS08-223935	7/21/92	FDEP	Potable Water
DRC-PD-88-4B	11/7/90	Charlotte County	Prelim. & Final Plan Approval
SW 90-EX-24	10/30/90	Charlotte County	Excavation
CS08-189636	12/19/90	FDEP	Wastewater
DS08-203935	12/18/91	FDEP	Potable Water
90NWQ-02825	6/7/90	USACOE	Nationwide Permit Dredge & Fill
CLUBHOUSE			
SW 91-107C	6/2/92	Charlotte County	Stormwater
DS08-206826	1/29/92	FDEP	Water Distribution
STONEBRIDGE			
DS02-216049	7/21/92	FDEP	Potable Water
DRC-PD-88-4F	8/5/92	Charlotte County	Prelim. & Final Detail Plan
CS08-212741	5/14/92	FDEP	Waste Water
406845.03	5/28/92	SFWMD	Stormwater
SW 92-042S	6/1/692	Charlotte County	Stormwater
SW 92-EX-24	7/22/92	Charlotte County	Excavation
FAIRWAY LAKES			
SW 92-061S	1/11/93	Charlotte County	Construction Plan Approval
DRC-PD-88-4G	10/22/92	Charlotte County	Prelim & Final Plan Approval
CS08-2126397	9/16/92	FDEP	Wastewater
406845.04	8/10/92	SWFWMD	Stormwater
DS08-217838	8/28/92	FDEP	Potable Water
SW 92-EX-4	8/20/92	Charlotte County	Excavation
			Table Continued

PERMIT NO.	DATE	AGENCY	FUNCTION
WILLOW GLEN			
SW 93-EX-1	8/16/93	Charlotte County	Excavation
406845.08	6/20/93	SWFWMD	Stormwater
DS08-231801	12/13/93	FDEP	Potable Water
DRC-PD-88-41	8/2/93	Charlotte County	Prelim. & Final Detail Plans
CS08-230227	6/11/93	FDEP	Wastewater
DISCOVERY CENTER			
DS08-230227	2/9/94	FDEP	Potable Water
DRC-PD-88-4j	10/28/93	Charlotte County	Prelim. & Final Detail Plans
406845.09	6/9/93	SWFWMD	Stormwater
SW 93-040C	8/5/93	Charlotte County	Stormwater
CS08-231900	6/8/93	FDEP	Wastewater
RIVERWOOD DRI INCREMENT ONE, PHASE 2			
496845.07	1/5/93	SWFWMD	Conceptual Permit
496845.06	1/5/93	SWFWMD	Conceptual Permit
SW 92-063C	9/3/92	Charlotte County	Stormwater
081959329	6/30/92	FDEP	Dredge and Fill
199130641 (IP-BB)	11/5/92	USACOE	Dredge and Fill
4-1-92-241	4/2/92	Dept. of Interior Fish & Wildlife Services	Wildlife
CLUB DRIVE PHASE 1			
DRC-88-4H	6/27/94	Charlotte County	Wastewater
DS08-234829	12/13/93	FDEP	Potable Water
CS08-234830	7/30/93	FDEP	Wastewater
POD F - LAKESHORE VILLAGE			
CS08-236924	9/1/93	FDEP	Wastewater
496845.10	8/25/93	SWFWMD	Stormwater
DS08-236920	9/8/93	FDEP	Potable Water
DRC-PD-88-4K	8/6/93	Charlotte County	Prelim. & Final Detail Plans
SW 93-056C	9/16/93	Charlotte County	Stormwater
POD D - RIVERSIDE			
DS08-241433	11/30/93	FDEP	Potable Water
496845.11	12/15/93	SWFWMD	Stormwater
CS08-240080	11/17/93	FDEP	Wastewater
DRC-PD-88-4L	8/6/93	Charlotte County	Prelim. & Final Detail Plans

Table Continued

PERMIT NO.	DATE	AGENCY	FUNCTION
UNIT 3			
496845.13	3/29/94	SWFWMD	Stormwater
CS08-250455	11/10/94	FDEP	Wastewater
DS08-250448	11/15/94	FDEP	Potable Water
SW 94-045S	6/29/94	Charlotte County	Stormwater
SW 94-12-EX	7/15/94	Charlotte County	Excavation
DRC-PD-88-4M	7/28/94	Charlotte County	Prelim. & Final Detail Plans
POD G - EAGLE TRACE			
SW 94-055S	8/25/94	Charlotte County	Stormwater
496845.14	8/4/94	SWFWMD	Stormwater
CS08-253416	11/10/94	FDEP	Wastewater
DS08-254553	11/8/94	FDEP	Potable Water
DRC-PD-88-4N	9/8/94	Charlotte County	Prelim. & Final Detail Plans
CLUB DRIVE PHASE 2			
CS08-253418	11/16/94	FDEP	Wastewater
DS08-253884	11/16/94	FDEP	Potable Water
496845.15	8/4/94	SWFWMD	Stormwater
DRC-PD-88-4H	6/29/94	Charlotte County	Prelim. & Final Detail Plans
SW 94-060S	8/25/94	Charlotte County	Stormwater
WASTEWATER TREATMENT PLANT			
FLA014060	2/24/00	FDEP	Pond Expansion
SW 94-20-EX	11/18/94	Charlotte County	Excavation
DRC-PD-88-4P	9/28/94	Charlotte County	Prelim. & Final Detail Plans
DC08-253754	10/7/94	FDEP	Construction Permit
DC08-182784	3/19/91	FDEP	Design Permit
406845.16	10/12/94	SWFWMD	Stormwater
SW 94-076C	9/16/94	Charlotte County	Stormwater
DT08-251875	7/6/94	FDEP	Operation Permit
GOLF COURSE MAINTENANCE FACILITY			
91-053C	8/21/91	Charlotte County	Stormwater
CS08-198919	7/26/91	FDEP	Wastewater

GRAND VISTA CONDOMINIUMS			
46845.25	3/5/99	SWFWMD	Modification to Per.#496845.13
46845.23	2/18/99	SWFWMD	Time Extension
SW 99-012S	4/2/99	Charlotte County	Stormwater
DRC-PD-88-4M(MM) (B)	4/26/99	Charlotte County	Plan Approval
DS08-250448	10/25/99	FDEP	Drinking Water Certification
THE RESERVE			
496845.26	3/20/99	SWFWMD	Construction
DRC-PD-88-4U	3/19/99	Charlotte County	Final Plan Approval
DRC-PD-88-4U	3/1/99	Charlotte County	Preliminary Plan Approval
SW-99-011C	3/26/99	Charlotte County	Stormwater
P-99-2-1	8/99	Charlotte County	Preliminary & Final Plat
152564-001-DSGP	3/25/99	FDEP	Public Water System Permit
44008-001-DWC	3/9/99	FDEP	Sewer Collection/Transmission
SILVER LAKES			
199804360 (IP-JB)	7/7/00	USACOE	
496845.031	6/12/00	SWFWMD	Modification (South Area)
00-004-EX	6/12/00	Charlotte County	Excavation
157722-001-DSGP	7/19/99	FDEP	Public Water System Permit
SW 99-034S	6/22/99	Charlotte County	Stormwater
DRC-PD-88-45(B)	6/15/99	Charlotte County	Preliminary Plan
446845.24	9/1/98	SWFWMD	Conceptual
496845.27	7/27/99	SWFWMD	Construction
44006-001-DWC	6/8/99	FDEP	Domestic Wastewater Collection/Transmission System
DRC-PD-88-4T(B)	10/10/00	Charlotte County	Final Site Plan
DRC-PD-88-4T(B)	11/03/00	Charlotte County	Final DRC
No Permit Number	11/09/00	Charlotte County	Tree Removal Authorization
DRC-PD-88-4V	02/10/00	Charlotte County	Preliminary DRC
Myakka Pointe			
DRC-PD-88-4W	11/29/01	Charlotte County	Preliminary DRC
DRC-PD-88-4W	5/12/03	Charlotte County	Final DRC
FP-01010-6	8/27/02	Charlotte County	Final Plat
157722-002-DSGP	3/28/02	FDEP	FDEP Water Permit
44008-002-DWC	3/20/02	FDEP	FDEP Sewer Permit
SW 01-080C	4/17/02	Charlotte County	Stormwater Permit
01-EX-09	3/05/02	Charlotte County	Excavation Permit
2002031075	3/04/02	Charlotte County	Tree Removal Authorization
496845.033	3/15/02	SWFWMD	General ERP Notification

RIVERWOOD AIDA INCREMENT ONE

EXHIBIT G

A. CONDITIONS

1. STORMWATER MANAGEMENT (DRAINAGE) WATER OUALITY

a. **As necessary, the Riverwood Increment One will obtain an NPDES permit for construction activities and Southwest Florida Water Management District (SWFWMD) permits for the conceptual approval and/or construction and operation of the surface water management system.**

Response: The applicant received construction approval for the PDA area under permit #40-68456.01. Please refer to Exhibit F for additional SWFWMD permit information.

b. **All water retention/detention areas must meet SWFWMD criteria. Any areas which do not meet this criteria may not be used in the calculation of water quality or quantity volumes.**

Response: All construction undertaken during this reporting period meets SWFWMD permit requirements.

c. **The applicant shall confirm, to the satisfaction of the SWFWMD and the applicable federal, state and local permitting agencies that the proposed water management system will not significantly adversely impact habitats of any species of special concern, threatened or endangered species occurring on-site, or that such impacts will be mitigated as deemed appropriate during the permitting process.**

Response: The applicant has satisfactorily met this requirement.

d. **If drain-down time frames set for the dry retention areas are of such duration that they result in mosquito breeding detrimental to the health, welfare, safety and quality of life of Riverwood and surrounding residents, as per Florida Statutes Chapter 380.021, or constitute a nuisance injurious to health, as per Florida Statutes Chapter 386.041(e), then those retention areas should be modified in a way which will abate the nuisance, or detrimental conditions consistent with SWFWMD regulations.**

Response: No dry retention areas have been constructed during the period covered by this annual report.

e. **All drainage swales and spreader-swales shall be finish-graded to levels such that no isolated pool of water will stand in any swale for more than 72 hours after a ten-year storm event.**

Response: This condition has been complied with during the period covered by this annual report.

f. **In order to assure unimpaired tidal flushing, no spoil berm shall be constructed, and no existing spoil pile, berm or excavation shall be allowed to remain within the wetland reserve which spoil pile, berm or excavation detains or impounds water for more than 72 hours after high tide or a 10-year storm.**

Response: The applicant has obtained permits from the appropriate agencies to remove several berms and to fill select excavations to improve tidal flushing and eliminate certain impound areas.

g. **At least once annually, the applicant, or the entity responsible for maintenance of the surface water management system, shall remove from all dry retention areas, swales and spreader swales, all plants of any species listed in the "Florida Prohibited Aquatic Plants" list published by the Florida Department of Natural Resources, Bureau of Aquatic Plant Management.**

Response: No dry retention areas have been constructed during the period covered by this annual report.

h. **Provisions for the drainage of off-site areas and outparcels that presently drain through Increment One site must be provided at the time of SWFWMD permit application.**

Response: This condition has been addressed during the permitting process.

i. **The applicant shall undertake a regularly scheduled vacuum sweeping of all paved common areas, parking facilities, and internal roads to be incorporated as a best management practice (BMP).**

Response: No commercial and limited office parking facilities have been constructed during this reporting period. However, the Golf Clubhouse, Sales Center, and Activity Center parking areas have regularly scheduled sweeping.

j. **In areas adjacent to retail and office uses the applicant shall provide pre-treatment of run off in accordance with the applicable criteria of the permitting agency in order to provide reasonable assurance that hazardous materials will not enter the storm water management system.**

Response: This condition has been addressed during the permitting process.

k. **The operation of the Riverwood Surface Water Management System is dependent on the Myakka River for an outlet. Therefore, the water management plan shall demonstrate that the system is designed in accordance with existing SWFWMD permit design parameters for the adjacent portions of the Myakka River.**

Response: This condition has been addressed during the permitting process.

l. **The applicant shall cooperate with any on-going or future efforts by Charlotte County to establish a County-wide Watershed Basin Management Plan.**

Response: The applicant will cooperate with any on-going or future efforts by Charlotte County to establish a County-wide Watershed Basin Management Plan.

m. **Best Management Practices (BMP's) and monitoring and maintenance of the stormwater management system shall be implemented by the applicant in accordance with SWFWMD guidelines.**

Response: Best Management Practices (BMP's) and monitoring and maintenance of the stormwater management system have been implemented by the applicant in accordance with SWFWMD guidelines during the period covered by this annual report.

n. **The applicant shall designate a specific entity to manage and maintain the surface water management system. This entity may be a utility company, a community development district, a homeowner's association or similar entity, or one of the entities described in the AMDA.**

Response: A Chapter 190 Community development District has been established and will manage and maintain the surface water management system.

o. **Any business which might generate special or hazardous wastes, shall be responsible for the temporary storage and proper disposal of special hazardous wastes generated by businesses within the parcel. These types of wastes shall include any of those listed in the Charlotte County Hazardous Waste Assessment (Table III-2) prepared by the SWFRPC in July, 1985.**

Response: No businesses which might generate special or hazardous wastes have been established prior to or during the period covered by this annual report.

2. HURRICANE EVACUATION/FLOODPLAINS

a. **Mitigation for hurricane shelter impacts shall consist of funding for shuttering the Charlotte County Emergency Management Offices within the**

Charlotte County Administration Building by May 31, 1991. The amount of the funding shall be the acceptable low bid based upon the County's request for proposal developed in cooperation with the applicant.

Response: Hurricane shutters were installed and were funded by the applicant during spring 1991.

b. Mitigation for hurricane evacuation route impacts shall be implementation of one of the following provisions:

1. **Provision for the establishment and maintenance of a public information program within an existing homeowners association for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters; and the identification of steps to minimize property damage and to protect human life. In order to use this mitigation option, the developer must develop a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan shall address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program which addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, friends residences and public hurricane shelter locations, and other protective actions which may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan shall be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by SWFRPC, DCA and Charlotte County and must address the recommendations provided by the reviewing agencies; or**

2. **Provision of roadway capacity improvements committed to by the developer above and beyond the improvements required by Rule 9J-2.0255, Florida Administrative Code; or**

3. **Provision of funds to be used for the purpose of procuring communications equipment which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the developer must provide reasonable assurance from local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts.**

Response: The "Riverwood Hurricane Awareness Guide" has been approved by Charlotte County.

3. **TRANSPORTATION**

a. **In addition to the other obligations specified in the Development order, the Applicant, or his successor shall be required to construct, at no cost to Charlotte County, all site-related improvements deemed necessary by Charlotte County and the Florida Department of Transportation. Site-related improvements shall be those improvements deemed site-related under criteria or standards applicable to all other developments in Charlotte County by the county development review process prior to construction. The Applicant's obligation shall include but not be limited to the full cost of design and engineering' drainage and utility relocation, dedication of right-of-way under the Applicant's ownership, construction of turn lanes, acceleration and deceleration lanes' construction inspection, contract administration, testing and signalization (as needed and warranted). The alignment, design, signalization, and construction schedule shall be approved by either the County Engineer and/or the Florida DOT, as appropriate.**

Response: Initial site-related improvements at the project entrances on SR 776, consisting of left turn lanes, and acceleration/deceleration lanes have been installed.

b. **The Applicant or his successor shall submit an annual traffic monitoring report. The monitoring report shall be designed in cooperation with Charlotte County, the Southwest Florida Regional Planning Council and the Florida Department of Transportation. The annual monitoring report shall contain at a minimum AM and PM peak-hour, peak season traffic counts (with turning movements) and mutually agreed upon professionally acceptable level of service analyses (including a projection of the LOS for impacted roadways for the next year) at all project access points onto the roadway network and at the following intersections:**

- **SR 776/Cornelius Boulevard**
- **SR 776/Jacobs Street**
- **SR 776/Project Entrance (East)**
- **SR 776/Project Entrance (West)**
- **SR 776/David Boulevard**
- **SR 776/Marathon Boulevard**
- **SR 776/0ceanspray Boulevard**
- **SR 776/Sunnybrook Boulevard**

In addition, peak season peak daily traffic counts and level of service calculations shall be submitted as part of the annual monitoring report for all project areas and the roadway links listed below:

- **SR 776**
  Cornelius Boulevard to Project Entrance
  Project Entrance to David Boulevard

David Boulevard to CR 771
CR 771 to Sunnybrook Boulevard
Sunnybrook Boulevard to San Casa Road

Riverwood Shall submit the annual monitoring report to Charlotte County, the Southwest Florida Regional Planning Council and the Florida Department of Community Affairs to review. The first report shall be submitted one year after the issuance of the first construction permits for buildings within the Riverwood Increment 1. Reports shall be submitted annually until project build-out. The purpose of the annual monitoring report is to:

1. **Assist Charlotte County and FDOT in determining the proper timing of necessary roadway improvements.**

2. **Determine the existing levels of service on regional and local facilities. It is recognized and understood that traffic counts may be obtained from original machine and manual peak hour counts, County traffic volume reports, Florida Department of Transportation, and other ADA's and DRI's with similar monitoring requirements, and other generally acceptable sources.**

Response: Attached is the Annual Traffic Monitoring Report prepared by Florida Transportation Engineers dated October 2003.

c. **The SWFRPC transportation assessment for the Riverwood Master Development and the Riverwood Master Development Order identified a year 2004 Master Roadway Network (Exhibit 1) and the regionally and locally significant increment One impacts determined that the following actions are needed coincident with development of Riverwood Increment One if peak LOS "D" conditions (urban) or LOS "C" (rural) are to maintained through district build-out of Increment One on regional road segments and intersections:**

Roadway	Action
SR 776	
• **Cornelius Boulevard to San Casa Road**	**Reclassify to urban and/or LOS D**

Response: Charlotte County Planning addressed this item with FDOT in 1994.

d. **In order to mitigate the transportation impacts on the regionally and locally significant roads as identified in Exhibit 2 for this Increment and meet comprehensive plan concurrency requirements, the applicant shall pay its proportionate share of off-site regionally and locally significant roadway and intersection improvements of the Increment One traffic. The**

proportionate share necessary to mitigate the impacts of Increment One has been identified in Exhibit 3 and is $2,050,000.00. Compliance with the conditions of this development order satisfies the applicant's traffic obligation under the Charlotte County Impact Fee Ordinance and successor ordinances.

Response: The SR 776 staged improvement program has begun with the commencement of the SR 774 Project Development and Environmental (PD&E) Study and design. Please refer to the 2003 Annual Traffic Report.

e. **Prior to the end of Increment One the following transportation network improvements shall be provided through a staged improvement approach. (The specifics of the Increment One Roadway Improvement Program are also identified in Exhibit 4, Capital Road Facilities Plan):**

1. **Accelerate SR 776 Planning/Design Effort**

   The applicant shall participate financially by contributing $300,000 with that amount going toward funding in total or in part the SR 776 Project Development and Environmental (PD&E) Study and/or roadway design plans and/or right of way acquisition. The PD&E Study will encompass at a minimum that portion of SR 776 which the applicant is obligated to widen as described in Condition e.4 and g.

Response: The PD&E Study and design for the required portion of SR 776 had been completed. FDOT is continuing construction.

2. **Construction of SR 776 Turn Lanes**

   The applicant shall construct SR 776 turn lanes and signal to serve the project at the Project Entrance(s). This improvement is considered to be site related.

Response: Turn lanes on SR 776 at project entrance have been completed. Signalization will occur when warranted. Please refer to the Annual Traffic Monitoring Report dated October 2003.

3. **Provision of SR 776 Right-Of-Way**

   The applicant shall dedicate by deed 50 feet of SR 776 right-of-way on the applicant's property along the Riverwood frontage needed doe an ultimate six lane cross section. The value of this right-of-way will based on fair market value as established by the average of two independent appraisals (one each from the County and the applicant) to be conducted within180 days of the date of this Development Order. The value of the right-of-way is estimated to be $600,000. Either payment for, or credit for, that right-of-way value

will be provided to the applicant by the County at the time SR 776 is to be widened to four lanes as identified in Conditions e.4 and g. Said payment will be from funds provided to the County by FDOT for SR 776 if the County and FDOT enter into an agreement to provide said funds. If, before October 1993, there is not such agreement between the County and FDOT that provided for payment for right-of-way dedication by applicant before commencement of construction of the improvement in e.4, the applicant shall be credited for the value of the right-of-way against the proportionate share amount.

Response: In cooperation with Charlotte County, the required 50 feet for SR 776 right-of-way was dedicated. An appraisal has been performed and submitted to Charlotte County.

4. **Widen a Portion of SR 776**

The applicant shall enter into a contract to design and widen from two to four lanes, that portion of SR 776 along Riverwood's frontage to just west of Cornelius Boulevard (i.e., approximately 1.0 miles - see Exhibit 6) or as far as the applicant's remaining proportionate share amount of $1,750,000 (adjusted for the actual value of right-of-way as described in e.3 above) will fund. The actual dollar amount and length of widening will be based on the value of the right-of-way which will be used as provided in Section 3g. below or whether the applicant received credit for that right of way.

Response: The PD&E for the expanded project has been completed and accepted. The expanded PD&E studied the roadway from Hollis Avenue to US 41, approximately 5.2 miles. The final design of the road segment from the southern entrance to Riverwood North and west to Collingswood is also completed. The final design covered approximately 3.9 miles.

5. **Provide Project Access alternative to SR 776**

The applicant shall provide a "back door" connection from increment One at Brookville Avenue to allow an alternative Project traffic access to US 41 without having to use SR 776. This improvement is considered to be site related.

If other alternatives to the Capital Roads Facilities Plan shown on Exhibit 4 and described in this subsection are determined which would also adequately address the needs of the public and the applicant consistent with the Charlotte County Comprehensive Plan, then amendments to this staged improvements program may be proposed following the appropriate procedure outline in F.S. Chapter 380.

If, due to marketing reasons or other economic circumstances, it becomes financially unfeasible for the applicant to proceed with the development as approved in Increment One on the schedule proposed, then the applicant's obligation under subsection e.1, e.2, e.4 and 3.5 shall be revised through the appropriate procedures outlined in F.S. Chapter 380 as long as the applicant adequately mitigates the impacts of and meets the applicable conditions for development which has already occurred through the payment of equivalent impact fees.

Response: This "back door" access was completed with extension of Riverwood Drive to Brookville Avenue.

f. **The applicant shall work with Florida DOT and Charlotte County and shall be no later than August 1991, enter into an agreement, approved by the County, with a qualified engineering firm to undertake the PD&E Study as identified in Condition e.1. in the event that the PD&E Study costs less than the $300,000 obligated to Condition e.1, the balance shall be used for additional SR 776 design and widening per section 3.4 above when the widening is performed. No building permits for any permanent residential, retail or office use of Increment One totaling more than the equivalent $300,000 of road impact fees will be issued as it relates to the PD&E Study above.**

Response: The PD&E Study and design for SR 776 was contracted and completed. Construction is continuing.

g. **Upon dedication of the right-of-way ($6000,000 est.), and execution of the agreement for the PD&E Study ($300,000 est.) per e.1 and above, building permits shall be allowed to be issued for the equivalent of $900,000 of road impact fees or, up to 440 units, and 104,000 square feet of retail commercial and office as approved in the amended P.A., and an 18 hole golf course with related facilities.**

Charlotte County will work with the Florida Dot so that the County is paid for that right-of-way at the time or prior to any roadway widening obligations of the applicant. The County shall, when paid by the Florida DOT, then apply it toward the widening of SR 776 so that a total of 41,750,000 is assigned to SR 776 widening. In the event that the Florida Dot does not pay Charlotte County for the identified right-of-way, it shall be applied as a credit against the $2,050,000 proportionate share. The balance of the proportionate share (i.e., $2,050,000 - $300,000 (PD&E) - $600,000 (value of ROW) = amount to widen SR 776) shall go into the widening of SR 776 to the extent that those monies will provide the required improvement (i.e., approximately from the south boundary of the project's frontage approximately to Jacobs Street).

Response: Per agreements with Riverwood, Charlotte County and the Florida Department of Transportation, the right-of-way has been transferred to Charlotte County.

h. **No building permits will be issued for the development totaling more than the equivalent of $900,000 worth of road impact fees (i.e., that the development beyond 440 residential units and 104,000 square feet of commercial retail and office space, and an 18 hole golf course with related facilities, or a combination thereof) or after October acceptable final design for the widening of SR 776 as identified in Condition 3.5. No building permits beyond those described in this section will be issued after December 31, 1993, until the applicant has wither paid the Charlotte County the balance of its proportionate share as set forth in 3.e, or has commenced construction of the widening of SR 776 as identified in Condition e.4, unless other wise prevented or delayed as described in Condition 1. No certificate of occupancy will be issued for the portion of Increment One beyond the golf course, 104,000 SF of commercial area, and 900 residential units until the improvement identified in Condition e.4 is substantially completed or the proportionate share has been satisfied in full.**

Response: Not applicable at this time.

I. **Following completion and acceptance of the PD&E Study, the applicant will report to Charlotte County the statue of the proposed roadway widening (as identified in Condition e.4) as to the availability of right-of-way, utility constraints and any other constraints or obstacles which are beyond the control of the applicant and which would prevent the applicant from initiating construction by December 31, 1991. In the event that the identified obstacles prohibit the applicant from initiating construction per Condition e.4 and h, the applicant shall, no later than October 1993, provide to Charlotte County and the Florida Dot a final design for the widening of SR 776 as identified in Condition e.4 and shall apply through the appropriate procedures in F.S. Chapter 380 for an extension of the time to comply with Condition e.4 until the identified problem is cured, or the applicant shall pay to Charlotte County the balance of the proportionate share payment which shall be expeditiously applied by Charlotte County tot he widening specified in Condition e.4 when the identified problem is cured, If the applicant chooses to pay the balance of the proportionate share payment, then upon such payment Charlotte County will expeditiously pursue the necessary resolution of those right-of-way, utility or other constraints. Upon provision of the financial assurances for the identified sum, the applicant shall have satisfied concurrency obligations for the Increment One transportation impacts.**

Dates and calendar days may be identified and specified in the above transportation conditions are exclusive of public agency review periods including permit application review periods. Any delays due to public

agency reviews shall be reflected in the actual dates and calendar day of this Development Order.

Provided that the obligations of Condition e, f, g, h, and I have and are satisfied per the identified conditions, Riverwood Increment One shall be concurrent for traffic purposes.

Response: Per the agreement between Riverwood, Charlotte County, and the Florida Department of Transportation, the Florida Department of Transportation will construct the road improvements, Charlotte County will provide the rights-of-way, and Riverwood will provide the design.

j. **Charlotte County will address the need for the improvements to the regionally and locally significant roadway network, other than the staged improvements identified in Exhibit 4, in the Capital Improvements Element of the Comprehensive Plan, as amended from time to time.**

Response: Not applicable

k. **If during development roadway improvements outlined in Table 4-C of the SWFRPC Recommendations (included herein as Exhibit 5) are not in place by the year 1992, a substantial deviation determination shall be made pursuant to Florida Statutes Chapter 380.06.**

It these private roadway improvement conditions as outlined in Table C-4 have not been met by the build-out date for Increment One, Riverwood shall not proceed beyond Increment One until such time as those commitments have been met or the purpose of those commitments demonstrated to be satisfied in an alternative manner.

If the next Increment AIDA is submitted to the SWRRPC before the build out date for Increment One, a re-analysis of the Increment One traffic will be required. This re-analysis, if required, shall be performed utilizing the most reliable methodology agreed upon by the applicant, the County, FDOT and the Southwest Florida Regional Planning Council. A re-analysis of Increment One impacts shall be provided to Charlotte County, DCA, and the SWFRPC for review and comment.

Response: Not applicable.

4. **VEGETATION AND WILDLIFE**

Construction and land clearing activity, outside the area approved for development pursuant to the amended Preliminary Development Agreement (PDA) shall be prohibited, until the following two actions are completed and the Increment One Master Development Plan (Map H) is revised, if necessary, consistent with the findings of:

a. **A detailed Gopher Tortoise survey and management plan, submitted to the SWFRPC, DCA, and the FGFWFC, and Charlotte County and approved through the issuance of the necessary permits from FGFWFC.**

Response: A detailed gopher tortoise survey was conducted and a management plan submitted to SWFRPC, DCA, FGFWFC, and Charlotte County. Necessary permits were obtained from FGFWFC for relocation of several tortoises.

b. **A Bald Eagle Management Plan submitted to SWFRPC and DCA, acceptable to the FGFWFC, and approved by Charlotte County through the appropriate FS. Chapter 380 Development Order Amendment procedures.**

Response: On October 22, 1991, Development Order Amendments pursuant to Chapter 380 procedures were approved by Charlotte County to include the provisions of the Riverwood Bald Eagle Management Plan.

5. WATER SUPPLY

a. **Prior to the construction of buildings, the applicant shall sign a service availability agreement, for the provision of potable water for the Riverwood Increment One, with either General Development Utilities Inc., El Jobean Water Association, or Harbor Lakes Utilities, Inc., or the successor to said utilities, or other like utility.**

Response: This condition was complied with through normal County approval processes.

b. **The applicant shall establish (or designate) a responsible entity for the non-potable water supply and distribution system, prior to the construction of buildings outside the amended PDA area.**

Response: This condition was met by the establishment of the Riverwood Community Development District.

c. **Prior to construction of buildings outside of the amended PDA area, the applicant should show verification, acceptable to the Southwest Florida Water Management District and Charlotte County, that adequate potable water capacity is available to serve Riverwood Increment One.**

Response: This condition has been met to date.

d. **The applicant shall acquire, as required by SWFWMD, a water use permit for withdrawals from groundwater, project lakes and/or other surface water bodies for irrigation or potable uses and for dewatering activities associated with the construction of project lakes, and/or road or building foundations.**

Response: All required permits for the initial phase of development were obtained from Charlotte County and/or SWFWMD. A Water Use Permit for irrigation purposes was obtained from SWFWMD in 1991.

e. **In areas of Increment One employing treated wastewater for irrigation purposes, the applicant shall ensure that onsite lakes and wetlands, and the Myakka River, are adequately buffered from possible effluent contamination, as required by the appropriate regulatory agencies.**

Response: The applicant has obtained a permit from FDEP for the construction of a 0.5 MGD Type II Advanced Secondary Sewage Treatment Plan Expansion with Class I Reliability and high level disinfection. That permit authorizes the use of treated effluent on the golf course, the right-of-way, and other landscape areas. That expansion was authorized with Permit No. DC08-253754. Construction of this facility was completed in 1995 and operational in January 1996.

f. **Water shall not be used for the purpose of lots, driveway or street cleaning.**

Response: This condition has been complied with during the reporting period.

g. **Water conservation measures and practices should be utilized in Riverwood such as low water use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices. Unless spray effluent is utilized for irrigation, landscape irrigation should be restricted to the hours of between 5:00 p.m. and 9:00 a.m. after the establishment of landscaping.**

Response: Covenants and Deed Restrictions for Riverwood restrict landscape irrigation to prescribed hours. Other water conservation measures are being utilized in home construction, fixtures, plumbing devices, etc.

h. **Riverwood Increment One shall utilizes xeriscape principles in the design and maintenance of the project's landscaping.**

Response: The landscaping activity during this reporting period utilized xeriscape principles. Xeriscape principles were utilized in design and byway of the trees and plant material selected. Native vegetation was saved whenever possible.

i. **All construction plans, technical specifications, and proposed plats, if applicable, for the Riverwood Increment One Water Distribution System, shall be reviewed and approved by Charlotte County prior to commencement of construction.**

Response: Charlotte County reviews all construction plans as part of its routine approval process. Increment One Water Management Main Distribution System Plan was reviewed and approved by Charlotte County.

6. **WETLANDS**

Construction and land clearing activity within any wetland areas outside Amended Preliminary Development Agreement (PDA) shall be prohibited until the appropriate permits have been obtained for such areas and the following information for such areas has been submitted to the SWFRPC, DCA, and Charlotte County:

a. **Identification of specific wetlands areas to be impacted and an ecological assessment of their condition.**

b. **Detailed description of wetland mitigation proposed to offset wetland impacts.**

Response: Permitting activity for Phase II outside PDA has been completed with responsible state and federal agencies. Copies of permits have been submitted to SWFRPC, DCA, and Charlotte County. Construction of the "back nine" holes of the golf course was completed in December 1993.

7. **WASTEWATER MANAGEMENT**

a. **The applicant shall provide assurance that needed wastewater treatment plant capacity shall be in place by build-out Riverwood I to service Increment One.**

Response: The Riverwood Community Development District was established and, through its special powers granted under F.S. Chapter 190, will add further assurances that needed capacity will be in place to service Increment One. A new expansion of the wastewater treatment plant was completed in 1995. This expansion provides 500,000 gallons per day of treatment capacity and exceeds the requirements for Increment One.

b. **The applicant shall provide assurance, for Riverwood Increment One, that non-domestic wastewater will be treated separately from domestic wastewater and handled in accordance with FDER criteria.**

Response: There are no non-domestic uses currently located within Riverwood.

b. **Temporary septic tanks may be used for residential models, construction and sales offices. Unless otherwise specified in future increment, in commercial and marina portions of the project, septic tanks should not be allowed, except for construction of sales offices and model home centers due to the possibility of hazardous wastewater generation. Septic tanks**

shall not be allowed in any residential portions of the project, except for construction or sales offices which shall be connected to central treatment facilities prior to residential use.

Response: Septic tanks have not been utilized in residential areas at Riverwood.

8. **ENERGY**

The applicant is encouraged to incorporate the following energy conservation features where appropriate in saving energy, into final plans and architecture. These features may be implemented through appropriate deed restrictions and covenants in order to mitigate further energy impacts of the project. To the extent practicable the following shall be undertaken or incorporated into development plans:

a. **Provision of a bicycle/pedestrian system along Riverwood Drive and other collector roads within the project.**

Response: Not applicable this reporting period. There are no non-domestic uses currently at Riverwood.

b. **Provision of bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.**

Response: Bicycle racks have been included in the community Activity Center Campus and the Willow Glen Golf Cottages pool and cabana area.

c. **Cooperation in the locating of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area.**

Response: Charlotte County does not have a transit system at this time.

d. **Use of energy-efficient features (e.g., tinting and exterior shading).**

Response: This condition has been complied with in the golf clubhouse and in builders' model home plans.

e. **Use of operable windows and ceiling fans.**

Response: The golf clubhouse and Activity Center have utilized both operable windows and ceiling fans.

f. **Installation of energy-efficient appliances and equipment.**

Response: This condition has been complied with during this reporting period.

g. **Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems).**

Response: Final covenants and deed restrictions have been adopted and the documents contain no such prohibition.

h. **Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.**

Response: Riverwood Drive, Club Drive and Willow Bend Court have incorporated a planted median and additional street trees to offer shade for portions of paved surfaces.

i. **Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.**

Response: Installed lighting includes energy-efficient lighting in cooperation with FP&L and County Lighting District program.

j. **Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.**

Response: Landscape planting to date has been constructed in accordance with this provision.

k. **Preservation and planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas.**

Response: Landscape planting to date has been constructed in accordance with this provision.

l. **Preservation and placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.**

Response: Placement of shade trees in residential areas have met this criteria wherever possible.

m. **Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.**

Response: This condition has been met at the golf clubhouse and Activity Center.

n. **Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.**

Response: The golf clubhouse utilized a veranda around the western and southern sides of building. The Activity Center also has a covered veranda and entrance area in addition to landscaping.

o. **Inclusion of porch/patio areas in residential units.**

Response: All model homes have included this feature to date.

p. **Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.**

Response: The Riverwood New Construction Committee (NCC) is currently assisting builders in this area.