

## Response to July 25<sup>th</sup> 2023 Letter from City Manager of Port St. Lucie

July 26, 2023

Mr. Merejo

Thank you for your review of our proposal dated July 24, 2023. We are disappointed but not surprised by your letter. Since Akel Homes took possession of Wilson Grove in 2020, it has been our desire to be a partner to the City and to move this project forward. We have met our commitments since annexing into the City by contributing over \$50,000,000 as required under the Annexation Agreement and the subsequent Becker Road Agreement and have not a single unit to show for it.

Over the past year and a half, we have tirelessly worked with Staff to advance this project. From the onset, Staff sought and continues to seek to hold Wilson Grove to a different set of rules and treatment in comparison to other DRI's within the Southwestern Annexation Area ("SWAA"), which is both arbitrary and contrary to law. While Wilson Grove has certain geographic disadvantages relative to other DRIs within the SWAA, Wilson Grove made substantial payments to the City in accordance with the Annexation Agreement in consideration for fair treatment between the various DRIs. That has not occurred.

In June of 2023, we presented our Map H application to City Council with no net changes to the land use acreages – the exact same position taken by other DRIs within the SWAA. This request is supported by uncontroverted traffic data demonstrating no additional impacts requiring changes to any of the existing DRI triggers. Nonetheless, Staff, at the 11th hour, changed its recommendation from approval to denial based on an unsupported assertion that our proposed Map H should require an amendment to our existing development order to accelerate the construction of certain roadways. The City cannot legally unilaterally set conditions which violate those already set forth in our vested development order. Staff has presented unsubstantiated concerns that the Map H application will result in the burdening of Becker Road.

First, there is no rational nexus between the Map H application and the roadway triggers. Map H is a 30,000 foot view of our development. Map H does not dictate any specific phasing or timing of the development and, if even adopted, does not allow Wilson Grove to commence any development. Any future development applications of a specific parcel within Wilson Grove would need to receive MPUD and site plan approval to move forward. At that time, the traffic can be properly analyzed against the proposed development. For this reason, Map H is strictly a design application with no nexus to the road triggers whatsoever. And, importantly, the uncontroverted data provided in support of Map H demonstrates that no changes to the triggers are required.

Second, the proposed Map H does not reflect a relocation of 566 acres of mixed use to Becker Road. Under the existing Map H, 276 acres of mixed use is already located along Becker Road. Wilson Grove is also planning upwards of 4,500 age-restricted dwelling units which will result in fewer trips as seen in other DRIs in the SWAA.

With that proper context provided, notwithstanding that nothing about our present application implicates the road triggers within the Wilson Grove existing DO, the proposal submitted to you on July 24, 2023, was prepared and submitted in good faith at your request given the concerns you and your Staff have regarding the timing of the construction of the two-lane road network

overall. It is important to note that we do not share the same concerns. The vested Wilson Groves DRI Development Order clearly states that the trigger thresholds of the internal road network occur upon the later of a certain number of dwelling units or pm peak hour trips being triggered as set forth by the traffic methodologies adopted by the City. Furthermore, not only is this development order vested, it is consistent with the development orders of other DRIs that annexed into the City at the same time as Wilson Grove. The law clearly states that these vested rights cannot be impaired by actions of the City, especially in light of the amount of money Wilson Groves has made to the City in advance of building a single unit. For your ease of reference, I have attached the relevant language from our approved development order.

As detailed in our July 24, 2023 proposal, in consideration for expediting the two-lane network above and ahead of the triggers set forth in our Development Order, we requested that Paar Drive be replaced with a multi-modal paseo. Given your position to not embrace the Paseo (which has been a great success at other DRIs and a textbook example of the City's mobility plan), it is our position at this time to move forward with the Map H amendment alone and not to consider amending the approved development order conditions at this time. If you are willing to consider the Paseo, we are happy to continue discussions about advancing our two-lane network.

In order to resolve Staff's unfounded concerns regarding a potential overburdening of Becker Road due to the mixed-use acreage, Wilson Grove is willing, at the transmittal hearing, to agree to a condition by which the mixed use acreage is reduced from 566 acres to 257 acres with the difference to be allocated to residential acreage. This change does not alter the vested density and intensity. The proposed change properly addresses Staff's concern and should facilitate a change in recommendation from denial to approval on the Map H application. If you would like a revised Map H to be provided, we will gladly do so.

We have represented and demonstrated on numerous occasions directly to you that we are willing to work together to resolve issues. That remains the case, however, as our pending applications do not implicate the roadway triggers in our existing DO, we will be moving forward on August 7 to request that the City transmit the pending comprehensive plan amendment free of conditions unrelated to that request.

Sincerely,



Alex Akel

**RESOLUTION 11-R**

**EXHIBIT "B"**

internal capture and passer-by, if appropriate, to determine net trips generated by the development. The trip generation shall be cumulative and include all previous site plan and residential subdivision plat approvals. Development order conditions shall be evaluated using the trip generation analysis to determine triggering of any transportation conditions.

**Access Road Improvements**

18. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold or residential units identified in Table 1, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 1 under "Required Improvement"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; or 3) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program of FDOT's adopted work program.

**Table 1**

**Access Road Improvements**

<u>Road</u>	<u>From</u>	<u>To</u>	<u>Trip Threshold*</u>	<u>Residential Units</u>	<u>Required Improvement</u>
<u>Phase 1</u>					
<u>Becker Rd</u>	<u>Village Pkwy</u>	<u>N/S B</u>	<u>0</u>	<u>0</u>	<u>2L</u>
<u>Secondary Emergency Access Road between Becker Rd at N/S B and Rangeline Road</u>			<u>0</u>	<u>0</u>	<u>Emergency Access Road</u>
<u>Becker Rd</u>	<u>N/S B</u>	<u>Range Line Rd</u>	<u>2,573</u>	<u>2,200</u>	<u>2L</u>
<u>Phase 2</u>					
<u>Becker Rd</u>	<u>N/S B</u>	<u>Range Line Rd</u>	<u>4,148</u>	<u>3,955</u>	<u>Widen to 4L D</u>

\*Wilson Groves Cumulative Total Net External DRI p.m. Peak Hour Trips

**Internal Road Improvements**

19. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold or residential units identified in Table 2, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 2 under "Required Improvement"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; or 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

**RESOLUTION 11-R**

**EXHIBIT "B"**

**Table 2**

**Internal Road Improvements**

<u>Road</u>	<u>From</u>	<u>To</u>	<u>Trip Threshold*</u>	<u>Residential Units</u>	<u>Required Improvement</u>
<u>Phase 1</u>					
<u>N/S A</u>	<u>Becker Rd</u>	<u>E/W 3</u>	<u>2,573</u>	<u>2,200</u>	<u>2L</u>
<u>E/W 3</u>	<u>Rangeline Rd</u>	<u>N/S A</u>	<u>2,573</u>	<u>2,200</u>	<u>2L</u>
<u>E/W 3</u>	<u>N/S A</u>	<u>N/S B</u>	<u>2,573</u>	<u>2,200</u>	<u>2L</u>
<u>Phase 2</u>					
<u>Paar Dr</u>	<u>N/S A</u>	<u>N/S B</u>	<u>4,152</u>	<u>3,960</u>	<u>2L</u>
<u>N/S B</u>	<u>Becker Rd</u>	<u>E/W 3</u>	<u>4,397</u>	<u>4,233</u>	<u>2L</u>
<u>Phase 3</u>					
<u>N/S A</u>	<u>Becker Rd</u>	<u>E/W 3</u>	<u>6,708</u>	<u>6,564</u>	<u>Widen to 4L D</u>
<u>Paar</u>	<u>N/S A</u>	<u>N/S B</u>	<u>7,148</u>	<u>6,821</u>	<u>Widen to 4L D</u>
<u>Paar</u>	<u>Rangeline Rd</u>	<u>N/S A</u>	<u>7,449</u>	<u>6,997</u>	<u>2L</u>

\*Wilson Groves Cumulative Total Net External DRI p.m. Peak Hour Trips

**External Roadways-Improvements – West of I-95**

1720. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued for development that generates more than the total net external p.m. peak hour trips indicated in Table 3 or after December 31 of the indicated year in Table 3, 2010 whichever comes last, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the following roadways as shown in Table 3: