



Reply To: [tduhy@llw-law.com](mailto:tduhy@llw-law.com)

August 14, 2023

City Council Members  
City of Port St. Lucie  
121 S.W. Port St. Lucie Blvd.  
Port St. Lucie, Florida 34984

Re: Ordinance 23-52 Amending the City of Port St. Lucie Code of Ordinances Title XV, "Land Usage", Chapter 156 "Subdivision Regulations", Article VI "Design and Improvement; Model Standards; Principles and Guidelines"; Sec. 156.094 "Subdivision and Lot Access" in Order to Set the Minimum Number of Access Points for Residential Developments

Dear Mayor, Vice Mayor and Council Members:

Please accept this letter on behalf of ACR Acquisitions, LLC ("ACR"), objecting to the changes proposed by Ordinance 23-52, which was scheduled to come before you at tonight's cancelled City Council meeting for first reading. Preliminarily, ACR joins the recommendation in Lucido & Associates' letter dated August 11, 2023, that Staff conduct a workshop with the development community regarding the proposed changes prior to their being considered by Council. As currently presented, ACR objects to the Ordinance because it is not based on sound planning principles, evidence-based data, and fails to provide meaningful and predictable standards that can be applied fairly to all landowners. For these reasons, the Ordinance as proposed will adversely impact ACR's vested Wilson Groves DRI. Specifically, these amendments attempt to require roadways to be built by ACR in advance of the triggers in its existing DRI. The City cannot use this vague amendment to divest ACR of its vested rights under the DRI. Therefore, we request that you deny the Ordinance as proposed or table it until it can be amended to comport with requirements of law.

The subject amendments are vague and are not based on appropriate planning considerations or evidence. As proposed, the Site Plan Review Committee would be permitted to arbitrarily

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require additional access points for a development regardless of whether additional access is needed. In addition, the requirement that projects over 100 units provide a secondary access by issuance of the 75<sup>th</sup> building permit is not necessary or economically viable. Because the trigger is set to a specific unit and not a percentage of the development, it will put larger projects at an economic disadvantage. Allowing the amendments to move forward will render some parcels undevelopable if, at the whim of Site Plan Review Committee, two or three access points are required. Logistically, it is not always possible to accommodate multiple access locations, nor is it necessary to do so.

In summary, staff have failed to provide supporting evidence justifying the need for the proposed amendment, and the proposed amendments are too vague to provide meaningful guidance to the development community, which will result in arbitrary application of the standards across similarly situated developments. More to the point, the amendments could require ACR to advance the construction of its internal roadways when there is no reason to do so. We request the opportunity to work with your staff to revise these amendments to be clear based on practical data to avoid the unequal and arbitrary application that will occur if the amendments are adopted as currently proposed. For these reasons, we request that you deny the Ordinance or, at the very least, table it until it can be revised to be consistent with the requirements of law.

Very truly yours,



Tara W. Duh

TWD/lb

c: James Stokes, Esquire, City Attorney