

Linda Cox

From: Tanya Earley
Sent: Tuesday, July 5, 2022 11:21 AM
To: dbe@reblawpa.com
Cc: Linda Cox
Subject: Request to Intervene - July 5, 2022 City Commission Meeting - Continuation of Quasi-Judicial Hearing, Ordinance 22-017
Attachments: Request to Intervene 7.1.22.docx
Follow Up Flag: Follow up
Flag Status: Flagged

Good morning, Mr. Earle.

I have reviewed the attached request to intervene submitted on behalf of Gator Trace Master Property Owners Association, Inc., on July 1, 2022. The request to intervene is granted as it pertains to the continuation of the quasi-judicial hearing associated with Ordinance 22-017, with the following caveat: The City's rules of procedure for quasi-judicial hearings only permit me to decide on the request to intervene itself. Any separate requests that may be contained within the document(s) you submitted are in the discretion of the City Commission.

Sincerely,
Tanya Earley

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City Attorney's Office
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July 1, 2022

City of Ft. Pierce, City Commission

Resolution 19-R35

V. Party Intervenors

B. "... (T)he person shall submit a written Request to Intervene including:

1. a detailed outline of his or her interest in the application and argument in favor or against it,
2. copies of all exhibits which will be presented at the hearing; and
3. the names and addresses of all witnesses who will be called to testify on their behalf (including resumes for any witness the person intends to qualify as an expert)."

REQUEST TO INTERVENE

Quasi-Judicial Hearing Continued from June 21, 2022 - Ordinance 22-017: An Ordinance by the City Commission of the City of Fort Pierce, Florida: Rezoning four parcels of land generally located on the east side of South US Highway 1 at the intersection of Dickson Drive and lying north of the existing Gator Trace Planned Development, from General Commercial (C-3) and Planned Development (PD) to Planned Development (PD), for the residential project to be known as Savannah Preserve

1. Our firm has been recently retained to represent Gator Trace Master Property Owners Association, Inc. regarding the above referenced Preserve at Savannah Lakes Planned Development applications for future land use map amendments, zoning atlas map amendment and application for preliminary plat currently pending in your department. Gator Trace Master is a residential community comprised of 352 units and is located immediately adjacent to the proposed Preserve at Savannah Lakes site.

The Application for Future Land Use Map Amendments, Zoning Atlas Map Amendment, and Application for Preliminary Plat should be rejected at this time and only revisited when the following conditions are addressed:

- i) Savannah Preserve provides proof of a written contract with St. Lucie County allowing the perpetual use of the land proposed to develop the "berm" between Savannah Preserve and Gator Trace.
- ii) Savannah Preserve provides proof of a written contract with St. Lucie County detailing who will maintain the berm and how the funding for such maintenance will be provided.
- iii) Savannah Preserve provides proof of a written contract with St. Lucie County allowing the perpetual use of the waterway proposed to handle the outflow from Savannah Preserve.

- iv) Savannah Preserve provides proof of a written contract with St. Lucie County detailing who will maintain the waterway proposed to handle the outflow from Savannah Preserve, and how the funding for such maintenance will be provided.
- v) Savannah Preserve provides proof, in the form of written reports and verbal testimony, that a qualified engineer has reviewed the plans and confirms the proposed use of the waterway for the outflow from Savannah Preserve, already being used as an outflow waterway by Gator Trace, can handle the stresses of the proposed additional outflow.
- vi) Savannah Preserve provides proof, in the form of written reports and verbal testimony, that a qualified engineer has reviewed the plans and confirms the development proposed by Savannah Preserve, including but not limited to the berm and the outflow waterway, will not cause flooding or any other damage to Gator Trace.
- vii) Savannah Preserve provides proof, in the form of written reports and verbal testimony, that a qualified engineer confirms that a canal would not be more effective choice than the proposed berm.
- viii) All conditions of the PUD are outlined in detail prior to the City Commission readdressing this proposal, so as to allow for an informed decision.

We request that proof of these conditions being met be shown before a hearing to address the issue is scheduled.

- 2. Copies of all exhibits which will be presented at the hearing are attached; and
- 3. Witnesses are TBD

We thank you and look forward to working with you.

Sincerely,

David B. Earle

Attorney at Law

Board Certified in Condominium and Planned Development Law

Florida Supreme Court Certified Mediator – Circuit Civil

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