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\*Board Certified Wills, Trusts, and Estates Lawyer  
☆Certified Circuit Civil/County Court Mediator  
+ Board Certified Civil Trial Lawyer  
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March 15, 2023

Mayor William G. Thiess  
2512 Lightlewood Lane  
Fort Pierce, Florida 34946

Mr. James Grimes  
3203 North Indian River Drive  
Fort Pierce, FL 34946

Ms. Ingrid M. Van Hekken  
304 Anchor Way  
Fort Pierce, FL 34946

Mr. Dale Reed  
2811 North Indian River Drive  
Fort Pierce, FL 34946

Mr. John Langel  
2511 North Indian River Drive  
Fort Pierce, FL 34946

Mr. Timothy Ritter  
2513 Lightlewood Lane  
Fort Pierce, Florida 34946

RE: Town of St. Lucie Village – February meeting

Gentlemen and Ms. Van Hekken:

Please accept the following as our attorney's report for the March 21st meeting.

1. Caribee Colony Dumpster – update. This is on the agenda for an update on status of construction, if needed.
2. Ordinance 2023-1 – amending Land Development Code and approving codification. This Ordinance seeks your approval on minor corrections and clarifications, and of the revised document as a whole. A copy of the Ordinance, without attachment (the attachment is included in the copy posted online), is enclosed. This is the second and final reading.
3. Resolution 2023-2 – extending time for posting notice and qualifying period for 2023 election. The election needed to be re-posted in multiple locations; so, the enclosed Resolution is needed to approve the adjusted dates.
4. Appointment of Bill Thiess to Port Advisory Committee. – We need to confirm Bill's appointment to the Port Advisory Committee for a two year term.

5. Informational items. The following are for your information and will only carry forward in my report if they remain pending for my further attention/involvement:

- a. Heritage Preserve – boundary/clearing issue. I have followed up with the County on this. They have been actively pursuing the survey and a proposed resolution of the apparent discrepancies. As previously indicated, until we have the final input from the County surveyor, there's nothing to do. And, there's no urgency – Ms. Townsend is not claiming to own Preserve property; and, she cannot legally get title by maintaining or using it.
- b. Zoning queries. We had a query concerning Parcel ID 1433-113-0030-010-2, which is just south of the St Lucie School. Copies of my emails are enclosed for your information.

I've not responded further on the earlier cannabis query.

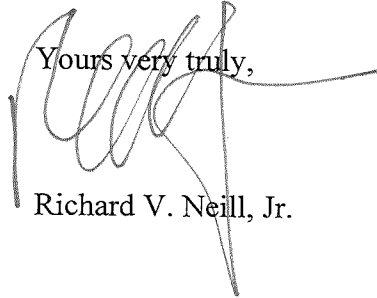
- c. Lien query. We had a query concerning 3313 North Indian River Drive (Huerta). No one was aware of any lien or known violation.
- d. St. Lucie School Property Boundary. I'm keeping this on my report to remind me to get with Bill Thiess and Alex Piazza on this matter.
- e. 3507 and 3532 North Old Dixie (Sun Camper). – Ingrid Van Hekken had asked about putting this item on the agenda and I suggested that we process it through code enforcement. I sent an initial follow up to Leon Ghougasian, copy enclosed.
- f. 474 Peninsula Drive (474 Peninsula Drive LLC). We had a report of an event at this location in which guests were actually bussed to it. Ian Osking and I conferred with Bill Thiess and Leon Ghougasian, and I am sure Leon will report on it. A copy of related email is enclosed.
- g. Parcel 1421-604-0002-000-4 (Rouse Road LLC). We had a complaint, copy enclosed, about bee keeping on this property on Rouse Road. I followed up directly with the owner and understand that the bees will be removed.
- h. Meeting with County Commission. Just a reminder that we are scheduled to meet with the County Commission, at the County Commission Chambers, at 9:00 am on April 6<sup>th</sup>.
- i. 446 Chamberlain Blvd. (Lounibos) variance request. For you information, I am enclosing an objection received on the variance request. I thought you might be interested and should be aware of the questions being raised.

Do feel free to call if there's anything you want to discuss with me before the meeting.

Mayor and Board of Aldermen  
Page 3  
March 15, 2023

With best regards.

Yours very truly,

A handwritten signature in black ink, appearing to read 'RVN', with a long horizontal flourish extending to the right.

Richard V. Neill, Jr.

RVNjr/dw  
Enclosures

cc: Mary Fowler, Clerk (w/encls.)  
Cathy Townsend (w/encls.)

Wesley Taylor (w/encls.)

## **ORDINANCE 2023-1**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ST. LUCIE VILLAGE, FLORIDA, AMENDING THE ST. LUCIE VILLAGE LAND DEVELOPMENT CODE AND THE CODIFICATION THEREOF ATTACHED TO UPDATE THE TITLE ON THE COVER PAGE OF THE ST. LUCIE VILLAGE LAND DEVELOPMENT CODE; TO REVISE THE NOTE ON THE COVER PAGE; TO UPDATE SECTION 1.2.0 TO REFERENCE ALL AMENDMENTS TO DATE, INCLUDING THIS ORDINANCE; TO CORRECT THE WORD, "THEN" TO READ "THAN", IN DEFINITION OF "TREE"; TO ADD A NOTE IN TABLE 2 TO REFERENCE THE SECTION AND FIGURES APPLICABLE TO ACCESSORY STRUCTURES, RESIDENTIAL; TO APPROVE THE INCORPORATION INTO THE CODIFICATION OF THE CHANGES PREVIOUSLY ADOPTED IN ORDINANCES 2022-2, 2022-3 AND 2022-5, AND TO ADJUST THE TABLE OF CONTENTS AND NUMBERING OF AFFECTED SECTIONS OR SUBPARTS ACCORDINGLY, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Zoning Ordinance of the Town St. Lucie Village, Florida, was adopted pursuant to Ordinance 95-3 and subsequently amended including by Ordinance 2018-6 which retitled the Ordinance as the Town of St. Lucie Village Land Development Code ("Land Development Code") and more recently by Ordinances 2022-2, 2022-3 and 2022-5;

WHEREAS, the Board of Aldermen has previously codified the amendments to the Land Development Code and made corrections, and now observes the need for further correction and to address incorporation of amendments adopted in 2022;

WHEREAS, the Board of Aldermen desires to address such issues by these amendments to the Land Development Code and codification, which are not in conflict with the other provisions of the Land Development Code;

WHEREAS, the amendments herein are consistent with all Elements of the St. Lucie Village Comprehensive Plan;

WHEREAS, the amendments are consistent with existing and proposed land uses in the respective zoning districts;

WHEREAS, the proposed amendments will not result in additional demands on public facilities or have significantly adverse impacts on the natural environment;

WHEREAS, the proposed amendments will not adversely affect property values in the area;

WHEREAS, the proposed amendments are consistent with orderly and logical development;

WHEREAS, the amendments are not in conflict with the public interest; and

WHEREAS, the Board of Aldermen has fully considered the information presented for review and consideration, as well as all public comment, on the proposed amendment.

NOW, THEREFORE, the Board of Aldermen of the Town of St. Lucie Village, Florida hereby ordains:

1. In the title on the Cover Page of the Land Development Code and its codification, the reference to "Ordinance 2018-6" is deleted and replaced with "Ordinance 2023-1."

2. On the Cover Page of the Land Development Code and its codification, the note at the bottom is amended as follows:

Preparation of this document was originally aided through financial assistance received from the State of Florida under the Small Municipalities Supplemental Planning Assistance Grant Program authorized by Chapter 91-113, Laws of Florida, and administered by the Florida Department of Community Affairs.

3. Section 1.2.0 is amended as follows:

This ordinance was adopted pursuant to Ordinance 95-3 and the Florida Statutes and amended pursuant to Ordinance 96-3 and the Florida Statutes and the following ordinances: 96-3, 2005-1, 2006-11, 2012-3, 2012-4, 2013-8, 2015-1, 2018-6, 2022-2, ~~and 2022-3~~, 2022-5 and 2023-1.

4. In the Definitions, the definition of "Tree" is amended as follows:

TREE An erect standing wood plant having an average mature crown of greater ~~than~~ the twenty (20) feet and having a trunk which can be maintained with at least six (6) feet of clear wood at maturity.

5. Table 2 is amended to add the following language as the final note at the bottom of the page:

Concerning **ACCESSORY STRUCTURES, RESIDENTIAL**, please see section 3.5.3 (C) (1) (c) and Figures 1 and 2 herein.

6. The incorporation into the codification of the Land Development Code of all amendments previously adopted by Ordinances 2022-2, 2022-3 and 2022-5, and the amendments set forth hereinabove, as well as any necessary adjustments to the Table of Contents and the numbering of affected sections or subparts, are approved.
7. The codification of the Town of St. Lucie Village Land Development Code attached hereto and incorporation herein by reference is hereby approved.
8. This ordinance shall become effective immediately upon passage or soon thereafter as is permissible by law.
9. Except as amended hereby, the Town of St. Lucie Village Land Development Code shall remain in full force and effect.

[Remainder of page is intentionally left blank.]

PASSED AND APPROVED by the Board of Aldermen of the Town of St. Lucie Village, Florida, on  
this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

BOARD OF ALDERMEN OF THE TOWN OF  
ST. LUCIE VILLAGE, FLORIDA

By: \_\_\_\_\_  
William G. Thiess, Mayor

ATTESTED:

By: \_\_\_\_\_  
Mary Fowler, Clerk

I, Mary Fowler, Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is  
a true and accurate copy of Ordinance **2023-1** which was duly introduced, read and adopted at the  
regular meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this  
\_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mary Fowler, CLERK

## RESOLUTION 2023-2

### A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF ST. LUCIE VILLAGE, FLORIDA, EXTENDING THE TIME FOR POSTING NOTICE AND THE QUALIFYING PERIOD FOR THE 2023 GENERAL ELECTION.

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WHEREAS, notice of the general election was not posted in at least three locations sixty (60) days prior to the day of the general election;

WHEREAS, notice of general election was posted at the Village Hall and the other four (4) Village notice boxes on March 9, 2023;

WHEREAS, the Election Ordinance, as previously amended, permits the Board of Aldermen to specify a different date for posting, so long as it is at least forty-five (45) days prior to the election; and

WHEREAS, the Election Ordinance as amended permits qualifying papers to be filed within thirty (30) days after notice of the election is posted.

NOW, THEREFORE, be it resolved by the Board of Aldermen of the Town of St. Lucie Village, Florida as follows:

1. That, for the 2023 general election in the Town of St. Lucie Village, Florida, notice as posted on March 9, 2023, is approved and the qualification period shall be extended through and including thirty (30) days from the date of posting.

2. That the election date shall remain May 2, 2023.

PASSED AND APPROVED by the Board of Aldermen of the Town of St. Lucie Village on this \_\_\_\_\_ day of March, 2023.

APPROVED:  
BOARD OF ALDERMEN OF THE TOWN OF  
ST. LUCIE VILLAGE, FLORIDA

By: \_\_\_\_\_  
William G. Thiess, Mayor

ATTESTED:

By: \_\_\_\_\_  
Mary Fowler, Clerk

I, Mary Fowler, Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Resolution **2023-2** which was duly introduced, read and adopted at the meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this \_\_\_\_\_ day of March, 2023.

\_\_\_\_\_  
Mary Fowler, CLERK



**Richard Neill**

---

**From:** Richard Neill  
**Sent:** Tuesday, March 14, 2023 10:46 AM  
**To:** Richard V. Neill, Jr.; Alejandro Toro  
**Cc:** Brad Currie; William Thiess; Mary Fowler; David Whitney  
**Subject:** RE: Self Storage on St. Lucie Village

Mr. Toro,

I don't see that I can give you a clear answer.

Since we have not assigned a zoning category, I would presumably advise the Board to consider the County zoning regulations for light industrial. If they followed that advice, they would see that the use is not identified as a permitted or conditional use in that zoning category—but they would also be told that the County has on occasion interpreted its Code to allow the use.

All that said, it is ultimately going to be a Board decision determining and interpreting the applicable regulations.

The best suggestion that I can provide is to plan to meet with the Board at one of our public meetings and see if you can get conceptual approval of the use. A specific plan—meaning rather than a general concept, but not meaning a full site plan—might be useful in that process. (FYI – our next Board meeting is the evening of March 21. We meet the third Tuesday of every month.)

If you're interested in doing it this month, I need to know as soon as possible to get it on the agenda which I would intend to finalize by tomorrow.

Regards,

Richard

Richard V. Neill, Jr.  
Town Attorney  
Town of St. Lucie Village, Florida

Neill Griffin Marquis Osking, PLLC  
Post Office Box 1270  
Ft. Pierce, FL 34954  
Telephone: 772-464-8200

Fax: 772-464-2556  
[richard.neill@stlucievillagefl.gov](mailto:richard.neill@stlucievillagefl.gov)

Please Note: Florida has a very broad public records laws. Most written communications to or from myself of Village officials regarding Village business are public records available to the public and media upon request. It is the policy of St. Lucie Village that all Village records shall be open for personal inspection, examination and/or copying. Your e-mail communications will be subject to public disclosure unless an exemption applies to the communication. If you received this email in error, please notify the sender by reply e-mail and delete all materials from all computers.

**From:** Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>  
**Sent:** Monday, March 6, 2023 12:22 PM  
**To:** Alejandro Toro <alejandrotoro@edc-inc.com>  
**Cc:** Brad Currie <bradcurrie@edc-inc.com>; 'William Thiess' <IMCEAEX-  
\_O=EXCHANGELABS\_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29\_CN=RECIPIENTS\_CN  
=B3732B1368064D7DB1DD959178E6D921-32CA33E0-71@namprd16.prod.outlook.com>; Mary Fowler  
<mary.fowler@stlucievillagefl.gov>; Richard Neill <richard.neill@stlucievillagefl.gov>  
**Subject:** RE: Self Storage on St. Lucie Village

Mr. Toro,

Thanks for confirming that.

The short answer is that the Village has not assigned a zoning category to that parcel so the permissibility of the use is uncertain.

I'm actually looking at the issue currently and would hope to have a further response later this week.

Regards,

Richard

Richard V. Neill, Jr., of  
Neill Griffin Marquis Osking, PLLC  
Post Office Box 1270  
Ft. Pierce, FL 34954  
Telephone: 772-464-8200  
Fax: 772-464-2566  
[rneilljr@neillgriffin.com](mailto:rneilljr@neillgriffin.com)

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**From:** Alejandro Toro <[alejandrotoro@edc-inc.com](mailto:alejandrotoro@edc-inc.com)>

**Sent:** Monday, March 6, 2023 11:33 AM

**To:** Richard V. Neill, Jr. <[RNeillJr@neillgriffin.com](mailto:RNeillJr@neillgriffin.com)>

**Cc:** Brad Currie <[bradcurrie@edc-inc.com](mailto:bradcurrie@edc-inc.com)>

**Subject:** RE: Self Storage on St. Lucie Village

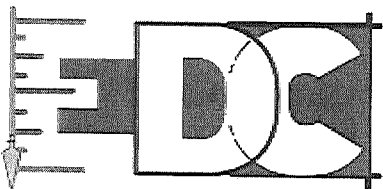
Good Morning Mr. Neill,

No sir, my client does not know Rob Kirkwood.

Can we do a self-storage in this parcel? I have a copy of the Land Development code but It is hard to determine what the Zoning district is for the piece.

Thank you,

**Alejandro Toro**  
**Planner I Planning Division**



**ENGINEERS • SURVEYORS • ENVIRONMENTAL**

10250 SW Village Parkway – Suite 201

Port Saint Lucie, Florida 34987

O: 772.462.2455

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**From:** Richard V. Neill, Jr. <[RNeillJr@neillgriffin.com](mailto:RNeillJr@neillgriffin.com)>

**Sent:** Monday, March 6, 2023 9:29 AM

**To:** Alejandro Toro <[alejandrotoro@edc-inc.com](mailto:alejandrotoro@edc-inc.com)>

**Subject:** RE: Self Storage on St. Lucie Village

Mr. Toro, is Rob Kirkwood one of the people involved? I ask because I have spoken to him about such a project on this parcel. Richard

Richard V. Neill, Jr., of  
Neill Griffin Marquis Osking, PLLC  
Post Office Box 1270  
Ft. Pierce, FL 34954  
Telephone: 772-464-8200  
Fax: 772-464-2566  
[rneilljr@neillgriffin.com](mailto:rneilljr@neillgriffin.com)

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**From:** Alejandro Toro <[alejandrotoro@edc-inc.com](mailto:alejandrotoro@edc-inc.com)>  
**Sent:** Wednesday, March 1, 2023 1:53 PM  
**To:** Richard V. Neill, Jr. <[RNeillJr@neillgriffin.com](mailto:RNeillJr@neillgriffin.com)>  
**Cc:** Brad Currie <[bradcurrie@edc-inc.com](mailto:bradcurrie@edc-inc.com)>  
**Subject:** Self Storage on St. Lucie Village

Good Afternoon Mr. Neill,

My name is Alejandro Toro. I am a planner working on a potential new project located in the St. Lucie Village Jurisdiction. I was referred to you by Carl Peterson

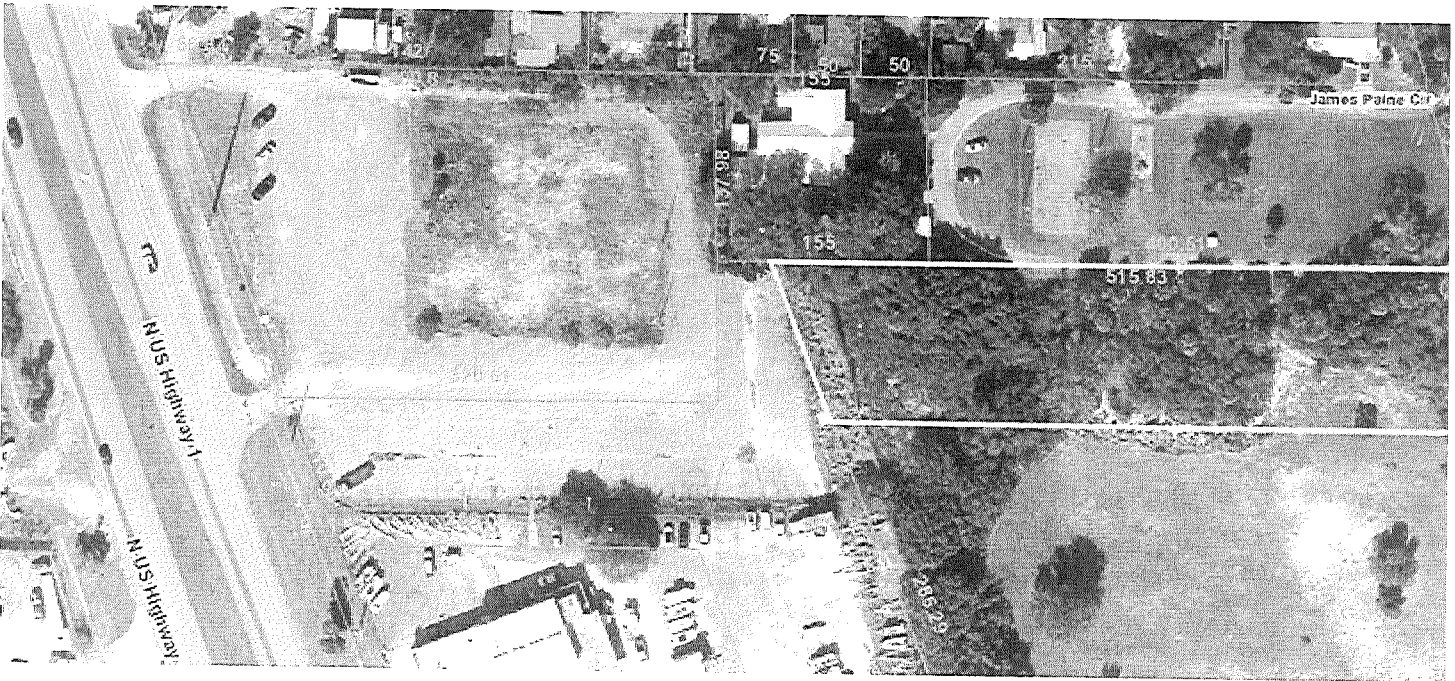
My client wants to do self-storage on a property. The property is located on the west side of N. Old Dixie Highway. Please find attached survey and Future Land Use map.

Mr. Peterson mentioned that no commercial development is allowed on N Old Dixie but this property may be an exception due to its location.

I cannot determine what zoning district the property is in and what uses are allowed.

Any information you can provide regarding the allowed uses on this property would be greatly appreciated. Please see property info below:

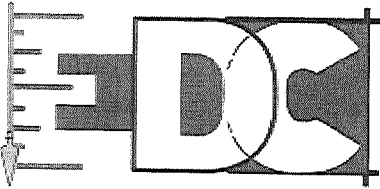
Parcel Id:	1433-113-0030-010-2
Size:	1.43 Acres
Future Land Use:	Light Industrial
Zoning:	Unknown.



Please give me a call if you have any questions regarding this request.

Respectfully,

**Alejandro Toro**  
**Planner I Planning Division**



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10250 SW Village Parkway – Suite 201

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## Richard Neill

---

**From:** Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>  
**Sent:** Monday, March 6, 2023 9:24 AM  
**To:** Carl Peterson  
**Cc:** William Thiess; Mary Fowler; Richard Neill; David Whitney  
**Subject:** FW: Self Storage on St. Lucie Village - parcel south of School  
**Attachments:** Survey.pdf; FutureLandUseMap-2011 - St. Lucie Village.pdf; Ordinance 2001-3.pdf

Carl and Bill,

We've got a question about zoning on a annexed parcel (the parcel south of the School) where we haven't adopted zoning—see below.

On this one, I'm inclined to think that we apply county light industrial zoning. Light Industrial is our land use. Our annexation ordinance commits us to apply county regs until we've adopted a land use, but doesn't say what we do if we've got a land use but not adopted a zoning category.

What do you think makes sense?

Another alternative might be to look at County zoning applicable at the time of annexation

The Board will have to decide but I'd appreciate your thoughts.

Regards,

Richard

Richard V. Neill, Jr., of  
Neill Griffin Marquis Osking, PLLC  
Post Office Box 1270  
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Telephone: 772-464-8200  
Fax: 772-464-2566  
[rneilljr@neillgriffin.com](mailto:rneilljr@neillgriffin.com)

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ORDINANCE 2001-3

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY OWNED BY  
VERNESE CUSTOM BOATWORKS, INC., INTO THE MUNICIPAL LIMITS  
OF THE TOWN OF ST. LUCIE VILLAGE, FLORIDA.

WHEREAS, Vernese Custom Boatworks, Inc. is the owner of a tract of land described in the deed attached as Exhibit "A", which property is in the unincorporated area of St. Lucie County but contiguous to the Town of St. Lucie Village, Florida and reasonably compact; and

WHEREAS, Vernese Custom Boatworks, Inc., has petitioned the Board of Aldermen to have the property annexed into the Town of St. Lucie Village, Florida and annexation would not create enclaves; and

WHEREAS, Vernese Custom Boatworks, Inc. has represented to the Board of Aldermen of the Town of St. Lucie Village, Florida that it desires to construct and operate a facility for ship, boat building and repair (less than forty-five [45] feet); and

WHEREAS, §171.044, Fla. Stat., specifies the procedure for voluntary annexation of real property into a municipality; and

WHEREAS, the terms and provisions of §171.044, Fla. Stat., have been met.

NOW, THEREFORE, the Board of Aldermen of the Town of St. Lucie Village, Florida hereby ordains:

1. The above described land, which is more particularly described in Exhibit "A" attached hereto and incorporated herein, is hereby added to, taken into, made a part of, and annexed into the municipal limits of the Town of St. Lucie Village, Florida, and the municipal limits thereby redefined to include said property, the correct legal description of which is encompassed in attached Exhibit "A". A map depicting said property is also attached as Exhibit "B".

2. Pursuant to Section 171.062(1), Fla. Stat., development of the annexed property will be subject to the St. Lucie County land use plan and zoning regulations until the Town of St. Lucie Village, Florida adopts a comprehensive plan which includes the subject property. Ship, boat building and repairing (less than forty-five [45] feet) is recognized as a currently permitted use under the County's zoning regulations.

*Return to: Neill, Griffin, Jeffries, et al.  
P.O. Box #50 (R.V.N.G.)*

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
File Number: 1969533 OR BOOK 1448 PAGE 11  
Recorded: 10/24/01 12:25

3. Upon posting or publishing, a copy of this Ordinance shall be sent, via certified mail return receipt requested, to the St. Lucie County Board of County Commissioners.

4. A copy of this Ordinance shall be filed with the Clerk of the Circuit Court of the St. Lucie County, the Chief Administrative Officer of St. Lucie County, and the Department of State within seven (7) days after adoption of the Ordinance.

5. This Ordinance shall become effective upon passage.

PASSED AND APPROVED by the Board of Aldermen of the Town of St. Lucie Village on this 16<sup>th</sup> day of October, 2001.

APPROVED:  
BOARD OF ALDERMEN OF THE TOWN OF  
ST. LUCIE VILLAGE, FLORIDA

By: William G. Thiess  
William G. Thiess, Mayor

ATTESTED:

By: Diane Robertson  
Diane Robertson, Clerk

I, DIANE ROBERTSON, Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Ordinance 2001-3 which was duly introduced, read and adopted at the regular meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this 16<sup>th</sup> day of Oct, 2000.

Diane Robertson  
DIANE ROBERTSON, CLERK





# This War City Deed

Made this 30th day of March 2000 A.D.  
by Robert L. Mixson, Individually & as  
Trustee, under the Robert L. Mixson  
Living Trust dated February 2, 2000,  
an undivided 1/2 interest and \*\*\*  
hereinafter called the grantor, to

Vernese Custom Boatworks, Inc.

whose post office address is:  
3821 Ridgehaven Road  
Fort Pierce, Florida 34946  
Grantees' Tax Id # :

hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ 10.00  
and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises,  
releases, conveys and confirms unto the grantee, all that certain land situate in St. Lucie  
County, Florida, viz:

See Schedule A attached hereto and by this reference made a part  
hereof.

SUBJECT TO Covenants, restrictions, easements of record and taxes for  
the current year.

Said property is not the homestead of the Grantor(s) under the laws  
and constitution of the State of Florida in that neither Grantor(s)  
or any members of the household of Grantor(s) reside thereon.

\*\*\*Josephine R. Mixson, Individually & as Trustee, under the Josephine R. Mixson Living  
Trust dated February 2, 2000, an undivided 1/2 interest and any amendments thereto  
Parcel Identification Number: 1433-113-0030-010/2  
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.  
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple;  
that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants  
the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is  
free of all encumbrances except taxes accruing subsequent to December 31, 2000.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above  
written.

Signed, sealed and delivered in our presence:

Roberta A. Carter  
Name: Witness

Roberta Ann Carter  
Name: Witness-print name

[Signature]  
Name: Witness

Andy P. 371 ANU  
Name: Witness-print name

State of Florida  
County of St. Lucie

Robert L. Mixson  
Name & Address: Robert L. Mixson,  
Individually LS

Robert L. Mixson  
Name & Address: Robert L. Mixson, as  
Trustee LS

Josephine R. Mixson  
Name & Address: Josephine R. Mixson,  
Individually LS

Josephine R. Mixson  
Name & Address: Josephine R. Mixson, as  
Trustee LS

The foregoing instrument was acknowledged before me this 30th day of March 2001, by

Robert L. Mixson, Individually & as Trustee, under the Robert L.  
Mixson Living Trust dated February 2, 2000, an undivided 1/2 interest\*\*  
who is personally known to me or who has produced drivers license as identification. \*\*\*

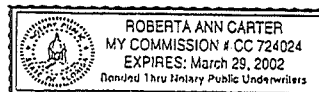
ing \*\* and Josephine R. Mixson, Individually & as Trustee under the Josephine R. Mixson  
Trust dated February 2, 2000, an 1/2 interest.

Notary Public.

Print Name:

My Commission Expires:

PREPARED BY: ROBERTA ANN CARTER  
RECORD & RETURN TO: Box 28  
First American Title Insurance Company  
118 North 2nd Street  
Ft. Pierce, Florida 34950  
File No: FA 01-02-0130 EXHIBIT "A"



OR BOOK 1448 PAGE 13

Schedule A

From a point where the South boundary line of Olson Subdivision, as recorded in Plat Book 8, Page 59, St. Lucie County, Florida public records intersects the East right of way line of U.S. Highway No. 1, also known as State Road No. 5, run Southeasterly along said East right of way line on a curve concave to the East, having a radius of 11,359.20 feet, a distance of 269.46 feet; thence run North 89 deg. 25'19" East 316.85 feet; thence North 1 degree 23'41" West 118 feet to a point on the South line of that certain parcel described in Deed Book 65, Page 224, Public Records of St. Lucie County, Florida, thence following the South line of said parcel, run North 89 degrees 25'19" East 39.68 feet to the Point of Beginning, from said point of beginning run North 89 degrees 25'19" East 515.83 feet to a point on the west right of line of Old Dixie Highway; thence following said West Right of Way line; run South 15 degrees 21'41" East 405.12 feet; thence South 20 degrees 23'41" East 291.35 feet to a point which is 250 feet Northwesterly of the intersection of said West right of Way line with the North right of way line of Naco Road; thence leaving said West Right of Way line run North 89 degrees 59'41" West 464.58 feet; thence North 21 degrees 31'10" West 713.75 feet to the point of beginning.

OLD DIXIE PROPERTY

OR BOOK 1448 PAGE 14

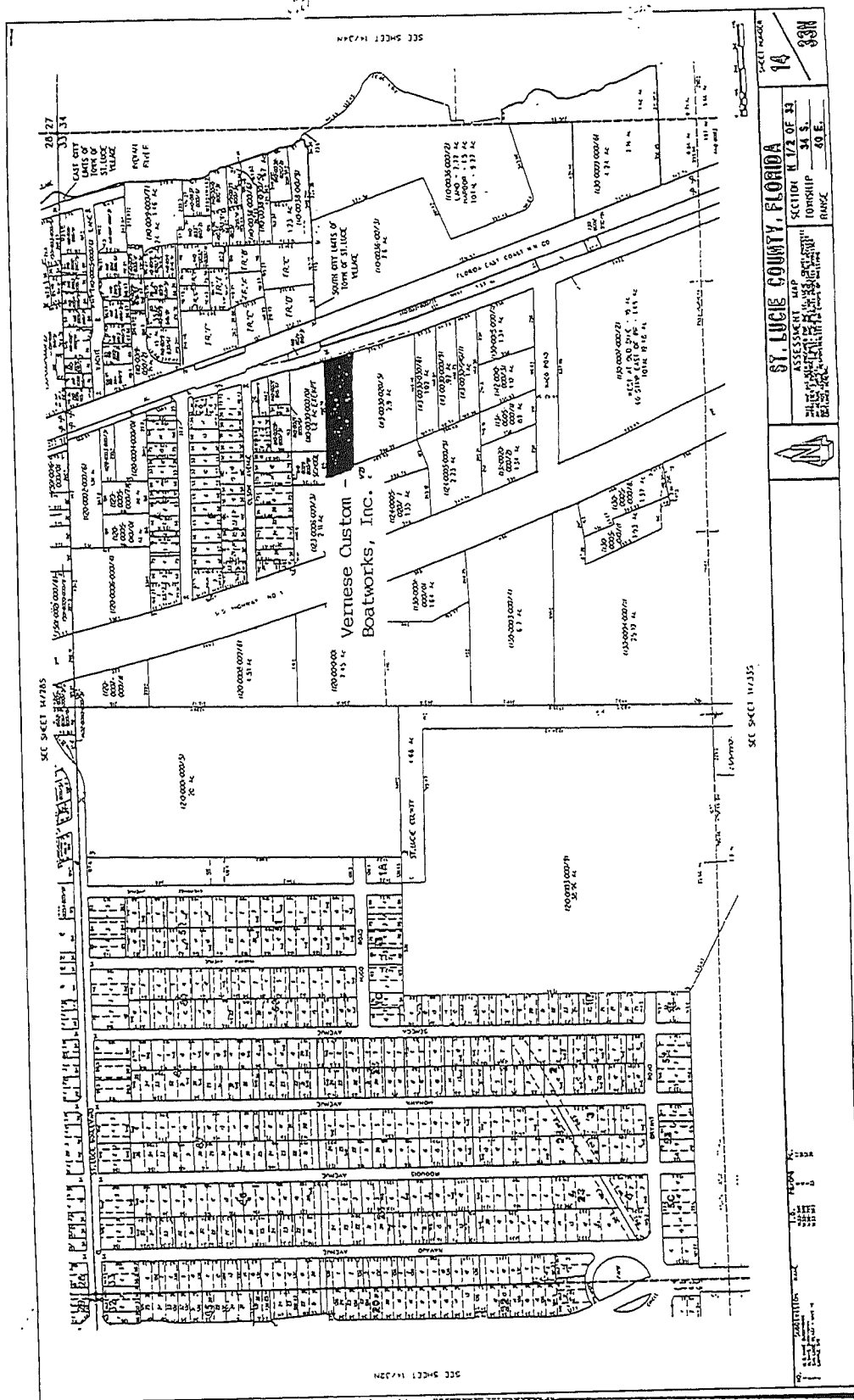


EXHIBIT "B"

**Richard V. Neill, Jr.**

---

**From:** Richard V. Neill, Jr.  
**Sent:** Sunday, March 12, 2023 2:19 PM  
**To:** Ingrid Vanhekken; Leon Ghougasian  
**Cc:** Mary Fowler; Richard Neill; Ian Osking  
**Subject:** Sun Camper variance request and violations  
**Attachments:** Variance Order- Sun Camper Liquidators, LLC.pdf; Notice- Sun Camper.pdf; Sun Camper Request for Reconsideration.pdf; Variance Application (Sun Camper).pdf

Leon and Ingrid,

I am including you together to share Sun Camper variance information that Ingrid had requested which relates to her complaint which will presumably require investigation by the code inspector.

Also copying my partner, Ian, so it's on all our radar screens. This has been a lingering issue of concern.

I've attached an application, an order denying, a request for consideration and notice of that being scheduled. I can't find the order or minutes on the reconsideration—yet—but it was denied.

Some basics for Leon: Sun Camper owns 3 parcels of property that used to make up the Northside Nursery property. While Northside Nursery was the owner, there were variances in effect which allowed the commercial use to extend onto residentially zoned property. By the terms of the variance orders, the variances would expire upon transfer of title.

The general concerns I heard were that (a) Sun Camper is making commercial use of residential property, (b) it has not, since the variance request which was denied, moved forward to secure administrative or site plan review of the current use of the property, and (c) it, as owner, failed to comply with the variance orders which require restoration of the property once the variance expires.

This is a very general description of Ingrid's concerns. Leon will want to talk to her, as the complainant, as well.

And, I will need to work here to gather file material for Leon and Ian to consider. There is substantial email correspondence and the like, including before Sun Camper acquired the property.

I just wanted to bring this matter up and get it on Leon's to do list.

Regards,

Richard

Richard V. Neill, Jr., of  
Neill Griffin Marquis Osking, PLLC  
Post Office Box 1270  
Ft. Pierce, FL 34954  
Telephone: 772-464-8200  
Fax: 772-464-2566  
[rneilljr@neillgriffin.com](mailto:rneilljr@neillgriffin.com)

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**Richard V. Neill, Jr.**

---

**From:** Richard V. Neill, Jr.  
**Sent:** Wednesday, March 8, 2023 9:54 AM  
**To:** Mary Fowler; William Thiess  
**Cc:** Leon Ghougasian; Richard Neill; Ian Osking  
**Subject:** RE: Peninsula AirBnB  
**Attachments:** 2021-3 Ordinance Re Commercial Events Regulation.pdf

Mary and Bill,

I am adding Leon and Ian to this email and attaching 2021-3 our existing event regulation. Seems to me that the Beckfords are describing a violation that can be pursued via this ordinance and our code enforcement mechanism.

The event has happened but perhaps a notice of violation and possible penalty will change the owner's approach.

Richard

Richard V. Neill, Jr., of  
Neill Griffin Marquis Osking, PLLC  
Post Office Box 1270  
Ft. Pierce, FL 34954  
Telephone: 772-464-8200  
Fax: 772-464-2566  
[rneilljr@neillgriffin.com](mailto:rneilljr@neillgriffin.com)

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**From:** Mary Fowler <mary.fowler@stlucievillagefl.gov>  
**Sent:** Wednesday, March 8, 2023 9:43 AM  
**To:** William Thiess <william.thiess@stlucievillagefl.gov>; Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>  
**Subject:** Fw: Peninsula AirBnB

Bill and Richard,

Please review the forwarded email from Dana Beckford.

Regards,

Mary Fowler  
Town Clerk  
Town of St. Lucie Village

---

**From:** Dana Beckford <[beckfordldana@gmail.com](mailto:beckfordldana@gmail.com)>  
**Sent:** Tuesday, March 7, 2023 5:43 PM  
**To:** Mary Fowler <[mary.fowler@stlucievillagefl.gov](mailto:mary.fowler@stlucievillagefl.gov)>  
**Subject:** Peninsula AirBnB

Hi Mary,

This is Dana Beckford from 473 Peninsula Drive. I'm not sure who this email should be directed towards, so please forward to whomever necessary.

The past two months of living in the Village has been the most disappointing and frustrating. Short-term rental occupants are constantly speeding (one almost hit my dog), my kids are no longer allowed to play in the front yard because of the high volume of renters, there's been a heightened amount of cars parking in the street (and blocking the street), and there's new groups checking in every 3-4 days. We moved to the Village for the safety and security of raising our children in the best neighborhood in Fort Pierce, but now we are contemplating on selling because we feel that level of comfort has been altered these last two months.

An example of the most recent situation:

Today there was a chartered bus parked along side of Rouse. The bus contained 20-30 men who walked to the AirBnB and joined an already developed party going on in the back yard. There were also a total of nine cars belonging to the party. Six in the drive way, two at the end of Peninsula, and one parked along the side of the street. The one in the street was so far over, that god forbid, one of my neighbors had a medical emergency an ambulance wouldn't have been able to squeeze by (please note that our street was blocked previously about two weeks ago by a different group).

It's a shame that such a sacred and special neighborhood is being ruined by the allowance of short-term rentals. Again, my husband and I are and will continue to contemplate on selling our home unless there are changes with 474 Peninsula Drive.

Looking forward to the workshop on March 15.

Thanks,  
Dana Beckford

February 22, 2022

***IN RE: Commercial Bee Operation / Public Safety Hazard  
Violation of Village Ordinance, Section 3.5.2***

***Uses (4) Agriculture-Animal production/Husbandry (Prohibited)  
Uses (5) Agriculture-Crop, Citrus, ect. (Prohibited)***

Dear Town of Saint Lucie Village Attorney Richard V. Neill, Jr.,

This written correspondence is to notify your office, the mayor, elected board of city officials, and the appointed town marshal of an ordinance violation and public safety hazard within the Saint Lucie Village. Many concerned homeowners in the northern area of our township, who wish to remain anonymous, have become increasingly concerned about a commercial bee operation within close proximity of homes, many homeowners having young children and pets. The commercial bee operation is located on vacant property between Torpey Road and Rouse Road, east of the railroad tracks, and west of more than 50 residences all within 1000 yards of the bee operation. The bee boxes are estimated to be more than (50) and can be seen from the roadway on Hagan Drive at the intersection of Waters Drive.

As a consequence of this unlawful commercial bee operation, there are thousands of bees that have invaded our neighborhood becoming a public safety hazard. For several years, homeowners have been discussing this problem, believing it was a consequence of tree pollen, only to discover that our property, homes, vehicles, and watercraft are becoming permanently damaged by yellow staining bee excrement. Hundreds of live bees on any given day can be observed on yards and lawns that could potentially bite pets and young children. Most recently, a homeowner's small dog was bitten in the face by a honey bee on the lawn and almost died after suffering anaphylactic shock. One homeowner had their entire concrete block wall infested with a honey bee colony that had to be removed. Hundreds of dead bees are often found on the ground, porches, pool decks, screen enclosures, and breezeways. Dead bees still have the capability to sting humans and pets.

A review of village ordinance prohibits land use for animal production and husbandry (defined as agriculture in the care, cultivation, and breeding of crops and animals).

Hopefully there can be a solution to resolve this issue.

Sincerely,

Concerned Homeowners

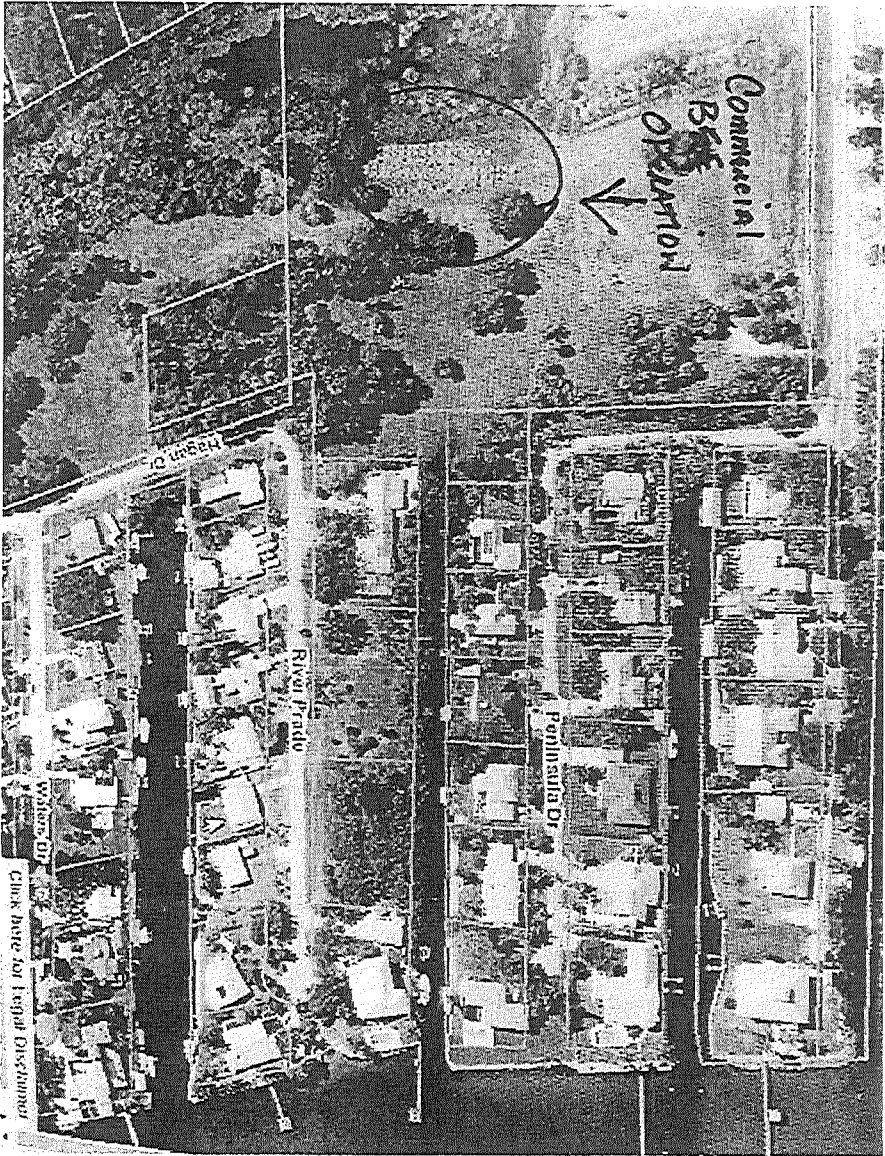
Saint Lucie Village

Property address of commercial bee operation: 0 Rouse Road (9.54 Acres)  
INDRIO PARK, AMENDED PLAT N 607.85 FT OF AMENDED PLAT OF INDRIO PARK AND W 5.67 FT  
OF S 152.85 FT OF N 607.85 FT OF GOV LOT

CC: Honorable Mayor and Members of the Board

Enclosures (3)





### Property Identification

Site Address: ROUSE RD  
Sec/Town/Range: 21/34S/40E  
Parcel ID: 1421-604-0002-000-4  
Jurisdiction: Saint Lucie Village

Use Type: 9900  
Account #: 8156  
Map ID: 14/21N  
Zoning:

### Ownership

Rouse Road LLC  
PO Box 9111  
Jackson, WY 83002

### Legal Description

INDRIO PARK, AMENDED PLAT N 607.85 FT OF AMENDED PLAT OF INDRIIO PARK AND W 5.67 FT OF S 152.85 FT OF N 607.85 FT OF GOV LOT 1-LESS E 163.46 FT OF N 455 FT OF AMENDED PLAT AND LESS THAT PART OF S 30 FT DEDICATED AS RIVER PRADO IN RIVER GATES ESTATES AND LESS N 20 FT OF SEC 21 34 40 LYG E OF WLY LI OF AMENDED PLAT OF INDRIIO PARK (PB 7-5) AND W OF WLY LI OF RIVERSIDE HARBOR S/D(PB 10-5)- (9.54 AC) (OR 3708-2750)

### Current Values

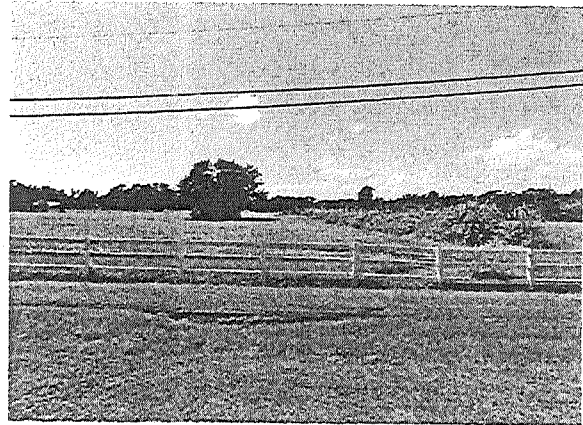
Just/Market Value:	\$342,100
Assessed Value:	\$188,100
Exemptions:	\$0
Taxable Value:	\$188,100

#### Property taxes are subject to change upon change of ownership.

- Past taxes are not a reliable projection of future taxes.
- The sale of a property will prompt the removal of all exemptions, assessment caps, and special classifications.

Taxes for this parcel: SLC Tax Collector's Office [📄](#)

Download TRIM for this parcel: Download PDF [📄](#)



### Total Areas

Finished/Under Air (SF):	0
Gross Sketched Area (SF):	0
Land Size (acres):	9.54
Land Size (SF):	415,562

### Building Design Wind Speed

Occupancy Category	I	II	III
Speed	140	150	160
Sources/links:			

All information is believed to be correct at this time, but is subject to change and is provided without any warranty.  
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## Richard Neill

---

**From:** Peter Sweeney <psweeney@blockscarpa.com>  
**Sent:** Monday, March 13, 2023 4:11 PM  
**To:** Richard Neill; Richard Neill  
**Cc:** Doug Wright  
**Subject:** Objection to variance applications for Town of St. Lucie Village

Good afternoon Richard,

As you know, I have the pleasure of representing Mr. Doug Wright, resident and homeowner at 496 Peninsula Drive in the Town of St. Lucie Village. We are aware of several recent variance applications made to the Board of Aldermen for St. Lucie Village and believe for multiple reasons that the variances requests are incomplete, do not meet the legal requirements for a variance and generally are in contravention of both the Comprehensive Plan and the applicable Code of Ordinance provisions for the Town of St. Lucie Village. Specifically, please see the comments, thoughts and analysis outlined below. I know that the hearing for the application for 467 River Prado (Parcel ID: 1421-602-0007-000-3) was cancelled, but Mr. Wright's justifiable concerns continue to apply to all of the currently pending variance applications as submitted and reviewed by myself and Mr. Wright. If you would like to discuss further, please email or call me.

Thank you,

Pete

---

I write in connection with three variance requests (Requests) that were posted to the Village website last week. I remain opposed to these and similar variances because, among other things, none of the Requests conform with the Village's Variance Application requirements and each are based on the desires or actions of the property owners (self-imposed hardships) and are prohibited under the Village's ordinances.

### Proper Notice & Due Process

When these Requests were passed to the Variance Board (Board) absent all the elements required in the Village's ordinances, residents were deprived of their due process rights. In zoning matters, due process violations arises when, among other things, a municipality arbitrary waives notice requirements.

See for example, Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993). In Snyder, the Court held that due process requires that a zoning variance must be granted in accordance with clear and objective standards that guide the decision-making process. The Court explained that a variance is a legislative act and, therefore, must be based on "definite standards" that are "consistent with the public interest." The Court also held that due process requires that a property owner be given notice and an opportunity to be heard before a variance is granted.

With respect to the variance Requests first mentioned above, "fair notice" has not been provided. Key facts were omitted from the Requests and the Requests did not comply with the Village's variance application process.

### Basis for Granting Variances

I have opposed granting variances in the past where the basis for the relief sought was based on a self-imposed hardship. Self-imposed hardships arise, for example, when a property owner desires to improve a property and a set-back ordinance prevents such improvement. Indeed, the Village's own ordinances specifically preclude granting variances based on self-imposed hardships.

The guiding precedent used by the Florida Supreme Court for deciding whether a hardship cited by an applicant for a variance to zoning set-back ordinances is self-imposed or not, is the two-pronged test established in Lupo v. City of Sunny Isles Beach, 778 So. 2d 1025 (Fla. 2000).

Under this test, the applicant must demonstrate that:

1. The hardship was not self-imposed, meaning it was not caused by the applicant's own actions or decisions, such as purchasing the property with knowledge of the zoning regulations; and
2. The hardship is unique to the property and not shared by other properties in the area.

If the applicant fails to satisfy both prongs of the test, a variance request should be denied. However, if the applicant meets both prongs, a court may grant the variance based on the specific facts and circumstances of the case.

On their face, the Requests note that the applicants wish to improve a structure or add a structure. Each application fails to substantiate legitimate hardships, other than an implied hardship of wanting to improve a property and being prevented from doing so by set-back and other ordinances. Consequently, none of the Requests can be granted because, among other things, each rests on hardships caused by the applicants' own actions or decisions. Finally, if the Board were to grant relief from set-backs sought in the Requests, it would, in effect, do so and knowingly disregard the Village's Comprehensive Plan.

#### Authority to Grant Variances

Under Florida Statutes section 166.041, a municipality may only grant a variance if the following conditions are met:

1. The variance is consistent with the comprehensive plan of the municipality;
2. The variance is the minimum variance necessary to alleviate the hardship or practical difficulty;
3. The variance will not be detrimental to the public health, safety, or welfare; and
4. The variance will not be contrary to the spirit and intent of the zoning ordinance.

Furthermore, the decision to grant a variance must be made based on evidence presented at a public hearing, must be supported by written findings of fact and conclusions of law, and must be included in the minutes of the hearing. A municipality may not grant zoning variances in an arbitrary or capricious manner and must follow specific procedures and standards to ensure that the decision-making process is fair and consistent with the law.

Since the Requests first referenced above lack any findings of fact or conclusions of law that support a variance grant, the Requests should not be granted. Further, at least in my view, variance requests that fail to conform with the Village's application requirements and/or lack findings of fact or conclusion of law in support of a grant, are improperly before the Board to begin with.

#### Why I Persist in Opposing Improper Variances

It is not my goal to prevent anyone from enjoying full use of their property – I believe that everyone should be subject to the same applicable laws and regulations. I do not believe, however, that as a citizen of the Village, that I should be required to waive due process rights to be considered neighborly, or that I should sit idle when ordinances like set-backs are waived without legal foundation. I am concerned that, with the growing popularity of the Village and its adjacency to a sensitive ecosystem, that waiving ordinances without a legal foundation places the entire Village at risk because doing so could unleash unintended consequences.

Thank you,

Doug Wright

*Peter J. Sweeney, Jr.*

Block & Scarpa

Attorneys-at-Law  
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Email: [psweeney@blockscarpa.com](mailto:psweeney@blockscarpa.com)



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