

10/1/23 Revised For The Upcoming Public Hearings

September 13, 2023

Dear Neighbors,

At As mentioned in previous correspondence, we have been expecting action from the St. Lucie County Board of County Commissioners (BOCC) related to the zoning heights. We have just received notice that they have scheduled a preliminary meeting to discuss approval to advertise a future meeting to decide on the issue. So-called permission to advertise kicks off a series of public hearings, both in front of the BOCC and the Planning and Zoning Commission.

1st of 2 Nov 7 6pm None on Oct 17 6pm
This issue is complicated by the fact that the County Attorney is presenting the BOCC with two alternate scenarios upon which to vote. The first is the one we support which says the BOCC in 1995 relied on the maps presented to them to make their decisions. The second says that they intended to rely on the legal description. We feel confident the first scenario is correct, since the legal description wasn't even drafted until after the vote by the BOCC, so they could not have relied upon it. The first scenario, which we support, uses the maps and indicates that the Regency is the northern boundary of Zone A (125 ft).

The public meeting to advertise has been scheduled for Tuesday, September 19, 2023 at 9am in the BOCC chambers in the county administrative complex. It is critical that we get as many people to attend this meeting as possible! If we can convince the BOCC at this meeting to advertise scenario one, we believe half the battle has been won. We will be asking our neighbors at Las Tortugas and Diamond Sands to attend, as well as representatives from other condominium associations. As the group most affected by these plans, it is important for us to have a good showing.

It is anticipated

We will be represented at the meeting by our attorney, Gary Oldehoff. He will do the majority of the speaking on our behalf. For those that would like to speak, an opportunity will be available to do so. For those that would prefer not to speak, Gary will ask for a show of hands from those supporting our position.

~~We will be out of the country during this hearing, unfortunately. In our absence, Jim Wood will be assisting with the coordination of attendance at the meeting, wayfinding in the County building, etc.~~
The meeting will be held at the County Administration Building, 2300 Virginia Avenue, Second Floor, Fort Pierce, FL 34982.

As always, thank you for your support of the Regency. We look forward to a positive outcome. Please reach out to Jim by Sunday September 15 if you can attend. Our goal is to fill 100+ seats.

Best regards,

Wendy and Jeff Robbins

Co-Chairs, Community Representation Committee
Wrobbins1@verizon.net, robbinsjeff@verizon.net

August 8, 2023

Dear Neighbors,

Perhaps by now you have heard that a multi-billionaire developer from Miami has purchased land north of our property. This property is located on both sides of A1A between Regency and Diamond Sands. In total, he has acquired 6 properties, approximately 36 acres of land (16 aboveground, 20 subland), and has engaged the services of land use planning consultants and engineers to draw up development plans.

The developer's agents have made presentations to members of our Regency Board, the Hutchinson Island President's Council, and the Board of County Commissioners. Their plan has three elements which are of great concern to those of us at the Regency and on Hutchinson Island.

First, the developer's contention is that each of the two one-acre parcels directly to the north of Regency and south of Normandy Beach are classified as "Zone A," which would mean that a building 125 feet tall could be built on them, versus "Zone B" which has a 35-foot height restriction (see map insert). Second, the developer has proposed a land swap with St. Lucie County, wherein he would give the one-acre parcel next to Regency to the County for a new Normandy Beach, and in return the County would give him the land currently occupied by Normandy Beach. Last, the developer would then use the contiguous land to develop a high-rise combination hotel and residential property.



We are concerned because the land use changes adopted by St. Lucie County in late 1994 and early 1995 are not being followed. These changes created Zones A and B with the height restrictions listed above. Three independent County maps have been produced and relied upon over the past 28 years which support the fact that the northern boundary of the Regency property is the end of Zone A and the beginning of Zone B. Therefore, all properties north of the Regency should be in Zone B with a building height restriction of 35 ft. It appears the consultants have seized upon a so-called "scrivener's error" or wording mistake in the legal description which inaccurately summarized the 1995 Board of County

Commissioners' legislative intent. Further, the consultants maintain that not only do the two parcels south of Normandy Beach qualify as Zone A, but by moving Normandy Beach to one end of their property, all of their other property can then be deemed to be Zone A as well, through a process called "contiguity."

We can all agree that property owners have rights endowed to their properties. The developer is certainly welcome to develop his land as he sees fit, within the confines of the laws and regulations which govern the development of that property. This means that like the Diamond Sands development to our north and Las Tortugas across the street, the developer would have to abide by the 35-foot height restriction. We would object to someone coming into our community and attempting to manipulate the system, negatively impacting residents throughout Hutchinson Island.

So why are we concerned? First, the development is being planned on the narrow isthmus south of Diamond Sands. It is a very fragile environment and would be damaged by having one or more 125-foot buildings on it. The other more day-to-day concern for residents of the Island is that greatly increased traffic, which would have to traverse nearly all of South Hutchinson Island to get to the property, will impact everyone from the Jensen Beach Causeway, north. Also, the building use is planned to be heavily hotel-oriented, and the turnover of guests on a frequent basis will lead to even more traffic. Response times for EMS and fire/rescue will be impacted, and short of building a billion-dollar bridge from the mainland, cannot be abated with impact fees.

These issues are a matter of critical importance to all of us. The Regency Community Representation Committee and the Presidents' Council (*) with the support of the Regency Board of Directors have been working non-stop since January 2022 to ensure this developer follows the same County rules and regulations that all other developers have been required to follow.

We want you to be aware of these issues and we plan to provide regular updates to keep you informed. Your assistance may be required in the future to send correspondence to elected officials and attend public meetings. Thank you, in advance, for your support. We welcome your feedback.

Best regards,

Wendy and Jeff Robbins
Co-Chairs, Community Representation Committee
Regency Island Dunes

* Represents condo and homeowner associations south of the Power Plant to the Martin County line

**BOARD OF
COUNTY
COMMISSIONERS**



**COUNTY
ATTORNEY**
Daniel S. McIntyre

Katherine Davis Barbieri
Ciara H. Forbes
Rubi P. Dial

ASSISTANT COUNTY ATTORNEY
ASSISTANT COUNTY ATTORNEY
ASSISTANT COUNTY ATTORNEY

September 7, 2023

Gary K. Oldehoff, Esq.
759 S.W. Federal Hwy, Suite 216
Stuart, FL 34994

91 7108 2133 3936 5295 6911

Dennis J. Murphy
Culpepper & Terpening, Inc.
2980 South 25th Street
Fort Pierce, FL 34981

RE: County Ordinance No. 95-001
Hutchinson Island – Building Height Zone

Gentlemen,

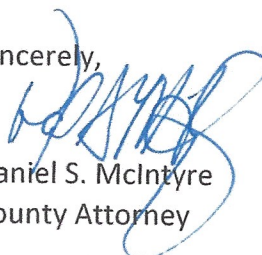
Both of you have contacted me independently concerning the issue referenced above.

As a courtesy, I am enclosing a copy of an agenda item that I intend to present to the Board of County Commissioners for their consideration at the Board's September 19, 2023 regular meeting which begins at 9:00a.m. As indicated in the agenda item, I am recommending that the Board grant permission to advertise two ordinances that would clarify the intent of the Board in 1995 when the Board adopted Ordinance No. 95-001.

The ordinances have been drafted to allow the Board the flexibility to determine whether the Board in 1995 intended that the text or map controls based on input from the Planning and Zoning Commission and the general public. If the Board grants permission to advertise, the draft ordinances will be the subject of 3 public hearings, 1 hearing in front of the Planning and Zoning Commission and 2 hearings before the Board of County Commissioners.

Mr. Oldehoff, your clients previously requested County Administration to notify them when the issue would be discussed by the Board. Please confirm (or not) whether this letter will satisfy that request.

Sincerely,


Daniel S. McIntyre
County Attorney

Enc.

DSM/klh

cc: County Administrator
Deputy County Administrator
Planning & Development Services Director
Planning Manager



AGENDA REQUEST

12.C.1.

2023-61804

REGULAR AGENDA - COUNTY
ATTORNEY

DATE: 9/19/2023

*ACTION ITEM - PERMISSION TO
ADVERTISE

QUASI-JUDICIAL ITEM? No

TO: Board of County Commissioners

PRESENTED BY: Daniel McIntyre, County Attorney

SUBMITTED BY: County Attorney

SUBJECT: Permission to Advertise Ordinance Nos. 23-XXXX and 23-XXXXB - Hutchinson Island - Building Height Zone

BACKGROUND:

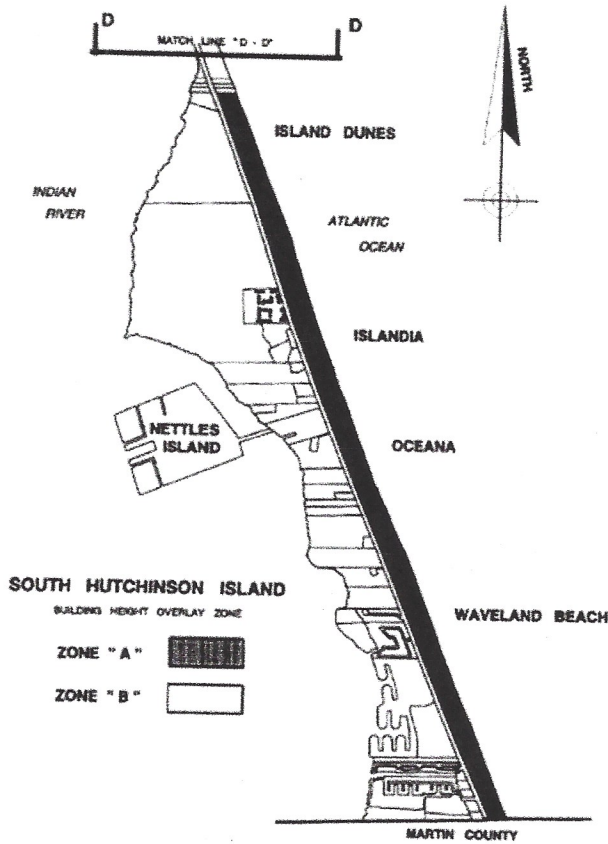
Attached to this memorandum is a printout of a powerpoint pertaining to the history of the County's regulation of building height on Hutchinson Island in the 1970s, 1980s, and 1990s. As indicated in the powerpoint in the 1990s, the County adopted building height overlay zones for Hutchinson Island. Specifically, on January 10, 1995, the Board of County Commissioners adopted Ordinance No. 95-001 Section 4.01.03, Hutchinson Island Building Height Zones in the County's Land Development Code. A copy of Ordinance No. 95-001 (the "1995 Ordinance") is attached.

Unfortunately, there appears to be a discrepancy between a metes and bounds legal description contained in the text of the 1995 Ordinance and a graphic boundary depicted on a map contained in the 1995 Ordinance. The apparent discrepancy is at a point where Zone "A" ends and Zone "B" begins on the sixth Figure 4.5 graphic which depicts the southernmost portion of South Hutchinson Island. The legal description involved in the discrepancy is as follows:

Those lands lying east of the east right-of-way line for SR A-1-A and west of the Atlantic Ocean, bounded on the north by the north line of Section 34, Township 36 South, Range 41 East and on the south by the Martin County Line.

The map involved in the discrepancy is depicted as follows:

FIGURE 4.5



Final
Page 14

double underline is for addition
~~strike-through~~ is for deletion

Ord. No.: 95-01 (1/A/a 44-036)
Print Date: 1/10/95

The area affected by the discrepancy consists of three narrow ocean lots including the County's Normandy Beach access (see map attached as Exhibit "4.5E"). The effect of the discrepancy is significant because the building height in Zone A is 125 feet and the building height in Zone B is 35 feet.

Discussion

When there is a discrepancy between the text and a map in a Code, the question is what the Board intended in 1995 when it adopted the building height ordinance – the text or the map. In this case, County Planning staff has reviewed the adoption files for County Ordinance No. 95-001 as well as the minutes of the meetings where the Ordinance was discussed in an effort to determine the Board's intent concerning the discrepancy. Not surprisingly, there was no discussion concerning the discrepancy – presumably if the discrepancy had been identified, the Board would have resolved the discrepancy one way or the other at that time.

Staff will attempt to summarize below the points that would assist in resolving the discrepancy. Staff would like to acknowledge the July 31, 2023 letter from Gary K. Oldehoff, Esquire, a copy of which was previously distributed to the Board, and which is also attached to this memorandum. Staff used Mr. Oldehoff's letter in part in the staff summary.

Points that would indicate the Map controls

- County staff analysis of Ordinance No. 95-001 was largely visually driven, and its conclusions were based on the maps in Figure 4.5. There was no mention of the metes and bounds description in the staff report or the minutes. The metes and bounds descriptions may not back any relevance or bearing on the understanding or intent of the commissioners.
- The three lots that are in the area affected by the discrepancy are narrow and long. The 2 southernmost lots were vacant in 1995 and are vacant now. The northernmost lot is a County park (Normandy Beach Access) which was in existence at the time the Board adopted the 1995 Ordinance. It would appear contradictory for the Board to include a County park in a zone that allowed higher building heights. Due to the physical characteristics of the 2 southernmost lots, there is no reasonable high-rise development (125 feet) potential for these lots.
- It is logical that the Board would have “grandfathered” the existing high-rise structures and limited the boundary of Zone A to the northernmost boundary of the existing high-rise building.
- Mr. Oldehoff has suggested that the rule of interpretation in Section 1.06.01 (discussed below) is not applicable because in Section 1.06.02 “the overlay zones are part of the zoning atlas” and that any uncertainty regarding the boundaries of the districts shown on the Zoning Atlas should be resolved by the Board.
 - Please note that County Planning staff has indicated that the building height overlay zones found within Chapter IV of the Land Development Code are not a part of the Zoning Atlas which is incorporated by reference in Section 1.05.00, with the zoning districts found within Chapter III of the Land Development Code (underlining supplied).
 - Section 1.06.02 states, “in the event that any uncertainty exists with respect to the intended boundaries of the various zoning districts as shown on the Official Zoning Atlas, the Board of County Commissioners shall make the interpretation using the following rules:
 - A. The zoning district boundaries are the center lines of the streets, alleys, waterways, and rights-of-way, unless otherwise indicated. Wherever designation of a boundary line on the Zoning Atlas coincides with the location of a street, alley, waterway, or right-of-way, it shall be construed to be the boundary of such district.
 - B. Where the zoning district boundaries do not coincide with the location of streets, alleys, waterways, and rights-of-way, but do coincide with lot lines, such lines shall be construed to be the boundary of such district.
 - C. Where the zoning district boundaries do not coincide with the location of streets, alleys, waterways, and rights-of-way or lot lines, the zoning district boundary shall be determined by the use of the scale shown on the Zoning Atlas.
 - D. Zoning district boundaries indicated as approximately following county boundaries shall be construed as following those boundaries.”
 - County Planning staff notes provisions A. through D. in Section 1.06.02 are not applicable to this matter.
- The rule of interpretation in Section 1.06.01 may not be applicable because in Section 4.01.02 B “Hutchinson Island-Building Height Overlay Zone – Generally” in the County’s Land Development Code provides, “Such zones are shown on the Hutchinson Island Building Height Overlay Plan as depicted in Figures 4.5a through 4.5e” (underlining supplied). This language may express the Board’s intent that the maps control.

Points that would indicate that the text (metes and bounds description) controls

- Section 1.06.01 "Rules of Interpretation – Generally" provides "... the rules of this section shall be observed except when the context clearly requires otherwise:

G. In the event of a conflict between the text of the Code and any caption, illustration, table, or map, the text shall control".

- Section 4.01.03 "Hutchinson Island Building Height Zones" states "The various zones regulating the maximum building height on Hutchinson Island are hereby established and specifically defined as follows: A. Hutchinson Island – Zone A. North Hutchinson Island: ... Those lands lying east of the east right-of-way line for SR A-1-A and west of the Atlantic Ocean, bounded on the north by the north line of Section 34, Township 36 South, Range 41 East and on the south by the Martin County Line" (underlining supplied). This language may express the Board's intent that the metes and bounds description control.
- The map in question, Figure 4.5.e within the Land Development Code, includes the following text, "This map was compiled from information drawn from numerous sources and is provided for reference and informational purposes only. No warranties, express or implied, are provided for the accuracy of the data herein, its use, or its interpretation." This language may express the Board's intent that the metes and bounds description control.
- Dennis Murphy, who was the County's Land Development Manager in 1995 and drafted County Ordinance No. 95-001 and the County Planning staff memorandum presenting Ordinance No. 95-001 has told County staff that his intention in drafting the Ordinance was that the northern boundary of Zone A end at the section line (consistent with the metes and bounds description). (It should be noted that Mr. Murphy is currently in private practice and represents the owners of the two southernmost lots, which are in the area that is the subject of the discrepancy)

Next Steps

Staff will be recommending that the Board grant permission to advertise the attached draft ordinances A and B. The ordinances have been drafted to allow the Board the flexibility to determine whether the Board in 1995 intended that the text or the map controls based on input from the Planning and Zoning Commission and the general public. The draft ordinances will be the subject of 3 public hearings, 1 hearing in front of the Planning and Zoning Commission and 2 hearings before the Board of County Commissioners.

PREVIOUS ACTION:

N/A

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends that the Board grant permission to advertise the draft ordinance.

COMMISSION ACTION:

RESULT:**MOVER:** None**SECONDER:** None**AYES:** None**NAYS:** None**EXCUSED:** None**Coordination/Signatures**

Date:

Benjamin Balcer, Planning & Development Services Director

Date:

Daniel McIntyre, County Attorney

Date:

Mayte Santamaria, Deputy County Administrator



Gary K. Oldehoff
Professional Association

July 31, 2023

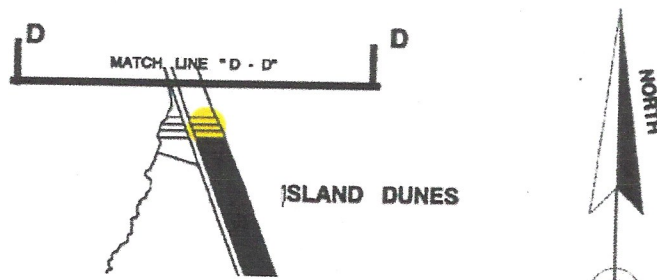
Daniel S. McIntyre, Esq., County Attorney
St. Lucie County Administrative Center
2300 Virginia Avenue
Fort Pierce, FL 34982

Re: County Ordinance 95-001

Dear Mr. McIntyre:

As you know, the Regency Island Dunes Association, Inc. has asked me to provide legal analysis and assistance regarding a discrepancy in County Ordinance 95-001. It is my understanding that the discrepancy is between the graphic boundaries of the zones on the South Hutchinson Island maps in the ordinance and the metes and bounds text of the zones in the ordinance. I am informed that the discrepancy is at the point where Zone "A" ends, and Zone "B" begins on the fourth Figure 4.5 graphic (the southernmost portion of South Hutchinson Island). Three narrow ocean lots shown at the south end of Zone "B" on the Figure 4.5 map graphic do not match with the approximate metes and bounds southern boundary of the zone. I use the word "approximate" because the text contains the qualifier "more or less". I am informed that the metes and bounds appears to result in the three lots being in Zone "A" instead of Zone "B". The discrepancy is shown in yellow:

FIGURE 4.5



The graphic boundaries on the maps are readily apparent. On the other hand, the metes and bounds descriptions will require measuring and surveying to confirm whether there is in fact a discrepancy, and I have not attempted to do this time-consuming exercise. Suffice it to say, the two don't match and the error is a scrivener's error, either in the graphic or in the metes and bounds. I endeavored to figure out which of the two was the error. You have asked me to share

my analysis and findings with you, as well as my recommendation for the County to address the error.

I approached the exercise by using the same methodology I used when I worked as a county attorney. Being an ordinance, it is a solemn expression of the Board of County Commissioners acting in its most fundamental capacity – legislating to promote the health, safety, and welfare of the citizens of St. Lucie County. Likewise, being an ordinance, it follows a legislative public hearing process of reports, review, public comment, discussion, and debate. In the end, the ordinance is an expression of the commissioners who voted to approve it, as to what it does and accomplishes. County commissioners do not intentionally enact laws with discrepancies and conflicting provisions. Certainly, county attorneys do not write or compose ordinances with conflicting provisions and known errors. So, my point of beginning when there is a discrepancy in an ordinance is not to correct it by applying a convenient though arbitrary rule of construction that may defeat their intent and purpose, but to search for the answer to what the commissioners believed they had expressed and accomplished by the ordinance. This requires going back to the time the ordinance was drafted, presented at public hearings, and adopted, and researching to determine how the ordinance was formulated, drafted, and described, and what the commissioners understood as the substance and effect of what they had voted to approve as the ordinance. My guiding objective was to reach the right answer.

I obtained and examined documents and records surrounding the building height debate regarding Hutchinson Island in 1994 and leading up to the adoption of the subject ordinance, Ordinance 95-001 on January 10, 1995. In 1994, the Board of County Commissioners set about limiting and reducing the height of structures on Hutchinson Island. On August 16, 1994, the Board adopted Ordinance 94-21, essentially establishing a maximum height of 35 feet for all new structures on Hutchinson Island. The ordinance contained exceptions for structures already in excess of 35 feet and structures in excess of 35 feet already having secured vested site plan approval. With that limit established and in place, and with the default maximum building height set at 35 feet, the Board directed staff to examine the existing and planned development on the island that exceeded 35 feet and identify the height and limits of such development by overlays. As staff explained it in its report on Ordinance 95-001, “[t]he intent . . . [was] to limit the height of new buildings so that they may be compatible with both the existing uses in the immediate area, and to take into consideration the potential development options that existed on a given piece of property with given environmental concerns.”

For my present analysis, I note that the staff report for the ordinance gave a very informative description of how staff performed its work in arriving at and defining the overlays pursuant to the commissioners’ direction:

Following these [above] guidelines, County staff has reviewed the entirety of Hutchinson Island. We have mapped the locations of all existing development and categorized them by their building heights. In addition, we have identified those new development applications that are either currently under review by this office or for which we expect final applications to be filed in the immediate future. We

have also looked at the various properties on Hutchinson Island, and based upon their physical characteristics and Future Land Use designations, developed what we believe to be a reasonable future development potential on them.

Summarizing, staff:

1. *Reviewed* the island.
2. *Mapped* all existing development (buildings) and categorized it by building height above 35 feet.
3. Identified any new development applications currently under review by the county, or for which final applications are expected to be filed in the *immediate* future.
4. *Examined* the future land use designations and physical characteristics of properties and developed reasonable future development potential for such properties.

According to staff, the result of its work and analysis was “indicated on the attached *maps*” contained in the ordinance. Based on the foregoing, it appears that the staff’s analysis was largely *visually driven*, and the product of the analysis was *depicted graphically* on the Figure 4.5 *maps*.

The minutes of the public hearings on the subject ordinance reveal that the staff’s conclusions and the overlays were presented to the public and the board members *visually* (graphically) using the Figure 4.5 maps. The analysis and discussion on the ordinance centered on the Figure 4.5 maps and the associated substantive regulations.

Notably, there is no mention whatsoever of metes and bounds or the metes and bounds descriptions and boundaries in section 4.01.03 in the staff report, or the Board minutes of what transpired at the Board hearings on the ordinance. Nor is there any mention whether the descriptions coincide with the boundaries shown on the maps. Likely, it was simply assumed that the metes and bounds matched the maps.

Perhaps as an aside, I also looked at the land that comprises the discrepancy. Using the staff’s method and criteria in the staff report, the planning staff examination of this particular land would have concluded that it belongs in the Zone “B” overlay rather than Zone “A”. The three lots are narrow and long and have a combined north-south length of only 280.2 feet. From south to north, the lot frontage of each lot is 90.6 feet, 90.6 feet and 100 feet. The two southernmost lots were vacant in 1995 and are vacant today. The northernmost lot is Normandy Beach Park. Given the intent and purpose of the Board’s height-limit exercise was to *limit* and effectively *reduce* building heights, it would be contradictory to designate a county beach access park property for higher structures. Logic would dictate that the height of any structure would be limited. As for the two southern lots, it is obvious from their physical characteristics (particularly their narrow shape and limited amount of developable upland) that there is no reasonable future high-rise development potential for these lots - even if they were combined. Additionally, the lots are fairly similar in shape, size, and orientation to the lots to the north in Diamond Sands,

which are all in Zone "B" and are developed or developing with structures under 35 feet. Again, using staff's criteria, these three lots would have to be assigned to Zone "B".

The methodology and analytical process used by staff in the case of this ordinance is not at all unusual. Planning staff typically work visually. Substantive language is composed by the planners or by counsel. And if metes and bounds descriptions are included in drafting an overlay ordinance, it follows rather than precedes the establishment of the visual-graphic boundaries of the overlay. The metes and bounds text is never created by the planner who has done the substantive analysis and determinations behind the visual-graphic boundaries, or by counsel; rather, it is created by an unrelated person, often in a different department, who writes metes and bounds descriptions, and who is detached from the substantive work and conclusions made by the planners. Consequently, in cases like this where there is a discrepancy between the graphic depicting the product of the substantive analysis and conclusions and a legal description for the graphic added afterward in the drafting, the discrepancy is obviously an error in the metes and bounds text, not the graphic. Commissioners and lay people never painstakingly examine metes and bounds descriptions, nor do they try to square such descriptions with maps and graphics.

Based on the foregoing, I would conclude that the understanding and intent of the staff and the individual commissioners was (and is) that the overlay zones are as shown on the Figure 4.5 maps, and the same is true for the public who read these documents and attended the board meetings. The commissioners believed they had expressed and accomplished establishing two building height overlays as shown on the Figure 4.5 maps. The metes and bounds descriptions had no relevance or bearing on the understanding and intent of the commissioners. Indeed, I would venture to say that it is extremely unlikely the commissioners even read the metes and bounds descriptions, let alone tried to confirm them with the Figure 4.5 graphics. It was simply assumed they coincided. The error is the incorrect metes and bounds description of the mapped overlay, which does not accurately define the mapped area. The drafter of the description simply did not write a correct metes and bounds description that conforms with the map. The error is not the map. I am fairly certain this is obvious and irrefutable.

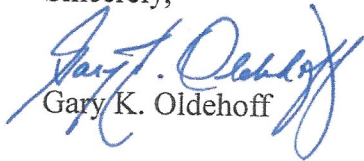
You mentioned that the Land Development Code has a rule of interpretation in section 1.06.01 that where there is a conflict between the text of the code and an illustration or map, the text controls. While the rule is there, I do not believe it is applicable. Section 1.06.01 states that this rule applies "except when the context clearly requires otherwise." The context here clearly establishes that the illustration or map controls, and therefore the rule cannot be applied. Applying this rule would nullify the understanding and intent of the commissioners who adopted the ordinance. Moreover, and perhaps more importantly, being the overlay zones are part of the Zoning Atlas, the next section, 1.06.02, applies. It states that "In the event that any uncertainty exists with respect to the intended boundaries of the various zoning districts as shown on the Official Zoning Atlas, the Board of County Commissioners shall make the interpretation . . ." This is what should be done.

Since using the rule of interpretation will clearly contravene and negate the understanding and intent of the commissioners who adopted the ordinance, I would suggest that the better, and

proper course of action is to return the discrepancy to the Board of County Commissioners to correct it, either in accordance with section 1.06.02, or by correcting the scrivener's error in the metes and bounds text, or both. The metes and bounds text should be corrected to clearly include this 260.2 feet in Zone "B". I recognize that the text includes the qualifier "more or less" to allow for a more precise number of feet consistent with, and without violating the description, but I believe the better course would be to set forth the correct metes and bounds of the Figure 4.5 map.

I hope this confirms and supports your findings and conclusions. I would be glad to discuss it with you.

Sincerely,



Gary K. Oldehoff

GKO/cl

cc: Regency Island Dunes Association, Inc

June 27, 2023

**Board of County
Commissioners**

Chris Dzadovsky
DISTRICT 1

Larry Leet
DISTRICT 2

Linda Bartz
DISTRICT 3
Vice-Chair

Jamie Fowler
DISTRICT 4

Cathy Townsend
DISTRICT 5
Chair

Administration

George Landry
COUNTY
ADMINISTRATOR

Wendy Robbins
Jeff Robbins
Co-Chairs, Community Representation Committee
8640 South Ocean Drive
Jensen Beach, FL 34957-2128

RE: Letter of June 23

Dear Ms. Robbins and Mr. Robbins:

Your letter of June 23 was referred to this office for response.

Please note that the County Attorney was recently approached by attorney Gary Oldehoff, Esquire who indicated that he had been retained to represent certain residents in the Regency. Mr. Oldehoff expressed a desire to review County records related to the abandonment of the old A1A right of way and the dedication of property to the County where the current Normandy Beach access is located as well as the County's adoption of the height ordinance for Hutchinson Island. All documents requested by Mr. Oldehoff to date have been provided to him by the County Attorney's office.

County staff is waiting on Mr. Oldehoff to complete his review of County records and provide the County with a report of his findings.

In any event, County Planning and Development Services staff will provide notice to you in advance of any Board meetings where the height issue is on the agenda.

Sincerely,


George Landry
County Administrator

Enc.
GL/klh

cc: Board of County Commissioners
County Attorney
Deputy County Administrator
Planning & Development Services Director
Property Acquisition Manager