

4-A)

ORDINANCE NO. 2016-____

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, REQUESTED BY JACK C. GREGORY, JR. AND PAUL MARCUCELLA TO ANNEX PROPERTY LOCATED AT 3780 INDIAN RIVER BOULEVARD, CONTAINING 7.46 ACRES MORE OR LESS, PURSUANT TO THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044 FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 171.044 Florida Statutes, provides for voluntary annexation of property into a municipality, provided, among other things, that the property is contiguous to the municipality and is reasonably compact and does not create enclaves of unincorporated areas, and provided that all the owners of the property petition for such an annexation; and

WHEREAS, the owner (s) of the property shown on the attached Exhibit "A" and accompanying sketch map have determined that annexing the property into the City limits would be in their interest; and

WHEREAS, the City finds that the annexation of the property satisfies the requirements of section 171.044 Florida Statutes and would be in the public interest; and

WHEREAS, Indian River County has been provided notice of this annexation proceeding by certified mail at least ten (10) days before this ordinance was advertised, as required by section 171.044(6) Florida Statutes,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:

Section 1. Adoption of “Whereas” clauses.

The foregoing “WHEREAS” clauses are hereby adopted herein.

Section 2. Land Annexed.

The property consisting of 7.46 acres more or less which is located at 3780 Indian River Boulevard and which is more particularly described in the attached Exhibit “A” and accompanying sketch map, is annexed into the City of Vero Beach effective upon the adoption of this ordinance.

Section 3. Redefine and Record Boundaries.

The City Engineer is authorized to prepare a redefinition of the boundary lines of the municipality for inclusion in the City Charter. A copy of such revision is to be filed with the Department of State within thirty (30) days of the adoption, with a copy to the Office of Economic and Demographic Research, as required by section 171.091 Florida Statutes.

Section 4. Copies to State and County.

The City Clerk is directed to file a copy of this annexing ordinance with the Clerk of the Circuit Court of Indian River County, the County Administrator of Indian River County, and the Department of State within seven (7) days after its adoption.

Section 5. Effective Date.

This ordinance shall become effective upon final adoption by the City Council.

This Ordinance was read for the first time on the ____ day of _____, 2016, and was advertised on the ____ day of _____, 2016, and one week later on the ____ day of _____, 2016 as being scheduled for a public hearing to be held on the ____ day of _____, 2016, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____ and adopted by the following vote:

Mayor Jay Kramer _____

Vice Mayor Randolph B. Old _____

Councilmember Pilar E. Turner _____

Councilmember Richard G. Winger _____

Councilmember Harry Howell III _____

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Vock
City Clerk

Jay Kramer
Mayor

(SEAL)

Approved as to form and legal sufficiency:

Approved as conforming to municipal
policy:



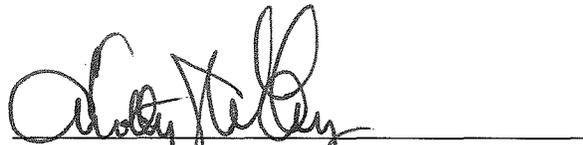
Wayne R. Coment
City Attorney



James R. O'Connor
City Manager

Approved as to technical requirements:

Approved as to technical requirements:



Timothy J. McGarry, AICP
Director of Planning and Development



Monte K. Falls, PE
Director of Public Works

EXHIBIT "A"
PROPERTY DESCRIPTION
VOLUNTARY ANNEXATION #2015-AX-03
SECTION 25, TOWNSHIP 32 SOUTH, RANGE 39 EAST

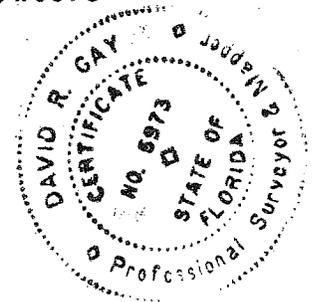
Situated in the State of Florida, County of Indian River, City of Vero Beach, and being a part of Section 25, Township 32 South, Range 39 East, and being more particularly described as follows:

All of that portion of the west 686.49 feet of the Southwest one-quarter of the Southeast one-quarter of Section 25, Township 32 South, Range 39 East lying north of Indian River Boulevard as described in Official Record Book 790, Page 2305 of the Public Records of Indian River County, Florida;

Said annexation parcel containing 324,837 square feet or 7.46 acres more or less.



David R. Gay, PSM #5973



S:\Property Descriptions\2015\2015-AX-03_3780 Indian River Blvd_Dec 21 2015.doc

UNINCORPORATED
PORTION OF COUNTY

CITY LIMITS

NORTHWEST 1/4 OF
THE SOUTHEAST 1/4 OF
SECTION 25-32-39

SCALE 1" = 150'



VERO BEACH CITY LIMITS

CITY LIMITS

3780 INDIAN RIVER BLVD

32-39-25-00000-7000-00002.1

SUBJECT ANNEXATION
7.46 ACRES±

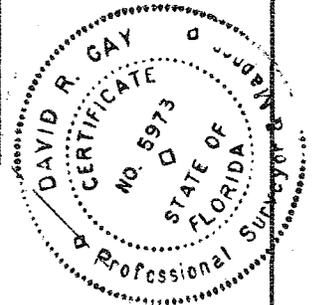
UNINCORPORATED
PORTION OF COUNTY

THE WEST 686.49 FEET OF
THE SOUTHWEST 1/4 OF
THE SOUTHEAST 1/4 OF
SECTION 25-32-39
LYING NORTH OF INDIAN RIVER BLVD

SOUTHWEST 1/4 OF
THE SOUTHEAST 1/4 OF
SECTION 25-32-39

INDIAN RIVER BOULEVARD
(200' R/W BY DEED)
OR BK 790, PG 2304

OAK POINT SUBDIVISION
PLAT BK 14, PG 34



NOTE: SKETCH AND DESCRIPTION BASED UPON BOUNDARY SURVEY
AS SUPPLIED BY DAVID M. JONES; JOB # 96-287, DATED 9-05-2005.

David Gay 12/21/15
DAVID GAY, PSM #5973 DATE
SHEET 2 OF 2

THIS SKETCH IS NOT A SURVEY

CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS SURVEY & ENGINEERING DIVISION	SKETCH OF PROPERTY DESCRIPTION VOLUNTARY ANNEXATION PORTION OF SECTION 25-32-39	EXHIBIT "A"		REV. NO.	AUTHRZD. BY
		CITY PROJECT NO. 2015-AX-03		DRWN. BY	DATE
DATE 12/2015	DRWN BY	CHKD BY MKF	DESCRIPTION		



CITY OF VERO BEACH FLORIDA

VOLUNTARY ANNEXATION REPORT

Prepared By: City of Vero Beach

Planning & Development Department

Application #AX15-000003

February 2016



DEPARTMENTAL CORRESPONDENCE

TO: James R. O'Connor, City Manager

THRU: Timothy J. McGarry, AICP
Director of Planning and Development

FROM: Cheri B. Fitzgerald, AICP
Project Manager

DATE: February 4, 2016

SUBJECT: **Voluntary Annexation Report - 3780 Indian River Boulevard
(Application #AX15-000003)**

Request

Based on the City's Annexation Policies and Procedures the Planning and Development Department staff is providing this Voluntary Annexation Report for your review and approval. Upon your signature of approval (page 4 of the Report) the annexation application will be placed on the Planning and Zoning Board's next available agenda for consideration by the City Council along with a draft annexation ordinance for First Reading.

Overview

The City received a voluntary annexation application petitioning the City Council to annex a parcel of vacant land containing 7.46 acres or less. The subject parcel is located at 3780 Indian River Boulevard. The report provides: 1) background information on the property; 2) annexation statutory procedures and requirements; 3) analysis and findings; and 4) a staff recommendation.

Background

The subject parcel size is 7.46 acres, more or less, and is located on the east side of Indian River Boulevard between 37th and 41st Streets. The parcel identification number is 25-32-39-00000-7000-00002.1 and the street address is 3780 Indian River Boulevard. The property owners are Jack C. Gregory, Jr. and Paul Marcucella.

Attachment A includes a Location Map and Property Description and Sketch of the property proposed for annexation prepared by the Public Works Department. The parcel is contiguous to the current City of Vero Beach city limit boundary line to the north. Adjacent parcels to the north and east are conservation lands that are owned by the Indian

River Land Trust. Across Indian River Boulevard to the west are properties developed as medical and assisted living facilities.

The site is currently vacant, undeveloped and consists primarily of a pond and wetlands. The parcel is currently zoned RM-8, Multiple-Family Residential and is designated M-1, Medium-Density Residential-1, (up to 8 units/acre) on the County's Future Land Use Map. The current zoning and land use designations allow residential uses on the property.

The property owners are requesting the annexation of the subject parcel to develop the property in a manner which reflects its highest and best use. The City Code allows the applicant to use all of the property's acreage in its density calculations for site plan purposes. The applicant is seeking to develop the property at between eight and ten units per acre.

Statutory Annexation Procedures and Requirements

The procedures and requirements for voluntary annexation are outlined in Section 171.044, Florida Statutes, a summary of which is as follows:

Procedures

- The owner or owners of real property in an unincorporated area, which is contiguous to a municipality and reasonably compact, petition the governing body of that municipality.
- Upon determination that the petition bears the signatures of all owners of property proposed to be annexed, the governing body may at any regular scheduled meeting adopt a non-emergency ordinance to annex said property and redefine the boundaries of the municipality to include that property. Prior to adoption of the ordinance, special notice and publication requirements must be met pursuant to Section 171.044(2), Florida Statutes, that require notice be published in a local paper for two (2) consecutive weeks.
- Prior to publishing the annexation ordinance mentioned above, the governing body must provide a copy of the notice by certified mail to the board of county commissioners.
- Upon adoption, the ordinance must be filed with the clerk of the circuit court, county chief administrative officer, and Florida Department of State within seven (7) days after its adoption.

Requirements

- The property owner must consent to the annexation and provide the municipality with signed letters confirming this condition has been met.
- The proposed property must be contiguous to the municipality, reasonably compact, and not create enclaves.

Analysis and Findings

Consistency with Statutory Conditions for Annexation

The subject property meets the requirements for voluntary annexation pursuant to Section 171.044 based on the following findings:

- The owner(s) of the property have submitted a written request for annexation. [See Attachment B, Voluntary Annexation Application pages.]
- The City Attorney has determined that the property proposed for annexation is contiguous to the City limits, reasonably compact, and does not create an enclave [See Attachment C, Assistant City Attorney's memo.]

Impacts on City Services, Facilities, and Revenues

In response to request from the Planning and Development Department, city departments reviewed the proposed annexation for potential impact on city services and facilities. Based on the responses from city departments, the proposed annexed property can be accommodated for the most part with existing services and facilities.

The exception is the provision of water and sewer services and facilities. Water and sewer facilities are not available at this location. The closest existing city water (approximately 3,500 feet) and sewer mains (approximately 4,300 feet) are located near the Indian River Medical Center. The infrastructure would need to be extended to service the subject parcel. Sufficient capacity exists in the city's water and sewer systems to accommodate the subject parcel.

Based on County tax records, the current taxable value (2015) of the subject property is \$178,350. Based on the current taxable value, the annual projected ad valorem tax revenue to the City of Vero Beach from the property is approximately \$425. The anticipated revenue should offset any increase in service costs to the City. In addition, an estimated \$8,424 of annual fees may be collected for the provision of City solid waste collection services to the subject property.

Once annexed, the property will be under all aspects of city jurisdiction, except for comprehensive planning and zoning. The properties will remain under Indian River County's Future Land Use Map and Zoning Map designations until the City adopts amendments to its Future Land Use Map and Zoning Map.

The comparable city designations for the County's M-1 (Future Land Use) and RM-8 (Zoning) are RM, Residential Medium and RM-8, Medium Density Multiple-Family Residential District, respectively.

Strengths, Weaknesses, Opportunities and Threats

An analysis of the Strengths, Weaknesses, Opportunities and Threats (SWOT) of annexation of the subject property into the City limits includes the following:

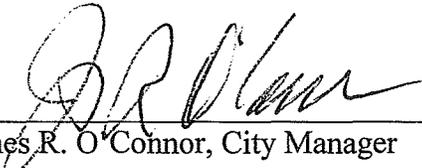
- Strengths - provides for an increase in the tax base, extension and control of the city's boundaries;
- Weaknesses - none identified;
- Opportunities - potential development of the site, expansion of city infrastructure and consolidation of services; and
- Threats – none identified.

Recommendation

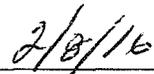
The Planning and Development Director is recommending that the City Manager review and approve this report and authorize the placement of the annexation application on the next available Planning and Zoning Board agenda for consideration and recommendation to the City Council.

/cbf
Attachments

Approved as conforming to municipal policy:



James R. O'Connor, City Manager

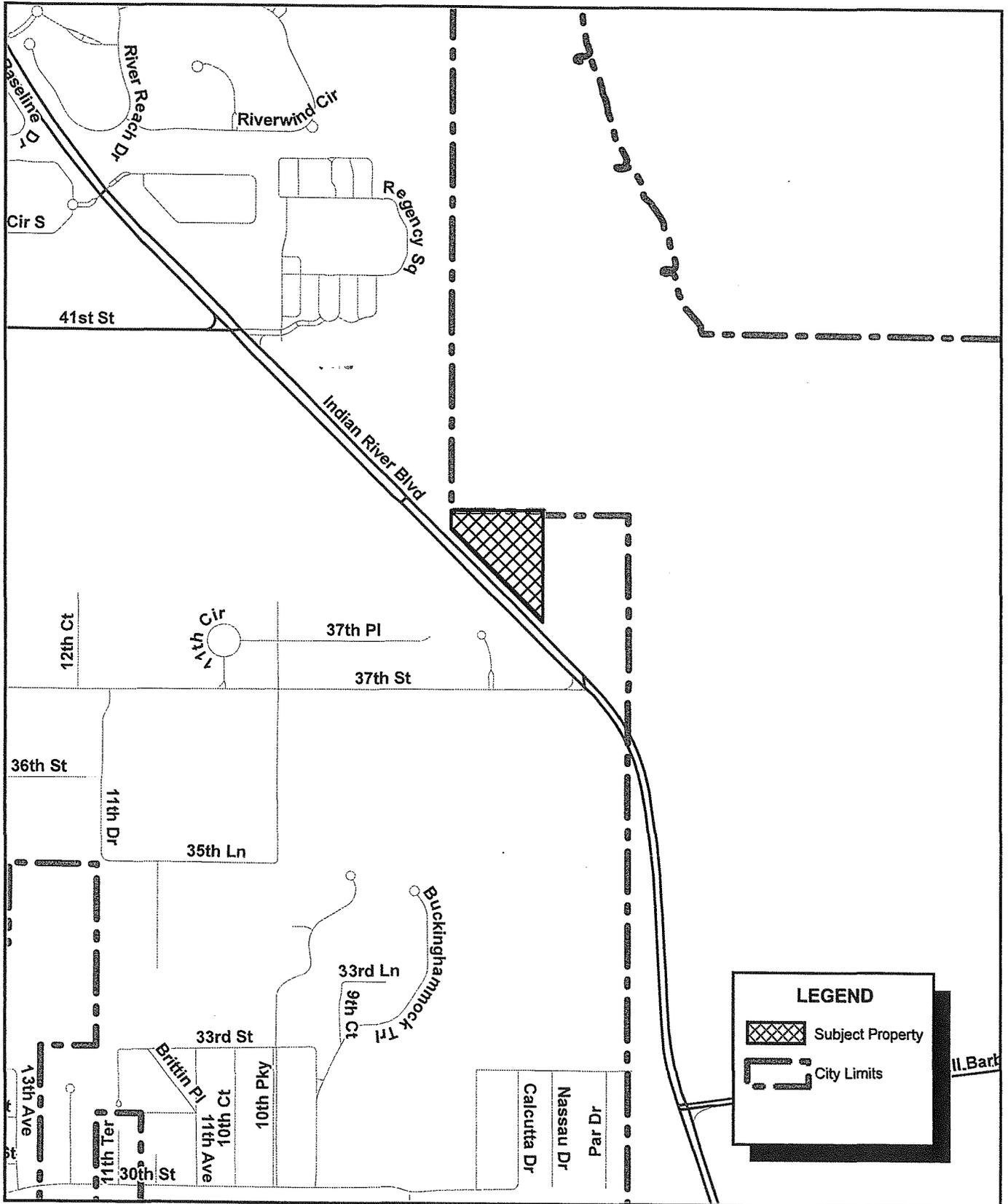


Date

ATTACHMENT "A"

Location Map

City of Vero Beach



Scale 1 in = 1000 ft



Prepared by:
Department of Public Works \ GIS Division
City of Vero Beach
January 11, 2016



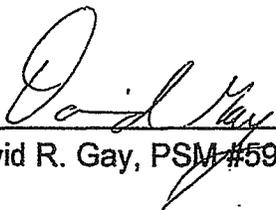
DISCLAIMER:
The City of Vero Beach makes no warranties, express or implied, and assumes no responsibility for the use of this material by agencies or individuals other than the City of Vero Beach. Any use of this material is strictly at the risk of the user.

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PROPERTY DESCRIPTION
VOLUNTARY ANNEXATION #2015-AX-03
SECTION 25, TOWNSHIP 32 SOUTH, RANGE 39 EAST

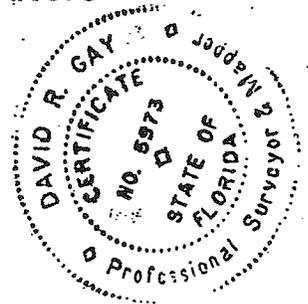
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Said annexation parcel containing 324,837 square feet or 7.46 acres more or less.



David R. Gay, PSM #5973



S:\Property Descriptions\2015\2015-AX-03_3780 Indian River Blvd_Dec 21 2015.doc

UNINCORPORATED
PORTION OF COUNTY

CITY LIMITS

NORTHWEST 1/4 OF
THE SOUTHEAST 1/4 OF
SECTION 25-32-39



SCALE 1" = 150'

VERO BEACH CITY LIMITS

3780 INDIAN RIVER BLVD

32-39-25-00000-7000-00002.1

SUBJECT ANNEXATION

7.46 ACRES±

THE WEST 686.49 FEET OF
THE SOUTHWEST 1/4 OF
THE SOUTHEAST 1/4 OF
SECTION 25-32-39
LYING NORTH OF INDIAN RIVER BLVD

30'

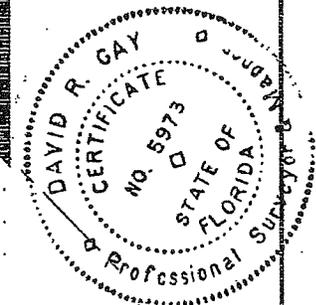
CITY LIMITS

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OR. BK 790, PG 2304

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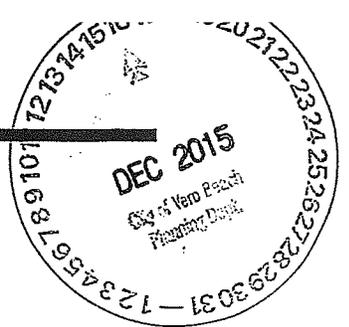
David R. Gay
DAVID GAY, PSM #5973 DATE 12/21/15
SHEET 2 OF 2

THIS SKETCH IS NOT A SURVEY

CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS SURVEY & ENGINEERING DIVISION	SKETCH OF PROPERTY DESCRIPTION VOLUNTARY ANNEXATION PORTION OF SECTION 25-32-39	EXHIBIT "A"		REV. NO.	AUTHZD. BY
		CITY PROJECT NO. 2015-AX-03	DRWN. BY	DATE	
		DATE 12/2015	DRWN BY MKF	CHKD BY MKF	DESCRIPTION

ATTACHMENT "B"

Voluntary Annexation Application
City of Vero Beach Planning Department
P.O. Box 1389, Vero Beach, FL 32961-1390
(772) 978-4550 - Fax (772) 778-3856
www.planning@covb.org



Date Received 12/16/15

Application # AX 15-000003

Prior to completing or signing this application, applicants and property owners are encouraged to read it thoroughly. If you have any questions, please do not hesitate to contact the Planning Department at (772) 978-4550.

APPLICANT Bruce Barkett Telephone 231-4343
Collins, Brown, Barkett Fax #: 234-5213
MAILING ADDRESS 756 Beachland Blvd., Vero Beach, FL 32963

SITE OWNER See attached Telephone 858-603-1173
Fax #: _____

OWNER ADDRESS c/o Bruce Barkett-Collins, Brown, Barkett, Garavaglia & Lawn, Chtd.
756 Beachland Blvd., Vero Beach, FL 32963

SITE LOCATION 3780 Indan River Blvd., Vero Beach, FL 32960

PARCEL I.D. NUMBER 32-39-25-00000-7000-00002/1

LEGAL DESCRIPTION The West 686.49 feet of the SW 1/4 of the SE 1/4 of
Section 25, Township 32 South, Range 39 East
Indian River County, Florida.

EXISTING USE Vacant

Please indicate the existing *Indian River County* Comprehensive Land Use Plan and Zoning designations:

Comp Plan M-1 Zoning RM-8

Should the above referenced property be annexed into the *City of Vero Beach*, please indicate the desired Vero Beach Comprehensive Land Use Plan and Zoning District designations:

Comp Plan R-M Zoning RM-8-10

Bruce Barkett 12/15/15 772-231-4343
Applicant Signature Date Telephone #

Property Owner Signature(s)* Date Telephone #

**Please note that all owners of a property must sign the application or the attached cover letter per #1 on the next page of this application.*

Collins, Brown, Barkett,
Garavaglia & Lawn

BRUCE D. BARKETT¹
LISA THOMPSON BARNES^{2,3}
CALVIN B. BROWN
GEORGE G. COLLINS, JR.¹
MICHAEL J. GARAVAGLIA⁴
RONALD KEITH LAWN^{5,6}

NICHOLAS L. BRUCE^{2,7}
AARON V. JOHNSON
MICHAEL G. KISSNER, JR.
C. DOUGLAS VITUNAC

WILLIAM W. CALDWELL, OF COUNSEL
STEVEN L. HENDERSON, OF COUNSEL¹

CHARTERED
ATTORNEYS AT LAW

755 BEACHLAND BOULEVARD, VERO BEACH, FLORIDA 32963
POST OFFICE BOX 2686, VERO BEACH, FLORIDA 32964-3686

TELEPHONE: 772-231-4343

FACSIMILE: 772-234-5213

EMAIL: CBC@VEROLAW.COM • WEBSITE: WWW.VEROLAW.COM

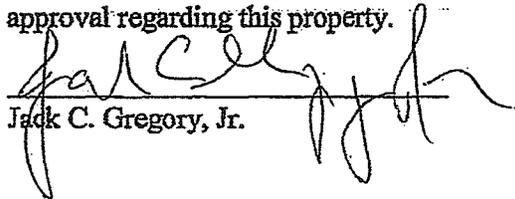
¹ BOARD CERTIFIED REAL ESTATE
² MASTER OF LAWS TAXATION
³ MASTER OF LAWS REAL PROPERTY DEVELOPMENT
⁴ MASTER OF LAWS ESTATE PLANNING AND ELDER LAW
⁵ CERTIFIED CIRCUIT MEDIATOR
⁶ ALSO ADMITTED IN DC AND SC
⁷ ALSO ADMITTED IN GA
⁸ ALSO ADMITTED IN THE COMMONWEALTH OF THE BAHAMAS

Timothy J. McGarry, AICP
Planning Director
City of Vero Beach
1053 20th Place
Vero Beach, FL 32960

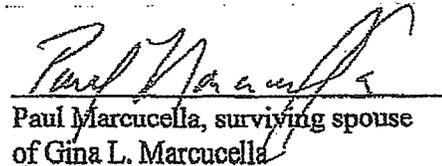
RE: Voluntary Annexation Application
Parcel ID # 32-39-25-00000-7000-00002.1

Dear Mr. McGarry:

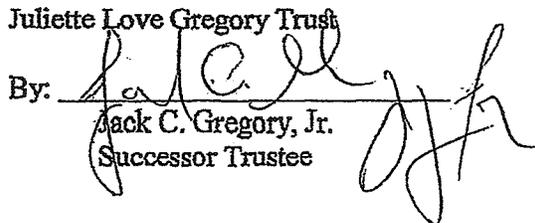
We the undersigned, being Jack C. Gregory, Jr.; Paul Marcucella, as surviving spouse of Gina L. Marcucella; and Jack C. Gregory, Jr., as Successor Trustee of the Juliette Love Gregory Trust, do hereby request annexation of the above-referenced property into the City of Vero Beach, Florida, as indicated on the attached Voluntary Annexation Application. Further, we the undersigned do hereby authorize Bruce Barkett and Collins, Brown, Barkett, Garavaglia & Lawn, Chartered, to represent us in all matters pertaining to the annexation and ultimate site plan approval regarding this property.



Jack C. Gregory, Jr.



Paul Marcucella, surviving spouse
of Gina L. Marcucella

Juliette Love Gregory Trust
By: 

Jack C. Gregory, Jr.
Successor Trustee

rec 21.50
stamps .10

THIS INSTRUMENT PREPARED BY AND SHOULD BE RETURNED TO:

Michael O'Haire, Esq.
O'Haire, Quinn, Candler & Casalino, Chtd
3111 Cardinal Drive
Vero Beach, FL 32963

Property Appraiser's Parcel No.: 25-32-39-00000-7000-00002.1

WARRANTY DEED

THIS WARRANTY DEED made the 30 day of January, 2006, by JACK C. GREGORY, JR., and GINA L. MARCUCELLA, formerly known as GINA L. GREGORY, as tenants in common, each as to an undivided one-half interest, whose post office address is 2646 Southeast 11 Street, Pompano Beach, FL 33062, hereinafter called the "Grantor," to JACK C. GREGORY, JR., GINA L. MARCUCELLA and GINA GREGORY as Trustee of the JULIETTE LOVE GREGORY TRUST, as tenants in common, each as to an undivided one-third interest, whose post office address is: 2646 Southeast 11 Street, Pompano Beach, FL 33062, hereinafter called the "Grantee:"

(Wherever used herein, the terms "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 Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Indian River County, Florida, to-wit:

The West 686.49 feet of the Southwest one-quarter of the Southeast one-quarter of Section 25, Township 32 South, Range 39 East, Indian River County, Florida,

LESS AND EXCEPT: (1) All easements and rights-of-way of record; (2) right-of-way for Indian River Boulevard, as described in Quit-Claim Deed recorded in Official Records Book 788 at Page 2723, and Warranty Deed recorded in Official Records Book 790 at Page 2305, Public Records of Indian River County, Florida, (3) the following described parcel:

A parcel of land lying in Section 25, Township 32 South, Range 39 East, Indian River County, Florida, described as follows: Begin at the intersection of the North/South quarter section line of said Section 25 and the North right-of-way line of 37th Street (a 110.00 foot right-of-way); thence North 00° 01' 22" West along said quarter section line a distance of 858.62 feet to the Southwesterly right-of-way line of Indian River Boulevard (a 200.00 foot right-of-way); thence South 44° 56' 05" East, along said right-of-way line, a distance of 972.62 feet; thence South 00° 01' 22" East, a distance of 167.00 feet, to a point on the aforementioned North right-of-way line of 37th Street; thence South 89° 44' 30" West, along said right-of-way line, a distance of 686.49 feet, to the point of beginning.

The property is not the homestead property of the Grantor herein nor does it adjoin the homestead property of the Grantor. The property is vacant land.

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 real estate in fee simple; that the Grantor has good right and lawful authority to sell and convey said real estate; that the Grantor hereby warrants title to said real estate and will defend the

same against the lawful claims of all persons whomsoever; and that said real estate is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

IN WITNESS WHEREOF, the Grantor aforesaid has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Print Name FRANK MARCUCCELLA

[Signature]
Print Name Kim Schlick

[Signature]
Jack C. Gregory, Jr.

[Signature]
Gina L. Marcucella, formerly known as
Gina L. Gregory

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 30th day of January, 2006, by Jack C. Gregory, Jr., and Gina L. Marcucella, formerly known as Gina L. Gregory, who are personally known to me or who has produced _____ as identification.

[Signature]

Notary Public
Notary's name: GAIL M RUBY
State of Florida at Large
My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA
Commission No.: Gail M. Ruby
 Commission # BD461862
Expires: AUG. 14, 2009
Bonded Thru Atlantic Bonding Co., Inc.

**JUSTIFICATION FOR VOLUNTARY
ANNEXATION APPLICATION**

Legal Description: The West 686.49 feet of the Southwest one-quarter of the Southeast one-quarter of Section 25, Township 32 South, Range 39 East, Indian River County, Florida.

Parcel ID #32-39-25-00000-7000-00002.1

The owners request annexation into the City of Vero Beach to develop the property in a manner which reflects its highest and best use in accordance with the Land Development Code of the City of Vero Beach. The applicant seeks the desired City Comprehensive Land Use Plan designation of R-M, and the zoning designation of RM-8-10 in order to develop the property at between eight and ten units per acre.

The Land Development Code of the City of Vero Beach allows the applicant to use all of the property's acreage in its density calculations for site plan purposes.

This property is contiguous with the City of Vero Beach in that a substantial part of the boundary of the property is coterminous with the boundary of the City of Vero Beach.

This property is compact in that it is confined to a single area and would not create an enclave, pocket, or finger encroaching into Indian River County.

This property is in an area which is urban in character, and which can be easily served by the services offered by the City of Vero Beach, including police and fire services. Accordingly, the owners respectfully request annexation into the City of Vero Beach.

ATTACHMENT "C"



OFFICE OF THE CITY ATTORNEY

MEMORANDUM

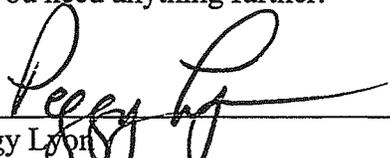
To: Cheri Fitzgerald, AICP, Project Manager, Planning and Development
From: Peggy Lyon, Assistant City Attorney
Subject: Proposed Voluntary Annexation Application (@AX15-000003): 3780 Indian River Boulevard (Located Between 37th Street and 41st Street)
Date: January 13, 2016

Per your request, I have reviewed the proposed voluntary annexation application for compliance with Florida Statute 171.044 "Voluntary Annexation."

Under the voluntary annexation procedure set forth in section 171.044, the only limitations proscribed are that the property be contiguous, reasonably compact, and that it not create enclaves. City of Sunrise v. Broward County, 473 So. 2d 1387 (Fla. 4th DCA 1985). I have reviewed the file and materials provided by your department, including a map and survey of the subject property, have discussed the annexation application with Director of Planning and Development Tim McGarry, and have determined that the subject voluntary annexation meets the statutory requirements.

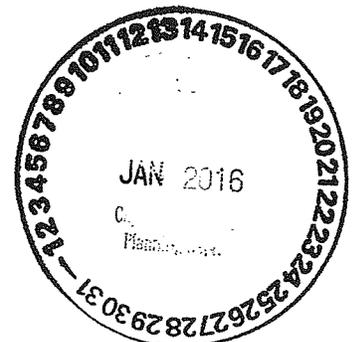
As you know, Florida Statutes 171.044 and 171.091 provide the required procedure for advertising the annexation ordinance and outline the various required filings of the ordinance after adoption, which required filings are time sensitive and mandatory. Note that the ordinance must include a map of the annexed area and a complete legal description of that area by metes and bounds. In addition, Appendix A "Description of Corporate Boundary" to the Charter of the City of Vero Beach will need to be revised to include the annexed property if the ordinance is adopted. A copy of that revision must be filed with the Department of State within 30 days of the adoption and submitted to the Office of Economic and Demographic Research with a statement specifying the population census effect and the affected land area.

Please let me know if you have any questions or you need anything further.



Peggy Lyon
Assistant City Attorney

Cc: Tim McGarry, Director of Planning and Development
Monte Falls, Director of Public Works



**PLANNING AND ZONING BOARD MINUTES
THURSDAY, FEBRUARY 18, 2016 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, Lawrence Lauffer; Vice Chairman, Honey Minuse; Members: Linda Hillman, Norman Wells, Don Croteau, Alternate Member #1 Richard Cahoy and Alternate Member #2, Ken Daige **Also Present:** Planning and Development Director, Tim McGarry; Project Manager, Cheri Fitzgerald and Deputy City Clerk, Sherri Philo

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A) Regular Meeting – January 21, 2016

Mrs. Hillman referred to the minutes of the January 21, 2016 Planning and Zoning Board meeting. She noted that on page one (1) “Ms.” Croteau should be “Mr.” Croteau.

Mrs. Minuse made a motion to approve the minutes of the January 21, 2016 Planning and Zoning Board meeting as amended. Mrs. Hillman seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. VOLUNTARY ANNEXATION REPORT

A) Application #AX15-000003 - 3780 Indian River Boulevard

Mrs. Cheri Fitzgerald, Project Manager, went over staff’s report with the Board members (attached to the original minutes). Staff recommends that the Planning and Zoning Board approve the Voluntary Annexation Report and recommend to City Council to move forward to annex the subject property.

Mrs. Minuse referred to the map included in the backup material. She asked what is the zoning of the property to the east.

Mrs. Fitzgerald said it is conservation land that is located in the City and is owned by Indian River Land Trust (IRLT).

Mrs. Minuse asked is the rest of the land located in the City also owned by IRLT.

Mrs. Fitzgerald answered yes.

Mrs. Minuse said then the proposed property is located in the middle of conservation lands.

Mrs. Fitzgerald said it is adjacent to the north and adjacent to the east of this property.

Mrs. Minuse asked what is the zoning designation for the angular piece of property located along Indian River Boulevard.

Mrs. Fitzgerald said that she was not sure.

Mrs. Minuse asked what is their intent. She asked are they going to mitigate.

Mrs. Fitzgerald said they don't have a site plan, but mitigating for the wetlands would be part of the site plan process.

Mr. Bruce Barkett, Attorney representing the applicant, said staff's presentation was thorough and complete and they agree with everything staff said.

Mr. Croteau made a motion that the Board approves staff's recommendation to approve Voluntary Annexation Application #AX15-000003 for the property located at 3780 Indian River Boulevard. Mr. Wells seconded the motion and it passed 5-0 with Mr. Wells voting yes, Mrs. Hillman yes, Mr. Croteau yes, Mrs. Minuse yes, and Mr. Lauffer yes.

V. PLANNING DEPARTMENT MATTERS

Mr. Tim McGarry, Planning and Development Director, reported that there has been a lot of discussion with the City Council regarding the Vision Plan. He handed out to the Board members a report on the implementation status of the Vision Plan that he prepared for the City Council (on file in the City Clerk's office).

Mr. Daige felt the timing was great to have this document because it shows the public they have been doing some things with the Vision Plan. He asked Mr. McGarry where they were in working on the Comprehensive Plan.

Mr. McGarry said the consultant he hired is working on the housing element, conservation and coastal management. He said they are dividing it into two documents, one being the policy and one being the analysis. He reported that he has completed the background on the transportation element and the background on the land use element. Regarding the infrastructure, he has completed solid waste, stormwater, and is finishing up on sanitary sewer. He is going to try to start bringing policies before the Board in March. He said they are still looking at five or six months before the Comprehensive Plan is complete.

Mr. Daige asked with staff's workload increasing, will they be able to meet that time frame.

Mr. McGarry said they are going to have to.

Mr. Daige said they are busy now and they are going to get busier.

Mr. McGarry said at budget time he will be asking for one position to his Department, which would be at the Planning Technician level.

Mr. Lauffer referred to the City of Vero Beach Comprehensive Plan Update document that was previously given to the Board members. He asked is this document current.