



**BOARD OF COUNTY
COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA
AGENDA
SPECIAL PUBLIC HEARING**

TUESDAY, SEPTEMBER 12, 2006 - 6:00 P.M.

**First Floor Conference Room A
County Administration Building
1840 25th Street, Vero Beach, Florida, 32960-3365
WWW.IRCGOV.COM**

COUNTY COMMISSIONERS

**Arthur R. Neuberger, Chairman
Gary C. Wheeler, Vice Chairman
Sandra L. Bowden
Wesley S. Davis
Thomas S. Lowther**

**District 2
District 3
District 5
District 1
District 4**

**Joseph A. Baird, County Administrator
William G. Collins II, County Attorney
Kimberly Massung, Executive Aide to BCC
Jeffrey K. Barton, Clerk to the Board**

- | | | <u>PAGE</u> |
|----|---|--------------------------------|
| 1. | <u>CALL TO ORDER</u> | <u>6:00 P.M.</u> |
| 2. | <u>INVOCATION</u> | Stan Boling, Planning Director |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Wesley S. Davis |
| 4. | <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | |
| 5. | <u>PUBLIC ITEMS</u> | |
| A. | <u>PUBLIC HEARINGS</u> | |
| 1. | Continuation of Public Hearing on Request for Rezoning Approval and Proposed Settlement of Lawsuit, Treviso, LLC v. Indian River County (memorandum dated September 5, 2006) | 1-65 |
| | Quasi-Judicial | |

6. ADJOURNMENT

Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal will be based.

Anyone who needs a special accommodation for this meeting may contact the County's Americans with Disabilities Act (ADA) Coordinator at (772) 226-1223 at least 48 hours in advance of meeting.

The full agenda is available on line at the Indian River County Website at www.ircgov.com The full agenda is also available for review in the Board of County Commission Office, the Indian River County Main Library, the IRC Courthouse Law Library, and the North County Library.

*Commission Meeting may be broadcast live by Comcast Cable Channel 27
Rebroadcasts continuously with the following proposed schedule:
Wednesday at 9:00 a.m. until 5:00 p.m.,
Thursday at 1:00 p.m. through Friday Morning,
and Saturday at 12:00 Noon to 5:00 p.m.*




Office of Continuation of Public Hearing - 9/12/06 3:00pm
**INDIAN RIVER COUNTY
ATTORNEY**

SAL

William G. Collins II, County Attorney
Marian E. Hill, Assistant County Attorney
William K. DeBraal, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: William K. DeBraal, Assistant County Attorney 

DATE: September 5, 2006

RE: Continuation of Public Hearing on Request for Rezoning Approval and Proposed Settlement of Lawsuit, Treviso, LLC v Indian River County

At its regular meeting of August 22, 2006, the Board of County Commissioners held a public hearing on Treviso LLC's request for rezoning approval. After opening the public hearing, the Board voted to continue the hearing to September 12, 2006, at 6 pm so that interested parties could attend the hearing and not have to take time off from work.

History of the Rezoning Request

Treviso LLC requested this 19.48 acre property be rezoned from A-1, Agricultural, to RM-8, Multi-Family Residential, up to 8 units per acre. On February 23, 2006, the Planning and Zoning Commission considered Treviso's application and recommended by a 4-3 vote to rezone the property to RM-6, Multi-Family Residential, up to 6 units per acre. Treviso appealed the P & Z's decision to the Board of County Commissioners again requesting RM 8 zoning. The Board considered the appeal at its April 11, 2006 meeting and voted to rezone the property to RS-6, up to 6 single family units per acre.

The Board voted to reconsider the rezoning application at its May 2, 2006 meeting. As this is a rezoning request, the matter has been advertised for public hearing and notice has been provided to surrounding property owners pursuant to code.

In order to preserve its appeal rights, Treviso filed suit against Indian River County. The case is currently pending in Circuit Court. To date, the court has not made a decision on the case and the matter is temporarily held in abeyance for possible settlement of the lawsuit.

Changes in the Application since the last Public Hearing

Treviso has approached staff with a revised proposal in order to settle the lawsuit. In the revised proposal, Treviso will record deed restrictions as follows

- limit the density on the property to seven (7) dwelling units per acre
- limit the total number of dwelling units on the property to 136

- designate 30 of the units as Workforce Housing Units as follows:
 - ten units would have an initial sales price of \$166,500.00.
 - ten units would have an initial sales price of \$199,500.00.
 - ten units would have an initial sales price of \$219,000.00.
 - The resale price of a Workforce Housing Unit may only be increased by 3% per year for the first ten years from the initial sale date. If a unit is sold, the sale would not be deemed final until the closing agent would receive a letter from the County Attorney's office certifying the sales price is in compliance with the deed restrictions.
 - The 30 units may not be leased or sublet for a period of ten years.

If the rezoning is approved by the Board, the pending litigation will terminate and the case will be dismissed after 30 days. If the Board does not approve the rezoning, the litigation will continue and we will await further ruling by the court.

Recommendation

Staff recommends the Board conduct the public hearing and take testimony on the rezoning request. The Board is then to decide whether to grant the rezoning request and accept the deed restrictions.

- Attachments: Planning and Zoning Commission Minutes from February 23, 2006
 BCC Agenda item and Minutes from April 11, 2006
 BCC Minutes from May 2, 2006
 BCC Minutes from August 22, 2006 (unapproved excerpt)
 Declaration of Restrictions
 Proposed Ordinance

APPROVED FOR 9-12-06
~~PLANNING AND ZONING COMMISSION~~ PUBLIC HEARING
[Signature]
 COUNTY ATTORNEY

| Item #/Rev. Ct. | Approved | Date |
|-----------------|----------|---------|
| Admin. | GAB | 9/7/06 |
| Legal | JWK/D | 9/15/06 |
| Financial | | |
| Environ. | | |
| Transp. | Rusk | 9/5/06 |
| Public Works | | |

property, because the new property owner would not be bound by the promises Mr. Brackett made to pave the road.

THE MOTION WAS CALLED and passed with a vote of (6-1). Mr. Chisholm opposed.

Mr. Chisholm voted no because he had the same concern Attorney Collins presented, which was if the developer sold the property, 13th Street, S.W. would not be paved.

ON MOTION BY Mr. Bruce, SECONDED BY Mr. Fletcher, the members voted unanimously (7-0) to continue the meeting until 11:30 p.m.

Chairman Keys read the following into the record:

- ⇒ **B. Treviso LLC Rezoning:** Request to rezone ±19.48 acres located at the northeast intersection of 16th Street and 74th Avenue, from A-1, Agricultural-1 District (up to 1 unit/5 acres), to RM-8, Multiple-Family Residential District (up to 8 units/acre). Treviso LLC, Owner. Siemon and Larsen, Agent. **[Quasi-Judicial]**

Ms. Vasillas swore in all those present wishing to speak on this item.

Mr. Carmony presented the information contained in his memorandum, a copy of which is on file in the Commission Office.

Mr. Charles Siemon, agent, presented the opinions of the owner. He stated he agreed with most of the staff recommendations but asked for the P&Z to consider the rezoning to RM-8, Multiple-Family Residential District (up to 8 units/acre). He provided a lengthy dissertation on his reasons for the request.

Chairman Keys opened the public hearing at 11:14 p.m. and since no one wished to speak, the public hearing was closed.

ON MOTION BY Mr. Hamner, SECONDED BY Mr. Fletcher, to support staff's position and go with Option #3 to recommend to the Board of County Commissioners to approve the rezoning with a lower density zoning district, such as RM-6, Multiple-Family Residential District (up to 6 units/acre).

Under discussion. Mr. Christopher stated he would be voting no because of the uncertainties of the roads needing to be built for the projects already approved, the costs involved, and when they would be completed. He continued under those circumstances, any rezoning at this level could not be justified.

Mr. Bruce felt there was a serious incompatibility with the property across 74th Avenue that was RS-1, Single Family Residential District (up to 1 unit/acre). He stated he would support a RS-6, Single Family Residential District (up to 6 units/acre).

THE MOTION WAS CALLED and passed with a vote of (4-3). Mr. Bruce, Mr. Christopher and Chairman Keys opposed.

Chairman Keys stated she voted no because she did not feel it was appropriate for rezoning to RM-6 because there were roads not paved and the County did not own the right-of-way.

~~Chairman Keys read the following into the record:~~

- ~~C. **Consideration of Proposed Amendment to LDR Sections 911.09(4) and 971.41(10)(b): Allowing Single-Family Dwellings and Accessory Single-Family Dwellings in the Mobile Home Districts**~~

~~Mr. Boling reviewed the information contained in his memorandum, a copy of which is on file in the Commission Office.~~

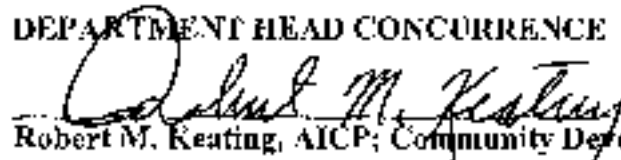
Public Hearing
(Quasi-Judicial)

INDIAN RIVER COUNTY, FLORIDA

MEMORANDUM

TO: Joseph A. Baird, County Administrator

DEPARTMENT HEAD CONCURRENCE


Robert M. Keating, AICP; Community Development Director

THROUGH: Sasan Rohani, AICP; Chief, Long-Range Planning *S.A.*

FROM: Gale Carmoney; Senior Planner, Long-Range Planning *DC*

DATE: March 31, 2006

RE: Treviso LLC's Request to Rezone ±19.48 acres from A-1 to RM-8 (RZON 2006010188-52490)

It is requested that the following information be given formal consideration by the Planning and Zoning Commission at its regular meeting of April 11, 2006.

DESCRIPTION AND CONDITIONS

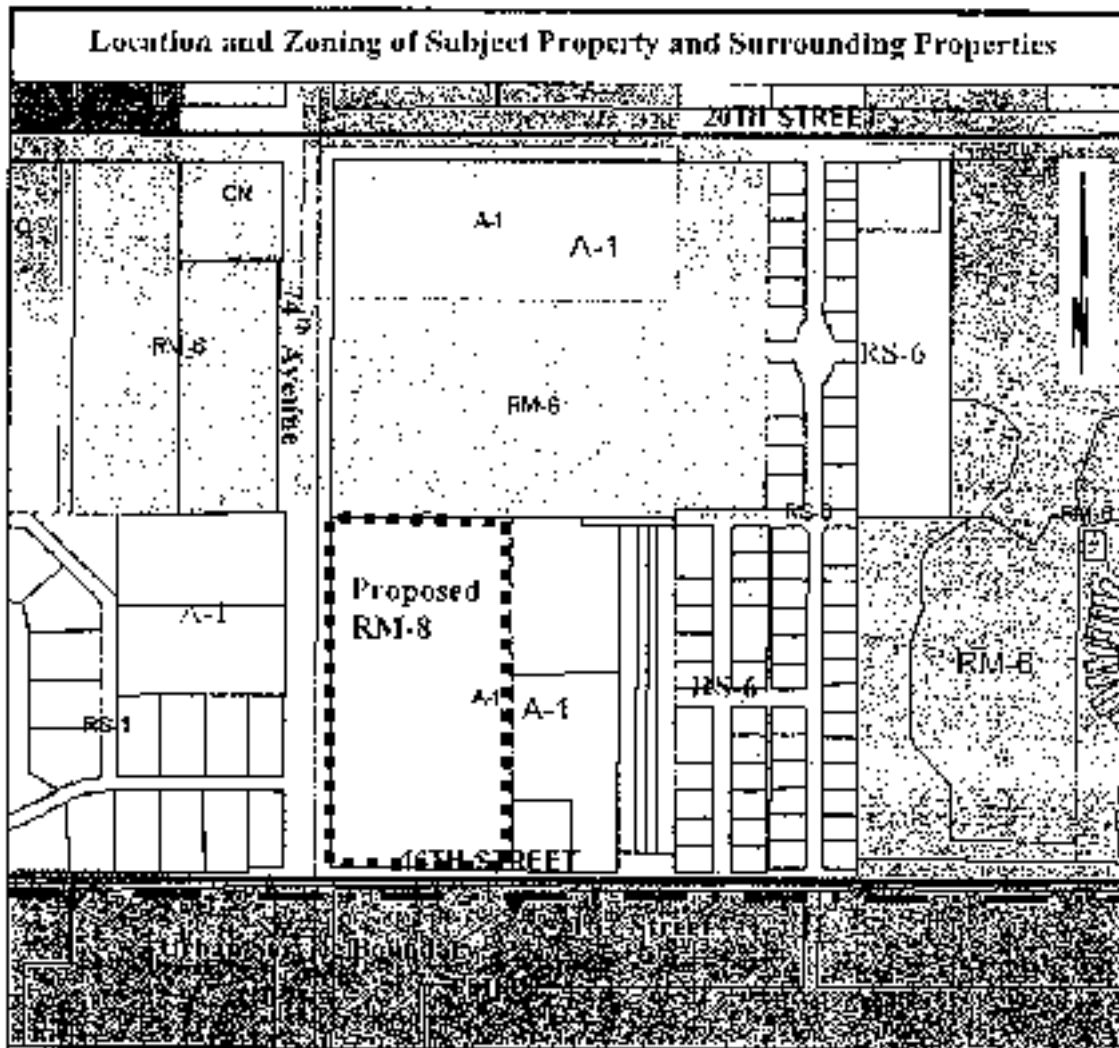
This request is to rezone ±19.48 acres from A-1, Agricultural-1 District (up to 1 unit/5 acres), to RM-8, Multiple Family Residential District (up to 8 units/acre). Located at the northeast quadrant of the intersection of 16th Street and 74th Avenue, the subject property is depicted in the figure below. The purpose of this request is to secure the zoning necessary to develop the site with residential uses at a density consistent with the allowed density of its comprehensive plan land use designation.

On February 23, 2006, the Planning and Zoning Commission voted 4 to 3 to recommend that the Board of County Commissioners not rezone the property as requested, but instead to rezone the subject property to RM-6. Subsequently, the applicant formally appealed the Planning and Zoning Commission's decision, and submitted an *Evidentiary Statement in Support of Application for Rezoning*. That statement is included with this report as Attachment #6.

Existing Land Use Pattern

Generally, this area of the county contains residential uses, commercial uses and agricultural land. Zoned A-1, Agricultural-1 District (up to 1 unit/5 acres), the subject property contains a single family residence and an abandoned citrus grove. Land to the north of the subject property is zoned RM-6, Multiple-Family Residential District (up to 6 units/acre), and is vacant and

undeveloped. Land immediately to the east is zoned A-1 and is developed with single family homes. To the west of the subject property, across 74th Avenue, land is zoned RS-1, Single Family Residential District (up to 1 unit/acre), and A-1, Agricultural District (up to 1 unit / 5 acres). The RS-1 zoned land contains the Westlake Estates subdivision which is developed at .68 units/acre, while the A-1 zoned land contains single family homes and a landscape plant nursery. Land to the south, across 16th Street, is outside of the urban service area, is zoned PDTND, and contains a golf course.

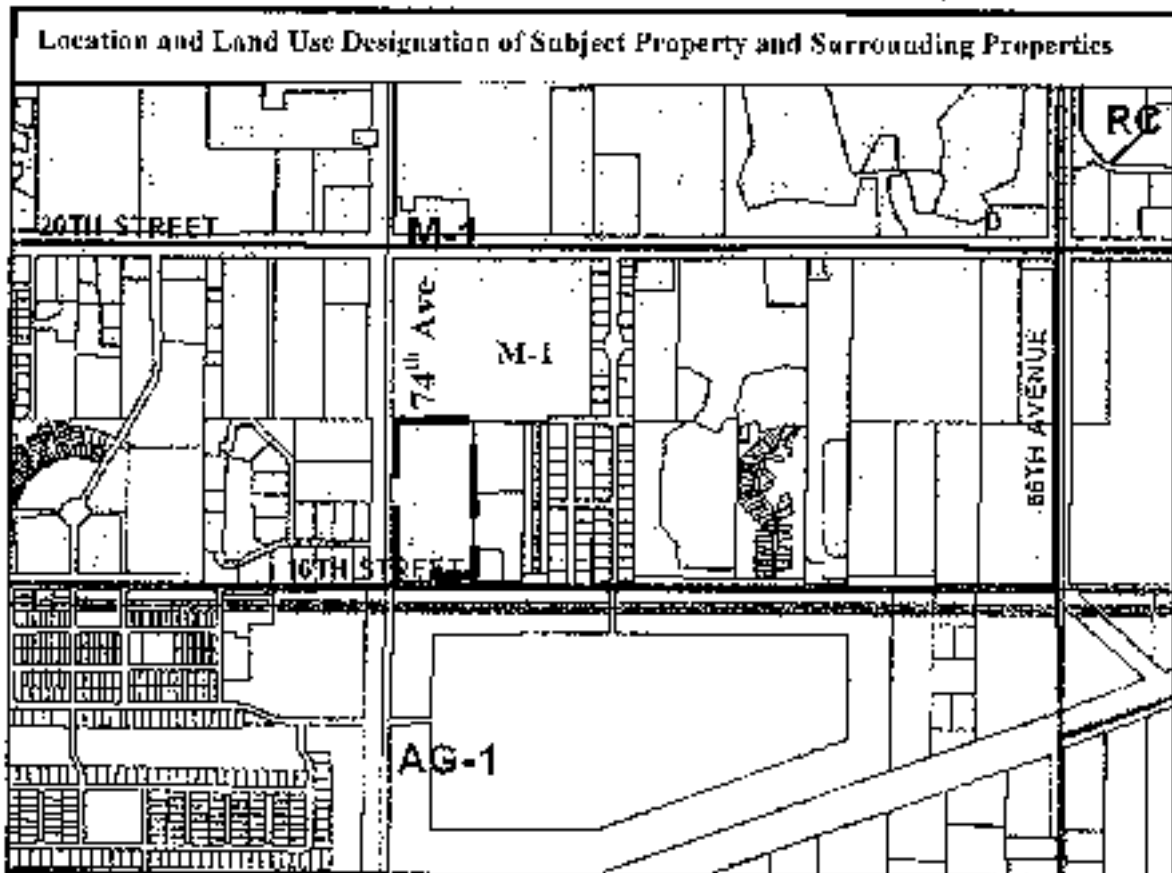


Future Land Use Pattern

With the exception of the land to the south of the subject property and across 16th Street, the subject property and all abutting properties are designated M-1, Medium-Density Residential-1, on the county's Future Land Use Map. The M-1 designation permits residential uses with densities up to 8 units/acre. The property that is south of the subject property is outside of the urban service area and is designated AG-1, Agricultural-1, on the county's Future Land Use Map. The AG-1 designation allows agricultural uses and residential uses up to 1 unit/5 acres.

Environment

The subject property is an abandoned grove and, therefore, an altered site. The property is not designated as environmentally important or environmentally sensitive by the comprehensive plan. No wetlands exist on the site. According to Flood Insurance Rating Maps, the subject property is in a flood zone "X".



Utilities and Services

The site is within the Urban Service Area of the county. Wastewater service is available to the site from the West Regional Wastewater Treatment Plant, while potable water service is available to the site from the South County Reverse Osmosis Plant.

Transportation System

The property's south boundary abuts 16th Street and a canal. Classified as a Rural Major Collector road on the future roadway thoroughfare plan map, this segment of 16th Street is a 2 lane unpaved road with approximately 30 feet of existing public road right-of-way. The canal is south of 16th Street and also has 30 feet of right of way. Presently, the county is in the process of acquiring additional right-of-way in order to proceed with improvements to this segment of 16th Street within the next year.

The subject property's western boundary aligns with 74th Avenue and the Range Line Canal. Classified as a Rural Major Collector road on the future roadway thoroughfare plan map, this segment of 74th Avenue is a paved 2 lane road with 66 feet of existing public right-of-way and a left turn lane for 16th Street. There are currently no planned road improvements for 74th Avenue listed within the County's Comprehensive Plan through the year 2025. The canal, which is between 74th Avenue and the subject property's western boundary, has 100 feet of right-of-way.

ANALYSIS

In this section, an analysis of the reasonableness of the rezoning request will be presented. Specifically, this section will include:

- The request's impact on public facilities;
- The request's consistency with the county's comprehensive plan;
- The request's compatibility with the surrounding area; and
- The request's potential impact on environmental quality

Concurrency of Public Facilities

This site is located within the county urban service area, an area deemed suited for urban scale development. The Comprehensive Plan establishes standards for: Transportation, Potable Water, Wastewater, Solid Waste, Stormwater Management, and Recreation. The adequate provision of these services is necessary to ensure the continued quality of life enjoyed by the community. The Comprehensive Plan and Land Development Regulations (LDRs) also require that new development be reviewed to ensure that the minimum acceptable standards for these services and facilities are maintained.

Policy 3.2 of the Future Land Use Element states that no development shall be approved unless it is consistent with the concurrency management system component of the Capital Improvements Element. For rezoning requests, conditional concurrency review is required.

Conditional concurrency review examines the available capacity of each facility with respect to a proposed project. Since rezoning requests are not projects, county regulations call for the concurrency review to be based upon the most intense use of the subject property based upon the requested zoning. For residential rezoning requests, the most intense use (according to the County's LDRs) is the maximum number of units that could be built on the site, given the size of the property and the maximum density under the proposed zoning. The site information used for the concurrency analysis is as follows:

- | | |
|--------------------------------|--|
| 1. Size of Area to be Rezoned: | 19.48 acres |
| 2. Existing Zoning District: | A-1, Agricultural District (up to 1 unit/5 acres). |
| 3. Proposed Zoning District: | RM-8, Multiple-Family Residential District (up to 8 units/acre) |

4. Most Intense Use of Subject Property

Under Existing Zoning District: **3 Single-Family Units**

5. Most Intense Use of Subject Property

Under Proposed Zoning District: **155 Multiple-Family Units**

Transportation

As part of the concurrency review process, the applicant has submitted a Traffic Impact Analysis (TIA). A TIA reports the number of peak hour/peak season/peak direction trips that would be generated by the most intense use of the subject property under the proposed zoning district, and assigns those trips to impacted roads. Impacted roads are defined in section 910.09(4)(b)3 of the county's LDRs as roadway segments which receive five percent (5%) or more of the project traffic or fifty (50) or more project trips, whichever is less.

According to the approved TIA, the existing level of service on impacted roads would not be lowered by the traffic generated by development of 155 multiple-family units on the subject property. A summary of the Traffic Impact Analysis is provided in Attachment 3.

Water

With the proposed zoning, the subject property could accommodate 155 residential units, resulting in water consumption at a rate of 155 Equivalent Residential Units (ERU), or 38,750 gallons/day. This is based upon a level of service of 250 gallons/ERU/day. Development on the subject property would be served by the South County Reverse Osmosis Plant, which currently has sufficient capacity to accommodate the additional demand generated by the proposed rezoning.

Wastewater

Based upon the most intense use allowed under the proposed zoning, development of the property will have a wastewater generation rate of approximately 155 Equivalent Residential Units (ERU), or 38,750 gallons/day. This is based upon the level of service standard of 250 gallons/ERU/day. County wastewater service is available to the site from the West Regional Wastewater Treatment Plant, which currently has sufficient capacity to accommodate the additional wastewater generated by the subject request.

Solid Waste

Solid waste service includes pick-up by private operators and disposal at the county landfill. The county's adopted level of service standard for landfill capacity is 3.67 cubic yards/person/year. With the county's average of approximately 2.25 persons/unit, a 155 unit residential development would be anticipated to house approximately 349 people (2.25 X 155). For the subject request to meet the county's adopted level of service standard of 3.67 cubic

yards/person/year, the landfill must have enough capacity to accommodate approximately 1280.83 (349 X 3.67) cubic yards/year.

A review of the solid waste capacity for the active segment of the county landfill indicates that the county landfill can accommodate the additional solid waste generated by the site under the proposed zoning district.

Stormwater Management

All developments are reviewed for compliance with county stormwater regulations, which require on-site retention, preservation of floodplain storage and minimum finished floor elevations. In addition, development proposals must meet the discharge requirements of the county Stormwater Management Ordinance. Since the site is located within the C-2 Drainage Basin and the Indian River Farms Water Control District (IRFWCD), development on the property will be prohibited from discharging any runoff in excess of two inches in a twenty-four hour period, which is the approved IRFWCD discharge rate.

In this case, the minimum floor elevation level of service standard does not apply, since the property does not lie within a floodplain. Both the on-site retention and discharge standards apply. The stormwater management level of service standard will be met by limiting off site discharge to the IRFWCD's maximum discharge rate of two inches in twenty-four hours, and maintaining on-site retention of the stormwater runoff for the most intense use of the property.

As with all development, a more detailed review will be conducted during the development approval process.

Recreation

A review of county recreation facilities and the projected demand that would result from the most intense development that could occur on the property under the proposed zoning district indicates that the adopted levels of service would be maintained. The table below illustrates the additional park demand associated with the proposed development of the property and the existing surplus acreage.

| Park Information | | |
|----------------------------------|------------------------|-----------------|
| LOS (Acres per 1,000 Population) | Project Demand (Acres) | Surplus Acreage |
| 6.61 | 2.31 | 32.6 |

Concurrency Summary

Based upon the analysis conducted, staff has determined that all concurrency-mandated facilities, including stormwater management, roads, solid waste, recreation, water, and wastewater, have adequate capacity to accommodate the most intense use of the subject property under the

proposed zoning district. Therefore, the concurrency test has been satisfied for the subject request.

Consistency with Comprehensive Plan

Rezoning requests are reviewed for consistency with all applicable policies of the comprehensive plan. Rezonings must also be consistent with the overall designation of land uses as depicted on the Future Land Use Map, which include agriculture, residential, recreation, conservation, and commercial and industrial land uses and their densities.

The goals, objectives and policies are the most important parts of the comprehensive plan. Policies are statements in the plan that identify the actions which the county will take in order to direct the community's development. As courses of action committed to by the county, policies provide the basis for all county land development decisions. While all comprehensive plan policies are important, some have more applicability than others in reviewing rezoning requests. Of particular applicability for this request are the following objectives and policies.

Future Land Use Element Objective 1

Future Land Use Element Objective 1 states that the county will have a compact land use pattern, which reduces urban sprawl. By allowing the site to be developed in a manner that is consistent with the site's land use designation, the request allows a more compact land use pattern within the urban service area and reduces the chances that urban sprawl will occur. For these reasons, the request is consistent with Future Land Use Element Objective 1.

Future Land Use Element Policy 1.13

Future Land Use Element Policy 1.13 states that the M-1, Medium-Density Residential-1, land use designation is intended for residential uses with densities up to 8 units/acre. In addition, Future Land Use Element Policy 1.13 states that these residential uses must be located within the urban service area.

Since the subject property is located within an area designated as M-1 on the county's Future Land Use Map and is located within the county's urban service area, and the proposed zoning district would permit residential uses no greater than 8 units/acre, the proposed request is consistent with Policy 1.13.

Future Land Use Element Policy 2.2

Future Land Use Element Policy 2.2 states that the county shall encourage and direct growth into the urban service area through zoning and LDRs. Since the proposed rezoning would allow and encourage more development on the subject property and the subject property is within the urban service area, the request implements Future Land Use Element Policy 2.2.

Future Land Use Element Policy 1.45 and 1.41

Future Land Use Element Policy 1.45 states that when vacant land within the urban service area is located adjacent to developed property that is built to a density lower than the allowed density of the vacant property, the vacant property shall have a transition area next to the built property with a density in that transition area comparable to that of the built property.

Future Land Use Element Policy 1.41 states that the board recognizes that not every zoning district allowed in a land use designation is appropriate for every site within that land use designation. In addition, this policy states that the Board may determine that where medium density residential lands abut lower density residential land, the medium density land may be zoned an intermediate density.

In the case of the subject property, both of these policies apply and both support rezoning the subject property to RM-6 instead of RM-8. Consistent with Policy 1.45, a transition to the lower density, developed Westlake Estates property to the west is warranted. Such a transition could be RM-6 zoning.

With respect to Policy 1.41, the county has recognized and applied the principle that every zoning district allowed in a land use designation category is not applicable everywhere within the land use designated area. That principle particularly applies in this case. Within the M-1 land use designation area along SR 60 corridor, the county has generally limited the zoning district for properties located further from SR 60. Consequently, this property is more suited for RM-6 zoning instead of RM-8 zoning.

Consistency Summary

As part of its consistency analysis, staff compared the proposed request to all applicable objectives and policies in the plan and found the requested RM-8 zoning district does conflict with Future Land Use policies 1.45 and 1.41. Therefore, staff's position is that the request is not consistent with the comprehensive plan.

Compatibility with the Surrounding Area

During discussions between staff and the applicant, staff recommended that the applicant request RM-6 zoning, instead of the RM-8 zoning. The applicant, however, chose to proceed with the RM-8 rezoning request. Staff's position is that the requested zoning district is not appropriate for the site and that development at the density proposed under the requested RM-8 zoning district (155 units) will be not compatible with surrounding land uses. Staff feels that a lower density zoning district, such as RM-6 (116 units), would be more appropriate.

Policy 1.41 of the Future Land Use Element states that not every zoning district allowed in a land use designation is appropriate for every site within that land use designation. In this case, the subject property's southern property line is adjacent to the urban service area boundary. Historically, the county has approved a lower density zoning district for these properties that border the urban service area. This is evident with recent rezoning requests for three other

properties on 16th street that are east of the subject property and are also adjacent to the urban service area boundary. All three of those properties have an M-1 land use designation that allows up to 8 units/acre. The Board of County Commissioners has approved RM-6 zoning districts for all three of these rezoning requests.

Since the property immediately to the north of the subject property is zoned RM-6, an RM-6 zoning of the subject property would be a continuation of that zoning. In fact, a majority of the properties in the immediate vicinity are zoned or developed at a density of 6 units/ acre or less.

Two factors indicate that an urban type of zoning district would be appropriate for this portion of the county. The first factor is the underlying designation on the Future Land Use Map. As shown on the Future Land Use Map, the subject property is within the urban service area and is deemed appropriate for residential development at medium densities. In this case, however, the requested 8 units/acre is not compatible with the existing development pattern in this area of the county.

Equally important is the development pattern in this portion of the county. This area of the county is primarily zoned for or developed with low and medium density developments. These factors indicate a trend toward continued urbanization in this portion of the county. Therefore, no incompatibilities between the properties in this area and the subject property are anticipated to occur if the subject property is rezoned to RM-6.

For those reasons, staff feels that the requested RM-8 zoning district will not be compatible with development in the surrounding area.

Alternatives

The Board of County Commissioners has 3 options regarding this rezoning request.

1. To **approve** the rezoning request as submitted.
2. To **deny** the rezoning request as submitted.
3. To **approve** the rezoning with a **lower density** zoning district, such as RM-6 or RS-6.

In a 4 to 3 vote, the Planning and Zoning Commission recommend that the Board approve option # 3.

Potential Impact on Environmental Quality

The subject property is an altered site that had been used for residential and agricultural uses. Since the subject property contains no environmentally important land, such as wetlands or sensitive uplands, development of the site is anticipated to have little or no impact on environmental quality. For this reason, no adverse environmental impacts associated with this request are anticipated.

CONCLUSION

Based on the analysis, staff has determined that the requested zoning district meets all concurrency criteria, and will have no negative impacts on environmental quality. Staff, however, has determined that the requested zoning district is not consistent with the comprehensive plan, and is not compatible with surrounding areas. For these reasons, staff does not support the request as it is submitted.

RECOMMENDATION

Based on the analysis conducted, the Planning and Zoning Commission and staff recommend that the Board of County Commissioners deny this request to rezone the subject property from A-1 to RM-8, and rezone the subject property from A-1 to RM-6 by approving the attached ordinance.

ATTACHMENTS

- 1. Summary Page
- 2. Rezoning Application
- 3. Traffic Impact Summary Report
- 4. Approved minutes from the February 23, 2006, Planning and Zoning Commission meeting
- 5. Ordinance
- 6. Evidentiary Statement in Support of Application for Rezoning

Approved Agenda Item:

By: _____

For: April 11, 2006

| Indian River Co. | Approved | Date |
|------------------|-------------|----------------|
| Admin | | |
| Legal | <i>AK</i> | <i>4/11/06</i> |
| Budget | <i>CA</i> | <i>4/5/06</i> |
| Depts. | <i>MARK</i> | <i>4/4/06</i> |
| Risk Mgr. | | |

SUMMARY PAGE

GENERAL

Applicant: Treviso LLC.
Location: Northeast intersection of 16th Street and 66th Avenue
Acreage: 19.48
Land Use Designation: M-1, Medium-Density Residential-1 (up to 8 units/acre)
Existing Zoning: A-1, Agricultural District (up to 1 unit/ 5 acres)
Requested Zoning: RM-8, Multiple-Family Residential District (up to 8 units/acre)
Existing Land Use: Single family residential and Agricultural

ADJACENT LAND

North: Citrus Grove: Zoned A-1, Agricultural District (up to 1 unit/ 5 acres)
South: Golf Course, outside of USA: Zoned PDTND, Planned Development Traditional Neighborhood Design
West: Westlake Estates subdivision and single family residential uses: Zoned RS-1, Single Family Residential District (up to 1 unit/acre) and A-1, Agricultural District (up to 1 unit/ 5 acres)
East: Single family residential uses. Zoned A-1, Agricultural District (up to 1 unit/ 5 acres)

INFRASTRUCTURE

Water is available from the South County Reverse Osmosis Plant and sewer is available from the West Regional Wastewater Plant: access is from 16th Street.

ENVIRONMENTAL CONSTRAINTS

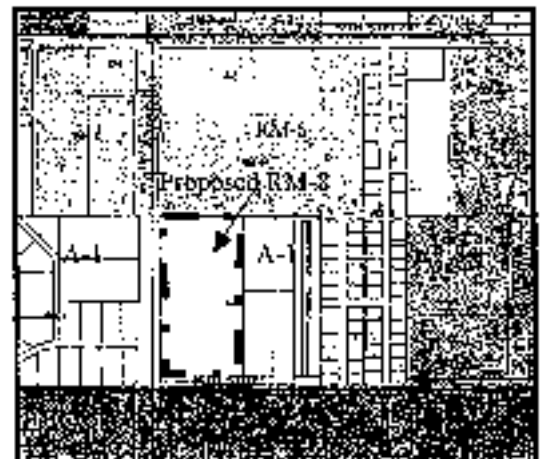
None; Flood Zone X

PUBLIC NOTIFICATION

| | PZC | BCC |
|---|------------------|-------------------|
| <u>Staff Contact:</u> | Gale Carmony | Gale Carmony |
| <u>Date Advertised:</u> | February 8, 2006 | February 21, 2006 |
| <u># of Surrounding Property Owner Notifications:</u> | 12 | 12 |
| <u>Date Notification Made:</u> | February 8, 2006 | March 27, 2006 |
| <u>Date Sign Posted:</u> | February 2, 2006 | March 24, 2006 |

STAFF RECOMMENDATION

Staff does not support the request



ATTACHMENT 1

**APPLICATION FORM
REZONING REQUEST (RZON)
INDIAN RIVER COUNTY**



Each application must be complete when submitted and must include all required attachments. An incomplete application will not be processed and will be returned to the applicant.

Assigned Project Number: RZON - 2006010188 - 52440

| | Current Owner | Applicant (Contract Purchaser) | Agent |
|--------------------------------|---|---|---|
| Name: | Treviso, LLC | Treviso, LLC | Simon & Larsen |
| Complete Mailing Address: | 9900-A SW 18th Street Boca Raton, FL 33428 | 9900-A SW 18th Street Boca Raton, FL 33428 | 433 Plaza Real, Suite 339 Boca Raton, FL 33432 |
| Phone #: (including area code) | (561) 488-9509 | (561) 488-9509 | (661) 368-3809 |
| Fax #: (including area code) | (561) 488-2539 | (561) 488-2539 | (561) 368-4008 |
| E-Mail: | david@jimmorland.com | david@jimmorland.com | matt@simonlarsen.com |
| Contact Person: | David J. Ofstein | David J. Ofstein | Matthew Barnes |

Signature of Owner or Agent: 

Property Information

Site Address: 7315 16th Street, Vero Beach, FL 32966

Site Tax Parcel I.D. #: 3339060000 5013000001.0

Subdivision Name, Unit Number, Block and Lot Number (if applicable)
Indian River Farms Co. Subdivision

Existing Zoning District: A-1

Existing Land Use Designation: M-1

Requested Zoning District: RM-8

Total (gross) Acreage of Parcel: 19.488 AC

Acreage (net) to be Amended: 19.488

Existing Use on Site: Orange Grove, Single Family Residence and two sheds

Proposed Use on Site: Residential Townhomes



TREVIÑO PROPERTY REZONING (20 ACRES) – TRAFFIC IMPACT
EXECUTIVE SUMMARY

(July 2005)

■
Scale 20'
681 21st Street
Vero Beach, Florida
32909

1. Location: Northeast quadrant of 74th Avenue and 16th Street
2. Size: 8 multi-family units per acre for a maximum of 160 multi-family residential units
3. Trip Generation: Daily Trip Volume = 957 vehicular trips
P.M. Peak-Hour Volume = 88 vehicular trips
4. Area of Influence Boundaries:
 - SR 60 – I-95 to Old Dixie Highway
 - 20th Avenue – 16th Street to SR 60
 - 58th Avenue – 8th Street to 45th Street
 - 66th Avenue – SR 60 to 45th Street
5. Significant Roads:
None
6. Significant Intersections:
 - 74th Avenue/SR 60
7. Trip Distribution: See Appendix A
8. Internal Capture: none
9. Pass-by Capture: none
10. P.M. Peak Hour Directional % (ingress/egress): 67% entering / 33% exiting
11. Traffic Count Factors Applied:
 - None
12. Off-Site Improvements:
 - None
13. Roadway Capacities (IRC Link Sheets): See Appendix B
14. Assume roadway and / or intersection improvements:
 - None

■
TEL. 772 882 7361
FAX 772 882 3999



15. Significant Dates

a) Pre-study conference: July 2005

b) Traffic counts:

| Intersection | Count Date | PM Peak Hour | Peak Season Factor |
|-----------------------------------|------------|--------------|--------------------|
| 74 th Avenue / S.R. 60 | 6/23/05 | 4:30 - 5:30 | 1.07 |

Remaining count data and all signal timing sheets provided by Indian River County. Link sheets based upon year 2005 seasonally-adjusted traffic counts also provided by Indian River County.

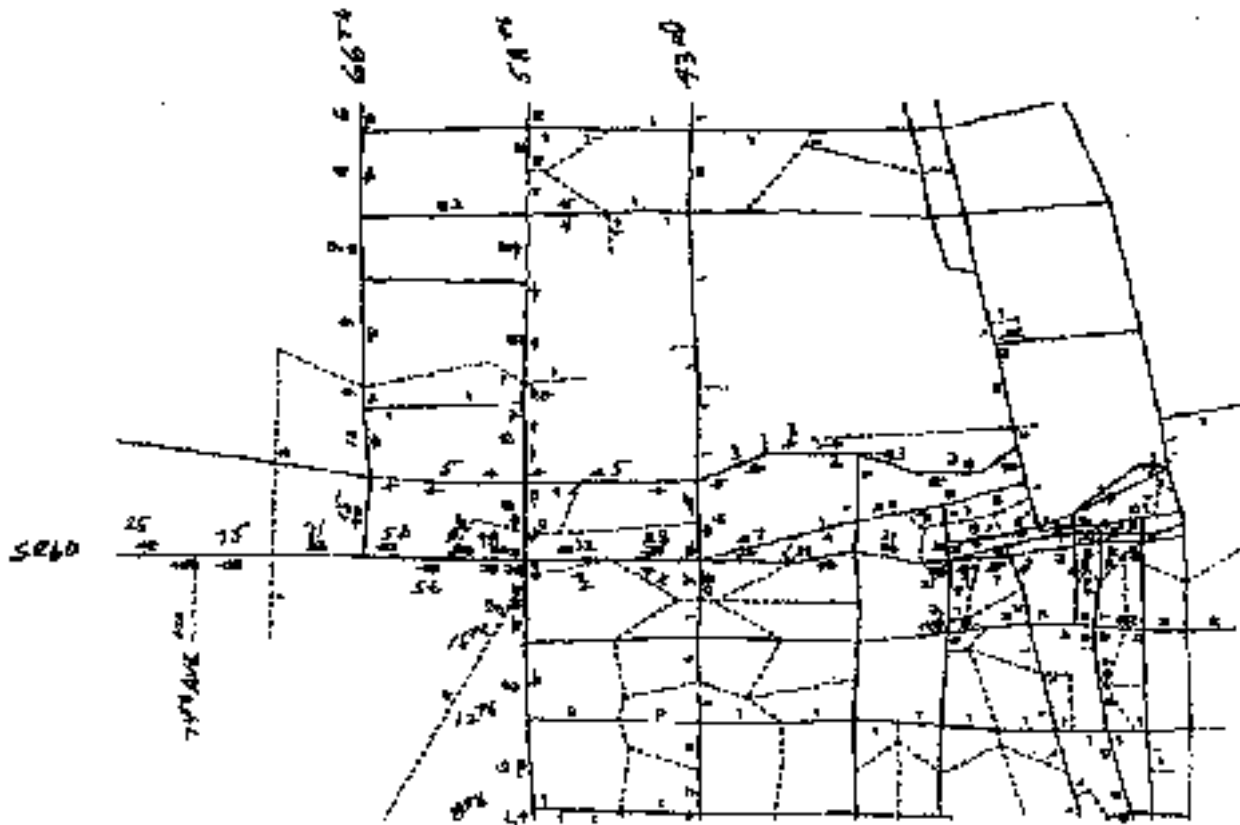
c) Study approval: *12/27/05*

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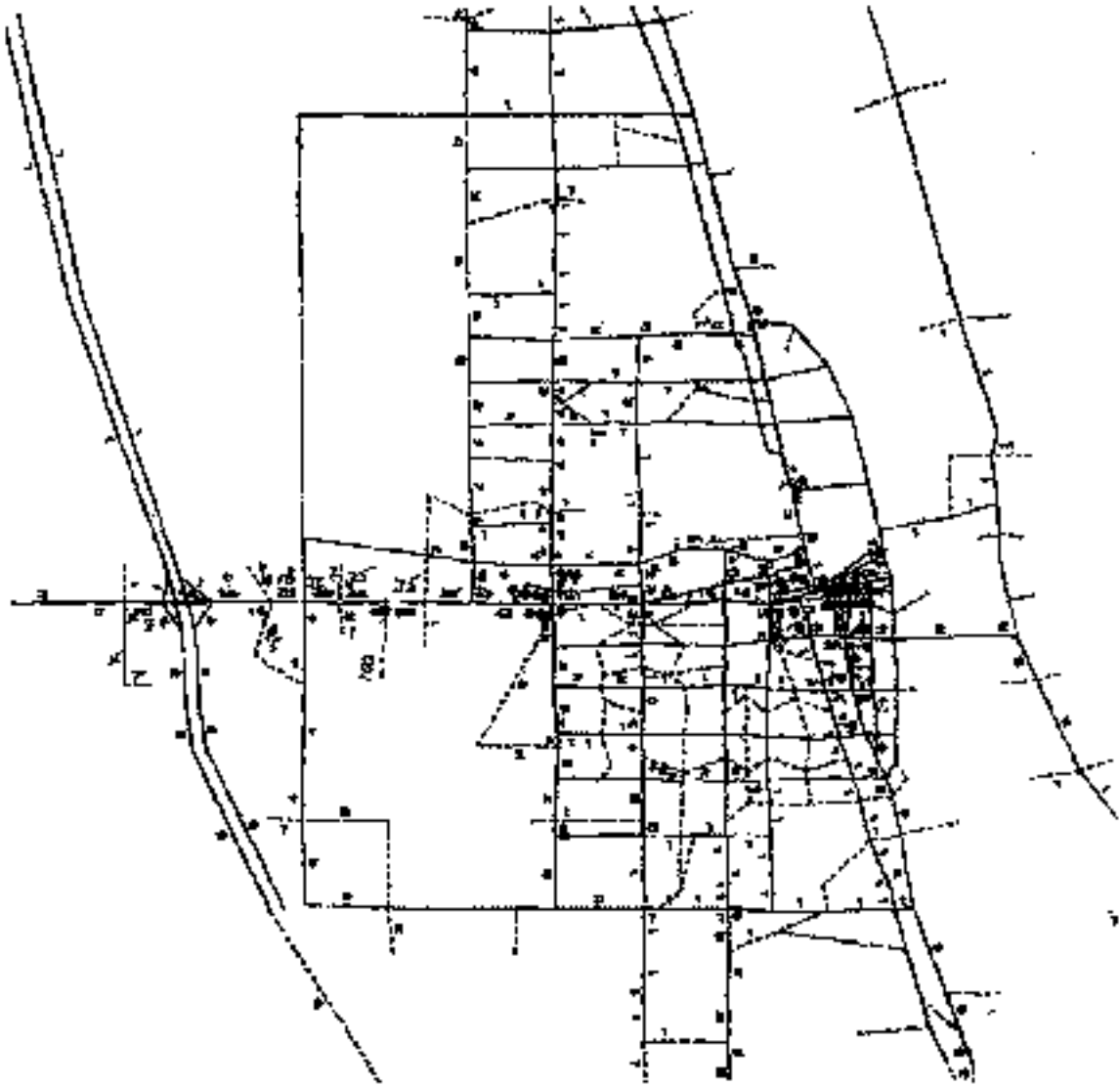
APPENDIX

- A TRAFFIC DISTRIBUTION & ASSIGNMENT**
- B PROJECT LINK ASSIGNMENT**

A TRAFFIC DISTRIBUTION & ASSIGNMENT



Pipe Embedment Load = Percent of Project
 Traveler Remaining
 08-11-11 11:31 AM
 160 MP units



Part of Lot 2000 Less -- Parcel of Project
 Tract No. 20000
 Modified Jan 2007
 08/20/06 11:17:30

B

PROJECT LINK ASSIGNMENT

Treviso Property Rezoning

Date of compilation: 12/18/2008 (based tables dated 12/13/2008)

| LINK | ON STREET | FROM STREET | TO STREET | CAPACITY | EXIST | DESIGN | PROJECT | AVAIL |
|-------|--------------------|---------------------|---------------------|----------|-------|--------|---------|-------|
| 10100 | S.R. A1A | S. COUNTY LINE | S. VB CITY L | 350 | 318 | 25 | 0 | 607 |
| 10108 | S.R. A1A | S. COUNTY LINE | E. VB CITY L | 650 | 441 | 19 | 0 | 198 |
| 48200 | S.R. A7A | S. VB CITY L | 17TH STREET | 660 | 360 | 17 | 0 | 147 |
| 40208 | S.R. A1A | S. VB CITY L | 17TH STREET | 660 | 930 | 8 | 0 | -136 |
| 40900 | S.R. A1A | 17TH STREET | S.R. 60 | 660 | 725 | 11 | 5 | 126 |
| 40908 | S.R. A1A | 17TH STREET | S.R. 60 | 660 | 705 | 4 | 5 | 87 |
| 40404 | S.R. A1A | S.R. 60 | N. VB CITY L | 660 | 699 | 22 | 5 | -181 |
| 40406 | S.R. A1A | S.R. 60 | N. VB CITY L | 660 | 629 | 15 | 5 | -62 |
| 19600 | S.R. A1A | N. VB CITY L | FRED TUBER RD | 660 | 575 | 22 | 6 | -151 |
| 10508 | S.R. A1A | N. VB CITY L | FRED TUBER RD | 660 | 694 | 15 | 6 | 185 |
| 10600 | S.R. A1A | FRED TUBER RD | OLD WINTER BEACH RD | 660 | 625 | 21 | 5 | 264 |
| 10606 | S.R. A1A | FRED TUBER RD | OLD WINTER BEACH RD | 660 | 645 | 16 | 5 | 260 |
| 10700 | S.R. A1A | OLD WINTER BEACH RD | N. RIB L. | 660 | 605 | 44 | 5 | 219 |
| 10702 | S.R. A1A | OLD WINTER BEACH RD | N. RIB L. | 660 | 682 | 25 | 0 | 342 |
| 10800 | S.R. A1A | N. RIB LN. | C.R. 400 | 660 | 685 | 75 | 5 | 379 |
| 10808 | S.R. A1A | N. RIB LN. | C.R. 400 | 660 | 682 | 60 | 0 | 283 |
| 10900 | S.R. A1A | C.R. 410 | N. COUNTY LINE | 660 | 354 | 48 | 0 | 664 |
| 10908 | S.R. A1A | C.R. 410 | N. COUNTY LINE | 660 | 635 | 65 | 0 | 372 |
| 11400 | INDIAN RIVER BLVD. | 4TH ST. @ US1 | 22TH STREET | 1884 | 718 | 28 | 0 | 1589 |
| 11408 | INDIAN RIVER BLVD. | 4TH ST. @ US1 | 22TH STREET | 1884 | 650 | 65 | 0 | 686 |
| 11200 | INDIAN RIVER BLVD. | 12TH STREET | S. VB CITY L | 1884 | 360 | 17 | 0 | 182 |
| 11208 | INDIAN RIVER BLVD. | 12TH STREET | S. VB CITY L | 1884 | 1400 | 55 | 0 | 329 |
| 11300 | INDIAN RIVER BLVD. | S. VB CITY L | 17TH STREET | 1884 | 600 | 30 | 0 | 258 |
| 11308 | INDIAN RIVER BLVD. | S. VB CITY L | 17TH STREET | 1884 | 1400 | 65 | 0 | 339 |
| 11400 | INDIAN RIVER BLVD. | 17TH STREET | 218T STREET | 1884 | 663 | 17 | 0 | 303 |
| 11408 | INDIAN RIVER BLVD. | 17TH STREET | 218T STREET | 1884 | 1640 | 18 | 0 | 304 |
| 11500 | INDIAN RIVER BLVD. | 218T STREET | S.R. 60 | 1884 | 1400 | 66 | 0 | 376 |
| 11508 | INDIAN RIVER BLVD. | 218T STREET | S.R. 60 | 1884 | 1543 | 34 | 0 | 417 |
| 11600 | INDIAN RIVER BLVD. | S.R. 60 | N. VB CITY L | 1884 | 616 | 63 | 0 | 324 |
| 11608 | INDIAN RIVER BLVD. | S.R. 60 | N. VB CITY L | 1884 | 1287 | 69 | 0 | 445 |
| 11700 | INDIAN RIVER BLVD. | N. VB CITY L | US 1 @ SAND BT. | 1884 | 348 | 66 | 0 | 628 |
| 11708 | INDIAN RIVER BLVD. | N. VB CITY L | US 1 @ SAND BT. | 1884 | 712 | 70 | 0 | 698 |
| 12100 | I-95 | N. COUNTY LINE | C.R. 412 | 2740 | 1504 | 10 | 0 | 1228 |
| 12108 | I-95 | N. COUNTY LINE | C.R. 412 | 2740 | 1608 | 10 | 0 | 1216 |
| 12200 | I-95 | C.R. 413 | S.R. 60 | 2740 | 1610 | 36 | 0 | 1194 |
| 12208 | I-95 | C.R. 413 | S.R. 60 | 2740 | 1610 | 40 | 0 | 1401 |
| 12300 | I-95 | S.R. 60 | OSLO ROAD | 2940 | 1720 | 62 | 0 | 1412 |
| 12308 | I-95 | S.R. 60 | OSLO ROAD | 2940 | 1712 | 38 | 0 | 1140 |
| 12400 | I-95 | OSLO ROAD | S. COUNTY LINE | 2940 | 1706 | 56 | 0 | 1130 |
| 12408 | I-95 | OSLO ROAD | S. COUNTY LINE | 2940 | 1707 | 67 | 0 | 1481 |
| 13000 | U.S. 1 | S. COUNTY LINE | OSLO ROAD | 1880 | 1200 | 100 | 0 | 389 |
| 13050 | U.S. 1 | S. COUNTY LINE | OSLO ROAD | 1880 | 1600 | 66 | 0 | 164 |
| 13100 | U.S. 1 | OSLO ROAD | 4TH ST. @ IR BLVD. | 2700 | 1454 | 71 | 0 | 1238 |
| 13108 | U.S. 1 | OSLO ROAD | 4TH ST. @ IR BLVD. | 2700 | 1604 | 65 | 0 | 913 |
| 13150 | U.S. 1 | 4TH ST. @ IR BLVD. | 8TH STREET | 1880 | 1104 | 19 | 0 | 369 |
| 13160 | U.S. 1 | 4TH ST. @ IR BLVD. | 8TH STREET | 1880 | 1477 | 24 | 0 | 360 |
| 13200 | U.S. 1 | 8TH STREET | 12TH STREET | 1880 | 1285 | 18 | 0 | 388 |
| 13208 | U.S. 1 | 8TH STREET | 12TH STREET | 1880 | 1495 | 21 | 0 | 373 |
| 13200 | U.S. 1 | 12TH STREET | S. VB CITY L | 1740 | 1050 | 25 | 0 | 388 |
| 13208 | U.S. 1 | 12TH STREET | S. VB CITY L | 1740 | 1174 | 24 | 0 | 688 |

| LINK | ON STREET | FROM STREET | TO STREET | CAPACITY | EXIST. | VESTED | PROJECT | AVAIL. |
|-------|--------------|---------------------|------------------|----------|--------|--------|---------|--------|
| 1382N | U.S. 1 | S. VB CITY L | 17TH STREET | 1710 | 1000 | 20 | 0 | 101 |
| 1390S | U.S. 1 | S. VB CITY L | 17TH STREET | 1745 | 1470 | 35 | 0 | 204 |
| 1392N | U.S. 1 | 17TH STREET | S.R. 40 | 1810 | 1305 | 10 | 0 | 220 |
| 1392S | U.S. 1 | 17TH STREET | S.R. 40 | 1510 | 1340 | 70 | 0 | 207 |
| 1510N | U.S. 1 | S.R. 60 | ROYAL PALM PL | 3510 | 1201 | 67 | 0 | 82 |
| 1340S | U.S. 1 | S.R. 60 | ROYAL PALM PL | 3510 | 850 | 127 | 0 | 535 |
| 1342N | U.S. 1 | ROYAL PALM PL | J.R. ANTON BLVD. | 3710 | 1007 | 61 | 0 | 282 |
| 1342S | U.S. 1 | ROYAL PALM PL | ATLANTIC BLVD. | 1710 | 1000 | 151 | 0 | 200 |
| 1350N | U.S. 1 | ATLANTIC BLVD. | N. VB CITY L | 2040 | 1031 | 130 | 0 | 260 |
| 1350S | U.S. 1 | ATLANTIC BLVD. | N. VB CITY L | 1910 | 1430 | 170 | 0 | 250 |
| 1852N | U.S. 1 | N. VB CITY L | OLD DORR HWY | 1000 | 1004 | 217 | 0 | 0 |
| 1355S | U.S. 1 | N. VB CITY L | OLD DORR HWY | 1800 | 1200 | 230 | 0 | 340 |
| 1355N | U.S. 1 | OLD DORR HWY | 41ST STREET | 2000 | 1400 | 200 | 0 | 140 |
| 1360S | U.S. 1 | OLD DORR HWY | 41ST STREET | 1000 | 1000 | 107 | 0 | 407 |
| 1362N | U.S. 1 | 41ST STREET | 45TH STREET | 1800 | 1400 | 100 | 0 | 104 |
| 1362S | U.S. 1 | 45TH STREET | 45TH STREET | 1400 | 900 | 100 | 0 | 130 |
| 1370N | U.S. 1 | 45TH STREET | 49TH STREET | 1000 | 1400 | 170 | 0 | 200 |
| 1870S | U.S. 1 | 45TH STREET | 49TH STREET | 1000 | 500 | 100 | 0 | 400 |
| 1870N | U.S. 1 | 49TH STREET | 50TH STREET | 2010 | 1010 | 200 | 0 | 150 |
| 1375S | U.S. 1 | 49TH STREET | 50TH STREET | 2010 | 1470 | 100 | 0 | 307 |
| 1376N | U.S. 1 | 50TH STREET | 50TH STREET | 2200 | 1507 | 170 | 0 | 610 |
| 1380S | U.S. 1 | 50TH STREET | 50TH STREET | 1000 | 1070 | 100 | 0 | 200 |
| 1380N | U.S. 1 | 50TH STREET | OLD DORR HWY | 2000 | 1000 | 100 | 0 | 301 |
| 1382S | U.S. 1 | 50TH STREET | OLD DORR HWY | 1000 | 1000 | 101 | 0 | 0 |
| 1382N | U.S. 1 | OLD DORR HWY | SCHUMANN DR | 2210 | 1070 | 110 | 0 | 300 |
| 1385N | U.S. 1 | SCHUMANN DR | SCHUMANN DR | 1000 | 1170 | 170 | 0 | 500 |
| 1385S | U.S. 1 | SCHUMANN DR | SCHUMANN DR | 1000 | 1110 | 170 | 0 | 200 |
| 1400N | U.S. 1 | S.R. 512 | N. SEB. CITY L | 1710 | 1201 | 67 | 0 | 302 |
| 1400S | U.S. 1 | S.R. 512 | N. SEB. CITY L | 1710 | 1100 | 53 | 0 | 401 |
| 1402N | U.S. 1 | N. SEB. CITY L | ROSELAND RD. | 1000 | 1214 | 50 | 0 | 200 |
| 1405S | U.S. 1 | N. SEB. CITY L | ROSELAND RD. | 1100 | 1070 | 70 | 0 | 210 |
| 1410N | J.B.T | ROSELAND RD. | N. COUNTY LANE | 3100 | 1230 | 14 | 0 | 404 |
| 1410S | J.B.T | ROSELAND RD. | N. COUNTY LANE | 1000 | 1030 | 0 | 0 | 100 |
| 1510N | SCHUMANN DR | CR. 510 @ 68TH AVE. | S. SEB. CITY L | 800 | 721 | 0 | 0 | 100 |
| 1510S | SCHUMANN DR | CR. 510 @ 68TH AVE. | S. SEB. CITY L | 800 | 410 | 0 | 0 | 441 |
| 1520N | SCHUMANN DR | S. SEB. CITY L | U.S. 1 | 800 | 110 | 0 | 0 | 144 |
| 1520S | SCHUMANN DR | S. SEB. CITY L | U.S. 1 | 800 | 100 | 0 | 0 | 470 |
| 1810N | ROSELAND RD | S.R. 512 | N. SEB. CITY L | 800 | 200 | 0 | 0 | 200 |
| 1810S | ROSELAND RD. | S.R. 512 | N. SEB. CITY L | 800 | 300 | 1 | 0 | 200 |
| 1820N | ROSELAND RD. | N. SEB. CITY L | U.S. 1 | 800 | 200 | 7 | 0 | 200 |
| 1820S | ROSELAND RD. | N. SEB. CITY L | U.S. 1 | 800 | 300 | 0 | 0 | 470 |
| 1710S | CR. 512 | S.R. 60 | 485 | 800 | 670 | 50 | 0 | 400 |
| 1710N | CR. 512 | S.R. 60 | 485 | 800 | 607 | 0 | 0 | 100 |
| 1720E | CR. 512 | 485 | CR. 510 | 1000 | 800 | 0 | 0 | 1000 |
| 1720W | CR. 512 | 485 | CR. 510 | 1000 | 800 | 0 | 0 | 200 |
| 1730E | CR. 512 | CR. 510 | W. SEB. CITY L | 2000 | 700 | 0 | 0 | 1100 |
| 1730W | CR. 512 | CR. 510 | W. SEB. CITY L | 1000 | 700 | 0 | 0 | 1100 |
| 1740E | CR. 512 | W. SEB. CITY L | ROSELAND RD. | 1000 | 500 | 10 | 0 | 200 |
| 1740W | CR. 512 | W. SEB. CITY L | ROSELAND RD. | 1000 | 100 | 0 | 0 | 1000 |

| LINK | ON STREET | FROM STREET | TO STREET | CAPACITY | EXIST. | VESTED | PROJECT | AVAIL. |
|-------|------------------|--------------------|--------------------|----------|--------|--------|---------|--------|
| 1760E | C.R. 512 | ROSELAND RD. | U.S.1 | 8500 | 675 | 12 | 0 | 3173 |
| 1760W | C.H. 512 | ROSELAND RD. | U.S.1 | 5400 | 804 | 7 | 0 | 866 |
| 1810E | C.R. 514 | C.R. 512 | 60TH AVE. | 1000 | 400 | 356 | 0 | 1097 |
| 1810W | C.R. 514 | C.R. 512 | 60TH AVE. | 1000 | 600 | 18 | 0 | 1204 |
| 1820E | C.R. 509 | 46TH AVE. | 60TH AVE. | 1000 | 400 | 991 | 0 | 1203 |
| 1820W | C.R. 510 | 60TH AVE. | 60TH AVE. | 4000 | 738 | 78 | 0 | 3846 |
| 1830E | C.R. 510 | 68TH AVE. | U.S.1 | 8000 | 153 | 183 | 0 | 3125 |
| 1830W | C.R. 510 | 60TH AVE. | U.S.1 | 1000 | 708 | 143 | 3 | 394 |
| 1840E | C.R. 510 | U.S.1 | E.R. A1A | 1000 | 600 | 248 | 3 | 866 |
| 1840W | C.R. 510 | U.S.1 | E.R. A1A | 1000 | 600 | 258 | 0 | 828 |
| 1860E | S.R. 60 | W. COUNTY LINE | C.R. 512 | 1010 | 223 | 11 | 9 | 1677 |
| 1860W | S.R. 60 | W. COUNTY LINE | C.R. 512 | 1010 | 208 | 31 | 1 | 1613 |
| 1870E | S.R. 60 | C.R. 512 | 120TH AVE. | 1010 | 241 | 9 | 4 | 1924 |
| 1870W | S.R. 60 | C.R. 512 | 100TH AVE. | 1010 | 282 | 0 | 0 | 1578 |
| 1910E | S.R. 60 | 100TH AVE. | 146 | 1000 | 632 | 140 | 0 | 1248 |
| 1910W | S.R. 60 | 100TH AVE. | 146 | 1000 | 401 | 217 | 0 | 1492 |
| 1915E | S.R. 60 | 146 | 200TH AVE. | 1500 | 1141 | 264 | 11 | 404 |
| 1915W | S.R. 60 | 146 | 200TH AVE. | 2000 | 1091 | 275 | 5 | 323 |
| 1920E | S.R. 60 | 200 AVE. | 200TH AVE. | 2000 | 1475 | 384 | 22 | 364 |
| 1920W | S.R. 60 | 200TH AVE. | 200TH AVE. | 2700 | 1026 | 403 | 44 | 447 |
| 1927E | S.R. 60 | 200TH AVE. | 200TH AVE. | 2700 | 2126 | 279 | 18 | 296 |
| 1925W | S.R. 60 | 200TH AVE. | 200TH AVE. | 2700 | 2131 | 267 | 33 | 222 |
| 1930E | S.R. 60 | 200TH AVE. | 420TH AVE. | 2700 | 1795 | 263 | 0 | 286 |
| 1930W | S.R. 60 | 200TH AVE. | 420TH AVE. | 2700 | 1795 | 418 | 15 | 679 |
| 1935E | S.R. 60 | 420TH AVE. | 27TH AVE. | 2700 | 1604 | 252 | 6 | 1028 |
| 1935W | S.R. 60 | 420TH AVE. | 27TH AVE. | 2700 | 1607 | 379 | 13 | 632 |
| 1940E | S.R. 60 | 27TH AVE. | 20TH AVE. | 3252 | 1872 | 174 | 0 | 1700 |
| 1940W | S.R. 60 | 27TH AVE. | 20TH AVE. | 3252 | 1615 | 284 | 12 | 1444 |
| 1945E | S.R. 60 | 20TH AVE. | OLD DOGE HWY | 3252 | 1380 | 0 | 0 | 2084 |
| 1945W | S.R. 60 | 20TH AVE. | OLD DOGE HWY | 3252 | 875 | 449 | 4 | 2703 |
| 1950E | S.R. 60 | OLD DOGE HWY | 10TH AVE. | 3252 | 834 | 54 | 0 | 2104 |
| 1950W | S.R. 60 | OLD DOGE HWY | 10TH AVE. | 3252 | 871 | 87 | 0 | 2294 |
| 1955E | S.R. 60 | 10TH AVE. | U.S.1 | 3252 | 932 | 45 | 0 | 2794 |
| 1955W | S.R. 60 | 10TH AVE. | U.S.1 | 3252 | 887 | 84 | 0 | 2327 |
| 1960E | S.R. 60 | U.S.1 | INDIAN RIVER BLVD. | 3252 | 485 | 12 | 0 | 2760 |
| 1960W | S.R. 60 | U.S.1 | INDIAN RIVER BLVD. | 3252 | 607 | 9 | 0 | 2734 |
| 1965E | S.R. 60 | INDIAN RIVER BLVD. | KOWW | 1000 | 320 | 11 | 0 | 689 |
| 1965W | S.R. 60 | INDIAN RIVER BLVD. | KOWW | 1000 | 1648 | 7 | 8 | 365 |
| 1970E | S.R. 60 | KOWW | S.R. A1A | 1000 | 375 | 13 | 8 | 674 |
| 1970W | S.R. 60 | KOWW | S.R. A1A | 1000 | 928 | 8 | 8 | 314 |
| 2000E | 16TH STREET | 20TH AVE. | 420TH AVE. | 200 | 356 | 25 | 9 | 470 |
| 2020W | 16TH STREET | 20TH AVE. | 420TH AVE. | 200 | 279 | 17 | 9 | 354 |
| 2030E | 16TH STREET | 20TH AVE. | 27TH AVE. | 850 | 267 | 27 | 0 | 486 |
| 2030W | 16TH STREET | 420TH AVE. | 27TH AVE. | 850 | 221 | 21 | 0 | 280 |
| 2040E | 18TH STREET | 27TH AVE. | 20TH AVE. | 350 | 335 | 23 | 0 | 483 |
| 2040W | 18TH STREET | 27TH AVE. | 20TH AVE. | 650 | 543 | 36 | 0 | 381 |
| 2050E | 10TH STREET | 20TH AVE. | OLD DOGE HWY | 810 | 600 | 34 | 0 | 217 |
| 2050W | 18TH STREET | 20TH AVE. | OLD DOGE HWY | 810 | 730 | 30 | 0 | 20 |
| 2060E | 16TH-17TH STREET | OLD DOGE HWY | U.S.1 | 1710 | 185 | 28 | 0 | 868 |
| 2060W | 16TH-17TH STREET | OLD DOGE HWY | U.S.1 | 1710 | 353 | 10 | 0 | 697 |
| 2110E | 17TH STREET | U.S.1 | INDIAN RIVER BLVD. | 1710 | 337 | 25 | 0 | 2132 |
| 2110W | 17TH STREET | U.S.1 | INDIAN RIVER BLVD. | 1710 | 778 | 28 | 0 | 344 |
| 2120E | 17TH STREET | INDIAN RIVER BLVD. | E.R. A1A | 1000 | 1067 | 21 | 0 | 772 |
| 2120W | 17TH STREET | INDIAN RIVER BLVD. | E.R. A1A | 1000 | 1314 | 17 | 0 | 332 |
| 2210E | 12TH STREET | 20TH AVE. | 20TH AVE. | 870 | 80 | 7 | 0 | 773 |
| 2210W | 12TH STREET | 20TH AVE. | 20TH AVE. | 870 | 98 | 3 | 0 | 768 |
| 2220E | 12TH STREET | 20TH AVE. | 420TH AVE. | 870 | 230 | 4 | 0 | 666 |

| LINK | ON STREET | FROM STREET | TO STREET | CAPACITY | EXST. | VESTED | PROJECT | AVAIL |
|-------|---------------|----------------|----------------|----------|-------|--------|---------|-------|
| 2220W | 12TH STREET | 26TH AVE | 43RD AVE. | 600 | 261 | -3 | 0 | 336 |
| 2250L | 12TH STREET | 43RD AVE | 27TH AVE. | 600 | 246 | -3 | 0 | 351 |
| 2250W | 12TH STREET | 43RD AVE | 27TH AVE | 600 | 360 | 0 | 0 | 240 |
| 2260E | 12TH STREET | 27TH AVE | 28TH AVE | 600 | 350 | -4 | 0 | 246 |
| 2260W | 12TH STREET | 27TH AVE | 28TH AVE | 600 | 621 | -4 | 0 | 225 |
| 2260E | 12TH STREET | 29TH AVE | CL DUXIE HWY | 600 | 450 | 14 | 0 | 147 |
| 2260W | 12TH STREET | 29TH AVE | OLD DUXIE HWY | 600 | 550 | 13 | 0 | 147 |
| 2262E | 12TH STREET | OLD DUXIE HWY | U.S. 1 | 1200 | 416 | 9 | 0 | 884 |
| 2262W | 12TH STREET | OLD DUXIE HWY | U.S. 1 | 1200 | 690 | 11 | 0 | 689 |
| 2266E | OLD DUXIE HWY | S. COUNTY LINE | OSLO ROAD | 600 | 302 | 146 | 0 | 298 |
| 2266W | OLD DUXIE HWY | S. COUNTY LINE | OSLO ROAD | 600 | 320 | 44 | 0 | 280 |
| 2310L | OLD DUXIE HWY | OSLO ROAD | 4TH STREET | 600 | 200 | 44 | 0 | 400 |
| 2310R | OLD DUXIE HWY | OSLO ROAD | 4TH STREET | 600 | 420 | 21 | 0 | 179 |
| 2316E | OLD DUXIE HWY | 5TH STREET | 6TH STREET | 310 | 477 | 14 | 0 | 243 |
| 2316W | OLD DUXIE HWY | 4TH STREET | 6TH STREET | 310 | 616 | 12 | 0 | 143 |
| 2316E | OLD DUXIE HWY | 6TH STREET | 12TH STREET | 410 | 522 | 3 | 0 | 283 |
| 2320E | OLD DUXIE HWY | 6TH STREET | 12TH STREET | 410 | 704 | 8 | 0 | 504 |
| 2326E | OLD DUXIE HWY | 12TH STREET | S. VD CITY L. | 410 | 663 | 3 | 0 | 247 |
| 2326W | OLD DUXIE HWY | 12TH STREET | S. VD CITY L. | 410 | 634 | 3 | 0 | 173 |
| 2330E | OLD DUXIE HWY | S. VD CITY L. | 18TH STREET | 600 | 302 | 1 | 0 | 498 |
| 2330W | OLD DUXIE HWY | S. VD CITY L. | 18TH STREET | 600 | 327 | 4 | 0 | 446 |
| 2336E | OLD DUXIE HWY | 18TH STREET | S.R. 60 | 590 | 311 | 20 | 0 | 499 |
| 2336W | OLD DUXIE HWY | 18TH STREET | S.R. 60 | 590 | 344 | 10 | 0 | 346 |
| 2346E | OLD DUXIE HWY | 41ST STREET | 43TH STREET | 300 | 221 | 32 | 0 | 391 |
| 2346W | OLD DUXIE HWY | 41ST STREET | 43TH STREET | 300 | 193 | 24 | 0 | 543 |
| 2352E | OLD DUXIE HWY | 43TH STREET | 45TH STREET | 300 | 106 | 20 | 0 | 704 |
| 2352W | OLD DUXIE HWY | 43TH STREET | 45TH STREET | 300 | 157 | 34 | 0 | 663 |
| 2358E | OLD DUXIE HWY | 45TH STREET | 50TH STREET | 600 | 193 | 28 | 0 | 644 |
| 2358W | OLD DUXIE HWY | 45TH STREET | 50TH STREET | 600 | 110 | 79 | 0 | 671 |
| 2364E | OLD DUXIE HWY | 55TH STREET | 58TH STREET | 600 | 113 | 30 | 0 | 737 |
| 2364W | OLD DUXIE HWY | 55TH STREET | 58TH STREET | 600 | 74 | 34 | 0 | 712 |
| 2366E | OLD DUXIE HWY | 60TH STREET | C.R. 510 | 600 | 25 | 19 | 0 | 763 |
| 2366W | OLD DUXIE HWY | 60TH STREET | C.R. 510 | 600 | 42 | 11 | 0 | 667 |
| 2400E | 27TH AVENUE | S. COUNTY LINE | OSLO ROAD | 1000 | 446 | 324 | 0 | 230 |
| 2400W | 27TH AVENUE | S. COUNTY LINE | OSLO ROAD | 1000 | 336 | 440 | 0 | 63 |
| 2420E | 27TH AVENUE | OSLO ROAD | 4TH STREET | 1000 | 481 | 177 | 0 | 419 |
| 2420W | 27TH AVENUE | OSLO ROAD | 4TH STREET | 1000 | 732 | 200 | 0 | 0 |
| 2430E | 27TH AVENUE | 4TH STREET | 6TH STREET | 1200 | 734 | 120 | 0 | 427 |
| 2430W | 27TH AVENUE | 4TH STREET | 6TH STREET | 1200 | 367 | 233 | 0 | 424 |
| 2440E | 27TH AVENUE | 6TH STREET | 12TH STREET | 1000 | 486 | 31 | 0 | 444 |
| 2440W | 27TH AVENUE | 6TH STREET | 12TH STREET | 1000 | 740 | 183 | 0 | 102 |
| 2450E | 27TH AVENUE | 12TH STREET | S. VD CITY L. | 1000 | 750 | 20 | 0 | 182 |
| 2450W | 27TH AVENUE | 12TH STREET | S. VD CITY L. | 1000 | 840 | 142 | 0 | 638 |
| 2460E | 27TH AVENUE | S. VD CITY L. | 18TH STREET | 1000 | 450 | 74 | 0 | 490 |
| 2460W | 27TH AVENUE | S. VD CITY L. | 18TH STREET | 1000 | 787 | 136 | 0 | 37 |
| 2470E | 27TH AVENUE | 18TH STREET | S.R. 60 | 1000 | 651 | 46 | 0 | 623 |
| 2470W | 27TH AVENUE | 18TH STREET | S.R. 60 | 1000 | 746 | 76 | 0 | 337 |
| 2480E | 27TH AVENUE | S.R. 60 | ATLANTIC BLVD. | 810 | 196 | 23 | 0 | 493 |
| 2480W | 27TH AVENUE | S.R. 60 | ATLANTIC BLVD. | 810 | 234 | 32 | 0 | 641 |
| 2500E | 27TH AVENUE | ATLANTIC BLVD. | AVIAION BLVD. | 810 | 252 | 12 | 0 | 346 |

| LINK | ON STREET | FROM STREET | TO STREET | CAPACITY | BOOST. | VEH/ED | PROJCT | AVAIL |
|-------|-------------|------------------|------------------|----------|--------|--------|--------|-------|
| 2540B | 27TH AVENUE | ATLANTIC BLVD. | AVANTON BLVD. | 310 | 609 | 13 | 0 | 283 |
| 2540E | OSLO ROAD | 32ND AVE. | 38TH AVE. | 370 | 354 | 36 | 0 | 394 |
| 2540N | OSLO ROAD | 32ND AVE. | 36TH AVE. | 370 | 497 | 21 | 0 | 452 |
| 2540S | OSLO ROAD | 40TH AVE. | 48RD AVE. | 1953 | 369 | 227 | 0 | 1143 |
| 2540W | OSLO ROAD | 37TH AVE. | 43RD AVE. | 1633 | 438 | 125 | 0 | 1309 |
| 2540E | OSLO ROAD | 40RD AVE. | 57TH AVE. | 1323 | 775 | 231 | 0 | 947 |
| 2540W | OSLO ROAD | 43RD AVE. | 50TH AVE. | 1083 | 683 | 147 | 0 | 1125 |
| 2540E | OSLO ROAD | 57TH AVE. | 50TH AVE. | 1323 | 837 | 494 | 0 | 1284 |
| 2540W | OSLO ROAD | 27TH AVE. | 20TH AVE. | 2853 | 647 | 152 | 0 | 1954 |
| 2570E | OSLO ROAD | 29TH AVE. | OLD DOCK HWY | 2853 | 389 | 274 | 0 | 1084 |
| 2570N | OSLO ROAD | 20TH AVE. | OLD DOCK HWY | 1853 | 797 | 492 | 0 | 942 |
| 2570E | OSLO ROAD | OLD DOCK HWY | U.S. 1 | 1953 | 706 | 422 | 0 | 1415 |
| 2570W | OSLO ROAD | OLD DOCK HWY | U.S. 1 | 1323 | 283 | 324 | 0 | 1286 |
| 2510N | 8TH AVENUE | 17TH STREET | S. VB CITY L. | 890 | 394 | 1 | 0 | 481 |
| 2510E | 8TH AVENUE | 17TH STREET | S. VB CITY L. | 890 | 487 | 0 | 0 | 373 |
| 2520E | 8TH AVENUE | S. VB CITY L. | S.R. 60 | 890 | 370 | 1 | 0 | 399 |
| 2520S | 8TH AVENUE | S. VB CITY L. | S.R. 60 | 890 | 354 | 0 | 0 | 432 |
| 2710N | 10TH AVENUE | S.R. 60 | ROYAL PALM BLVD. | 910 | 77 | 2 | 0 | 733 |
| 2710S | 10TH AVENUE | S.R. 60 | ROYAL PALM BLVD. | 910 | 88 | 1 | 0 | 741 |
| 2720N | 11TH AVENUE | ROYAL PALM BLVD. | 17TH STREET | 110 | 249 | 0 | 0 | 382 |
| 2720S | 11TH AVENUE | ROYAL PALM BLVD. | 17TH STREET | 110 | 377 | 1 | 0 | 437 |
| 2710N | 12TH AVENUE | OSLO ROAD | 4TH STREET | 390 | 434 | 122 | 0 | 307 |
| 2840E | 20TH AVENUE | OSLO ROAD | 4TH STREET | 119 | 437 | 173 | 0 | 284 |
| 2820N | 20TH AVENUE | 4TH STREET | 4TH STREET | 119 | 364 | 65 | 0 | 391 |
| 2820S | 20TH AVENUE | 4TH STREET | 6TH STREET | 119 | 494 | 61 | 0 | 147 |
| 2830E | 20TH AVENUE | 6TH STREET | 12TH STREET | 410 | 352 | 30 | 0 | 416 |
| 2830S | 20TH AVENUE | 6TH STREET | 12TH STREET | 410 | 524 | 41 | 0 | 163 |
| 2840N | 20TH AVENUE | 12TH STREET | S. VB CITY L. | 410 | 429 | 16 | 0 | 1307 |
| 2840S | 20TH AVENUE | 12TH STREET | S. VB CITY L. | 410 | 624 | 32 | 0 | 1954 |
| 2860N | 20TH AVENUE | S. VB CITY L. | 16TH STREET | 1950 | 429 | 16 | 0 | 1307 |
| 2860S | 20TH AVENUE | S. VB CITY L. | 16TH STREET | 1950 | 624 | 20 | 0 | 1144 |
| 2860N | 20TH AVENUE | 16TH STREET | S.R. 60 | 1300 | 334 | 37 | 0 | 1628 |
| 2860S | 20TH AVENUE | 16TH STREET | S.R. 60 | 1300 | 425 | 51 | 0 | 1421 |
| 2870N | 20TH AVENUE | S.R. 60 | ATLANTIC BLVD. | 850 | 193 | 31 | 0 | 624 |
| 2870S | 20TH AVENUE | S.R. 60 | ATLANTIC BLVD. | 850 | 119 | 67 | 0 | 623 |
| 2920N | 43RD AVENUE | S. COUNTY LINE | OSLO ROAD | 360 | 396 | 194 | 0 | 388 |
| 2920S | 43RD AVENUE | S. COUNTY LINE | OSLO ROAD | 360 | 373 | 315 | 0 | 387 |
| 2910N | 43RD AVENUE | OSLO ROAD | 4TH STREET | 1663 | 614 | 307 | 0 | 247 |
| 2910S | 43RD AVENUE | OSLO ROAD | 4TH STREET | 1663 | 434 | 270 | 0 | 328 |
| 2910N | 43RD AVENUE | 4TH STREET | 8TH STREET | 1663 | 519 | 148 | 0 | 190 |
| 2910S | 43RD AVENUE | 4TH STREET | 8TH STREET | 1663 | 534 | 229 | 0 | 273 |
| 2920N | 43RD AVENUE | 8TH STREET | 12TH STREET | 1671 | 634 | 146 | 0 | 462 |
| 2920S | 43RD AVENUE | 8TH STREET | 12TH STREET | 1671 | 714 | 188 | 0 | 197 |
| 2920N | 43RD AVENUE | 12TH STREET | 16TH STREET | 1671 | 563 | 133 | 0 | 374 |
| 2920S | 43RD AVENUE | 12TH STREET | 16TH STREET | 1671 | 738 | 195 | 0 | 138 |
| 2920N | 43RD AVENUE | 16TH STREET | S.R. 60 | 1796 | 699 | 167 | 0 | 448 |
| 2920S | 43RD AVENUE | 16TH STREET | S.R. 60 | 1796 | 772 | 129 | 0 | 629 |
| 2930E | 43RD AVENUE | S.R. 60 | 26TH STREET | 1796 | 494 | 144 | 0 | 1983 |
| 2930S | 43RD AVENUE | S.R. 60 | 26TH STREET | 1796 | 352 | 108 | 0 | 1144 |
| 2940N | 43RD AVENUE | 26TH STREET | 41ST STREET | 998 | 421 | 144 | 0 | 293 |

| LINK | ON STREET | FROM STREET | TO STREET | CAPACITY | EXIST. | VESTED | PROJECT | AVAIL |
|-------|-------------|-------------|-------------|----------|--------|--------|---------|-------|
| 29403 | 43RD AVENUE | 24TH STREET | 41ST STREET | 250 | 496 | 137 | 0 | 258 |
| 29404 | 43RD AVENUE | 41ST STREET | 45TH STREET | 660 | 341 | 99 | 0 | 421 |
| 29405 | 43RD AVENUE | 41ST STREET | 46TH STREET | 600 | 333 | 86 | 0 | 423 |
| 29601 | 43RD AVENUE | 47TH STREET | 48TH STREET | 260 | 148 | 81 | 0 | 321 |
| 29602 | 43RD AVENUE | 45TH STREET | 48TH STREET | 370 | 202 | 73 | 0 | 396 |
| 30051 | 54TH AVENUE | OSLO ROAD | 47TH STREET | 1650 | 489 | 82 | 0 | 1269 |
| 30052 | 54TH AVENUE | OSLO ROAD | 47TH STREET | 1650 | 532 | 136 | 0 | 1777 |
| 30101 | 54TH AVENUE | 47TH STREET | 57TH STREET | 1710 | 549 | 88 | 0 | 308 |
| 30102 | 54TH AVENUE | 47TH STREET | 47TH STREET | 1710 | 733 | 101 | 0 | 327 |
| 30103 | 54TH AVENUE | 47TH STREET | 12TH STREET | 1710 | 832 | 187 | 4 | 747 |
| 30104 | 54TH AVENUE | 57TH STREET | 12TH STREET | 1710 | 843 | 118 | 0 | 702 |
| 30105 | 54TH AVENUE | 47TH STREET | 10TH STREET | 1710 | 640 | 131 | 0 | 324 |
| 30106 | 54TH AVENUE | 12TH STREET | 16TH STREET | 1710 | 1220 | 279 | 0 | 349 |
| 30201 | 54TH AVENUE | 16TH STREET | S.R. 60 | 1710 | 1806 | 171 | 5 | 224 |
| 30202 | 54TH AVENUE | 14TH STREET | S.R. 60 | 1710 | 1328 | 178 | 0 | 184 |
| 30203 | 54TH AVENUE | S.R. 60 | 41ST STREET | 1650 | 1125 | 285 | 0 | 528 |
| 30301 | 54TH AVENUE | S.R. 60 | 41ST STREET | 1650 | 936 | 123 | 0 | 733 |
| 30302 | 54TH AVENUE | 41ST STREET | 45TH STREET | 660 | 366 | 108 | 0 | 334 |
| 30303 | 54TH AVENUE | 41ST STREET | 48TH STREET | 660 | 320 | 38 | 0 | 327 |
| 30401 | 54TH AVENUE | 47TH STREET | 47TH STREET | 660 | 355 | 130 | 0 | 194 |
| 30402 | 54TH AVENUE | 45TH STREET | 48TH STREET | 660 | 472 | 58 | 0 | 234 |
| 30403 | 54TH AVENUE | 47TH STREET | 50TH STREET | 660 | 624 | 45 | 0 | 191 |
| 30404 | 54TH AVENUE | 47TH STREET | 55TH STREET | 660 | 682 | 55 | 0 | 243 |
| 30501 | 54TH AVENUE | 45TH STREET | 50TH STREET | 660 | 487 | 87 | 0 | 308 |
| 30502 | 54TH AVENUE | 46TH STREET | 50TH STREET | 660 | 304 | 85 | 3 | 387 |
| 30601 | 54TH AVENUE | 50TH STREET | C.R. 810 | 660 | 404 | 89 | 0 | 240 |
| 30602 | 54TH AVENUE | 50TH STREET | C.R. 810 | 660 | 394 | 85 | 0 | 240 |
| 31201 | 56TH AVENUE | S.R. 60 | 28TH STREET | 360 | 487 | 174 | 4 | 219 |
| 31202 | 56TH AVENUE | S.R. 60 | 28TH STREET | 360 | 658 | 128 | 9 | 187 |
| 31301 | 56TH AVENUE | 28TH STREET | 41ST STREET | 660 | 638 | 135 | 0 | 189 |
| 31302 | 56TH AVENUE | 26TH STREET | 43RD STREET | 360 | 324 | 123 | 0 | 750 |
| 31401 | 56TH AVENUE | 41ST STREET | 45TH STREET | 350 | 325 | 35 | 2 | 328 |
| 31402 | 56TH AVENUE | 41ST STREET | 45TH STREET | 350 | 461 | 33 | 4 | 323 |
| 31501 | 56TH AVENUE | 45TH STREET | 50TH STREET | 370 | 334 | 33 | 0 | 284 |
| 31502 | 56TH AVENUE | 46TH STREET | 50TH STREET | 370 | 430 | 48 | 4 | 281 |
| 31601 | 56TH AVENUE | 50TH STREET | 50TH STREET | 370 | 342 | 18 | 8 | 378 |
| 31602 | 56TH AVENUE | 50TH STREET | 50TH STREET | 370 | 413 | 78 | 8 | 413 |
| 31701 | 56TH AVENUE | 47TH STREET | C.R. 510 | 370 | 378 | 11 | 4 | 337 |
| 31702 | 56TH AVENUE | 47TH STREET | C.R. 533 | 370 | 424 | 12 | 5 | 436 |
| 31801 | 56TH AVENUE | OSLO ROAD | 47TH STREET | 660 | 174 | 4 | 4 | 778 |
| 31901 | 56TH AVENUE | OSLO ROAD | 47TH STREET | 660 | 108 | 6 | 0 | 778 |
| 32001 | 56TH AVENUE | 47TH STREET | 12TH STREET | 660 | 181 | 10 | 0 | 748 |
| 32002 | 56TH AVENUE | 47TH STREET | 12TH STREET | 660 | 194 | 4 | 0 | 764 |
| 32003 | 56TH AVENUE | 12TH STREET | S.R. 60 | 660 | 704 | 87 | 0 | 628 |
| 32004 | 56TH AVENUE | 12TH STREET | S.R. 60 | 660 | 220 | 28 | 0 | 614 |
| 32401 | 56TH AVENUE | S.R. 60 | 45TH STREET | 410 | 12 | 4 | 0 | 396 |
| 32402 | 56TH AVENUE | S.R. 60 | 45TH STREET | 410 | 21 | 7 | 0 | 392 |
| 32501 | 56TH AVENUE | 45TH STREET | 46TH STREET | 410 | 17 | 4 | 0 | 389 |
| 32601 | 56TH AVENUE | 45TH STREET | 49TH STREET | 440 | 16 | 0 | 0 | 396 |
| 34101 | 77TH STREET | 65TH AVE. | 143.1 | 620 | 124 | 6 | 0 | 980 |

| LINK | ON STREET | FROM STREET | TO STREET | CAPACITY | EXIST. | VESTED | PROJECT | AVAIL. |
|-------|-------------|----------------|--------------------|----------|--------|--------|---------|--------|
| 3710W | 77TH STREET | 86TH AVE. | U.S. 1 | 220 | 134 | 8 | 0 | 130 |
| 3710E | 89TH STREET | 82ND AVE. | 86TH AVE. | 410 | 17 | 16 | 0 | 376 |
| 3710W | 89TH STREET | 82ND AVE. | 86TH AVE. | 410 | 16 | 19 | 0 | 377 |
| 3720E | 89TH STREET | 86TH AVE. | 86TH AVE. | 370 | 108 | 8 | 0 | 743 |
| 3720W | 89TH STREET | 86TH AVE. | 86TH AVE. | 370 | 55 | 7 | 0 | 398 |
| 3730E | 89TH STREET | 86TH AVE. | OLD DIXIE HWY | 370 | 48 | 25 | 0 | 716 |
| 3730W | 89TH STREET | 86TH AVE. | OLD DIXIE HWY | 370 | 58 | 13 | 0 | 768 |
| 3740E | 89TH STREET | OLD DIXIE HWY | U.S. 1 | 370 | 48 | 11 | 0 | 373 |
| 3740W | 89TH STREET | OLD DIXIE HWY | U.S. 1 | 370 | 38 | 11 | 0 | 311 |
| 3800E | 46TH STREET | 66TH AVE. | 66TH AVE. | 370 | 86 | 21 | 1 | 738 |
| 3800W | 46TH STREET | 66TH AVE. | 66TH AVE. | 370 | 41 | 4 | 3 | 323 |
| 3810E | 46TH STREET | 66TH AVE. | OLD DIXIE HWY | 370 | 88 | 34 | 0 | 768 |
| 3810W | 46TH STREET | 66TH AVE. | OLD DIXIE HWY | 370 | 61 | 12 | 0 | 708 |
| 3840E | 46TH STREET | OLD DIXIE HWY | U.S. 1 | 370 | 62 | 4 | 0 | 364 |
| 3840W | 46TH STREET | OLD DIXIE HWY | U.S. 1 | 370 | 72 | 6 | 0 | 702 |
| 4220E | 46TH STREET | 66TH AVE. | 66TH AVE. | 360 | 31 | 31 | 0 | 738 |
| 4220W | 46TH STREET | 66TH AVE. | 66TH AVE. | 360 | 123 | 19 | 0 | 713 |
| 4230E | 46TH STREET | 66TH AVE. | 66TH AVE. | 360 | 23 | 33 | 0 | 402 |
| 4230W | 46TH STREET | 66TH AVE. | 66TH AVE. | 360 | 173 | 22 | 0 | 685 |
| 4240E | 46TH STREET | 43RD AVE. | OLD DIXIE HWY | 360 | 107 | 135 | 0 | 318 |
| 4240W | 46TH STREET | 43RD AVE. | OLD DIXIE HWY | 360 | 213 | 82 | 0 | 415 |
| 4250E | 46TH STREET | OLD DIXIE HWY | U.S. 1 | 360 | 148 | 28 | 0 | 325 |
| 4250W | 46TH STREET | OLD DIXIE HWY | U.S. 1 | 360 | 41 | 18 | 0 | 732 |
| 4260E | 46TH STREET | 66TH AVE. | 66TH AVE. | 360 | 82 | 36 | 0 | 742 |
| 4260W | 46TH STREET | 66TH AVE. | 66TH AVE. | 360 | 127 | 14 | 0 | 716 |
| 4300E | 46TH STREET | 66TH AVE. | 43RD AVE. | 360 | 215 | 31 | 0 | 418 |
| 4300W | 46TH STREET | 66TH AVE. | 43RD AVE. | 360 | 327 | 43 | 0 | 563 |
| 4340E | 46TH STREET | 43RD AVE. | OLD DIXIE HWY | 360 | 352 | 48 | 0 | 459 |
| 4340W | 46TH STREET | 43RD AVE. | OLD DIXIE HWY | 360 | 412 | 78 | 0 | 389 |
| 4350E | 46TH STREET | OLD DIXIE HWY | INDIAN RIVER BLVD. | 360 | 230 | 44 | 0 | 348 |
| 4350W | 46TH STREET | OLD DIXIE HWY | INDIAN RIVER BLVD. | 360 | 267 | 65 | 0 | 324 |
| 4400E | 41ST STREET | 66TH AVE. | 66TH AVE. | 370 | 109 | 28 | 0 | 738 |
| 4400W | 41ST STREET | 66TH AVE. | 66TH AVE. | 370 | 129 | 19 | 0 | 768 |
| 4400E | 41ST STREET | 66TH AVE. | 43RD AVE. | 360 | 245 | 21 | 0 | 393 |
| 4400W | 41ST STREET | 66TH AVE. | 43RD AVE. | 360 | 227 | 24 | 0 | 381 |
| 4440E | 41ST STREET | 43RD AVE. | OLD DIXIE HWY | 360 | 211 | 55 | 0 | 354 |
| 4440W | 41ST STREET | 43RD AVE. | OLD DIXIE HWY | 360 | 226 | 31 | 0 | 323 |
| 4450E | 41ST STREET | OLD DIXIE HWY | INDIAN RIVER BLVD. | 360 | 104 | 17 | 0 | 734 |
| 4450W | 41ST STREET | OLD DIXIE HWY | INDIAN RIVER BLVD. | 360 | 128 | 33 | 0 | 348 |
| 4460E | 37TH STREET | U.S. 1 | INDIAN RIVER BLVD. | 360 | 472 | 27 | 0 | 381 |
| 4460W | 37TH STREET | U.S. 1 | INDIAN RIVER BLVD. | 360 | 500 | 34 | 0 | 4 |
| 4720E | 25TH STREET | 66TH AVE. | 66TH AVE. | 360 | 248 | 238 | 0 | 493 |
| 4720W | 25TH STREET | 66TH AVE. | 66TH AVE. | 360 | 134 | 227 | 0 | 468 |
| 4730E | 25TH STREET | 66TH AVE. | 43RD AVE. | 360 | 284 | 24 | 0 | 382 |
| 4730W | 25TH STREET | 66TH AVE. | 43RD AVE. | 360 | 358 | 137 | 0 | 204 |
| 4740E | 25TH STREET | 43RD AVE. | AVIATION BLVD. | 360 | 488 | 18 | 0 | 323 |
| 4740W | 25TH STREET | 43RD AVE. | AVIATION BLVD. | 360 | 637 | 30 | 0 | 445 |
| 4750E | 25TH STREET | AVIATION BLVD. | 27TH AVE. | 360 | 137 | 18 | 0 | 742 |
| 4750W | 25TH STREET | AVIATION BLVD. | 27TH AVE. | 360 | 204 | 29 | 0 | 630 |
| 4801E | 6TH STREET | 66TH AVE. | 43RD AVE. | 360 | 74 | 78 | 0 | 712 |

| LINK | ON STREET | FROM STREET | TO STREET | CAPACITY | EXIST. | VESTED | PROJECT | AVAIL. |
|-------|------------------|----------------|--------------------|----------|--------|--------|---------|--------|
| 4800W | 8TH STREET | 80TH AVE. | 48RD AVE. | 890 | 178 | 10 | 0 | 702 |
| 4840E | 8TH STREET | 48RD AVE. | 27TH AVE. | 890 | 343 | 42 | 0 | 607 |
| 4840W | 8TH STREET | 48RD AVE. | 27TH AVE. | 890 | 267 | 27 | 3 | 483 |
| 4850E | 8TH STREET | 27TH AVE. | 26TH AVE. | 890 | 223 | 8 | 0 | 311 |
| 4850W | 8TH STREET | 27TH AVE. | 26TH AVE. | 890 | 144 | 7 | 0 | 399 |
| 4890E | 8TH STREET | 26TH AVE. | OLD DOCK HWY | 318 | 331 | 74 | 0 | 403 |
| 4890W | 8TH STREET | 26TH AVE. | OLD DOCK HWY | 448 | 637 | 20 | 0 | 178 |
| 4890E | 8TH STREET | OLD DOCK HWY | U.S.1 | 318 | 627 | 14 | 0 | 404 |
| 4890W | 8TH STREET | OLD DOCK HWY | U.S.1 | 618 | 601 | 20 | 0 | 237 |
| 4890E | 8TH STREET | U.S.1 | INDIAN RIVER BLVD. | 320 | 182 | 4 | 0 | 644 |
| 4890W | 8TH STREET | U.S.1 | INDIAN RIVER BLVD. | 440 | 242 | 7 | 3 | 817 |
| 4810E | 4TH STREET | 62ND AVE. | 58TH AVE. | 478 | 79 | 20 | 0 | 777 |
| 4810W | 4TH STREET | 62ND AVE. | 58TH AVE. | 570 | 74 | 5 | 4 | 751 |
| 4880E | 4TH STREET | 48TH AVE. | 48RD AVE. | 550 | 217 | 14 | 0 | 423 |
| 4830W | 4TH STREET | 651ST AVE. | 43RD AVE. | 860 | 244 | 10 | 0 | 606 |
| 4840E | 4TH STREET | 48RD AVE. | 27TH AVE. | 890 | 263 | 26 | 0 | 601 |
| 4840W | 4TH STREET | 48RD AVE. | 27TH AVE. | 890 | 264 | 26 | 0 | 470 |
| 4860E | 4TH STREET | 27TH AVE. | 26TH AVE. | 820 | 343 | 7 | 0 | 304 |
| 4860W | 4TH STREET | 27TH AVE. | 26TH AVE. | 820 | 423 | 6 | 3 | 481 |
| 4860E | 4TH STREET | 26TH AVE. | OLD DOCK HWY | 820 | 322 | 28 | 3 | 617 |
| 4860W | 4TH STREET | 26TH AVE. | OLD DOCK HWY | 820 | 492 | 42 | 5 | 267 |
| 4870E | 4TH STREET | OLD DOCK HWY | U.S.1 | 610 | 310 | 6 | 3 | 481 |
| 4870W | 4TH STREET | OLD DOCK HWY | U.S.1 | 810 | 327 | 12 | 4 | 273 |
| 5610E | FRED TUCKER DR. | A1A | W. OF COCONUT CR. | 820 | 84 | 0 | 2 | 736 |
| 5610W | FRED TUCKER DR. | A1A | W. OF COCONUT CR. | 820 | 36 | 0 | 2 | 524 |
| 5710E | WINTER BEACH RD. | A1A | JUNGLE TRAIL | 820 | 61 | 8 | 0 | 349 |
| 5710W | WINTER BEACH RD. | A1A | JUNGLE TRAIL | 800 | 47 | 4 | 0 | 349 |
| 5810E | ATLANTIC BLVD. | 27TH AVE. | 26TH AVE. | 860 | 162 | 6 | 1 | 691 |
| 5810W | ATLANTIC BLVD. | 27TH AVE. | 26TH AVE. | 860 | 223 | 7 | 0 | 634 |
| 5820E | A1A | 26TH AVE. | U.S.1 | 860 | 188 | 20 | 0 | 652 |
| 5820W | ATLANTIC BLVD. | 26TH AVE. | U.S.1 | 820 | 162 | 10 | 0 | 598 |
| 5830E | AVANTON BLVD. | 26TH STREET | 27TH AVE. | 1280 | 402 | 25 | 4 | 773 |
| 5830W | AVANTON BLVD. | 26TH STREET | 27TH AVE. | 1280 | 384 | 28 | 0 | 668 |
| 6010E | ROYAL PALM BLVD. | ROYAL PALM PL. | INDIAN RIVER RIVD. | 880 | 314 | 0 | 0 | 566 |
| 6010W | ROYAL PALM BLVD. | ROYAL PALM PL. | INDIAN RIVER RIVD. | 880 | 144 | 0 | 0 | 736 |
| 6110E | ROYAL PALM PL. | U.S.1 | INDIAN RIVER BLVD. | 880 | 174 | 8 | 0 | 697 |
| 6110W | ROYAL PALM PL. | U.S.1 | INDIAN RIVER BLVD. | 820 | 234 | 6 | 0 | 378 |

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property, because the new property owner would not be bound by the promises Mr. Brackett made to pave the road.

THE MOTION WAS CALLED and passed with a vote of (6-1). Mr. Chisholm opposed.

Mr. Chisholm voted no because he had the same concern Attorney Collins presented, which was if the developer sold the property, 13th Street, S.W., would not be paved.

ON MOTION BY Mr. Bruce, SECONDED BY Mr. Fletcher, the members voted unanimously (7-0) to continue the meeting until 11:30 p.m.

Chairman Keys read the following into the record:

→ **B. Treviso LLC Rezoning:** Request to rezone ±19.48 acres located at the northeast intersection of 16th Street and 74th Avenue, from A-1, Agricultural-1 District (up to 1 unit/5 acres), to RM-8, Multiple-Family Residential District (up to 8 units/acre). Treviso LLC, Owner. Siemon and Larsen. Agent. **[Quasi-Judicial]**

Ms. Vasilas swore in all those present wishing to speak on this item.

Mr. Carmony presented the information contained in his memorandum, a copy of which is on file in the Commission Office.

Mr. Charles Siemon, agent, presented the opinions of the owner. He stated he agreed with most of the staff recommendations but asked for the P&Z to consider the rezoning to RM-8, Multiple-Family Residential District (up to 8 units/acre). He provided a lengthy dissertation on his reasons for the request.

Chairman Keys opened the public hearing at 11:14 p.m. and since no one wished to speak, the public hearing was closed.

ON MOTION BY Mr. Hamner, SECONDED BY Mr. Fletcher, to support staff's position and go with Option #3 to recommend to the Board of County Commissioners to approve the rezoning with a lower density zoning district, such as RM-6, Multiple-Family Residential District (up to 6 units/acre).

Under discussion, Mr. Christopher stated he would be voting no because of the uncertainties of the roads needing to be built for the projects already approved, the costs involved, and when they would be completed. He continued under those circumstances, any rezoning at this level could not be justified.

Mr. Bruce felt there was a serious incompatibility with the property across 74th Avenue that was RS-1, Single Family Residential District (up to 1 unit/acre). He stated he would support a RS-6, Single Family Residential District (up to 6 units/acre).

THE MOTION WAS CALLED and passed with a vote of (4-3). Mr. Bruce, Mr. Christopher and Chairman Keys opposed.

Chairman Keys stated she voted no because she did not feel it was appropriate for rezoning to RM-6 because there were roads not paved and the County did not own the right-of-way.

~~Chairman Keys read the following into the record:~~

~~C. **Consideration of Proposed Amendment to LDR Sections 911.09(4) and 971.41(10)(b): Allowing Single-Family Dwellings and Accessory Single-Family Dwellings in the Mobile Home Districts**~~

~~Mr. Boling reviewed the information contained in his memorandum, a copy of which is on file in the Commission Office.~~

ORDINANCE NO. 2006-_____

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE AND THE ACCOMPANYING ZONING MAP FOR APPROXIMATELY 19.48 ACRES LOCATED AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF 16TH STREET AND 74TH AVENUE FROM A-J, AGRICULTURAL - I DISTRICT (UP TO 1 UNIT/5ACRES), TO RM-6, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE); AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency on such matters, held a public hearing and subsequently made a recommendation regarding this rezoning request; and

WHEREAS, the Board of County Commissioners of Indian River County, Florida, did publish and send its Notice of Intent to rezone the hereinafter described property; and

WHEREAS, the Board of County Commissioners has determined that this rezoning is in conformance with the Comprehensive Plan of Indian River County; and

WHEREAS, the Board of County Commissioners held a public hearing pursuant to this rezoning request, at which parties in interest and citizens were heard;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Indian River County, Florida, that the zoning of the following described property situated in Indian River County, Florida, is-wit:

PARCEL 1- THE WEST 10 ACRES OF TRACT 13, SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY, FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 25; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

PARCEL 2: THE EAST 9.14 ACRES OF THE WEST 19.14 ACRES OF TRACT 13, SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY, FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 25;

ORDINANCE NO. 2006-_____

SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

PARCEL 3: FROM THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF THE EAST 9.14 ACRES OF THE WEST 19.14 ACRES OF TRACT 13, SECTION 5, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF INDIAN RIVER FARMS COMPANY FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, RUN EAST ON THE NORTH BOUNDARY LINE OF SAID TRACT, 13, A DISTANCE OF 9 FEET; THENCE RUN SOUTHERLY PARALLEL TO THE WEST BOUNDARY LINE OF TRACT 13, A DISTANCE OF 1320 FEET MORE OR LESS TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID TRACT 13; THENCE RUN WEST ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT 13, A DISTANCE OF 9 FEET; AND THENCE RUN NORTHERLY PARALLEL TO THE WEST BOUNDARY LINE OF SAID TRACT 13, A DISTANCE OF 1320 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS CANAL AND OTHER RIGHTS OF WAY SHOWN ON SAID PLAT.

PARCEL 4: THAT PORTION OF LAND IN TRACT 13, SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST OF THE INDIAN RIVER FARMS COMPANY ACCORDING TO THE LAST GENERAL PLAT THEREOF FILED IN PLAT BOOK 2, PAGE 25 IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT 13, RUN EASTERLY 635.70 FEET ON THE SOUTH LINE OF SECTION 6 TO A POINT, (SAID SOUTH LINE BEING THE SOUTH LINE OF TRACT 13, AND ALSO BEING THE CENTER LINE OF A 60 FOOT RIGHT-OF-WAY NOW KNOWN AS ROSEWOOD ROAD), SAID POINT BEING THE SOUTHEAST CORNER OF THE LAND DEEDED TO CATO BY QUIT-CLAIM DEED FILED IN OFFICIAL RECORD BOOK 164, PAGE 200, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE ON A DEFLECTION ANGLE OF 89 DEGREES 37 MINUTES 20 SECONDS TO THE LEFT, RUN NORTHERLY 30 FEET ON THE EAST BOUNDARY OF THAT SAID LAND DEEDED TO CATO (SAID EAST BOUNDARY BEING PARALLEL TO THE WEST BOUNDARY OF SECTION 6) TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF SAID ROSEWOOD ROAD, AND THE TRUE POINT OF BEGINNING; THENCE, CONTINUE ON SAID LINE PARALLEL TO THE WEST BOUNDARY OF SECTION 6, A DISTANCE OF 1300.10 FEET TO AN INTERSECTION WITH THE NORTH LINE OF TRACT 13, SAID INTERSECTION BEING THE NORTHEAST CORNER OF THAT LAND DEEDED TO CATO; THENCE, ON A DEFLECTION ANGLE OF 89 DEGREES 41 MINUTES 33 SECONDS TO THE RIGHT, RUN EASTERLY 116.27 FEET ON SAID NORTH LINE OF TRACT 13; THENCE ON A DEFLECTION ANGLE OF 90 DEGREES 13 MINUTES 57 SECONDS TO THE RIGHT, RUN SOUTHERLY 1299.94 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ROSEWOOD ROAD; THENCE ON A

ORDINANCE NO. 2006-_____

DEFLECTION ANGLE OF 89 DEGREES 41 MINUTES 50 SECONDS TO THE RIGHT RUN WESTERLY 118.02 FEET ON SAID NORTH RIGHT-OF-WAY OF ROSEWOOD ROAD TO THE TRUE POINT OF BEGINNING.

ALL ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF INDIAN RIVER FARMS COMPANY RECORDED IN PLAT BOOK 2, PAGE 25 PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

SAID PARCEL CONTAINING 19.48 ACRES MORE OR LESS

is changed from A-1, Agricultural-1 District (up to 1 unit/5 acres), to RM-6, Multiple Family Residential District (up to 6 units/acre).

All with the meaning and intent as set forth and described in said Land Development Regulations.

This ordinance shall become effective upon filing with the Department of State.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 11th day of April, 2006.

This ordinance was advertised in the Press-Journal on the _____ day of March, 2006, for a public hearing to be held on the 11th day of April, 2006, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

| | |
|---------------------------------|-------|
| Arthur R. Neuberger, Chairman | _____ |
| Gary C. Wheeler, Vice Chairman | _____ |
| Wesley S. Davis, Commissioner | _____ |
| Thomas S. Lowther, Commissioner | _____ |
| Sandra L. Bowden, Commissioner | _____ |

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Arthur R. Neuberger, Chairman

ORDINANCE NO. 2036-_____

ATTEST BY: _____
Jeffrey K. Barton, Clerk

This ordinance was filed with the Department of State on the following date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



William G. Collins II, County Attorney

APPROVED AS TO PLANNING MATTERS



Robert M. Keating, A.C.P., Community Development Director

F:\Community Development\Resolutions\2003\2036\2036Ordinance.doc

SIEMON & LARSEN, P.A.

Wizner Park
433 Plaza Real, Suite 339, Boca Raton, Florida 33432
Telephone: (561) 368-3808 - Facsimile (561) 368-4000
E-Mail - info@siemonlarsen.com

March 31, 2006

William G. Collins, II
County Attorney
Indian River County
1840 25th Street
Vero Beach, Florida 32960

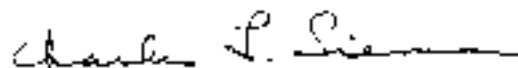
RE: Treviso rezoning request

Dear Mr. Collins,

Enclosed please find a statement of evidence in support of our client's (Treviso, LLC) request for a rezoning (RHZON 20060188-52496). We submit this statement in advance of our scheduled meeting with the Board of County Commissioners on April 11, 2006.

Thank you in advance for your attention.

Sincerely,



Charles Siemon

enclosures



MAR 31 2006

COUNTY CLERK'S OFFICE

**Evidentiary Statement in Support
Of Application for Rezoning**

REZON 20060188-52490

by

Charles L. Siemon

Siemon & Larsen, P.A.

Planning and Planning Law Consultants

Treviso, LLC ("Treviso"), owner of 19.48 acres of land located at 7316 16th Street ("Subject Property"), has applied for a rezoning of the property from A-1 to RM-8, Residential Medium. The property is located within the County's urban service area and is designated M-1 on the Future Land Use Map of the County's Comprehensive Plan.

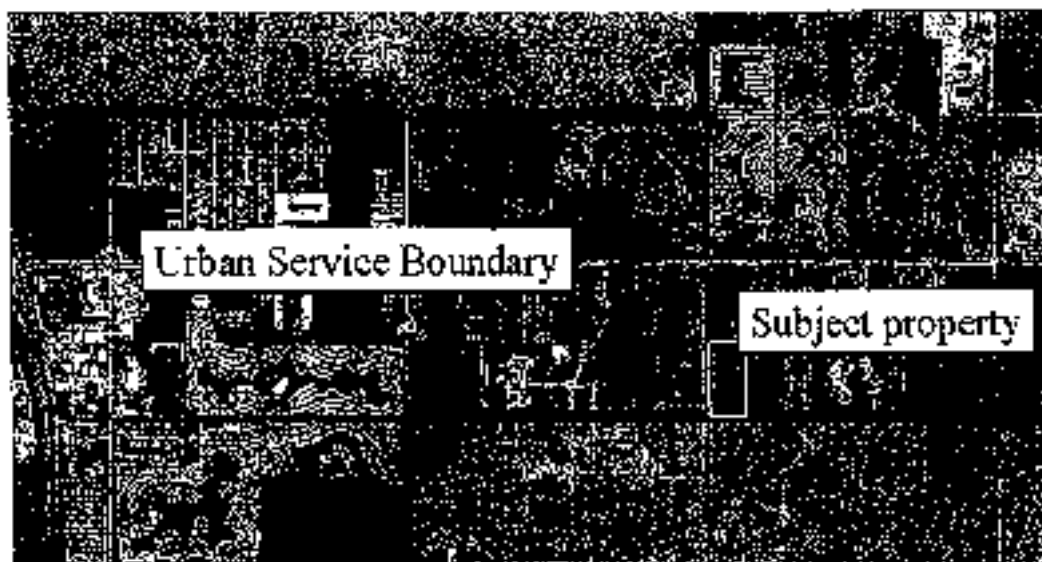
County Staff Report and Recommendation

The County's professional staff reviewed the application for rezoning and analyzed the application with regard to the following considerations:

- impact on public facilities;
- consistency with the county's comprehensive plan;
- compatibility with the surrounding area; and
- potential impact on environmental quality.

Impact on Public Facilities

With regard to the impact of the proposed rezoning on public facilities, County staff found that the property was located within the County's designated urban service boundary and was served by adequate public facilities:



Based upon the analysis conducted, staff has determined that all concurrency-mandated facilities, including storm water management, roads, solid waste, recreation, water, and wastewater, have adequate capacity to accommodate the most intense use of the subject property under the proposed zoning district. Therefore, the concurrency test has been satisfied for the subject request. — Staff report

Consistency with the County's Comprehensive Plan

With regard to consistency with the County's Comprehensive Plan, County staff reviewed the proposed rezoning in the context of pertinent elements of the Plan including Objective 1 (compact land use pattern), Policy 1.13 (residential density and urban services) and Policy 2.2 (direct growth into the urban service area) and found that the proposed rezoning was consistent with the County's Comprehensive Plan.

As part of its consistency analysis, staff compared the proposed request to all applicable objectives and policies in the plan and found no conflicts. Therefore, staff's position is that the request is consistent with the comprehensive plan. -- Staff report

Compatibility with the Surrounding Area

With regard to compatibility with the surrounding area, the County's professional staff determined that the proposed RM-8 would not be compatible with development in the surrounding area and that RM-6, a lower density district, would be more appropriate. According to staff's analysis this portion of the County has historically been developed at lower densities (pointing specifically to the Westlake Estates subdivision which has an RS-1 zoning designation) and that 8 units to the acre would be incompatible with the existing development adjacent to the property.

Potential Impact on Environmental Quality

With regard to potential impact on environmental quality, the professional staff determined that the property which is proposed to be rezoned has been previously altered and used for agricultural purposes and that the proposed rezoning would not create the potential for an adverse impact on environmental quality.

The subject property is an altered site that had been used for residential and agricultural uses. Since the subject property contains no environmentally important land, such as wetlands or sensitive uplands, development of the site is anticipated to have little or no impact on environmental quality. For this reason, no adverse environmental impacts associated with this request are anticipated. --- Staff report

Applicant's Evidence

Treviso agrees with staff's assessment of concurrency, comprehensive plan consistency and environmental impact and submit that their report and recommendation is supported by competent substantial evidence. In contrast, Treviso respectfully submits that County staff's compatibility analysis is not supported by the comprehensive plan, the provisions governing applications for rezoning or the factual evidence relating to the existing pattern of development in the SR 60 Corridor.

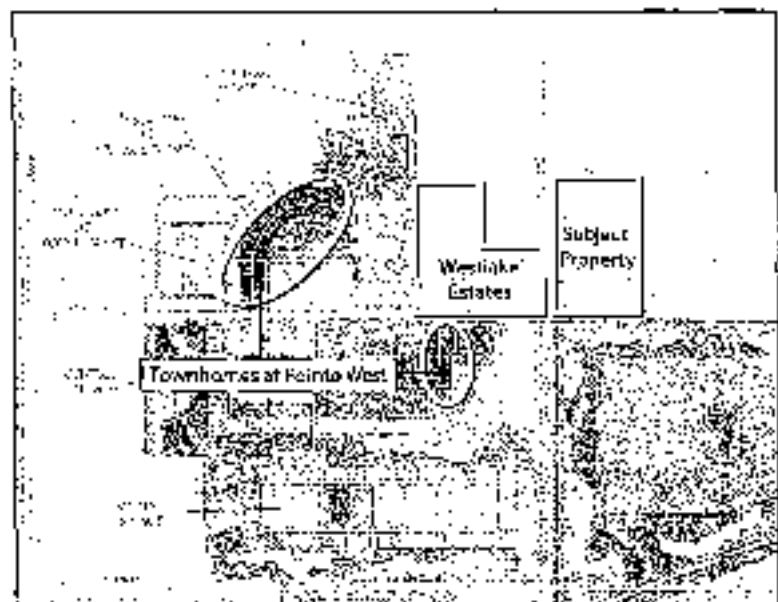
"Compatibility" Does Not Mean Likeness

Treviso respectfully submits that the proposed RM-8 zoning classification is compatible with the area in which the Subject Property is located. That is so for a number of reasons.

First, the area surrounding the Subject Property is not simply the adjacent properties. The Subject Property is located within an urban service area and within the SR 60 Corridor that is diverse and contains a variety of housing types and densities. The County's land development regulations and Comprehensive Plan long ago abandoned the segregated patterns of development generated by Euclidean zoning.

Indian River County will have a diverse mix of land uses, development patterns, housing densities, and housing types. By 2010, thirty percent of the County's housing units will be in multiple-family or traditional neighborhood design projects — Objective 3 of the Future Land Use Element of the Comprehensive Plan

Just to the west of the Subject Property is the TND-style (Traditional Neighborhood Development) development, Pointe West, with a range of housing types and densities which belie the notion that a mix of housing types and densities can not be compatible. In fact, the higher density portions of Pointe West (the townhomes) are located closer to the Westlake Estates subdivision than to the Subject Property. The Subject Property is about 950 feet and 2,100 feet away from the two different areas of townhomes within Pointe West and the Westlake Estates subdivision approximately 60 feet and 700 feet, respectively, away from the two different townhome areas in Pointe West.



Second, the difference between RM-8 and RM-6 from a community character perspective is undetectable. The units developed in either district will look the same and as long as adequate public facilities are available to serve the additional 2 units to the acre (as is the case with the Subject Property) the impacts of units is indistinguishable. Indeed, depending on the size of the average unit (the fewer the units the more likely the developer will build bigger units) the building mass of 6 units to the acre may exceed the building mass of 8 units to the acre (6 units to the acre with an average of 1,850 square feet generates more building mass than 8 units to the acre with an average of 1,250 square feet). The reality is that if a street were lined with several townhouse projects, some with a density of 6 units to the acre and some with 8 units to the acre, it would be practically impossible to tell one from the other.

Moreover, the word compatible does not, as suggested in the Staff's report and recommendation mean likeness of similar. In fact, compatible is defined in the Merriam-Webster Dictionary as "capable of existing together in harmony." To suggest that RM-8 can not fit into the mosaic pattern of housing types and densities which are found in the area defies the reality that differences in density of 2 units to the acre is the norm in the SR 60 Corridor, instead of the exception identified by Staff.

Treviso submits that while density is a consideration, there are many other more important considerations which determine whether a particular land use can exist in harmony with other land uses and that with regard to these other considerations -- e.g. design, size of units, amenities, landscaping and materials -- there is no evidence which supports Staff's finding that RM-8 is incompatible with existing development.

Finally, Treviso respectfully submits that recent practices are interesting but do not trump Comprehensive Plan policies or the provisions of the County's land development regulations. There is not one word in the County's Comprehensive Plan that states that densities should be "feathered" near the boundaries of the Urban Service Area, and in fact the plain words of the Comprehensive Plan establish the opposite condition -- more intense, multifamily development should be guided to the urban service area without regard to proximity to its boundary. Urban service areas are not land use categories, they are the foundation of a fiscally responsible capital facilities program and the efficient use of available facilities is critical to avoiding urban sprawl. In point of fact, for every square mile of land in the urban service area which is underdeveloped by 2 units per acre in terms of planned densities and available services, another 1/3rd of a square mile which is currently not planned for urban services will have to be provided with urban services.

The singular failure of growth management during the last thirty years has been the inefficient use of land as a result of the under-development of areas which have been planned for urban densities and provided with full urban services -- the *costs of sprawl*. The consequences of this failure are manifest in most parts of Florida and the Nation and will inevitably impact Indian River County:

- units which are not accommodated within an urban service area because of concerns about density eventually result in additional land devoted to exurban development or suburban sprawl

- underdevelopment of land within in the urban services boundary results in less efficient land use patterns and negative fiscal impacts
- transitional densities between land uses makes sense, however, the concept should not be applied to an urban services boundary which is more than a dividing line between different land use patterns
- the underlying premise of an urban service boundary is to make efficient use of public infrastructure and to relieve pressure for development outside of the urban service area
- underutilizing the land is in fact inconsistent with the county's comprehensive
- while a difference of 39 units may seem trivial – on a macro scale the impacts are significant
- lower density means higher housing costs per unit which means less housing cost diversity which will eventually lead to an imbalance between household income and housing cost
- the more development that can be accommodated within the urban services area, the less demand there is to convert land beyond the urban service boundary to urban use - every little bit helps

Standard of Review

Treviso has carefully examined the provisions of section 902.12 of the County's Land Development Regulations which govern review and approval of requests for rezoning and respectfully submits that the "compatibility" standard applied by the County's professional staff is not among the considerations identified in subsection Standards of Review. Section 902.12(3) contains eleven specific considerations to be used by the Board of Planning and Zoning and the Board of County Commissioners when reviewing an application for rezoning:

- (a) Whether or not the proposed amendment is in conflict with any applicable portion of the land development regulations;
- (b) Whether or not the proposed amendment is consistent with all elements of the Indian River County Comprehensive Plan;
- (c) Whether or not the proposed amendment is consistent with existing and proposed land uses;
- (d) Whether or not the proposed amendment is in compliance with the adopted county thoroughfare plan;

- (e) Whether or not the proposed amendment would generate traffic which would decrease the service levels on roadways below level adopted in the comprehensive plan;
- (f) Whether or not there have been changed conditions which would warrant an amendment;
- (g) Whether or not the proposed amendment would decrease the level of service established in the comprehensive plan for sanitary sewer, potable water, solid waste, drainage, and recreation;
- (h) Whether or not the proposed amendment would result in significant adverse impacts on the natural environment;
- (i) Whether or not the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern;
- (j) Whether or not the proposed amendment would be in conflict with the public interest, and is in harmony with the purpose and interest of the land development regulations; as well as
- (k) Any other matters that may be deemed appropriate by the planning and zoning commission or the board of county commissioners in review and consideration of the proposed amendment such as police protection, fire protection, and emergency medical services.

Treviso respectfully submits that the words "compatible" or "compatibility" are not used in the text of any of the listed considerations.

Treviso respectfully submits that only considerations listed in subsections 902.12(3) which in any way relate to the surrounding area analysis conducted by the County's professional staff are subsections (e) and (i) which require consideration of:

- (e) Whether or not the proposed amendment is consistent with existing and proposed land uses;
- (i) Whether or not the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

~~The County Administrator, as recommended in the memorandum of March 27, 2006.~~

~~**8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE**~~

~~**9. PUBLIC ITEMS**~~

~~**9.A. PUBLIC HEARINGS**~~



L. *TREVISO LLC'S REQUEST TO REZONE +19.48 ACRES FROM A-1 TO RM-8 (QUASI-JUDICIAL) (WAS REZONED TO RS-6)*

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

Community Development Director Bob Keating reviewed the memorandum of March 31, 2006 using a PowerPoint presentation (copy on file) showing the existing land uses in the area, and advised this was an appeal of a denial of the Planning and Zoning Commission. The applicant's intent is to get zoning to build multi-family housing at RM-8. The property is located at the northeast quadrant of the intersection of 16th Street and 74th Avenue. Staff felt there would be no significant environmental impact to this apparently abandoned grove. Staff's position is that the request is not consistent with the Comprehensive Plan because the requested RM-8 zoning conflicts with Policies 1.41 and 1.45 of the Future Land Use Element. He presented three alternatives the Board as follows: (1) to approve as RM-8 as requested, (2) to deny the requested RM-8, or (3) to approve with a lower density such as RM-6 or RS-6. Staff and the P & Z recommended RM-6.

In response to Commissioner Wheeler's inquiry County Attorney Collins explained the Board's options should they choose to deny the appeal.

Director Keating responded to Commissioner Lawther concerning the status of 16th Street.

The Deputy Clerk swore in members of the audience who wished to speak on this matter.

The Chairman opened the public hearing.

Charles Stemon, a consulting land use planner and land use lawyer, 433 Plaza Real, Boca Raton, advised that his testimony would be both his professional opinion and advocacy on behalf of the applicant, Treviso. Through a PowerPoint (copy on file) presentation he opined that underutilizing the land could create long-term problems associated with urban sprawl. He cited various paragraphs of the Comprehensive Plan to support his argument. He addressed policies 1.41 and 1.45 emphasizing the use of "may" and "shall" in certain sentences and listed reasons for disagreeing with staff on the compatibility issue. He displayed an artist's rendering of the proposed townhomes and stated that his client is seriously committed to building a product of which they and the County would be proud. He stated Treviso was prepared to enter into an agreement that would make a certain number of units available to lower income housing if that would make a difference. He hoped the Board would give this request serious consideration and approve the RM-8.

Will Barker, 7220 16th Street, whose property is on the west boundary of the proposed development, was worried about buffering. There is a hammock with wildlife nearby and his barn and stalls are right next to this property. He was also concerned about more traffic on 16th Street, now a dirt road.

Chuck Meehling, 1999 Pointe West Drive, believed either RM-6 or RM-8 would make no difference. Density would be dependent on the architecture; landscaping buffering would be a big item.

Joseph Paladin, Chairman of GAC (Growth Awareness Committee), thought workforce housing should be addressed by local developers and the County needed to be able to govern workforce housing percentages.

Nancy Offutt, representing the Treasure Coast Builders Association, was neither for nor against the applicant's request but asked the Board to address the topic of community-wide workforce housing. She hoped they would embrace maximizing land use where workforce housing is appropriate.

Bob Johnson, Coral Wind Subdivision, recommended rezoning at RS-6. He also asked the Commissioners to discuss buying right-of-way at fair market value so the County saves money.

Mr. Siemon responded to Chairman Neuberger's inquiry by giving estimates of unit costs.

Chairman Neuberger thought the applicant should be able to have RM-8 without the low priced units, but he was pleased the applicant was willing to work with the County on workforce housing units.

County Attorney Collins reminded the Board that this is a straight rezoning and could not be subject to agreements.

There were no additional speakers and the Chairman closed the public hearing.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner Bowden, for discussion, to
rezone the property as RS-6.

Under discussion, Commissioner Bowden asked Director Keating for rebuttal on Mr. Siemon's opinions.

Director Keating stated that policy 1.21 is discretionary in nature because we do not have to give the highest designation. He thought he had already determined that RM-8 is not

consistent with the Comp Plan. Director Keating also responded to Commissioner Lowther's question on density of surrounding properties.

Chairman Neuberger stated he could agree with rezoning the property either RM-6 or RM-8.

Commissioner Lowther thought they should stick with the RM-8 and infill within the urban service boundary.

Commissioner Wheeler defended his motion noting he looked at this (RS-6) as protecting the single family surrounding the subject property. He believed rezoning for multifamily would bring more traffic into a single-family neighborhood.

Commissioner Davis stated he would support the motion.

The Chairman CALLED THE QUESTION and the motion carried by a vote of 3-2 (Chairman Neuberger & Commissioner Lowther opposed). The Board denied the request to rezone the subject property from A-1 to RM-8, and rezoned the subject property from A-1 to RS-6 by adopting **Ordinance No. 2006-010** amending the Zoning Ordinance and the accompanying zoning map for approximately 19.48 acres located at the northeast quadrant of the intersection of 16th Street and 71st Avenue from A-1, Agricultural -1 District (up to 1 unit/3 acres), to RS-6, single family residential district (up to 6 units/acre); and providing codification, severability and effective date.

The Chairman called a brief recess at 10:16 a.m. and reconvened the meeting at 10:25 a.m. with all members present.

13.C. COMMISSIONER SANDRA L. BOWDEN - NONE

13.D. COMMISSIONER WESLEY S. DAVIS - DISCUSSION OF
AFFORDABLE HOUSING OPTIONS FOR TREVISIO, LLC
PROJECT

Commissioner Davis recounted the rezoning on this project at their last meeting when the Board approved RS-6. He wanted to update the Board on an opportunity the Board might have on this. He stated he had denied their request for RM-8 because we have no multi-family buffering in place at this time but we do have a public hearing on that coming up. Also, during the discussion at that meeting, there was willingness on the part of the developer to provide some affordable housing units and he thought if there was an opportunity for including affordable housing inside the development, in \$160,000 to \$170,000 range, he thought it should be something the Commission would be interested in knowing more about. He was working on this with Mr. Paladit and stated this was just informational.

Commissioner Lawther noted that he and Chairman Neuberger had already favored that.

Joseph Paladit advised that the developer has agreed to meet the Growth Awareness Committee's buffer requirements. He had set up meetings with the neighbors, had done research, and believed their product would be quality and superior to any other products because of the design they plan to use. He felt it was a big opportunity to go forward with workforce housing.

Mr. Paladit forecasted the developer would give a deed restriction and we would be guaranteed that this product would happen. He was working with the County Attorney's Office and the Chamber of Commerce and Andy Bowler (Habitat for Humanity). He felt allowing this would show the County is really concerned about workforce housing and we are going to do

something about it. He asked for the Board's support and guaranteed that he would be on top of it.

County Attorney Collins advised that they were talking about "contract zoning" which is not legal in Florida and elaborated on this opinion. He advised the only way he could see this happen would be that any enforceable deed restrictions limiting the property were made of record before a rezoning came to the Board. He explained why he thought their objectives for this property would probably have had more success if it were structured as a Planned Development (PD). Case law allows the Board to reconsider their zoning action within a 30-day appeal period.

Chairman Neuberger thought they needed to see if there were three Commissioners on the Board willing to reconsider this matter.

Charles Siemon, Siemon and Larsen, Boca Raton, representing the Applicant, asked them to reconsider this matter. He believed there is a legally enforceable means if a majority of the Board wishes to reconsider this matter. It could be positioned/presented after public hearing and a defensible rezoning could be granted. He stated the appeal period would expire on the 11th of May. There would be no jurisdiction for a year no matter what the merits are.

County Attorney Collins noted it would be a year from the time the application was filed, not from the decision time.

MOTION WAS MADE by Commissioner Davis,
SECONDED by Commissioner Lewther, to
reconsider this matter.

Under discussion, Commissioner Bowden wanted it on record that she strongly objected to this because again there is no backup.

Vice Chairman Wheeler asked what has changed since the decision was made, and **Mr. Paladin** advised that the County would get the workforce housing and the developer was willing

to meet all the design criteria even though the criteria are not yet in effect and the neighbors would be satisfied with the buffering.

Discussion ensued.

Vice Chairman Wheeler commented they would be setting a precedent of looking back on something they have already turned down and that was happening too much.

Commissioner Davis countered that right now the small-lot subdivision ordinance was in a moratorium and if he had somebody willing to help the workforce housing community, he was willing to consider it.

Vice Chairman Wheeler recounted the many things the County is doing to facilitate affordable housing.

The Chairman CALLED THE QUESTION and the motion carried 3-2 (Commissioners Bowden and Wheeler opposed). The Board approved to reconsider the request submitted by Treviso to rezone 19.5 acres from A-1 to RM-8.

(Clerk's Note: Meeting was recessed at 2:17 p.m. Vice Chairman Wheeler was absent when the Commissioners returned to the table and the meeting was reconvened at 2:23 p.m.)

13.E. COMMISSIONER THOMAS S. LOWTHER - NONE

14. SPECIAL DISTRICTS AND BOARD

14.A. EMERGENCY SERVICES DISTRICT - NONE

**THIS IS AN EXCERPT OF THE UNAPPROVED
MINUTES OF THE BOARD OF COUNTY
COMMISSIONER, HELD ON AUGUST 22, 2006
AT 9:00 A.M.**

**9.A.2. PROPOSED SETTLEMENT OF LAWSUIT, TREVISO, LLC
V. INDIAN RIVER COUNTY, PUBLIC HEARING ON
REQUEST FOR REZONING APPROVAL (QUASI-JUDICIAL)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS
ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

County Attorney Collins explained the history of the 19.48 acre piece of property at the northwest corner of 16th Street & 74th Avenue, and Treviso's request to rezone from A-1, Agricultural, to RM-8, multi-family residential, up to 8 units per acre. He recapped his memorandum of August 14, 2006 outlining the changes in the Application since the last public hearing. He recommended that the Board conduct the public hearing and take testimony on the rezoning request. The Board should then decide whether to grant the rezoning request and accept the deed restrictions.

The Chairman opened the public hearing

Mr. Joseph Paladín asked that the matter be tabled to allow him time to meet with the neighbors to update them and get their support

David Brocksmith, 7406 16th Manor, Westlake Estates, asked if there was any input from staff on the type of intersection that is proposed. He urged the Board not to table but to keep the zoning RS-6.

Roscoe Niblack, 7401 16th Manor, Westlake Estates, has been impacted tremendously with all the work going on around him. He urged the Board to follow staff's recommendation. Mr. Niblack read a letter on behalf of his neighbor, Julie Stroh, 7400 16th Manor, who could not attend the hearing. Ms. Stroh wrote that it was unfair to schedule hearings when they were not able to attend. She urged the Board to deny the request, as it was unfair and an invasion of privacy for many.

Mr. Paladin said that was the reason why he wanted to meet with residents to address their concerns. He defended the quality and value of workforce housing, saying it was not something that is going to lower the value of property or to be ashamed of. He again asked the Board to table this to enable him to talk with residents.

Commissioner Bowden and Mr. Paladin engaged in discussion regarding the difference between workforce housing and low-income housing. The Board also discussed income and qualifications for affordable homes.

Commissioner Lawther would rather this item be tabled giving Mr. Paladin time to have discussion with residents. Commissioner Bowden agreed that there needed to be discussion especially with the matter of the lawsuit.

Larry Echelberger of Westlake Estates commented on the similarity of what happened with the multi-family units in Pointe West and how the residents were not informed of development plans.

David Ofstein, CIM Communities, on behalf of Treviso, showed a model of the proposed architecture and said they were only interested in providing top quality the community would be proud

of. Their request to rezone is in name only with a cap in the deed restrictions of 7 units per acre with 30 of the units to be workforce housing. He requested that the Board table this item to the September 12, 2006 meeting so that they may have their landscape plans finalized with their Consultant (Kimley Horn) and to give them time to meet with the neighbors as well.

Charles Seaman of Treviso sought to clarify the situation concerning the neighbors. He encouraged the Board to table this item until a date certain.

Donna Keys, Planning & Zoning Chairperson, questioned Director Keating regarding conditions of resale, deed restrictions, and landscaping requirements.

Director Keating responded that conditions in the deed restriction would apply in the event of a resale and if there were none, the County could not demand specific performance.

There were no additional speakers and the Chairman closed the public hearing.

MOTION WAS MADE by Commissioner Lowther,
SECONDED by Commissioner Davis for discussion,
to table this item to a time certain.

Commissioner Wheeler thought it should be an afternoon meeting to necessitate neighbors' attendance. He disagreed with the concept of changing densities.

Commissioner Davis supported the idea of developers meeting with surrounding property owners to answer questions.

The Chairman CALLED THE QUESTION and the Motion carried unanimously to table this item to September 12, 2006 at 9:00 a.m. and continued at 6:00 p.m. in the afternoon of said date.

The Chairman called a break at 10:52 a.m., and reconvened the meeting at 11:03 a.m.

"EXCERPT FROM APPROVED/UNAPPROVED MINUTES OF
BOC MEETING OF August 22, 2006
BY Attiana Adams
Deputy Clerk
DATE: September 5, 2006

PREPARED BY AND RETURN TO:
Mark A. Rutenberg, Esq.
Siemon & Larsen, P.A.
433 Plaza Real, Ste. 339
Boca Raton, Florida 33432

**DECLARATION OF RESTRICTIONS RUNNING IN FAVOR OF INDIAN RIVER
COUNTY FOR THE PURPOSE OF ESTABLISHING A WORK-FORCE HOUSING
UNIT PROGRAM**

THIS DECLARATION OF RESTRICTIONS FOR THE PURPOSE OF ESTABLISHING A WORK-FORCE HOUSING UNIT PROGRAM (this "Declaration") is made and entered into as of this ___ day of _____, 2006, by TREVISO, LLC, a Florida limited liability corporation.

RECITALS:

WHEREAS, Treviso owns a ~ 19.488 acre parcel of property located at 7316 16th Street in unincorporated Indian River County and more specifically described on the survey attached as Exhibit "A" hereto (the "Property");

WHEREAS, Treviso applied to the Indian River County Commission (the "IRCC") for a re-zoning of the Property from the County's A-1 (Agricultural) zoning district to the Residential Medium-8 (RM-8) zoning district;

WHEREAS, on April 11, 2006, the IRCC re-zoned the Property to Residential Single Family-6 (RS-6) zoning district;

WHEREAS, the IRCC subsequently voted to re-consider its decision;

WHEREAS, the IRCC's decision to re-consider its decision was based upon the IRCC's desire to provide for work-force housing;

WHEREAS, Treviso has agreed to voluntarily proffer this Declaration to the County as a means of addressing a shortage of work-force housing in Indian River County;

WHEREAS, the IRCC has represented that it will review the re-zoning request and this Declaration at a duly noticed meeting of the IRCC; and

WHEREAS, Treviso desires to assure the IRCC in writing that it will comply with and implement a work-force housing program on the Property as set forth more fully below in the event that the IRCC re-zones the Property to RM-8.

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, the above recitals and the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is acknowledged, the parties hereto do hereby agree as follows:

ARTICLE I DENSITY CAP

Section 1.0. Density Cap. Treviso agrees to limit the residential density on the Property to seven (7) dwelling units Per Acre. The total density on the Property shall be (and Treviso shall provide) one hundred-thirty six (136) dwelling units.

ARTICLE II ESTABLISHMENT OF WORKFORCE HOUSING PROGRAM

Section 2.0. Workforce Housing Units. Treviso shall designate thirty (30) dwelling units on its site plan as being work force housing units ("Workforce Housing Units") as set forth in Section 2.1 below. This Article II does not apply to any Unit that is not classified on the approved site plan (Exhibit "B") as a Workforce Housing Unit.

Section 2.1. Identification of Workforce Housing Units on Site Plan. Treviso agrees to specifically identify each of the thirty (30) Workforce Housing Units on a site plan to be reviewed and approved by the County in conformance with the procedures for site plan review as set forth in Chapter 914 of the Indian River County Code. The thirty (30) Workforce Housing Units shall be divided into three groups as follows:

- (1) Group 1 to be labeled workforce housing units 1 through 10;
- (2) Group 2 to be labeled workforce housing units 11-20; and
- (3) Group 3 to be labeled workforce housing units 21-30.

Upon receipt of site plan approval, the Applicant shall record the approved site plan as Exhibit "B" to this Declaration solely for the purpose of identifying the specific units subject to the restrictions set forth below.

Section 2.2. Initial Sales Price Restriction. Treviso agrees that the initial sales price for the Workforce Housing Units shall be as follows:

(1) The initial sales price of all of the Workforce Housing Units in Group 1 (units 1-10) shall be one hundred sixty six thousand, five hundred dollars (\$166,500.00);

(2) The initial sales price of all of the Workforce Housing Units in Group 2 (units 11-20) shall be one hundred ninety nine thousand, five hundred dollars (\$199,500.00); and

(3) The initial sale price of all of the Workforce Housing Units in Group 3 (units 21-30) shall be two-hundred nineteen thousand dollars (\$219,000.00).

Section 2.3. Re-sale Restrictions. The Workforce Housing Units may be re-sold subject to the following sale restrictions:

(1) The re-sale price for a Workforce Housing Unit may only be increased by three percent (3%) per annum for the first ten (10) years from the initial sale date, said increase to be compounded annually the day after each anniversary date.

(2) All restrictions set forth in this Article II will expire and be of no further force and effect ten (10) calendar years after the initial sales date for each respective Workforce Housing Unit as set forth in Section 3.2 below.

Section 2.4. Leasing Restrictions. No Workforce Housing Unit may be leased or sublet for a period of ten (10) years from the initial sales date. The initial sales date shall be defined as the date reflected on the deed from Treviso to a purchaser of a Workforce Housing Unit.

Section 2.5. Review of Declaration. A copy of this Declaration shall be provided to each of the initial purchasers of the Workforce Housing Units.

Section 2.6. County Enforcement Right. No sale of a Workforce Housing Unit shall be deemed final unless and until said purchaser presents its closing agent with letter of approval from the County Attorney's office certifying that the sale price or (where applicable) resale price complies with the requirements of this Declaration. This Section 2.6 shall not be applicable upon the expiration of the re-sale restrictions set forth above. The County may seek the rescission of the sale of a respective Workforce Housing Unit if the provisions of this Section are not complied with.

ARTICLE III. MISCELLANEOUS

Section 3.0. Perpetual. This Declaration shall be perpetual, shall run with the land, and shall be binding on Treviso's successors and assigns. In addition, this Declaration shall run in favor of Indian River County.

Section 3.1. Amendment. No amendment to this Declaration shall be effective unless such amendment is approved by the Indian River County Board of County Commissioners.

Section 3.2. Expiration. Article II shall be of no further force and effect as to a Workforce Housing Unit upon the expiration of ten (10) calendar years from the initial sales date of the respective Workforce Housing Unit. For example, if Workforce Housing Unit 1 is sold on January 10, 2008, this Declaration shall expire as to Workforce Housing Unit 1 on January 11, 2018.

Section 3.3. Severability. If any term or provision of this Declaration or the application thereof shall be declared invalid or unenforceable, the remainder of this Declaration will not be affected thereby and shall remain valid and enforceable. Each term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by applicable law.

Section 3.4. Governing Law; Venue. This Declaration shall be construed in accordance with the laws of the State of Florida. The venue of any action hereunder shall be in the appropriate State or Federal court in Indian River County, Florida.

Section 3.5. Counterparts. This Declaration may be executed in one or more counterparts, each of which shall be deemed an original and all such counterparts shall constitute one and the same instrument.

Section 3.6. No Dedication. Nothing contained in this Declaration shall be deemed a gift or dedication of the Property or any portion thereof to or for the general public or for any public use whatsoever. The owner intends that this Declaration shall be strictly limited to and for the purposes expressed herein.

IN WITNESS WHEREOF, this Declaration has been as of the day and year first above written.

WITNESSES:

OWNER:

Treviso, LLC
A Florida Limited Liability Company

Printed Name: _____

Printed Name: _____

by: _____
Name: _____ (Print)
Title: _____

STATE OF FLORIDA)
) SS:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this ____ day of _____, 2006 by, _____ (Title) of Treviso, LLC, a Florida limited liability corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification.

(Signature of person taking acknowledgment)

(Name of acknowledger typed, printed or stamped)

(Title or rank)

(Serial number, if any)

PARCEL 1: THE WEST 10 ACRES OF TRACT 13, SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY, FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 25; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

PARCEL 2: THE EAST 9.14 ACRES OF THE WEST 19.14 ACRES OF TRACT 13, SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY, FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 25; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

PARCEL 3: FROM THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF THE EAST 9.14 ACRES OF THE WEST 19.14 ACRES OF TRACT 13, SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF INDIAN RIVER FARMS COMPANY FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, RUN EAST ON THE NORTH BOUNDARY LINE OF SAID TRACT, 13, A DISTANCE OF 9 FEET; THENCE RUN SOUTHERLY PARALLEL TO THE WEST BOUNDARY LINE OF TRACT 13, A DISTANCE OF 1320 FEET MORE OR LESS TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID TRACT 13; THENCE RUN WEST ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT 13, A DISTANCE OF 9 FEET; AND THENCE RUN NORTHERLY PARALLEL TO THE WEST BOUNDARY LINE OF SAID TRACT 13, A DISTANCE OF 1320 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS CANAL AND OTHER RIGHTS OF WAY SHOWN ON SAID PLAT.

PARCEL 4: THAT PORTION OF LAND IN TRACT 13, SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST OF THE INDIAN RIVER FARMS COMPANY ACCORDING TO THE LAST GENERAL PLAT THEREOF FILED IN PLAT BOOK 2, PAGE 25 IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT 13, RUN EASTERLY 635.79 FEET ON THE SOUTH LINE OF SECTION 6 TO A POINT, (SAID SOUTH LINE BEING THE SOUTH LINE OF TRACT 13, AND ALSO BEING THE CENTER LINE OF A 60 FOOT RIGHT-OF-WAY NOW KNOWN AS ROSEWOOD ROAD), SAID POINT BEING THE SOUTHEAST CORNER OF THE LAND DEEDED TO CATO BY QUIT-CLAIM DEED FILED IN OFFICIAL RECORD BOOK 164, PAGE 200, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE ON A DEFLECTION ANGLE OF 89 DEGREES 37 MINUTES 20 SECONDS TO THE LEFT, RUN NORTHERLY 30 FEET ON THE EAST BOUNDARY OF THAT SAID LAND DEEDED TO CATO (SAID EAST BOUNDARY BEING PARALLEL TO THE WEST BOUNDARY OF SECTION 6) TO AN INTERSECTION

WITH THE NORTH RIGHT-OF-WAY OF SAID ROSEWOOD ROAD, AND THE TRUE POINT OF BEGINNING; THENCE, CONTINUE ON SAID LINE PARALLEL TO THE WEST BOUNDARY OF SECTION 6, A DISTANCE OF 1300.10 FEET TO AN INTERSECTION WITH THE NORTH LINE OF TRACT 13, SAID INTERSECTION BEING THE NORTHEAST CORNER OF THAT LAND DEEDED TO CATO; THENCE, ON A DEFLECTION ANGLE OF 89 DEGREES 41 MINUTES 33 SECONDS TO THE RIGHT, RUN EASTERLY 116.27 FEET ON SAID NORTH LINE OF TRACT 13; THENCE ON A DEFLECTION ANGLE OF 90 DEGREES 13 MINUTES 57 SECONDS TO THE RIGHT, RUN SOUTHERLY 1299.94 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ROSEWOOD ROAD; THENCE ON A DEFLECTION ANGLE OF 89 DEGREES 41 MINUTES 50 SECONDS TO THE RIGHT RUN WESTERLY 118.02 FEET ON SAID NORTH RIGHT-OF-WAY OF ROSEWOOD ROAD TO THE TRUE POINT OF BEGINNING.

ALL ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF INDIAN RIVER FARMS COMPANY RECORDED IN PLAT BOOK 2, PAGE 25 PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

SAID PARCEL CONTAINING 19.48 ACRES MORE OR LESS

ORDINANCE NO. 2006-_____

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE AND THE ACCOMPANYING ZONING MAP FOR APPROXIMATELY 19.48 ACRES LOCATED AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF 16TH STREET AND 74TH AVENUE FROM RS-6, SINGLE-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE), TO RM-8, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (UP TO 8 UNITS/ACRE); AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency on such matters, held a public hearing and subsequently made a recommendation regarding this rezoning request; and

WHEREAS, the Board of County Commissioners of Indian River County, Florida, did publish and send its Notice of Intent to rezone the hereinafter described property; and

WHEREAS, the Board of County Commissioners has determined that this rezoning is in conformance with the Comprehensive Plan of Indian River County; and

WHEREAS, the Board of County Commissioners held a public hearing pursuant to this rezoning request, at which parties in interest and citizens were heard,

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Indian River County, Florida, that the zoning of the following described property situated in Indian River County, Florida, to-wit:

PARCEL 1: THE WEST 10 ACRES OF TRACT 13, SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY, FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 25; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

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ORDINANCE NO. 2006- _____

SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

PARCEL 3: FROM THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF THE EAST 9.14 ACRES OF THE WEST 19.14 ACRES OF TRACT 13, SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF INDIAN RIVER FARMS COMPANY FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, RUN EAST ON THE NORTH BOUNDARY LINE OF SAID TRACT, 13, A DISTANCE OF 9 FEET, THENCE RUN SOUTHERLY PARALLEL TO THE WEST BOUNDARY LINE OF TRACT 13, A DISTANCE OF 1320 FEET MORE OR LESS TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID TRACT 13; THENCE RUN WEST ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT 13, A DISTANCE OF 9 FEET; AND THENCE RUN NORTHERLY PARALLEL TO THE WEST BOUNDARY LINE OF SAID TRACT 13, A DISTANCE OF 1320 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS CANAL AND OTHER RIGHTS OF WAY SHOWN ON SAID PLAT.

PARCEL 4: THAT PORTION OF LAND IN TRACT 13, SECTION 6, TOWNSHIP 33 SOUTH, RANGE 39 EAST OF THE INDIAN RIVER FARMS COMPANY ACCORDING TO THE LAST GENERAL PLAT THEREOF FILED IN PLAT BOOK 2, PAGE 25 IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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ORDINANCE NO. 2006-_____.

DEFLECTION ANGLE OF 89 DEGREES 41 MINUTES 50 SECONDS TO THE RIGHT RUN WESTERLY 118.02 FEET ON SAID NORTH RIGHT-OF-WAY OF ROSEWOOD ROAD TO THE TRUE POINT OF BEGINNING.

ALL ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF INDIAN RIVER FARMS COMPANY RECORDED IN PLAT BOOK 2, PAGE 25 PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

SAID PARCEL CONTAINING 19.48 ACRES MORE OR LESS

is changed from RS-6, Single Family Residential District (up to 6 units/acre), to RM-8, Multiple-Family Residential District (up to 8 units/acre).

All with the meaning and intent as set forth and described in said Land Development Regulations.

This ordinance shall become effective upon filing with the Department of State.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 12th day of September, 2006.

This ordinance was advertised in the Press-Journal on the _____ day of August, 2006, for a public hearing to be held on the 22nd day of August, 2006, at which time the public hearing was opened and continued until September 12, 2006, at 6:00 pm, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

| | |
|---------------------------------|-------|
| Arthur R. Neuberger, Chairman | _____ |
| Gary C. Wheeler, Vice Chairman | _____ |
| Wesley S. Davis, Commissioner | _____ |
| Thomas S. Lowther, Commissioner | _____ |
| Sandra L. Bowden, Commissioner | _____ |

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Arthur R. Neuberger, Chairman

ORDINANCE NO. 2006-_____

ATTEST BY,

Jeffrey K. Barton, Clerk

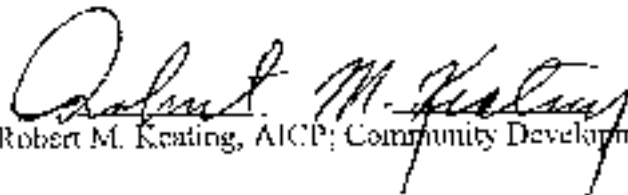
This ordinance was filed with the Department of State on the following date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



William G. Collins II, County Attorney

APPROVED AS TO PLANNING MATTERS



Robert M. Keating, AICP, Community Development Director

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