



*Office of the*  
**INDIAN RIVER COUNTY  
ADMINISTRATOR**

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Jason E. Brown, County Administrator  
Michael C. Zito, Assistant County Administrator

**MEMORANDUM**

**TO:** Members of the Board of County Commissioners

**FROM:** Jason E. Brown  
County Administrator

**DATE:** May 26, 2020

**SUBJECT:** Vero Beach MOB, LLC  
Appeal of a Decision of a County Officer

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In accordance with Section 100.06 (2), any person aggrieved by a final decision of a county officer may appeal to the Board of County Commissioners.

On April 21, 2020, a Traffic Impact Fee Credit Application was electronically received by the IRC Community Development Department from MVB Engineering for Vero Beach MOB, LLC, a partnership of Optimal Outcomes, LLC and the partners of Vero Orthopaedic & Neurology (VON). The IRC Community Development Department reviewed the application for completeness and coordinated with the IRC Public Works Department on eligibility.

On April 24, 2020, a letter of denial was submitted to Aaron Bowles of MVB Engineering from Bill Schutt, Chief, Long Range Planning, denying the application and explaining why this project did not qualify for traffic impact fee credit (Attachment 1).

On May 12, I received a formal appeal from Patrick Marston on behalf of Vero Beach MOB, LLC, asking to reconsider the decision rendered by the IRC Community Development Department (Attachment 2).

On May 17, I answered the appeal letter with a denial of the request (Attachment 3), based upon the provisions of IRC Code Section 1010.04 which apply (Attachment 4).

On Tuesday May 19, 2020, Vero Beach MOB, LLC notified the Members of the Indian River County Board of County Commissioners (BCC) of their intent to appeal the most recent denial of their Traffic Impact Fee Credit Application via email memorandum (Attachment 5).

Per IRC Code Section 100.06(2), the Board of County Commissioners shall respond within twenty (20) working days. At this time, the Board of County Commissioners is tasked with hearing and responding to the appeal.

**Staff Recommendation**

Staff recommends that the Board of County Commissioners deny the appeal presented by Vero Beach MOB, LLC, since the site related improvements do not qualify for traffic impact fee credits in accordance with Section 1010.04 of the County Code.

Attachments: (1) Letter from Community Development, denial of application  
(2) Letter from Optimal Outcomes, request for appeal  
(3) Letter from County Administrator, denial of appeal  
(4) Indian River County Code Section 1010.04  
(5) Letter from Vero Beach MOB, LLC, second appeal request