

INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSION
REQUEST TO BE SCHEDULED FOR PUBLIC DISCUSSION

Any organization or individual wishing to address the Board of County Commission shall complete this form and submit it to the Indian River County Administrator's Office.

PUBLIC DISCUSSION INFORMATION

Indian River County Code Section 102.04(10)(b): as a general rule, public discussion items should be limited to matters on which the commission may take action

Indian River County Code Section 102.07(2): limit remarks to three minutes unless additional time is granted by the commission

NAME OF INDIVIDUAL OR ORGANIZATION: Kim Gilbert

ADDRESS: 1730 24th St. PHONE: 772.485.3725
VB. FL 32960

SUBJECT MATTER FOR DISCUSSION: To waive current impact fees

IS A DIGITAL/ELECTRONIC PRESENTATION PLANNED? YES NO

IS THIS AN APPEAL OF A DECISION YES NO

WHAT RESOLUTION ARE YOU REQUESTING OF THE COMMISSION? To waive current impact fees.

ARE PUBLIC FUNDS OR ACTIVITIES REQUIRED? YES NO

WHAT FUNDS OR ACTIVITIES ARE REQUIRED TO MEET THIS REQUEST? To wave current impact Fees.

Transmitted to Administrator Via:

Interactive Web Form
 E-Mail
 Hand Delivered
 Phone

COUNTY ADMINISTRATOR: Jason E. Brown
MEETING DATE: _____

Previous Uses and Actions at 1728 and 1730 24th Street

City of Vero Beach

1. **Prior to 1995:** four homes total existed on both adjacent parcels. Per old survey of the property; 3 single family homes of less than 1500 s.f. each and one single family home of more than 2500 s.f. were located on these 2 parcels.
2. **1995:** change of use to 19 bed ALF (Minor Change Application #95-MC-161 approved by the City). 2 single family homes remained on the site. In 1995, the property was purchased by Elderly Loving Care, Inc.). For that change of use no concurrency review was required since change of use reduced the intensity.
3. **2002:** Building on the west side of the site was changed from ALF to day care (site plan #02-SP-1064C approved by the City). City did not require concurrency for or impact fee review regarding change of use, although the change did increase development intensity.
4. **2004:** Change of use approved by City for building on east side of the site to change to day care (Minor Change Application #04-MC-037 approved by the City, total daycare buildings 6,461 s.f.). City did not require concurrency for or impact fee review regarding change of use, although the change did increase development intensity.
5. **2008:** Change of Ownership. Daycare purchased by Lisdén Enterprises, Inc. (Oxford Academy) to continue to operate daycare.
6. **2018:** Owner (Lisdén Enterprises) applied for a building permit for a deck for daycare at 1728 24th Street. County staff noticed that for previous change of use from single family homes and ALF to Daycare no impact fees were paid. Staff requested and the current owner applied for a City of Vero Beach Concurrency Determination Application (project #95120077).
7. **2018:** County staff coordinated with owner and city staff several times, determined "best case" impact fee credit (4 single family homes), and determined impact fees were reduced but still owed for child care change of use (fee calculation breakdown attached).

Attachment:

1. Application Request Payment Slip

Application Request Payment Slip

CDPR5020 - Application Request Payment Slip

PAYMENT SLIP NBR: AR-81861

<u>REQUEST #</u>	<u>APP. REQUEST TYPE</u>	<u>REQUEST STATUS</u>
81861	VBIF - CONCURRENCY, VERO BEACH INITIAL/FINAL COMBO	PENDING

<u>PROJECT #</u>	<u>PROJECT NAME</u>	<u>PROJECT STATUS</u>
95120077	OXFORD ACADEMY PRESCHOOL FKA HELPING ANGELS	ACTIVE

APPLICANT
KIM GILBERT
1730 24TH ST
VERO BEACH, FL 32960

OWNER
KIDUCATION INC
1730 24TH ST
VERO BEACH, FL 32960

<u>FEE CODE</u>	<u>DESCRIPTION</u>	<u>GL ACCOUNT</u>	<u>USER</u>	<u>WAIVED</u>	<u>AMOUNT DUE</u>
PBIFVB-C	PUBLIC BLDG IF VB - COM	103032-324721-71052	PL401	N	\$717.17
ADIFVB-C	ADM IF VB - COMMERCIAL	103032-324722-71052	PL401	N	\$749.48
FEIFVB-C	FIRE/EMS IF VB - COMMERCIAL	103032-324123-71052	PL401	N	\$1,156.52
TF106-C	TIF DISTRICT 2 VB - COMMERCIAL	102032-324320-65222	PL401	N	\$23,143.30
TF106-R	TIF DISTRICT 2 VB -RESIDENTIAL	102032-324310-65222	PL401	N	\$-15,222.00
SIFVB-R	SCHOOL IF VB - RESIDENTAIL	103-202103.52	PL401	N	\$0.00
PBIFVB-R	PUBLIC BLDG IF VB - RES	103032-324711-71052	PL401	N	\$-717.17
FEIFVB-R	FIRE/EMS IF VB - RESIDENTIAL	103032-324113-71052	PL401	N	\$-1,156.52
ADIFVB-R	ADM IF VB - RESIDENTIAL	103032-324712-71052	PL401	N	\$-740.00
TOTAL DUE:					\$7,930.78

Utility capacity charges are NOT included in the total due. Please contact the Utility Department for Utility Fees.

From: Martha Eskuchen mselaw@gmail.com
Subject: Re: Impact fees
Date: May 30, 2018 at 4:27:47 PM
To: kgilbertschool@aol.com

Hello Kim-

As I mentioned in my initial response, this is a zoning issue that is not covered by Title Insurance.

The county has been aware of the use as a school since prior to 2005. I have attached the records we have showing the zoning letter obtained from the City in 2008. We initially contacted the County but they referred us to the City for the zoning letter.

It looks like the zoning letter in 2004 was a conditional use and required a building permit to be issued in 18 months which I assume was not done. I recommend you contact an attorney in your area who handles zoning issues. There may be some argument to be made that the use should be considered grandfathered or at least any penalties for the intervening years should be waived.

Martha

PLEASE REPLY TO ALL WHEN APPLICABLE. THANK YOU.

Martha

Martha S. Eskuchen, Esq.

4442 Lafayette St.

Marianna, FL 32446

phone: 850-526-5004

fax: 850-526-5008

e-mail: mselaw@gmail.com

Oceanside Title, Inc.

www.oceansidetitle.net

phone 850-526-1005

e-mail: assistantoceanside@gmail.com

TITLE COMPANY:

OCEANSIDE TITLE, INC.

Martha S. Eskuchen, Esq., President
email: MSELAW@gmail.com

Connie Bret'l, Title Assistant
1740 SW St. Lucie West Blvd, Ste 131
Port St. Lucie, FL 34986
Telephone (772) 220-3285
Facsimile (772) 220-3286
Toll free 1(888) 215-4632

Heather Eskuchen, Clerk Assistant
4442 Lafayette St.
Marianna, FL 32446
Telephone (850) 526-1005
Facsimile (850) 526-5008

Reply to: MARIANNA

July 30, 2008

Stan Bolling, Planning Director
Indian River County Planning Department
1801 27th Street
Vero Beach, FL 32960

Our File: F807-01 Kiducation, Inc./Lisden Enterprises, Inc.
Property Address: 1728 & 1730 24th Street, Vero Beach, Florida 32960

Dear Mr. Bolling:

If you would please have the enclosed letter (or your equivalent Compliance letter) signed by the Zoning Compliance Officer for the above referenced property. I have also enclosed a check for \$50.00 and a return Fed Ex label to return the executed letter to our office. If you would please fax us a copy of the letter as soon as available. If you have any questions, please don't hesitate to call. Thank you.

Very Truly Yours,

Oceanside Title, Inc.



Martha S. Eskuchen
President

MSE/cb
Encl

*City Vero Beach
772-978-4550*