

**INDIAN RIVER COUNTY, FLORIDA**  
**M E M O R A N D U M**

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**TO:** Jason E. Brown; County Administrator

**THROUGH:** Phillip J. Matson, AICP; Community Development Director

**THROUGH:** Ryan Sweeney; Chief, Current Development

**FROM:** Mary Jane Vreeland; Planner, Current Development

**DATE:** May 5, 2022

**SUBJECT:** William H. Massagee, III and Lynn V. Massagee, Trustees of the Massagee Revocable Trust Request for Approval of the Massagee Affidavit of Exemption [AOE-21-07-02 / 2015030080-89610]

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It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of May 17, 2022.

**DESCRIPTION & CONDITIONS:**

The applicant, Massagee Revocable Trust, is requesting final approval of a two parcel Affidavit of Exemption (AOE). The 18.51-acre site is located on the south side of 41<sup>st</sup> Street approximately 3,800' west of 66<sup>th</sup> Avenue (see attachment 1). The subject property and all contiguous properties are zoned A-1, Agricultural-1 (up to 1 unit/5 acres), and have an AG-1, Agriculture-1 (up to 1 unit/5 acres) future land use designation.

**ANALYSIS:**

Both parcels within the AOE exceed the 200,000 square foot minimum area established by the A-1 zoning district. The overall project density is one dwelling unit per 9.25 acres (see attachment 2).

The AOE application, submitted by Mills, Short & Associates, Inc., on behalf of the Massagee Revocable Trust, complies with Section 913 of the County's land development regulations. During the AOE development review process, Public Works staff indicated that a limited access easement is needed along the project's 41st Street frontage, that will control access to the two lots. The purpose of the limited access easement is to control the number of driveway connections to the publicly owned and maintained right-of-way. Dedication of the limited access easement to the Board will allow the County to enforce use of a single point of access for each parcel connecting to 41st Street within the Massagee AOE.

The recordable Massagee AOE plan accurately depicts the required limited access easement, and also includes the appropriate dedication language. The proposed layout of the AOE has been reviewed by staff, including Public Works, and is acceptable. Also, the dedication language has been reviewed and approved by the County Attorney's office. The Board may now consider acceptance of the dedication of the limited access easement from the property owners as part of the AOE approval.

**RECOMMENDATION:**

Staff recommends that the Board of County Commissioners accept the dedication of the limited access easement and authorize the chairman to execute the subject Affidavit of Exemption.

**ATTACHMENTS:**

1. Location Map
2. Affidavit of Exemption Layout