

6-D)

ORDINANCE NO. 2016-__

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA REQUESTED BY THE CITY PLANNING AND DEVELOPMENT DIRECTOR TO AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP BY CHANGING THE FUTURE LAND USE DESIGNATION FROM CV, CONSERVATION TO I, INDUSTRIAL, FOR PROPERTY LOCATED AT 4401 41ST STREET, CONTAINING 10.53 ACRES MORE OR LESS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Vero Beach Planning and Development Director has requested a large scale amendment to the City of Vero Beach Comprehensive Plan Future Land Use Map pursuant to Chapter 65, Article III, of the City’s Land Development Regulations, requesting changes in the Future Land Use Map from CV, Conservation to I, Industrial for City of Vero Beach property comprising 10.53 acres, more or less, located at 4401 41st Street; and

WHEREAS, the City Council adopted the Vero Beach Comprehensive Plan on July 21, 1992; and

WHEREAS, the Planning and Zoning Board, acting as the Local Planning Agency, held an advertised Local Planning Agency Public Hearing on the large scale comprehensive plan amendment on November 19, 2015, and made a recommendation regarding the amendment to the Vero Beach City Council; and

WHEREAS, the City Council held a Transmittal Public Hearing on _____, 2016, after due public notice; and

WHEREAS, the City Council approved the transmittal of the proposed comprehensive plan amendment to State and Regional review agencies; and

WHEREAS, the Vero Beach City Council finds the proposed amendment to the Future Land Use Map to be consistent with the goals, objectives, and policies of the Comprehensive

Plan and other standards and criteria for review and approval of amendments to the Future Land Use Map pursuant to Section 65.22(i)(1) and (4) of the Vero Beach Code of Ordinances,

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

Section 1. Adoption of “WHEREAS” Clauses.

The foregoing “WHEREAS” clauses are hereby adopted and incorporated herein.

Section 2. Adoption of Large Scale Comprehensive Plan Amendment.

The large scale amendment to the Future Land Use Map of the Vero Beach Comprehensive Plan is hereby adopted for the property located at 4401 41st Street, comprising 10.53 acres, more or less, as graphically depicted on attached “Exhibit A.”

[See Exhibit “A”]

Map of Location and Future Land Use of Subject Property

Section 3. Transmittal of Copies of Amendment.

One copy of this Ordinance is to be transmitted to the State of Florida Department of Economic Opportunity, the Treasure Coast Regional Planning Council, Indian River County, and others.

Section 4. Effective Date.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date of the state land planning agency or the Administration commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent

upon this amendment may be issued or commence before it becomes effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

This Ordinance was read for the first time on the ____ day of ____, 2015, and was advertised on the ____ day of . 2016, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember, _____. and adopted by the following vote:

Mayor Jay Kramer _____
Vice Mayor Randolph B. Old _____
Councilmember Pilar E. Turner _____
Councilmember Richard G. Winger _____
Councilmember Harry Howell III _____



ATTEST:

CITY OF VERO BEACH, FLORIDA

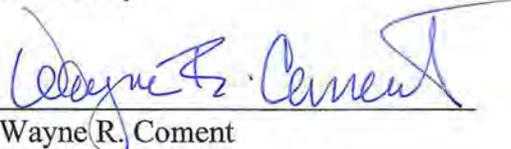
Tammy K. Vock
City Clerk

Jay Kramer
Mayor

[SEAL]

Approved as to form and legal sufficiency:

Approved as conforming to municipal policy:



Wayne R. Coment
City Attorney



James R. O'Connor
City Manager

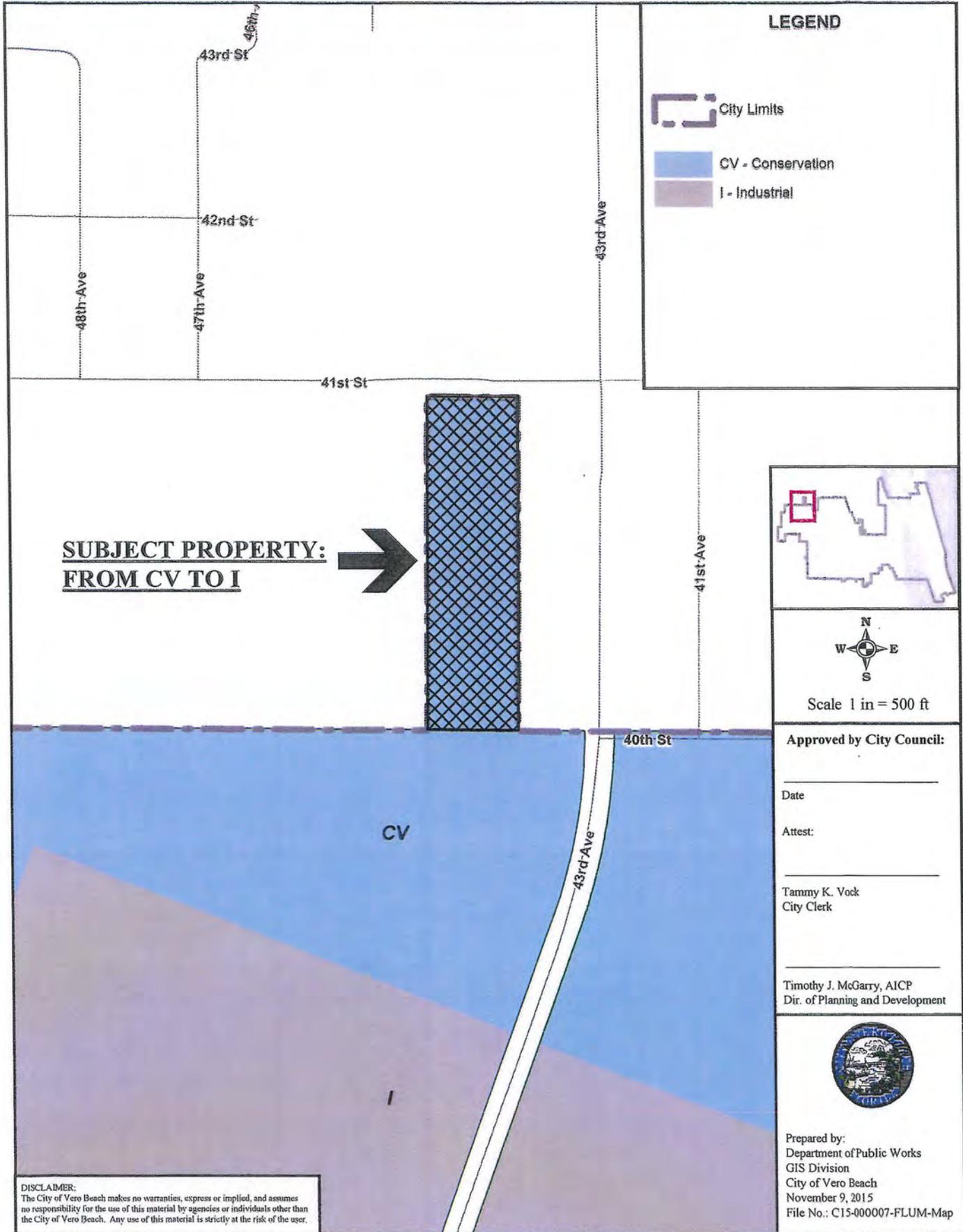
Approved as to technical requirements:



Timothy J. McGarry, AICP
Director, Planning & Development

Location and Future Land Use Map

Exhibit "A"



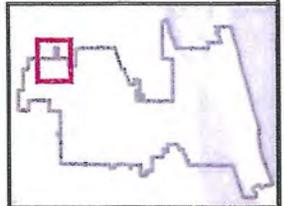
LEGEND



City Limits

CV - Conservation

I - Industrial



Scale 1 in = 500 ft

Approved by City Council:

Date

Attest:

Tammy K. Vock
City Clerk

Timothy J. McGarry, AICP
Dir. of Planning and Development



Prepared by:
Department of Public Works
GIS Division
City of Vero Beach
November 9, 2015
File No.: C15-000007-FLUM-Map

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DEPARTMENTAL CORRESPONDENCE

TO: Chairman Larry Lauffer and Planning
and Zoning Board Members

FROM: Timothy J. McGarry, AICP
Planning and Development Director

DATE: November 13, 2015

SUBJECT: **Public Hearing –Staff Sponsored Proposed Amendment to Amend the
Future Land Use Map from Conservation (CV) to Industrial (I) for
City-owned Property Located at 4401 41st Street, Containing 10.53 Acres,
More or Less**

Request

On behalf of the City Police Department, the Planning and Development Department is sponsoring a large-scale amendment to the Comprehensive Plan's Future Land Use Map to correct a long-standing discrepancy between the underlying zoning and the future land use designation for the subject property. This property is used as the shooting practice range for the Police Department and other law enforcement agencies.

The draft Ordinance amending the Future Land Use Map is attached. A location map is attached as Exhibit A to the Ordinance. No application is provided as this request is staff sponsored and this report provides all necessary background information and analysis.

Background

With the proposed improvements to the Police Department's pistol range anticipated to be completed over the next few years, the staff decided it was necessary that the future land use designation of the property be amended to correctly reflect this use, which has been in this location for over 30 years. The existing pistol shooting range and the zoning for the property of ALI-MC, which allows a variety of commercial, government, transient and permanent residential, and recreation uses, clearly conflicts with the intent of the CV (Conservation) designation to protect essential environmental resources.

Uses allowed under the CV designation are open space, conservation and compatible limited passive recreational uses. It is unclear why this parcel was ever designated for CV as it has been in use for a pistol range years prior to the CV designation.

Research of the records indicate that the discrepancy between the existing use and zoning was apparently ignored or approved with little or no explanation. When the property was rezoned to ALI-MC in 1992, the staff report indicated that this zoning was consistent with the CV designation.

Description of Parcel and Requested Designation

<i>Parcel ID:</i>	32392800001009000005.0
<i>Property Owner:</i>	City of Vero Beach
<i>Acreage:</i>	10.53 acres
<i>Existing FLUM Designation:</i>	CV, Conservation (0 density; 0.01 FAR)
<i>Requested FLUM Designation:</i>	I, Industrial (8-15 units and 30 hotel rooms per acre; .3 to 1.0 FAR)

Existing Site Conditions and Infrastructure

Existing Site Conditions. The 10.53-acre site is currently occupied by a 2,812 square foot club house/training facility and pistol shooting range, and an unpaved driveway and unimproved parking area. No significant environmental features have been identified on the site.

However, the site has a well for monitoring groundwater for pollutants leaching from an abandoned old County landfill. Additionally, lead, which has been accumulating on the property due to the discharging of weapons, has been identified for needed removal before any improvements made be made to the pistol range.

Neighborhood Land Use and Zoning Patterns. All the surrounding abutting properties are located in unincorporated Indian River County, except for the Vero Beach Regional Airport property abutting the property to the south. Directly abutting the subject property on the west is United Parcel Service facility zoned I (Light Industrial). To the north of the property, across 41st Street is the 27-acre Indian River County complex, zoned General Industrial (IG). Across the 43rd Avenue from the county complex at the northeast corner of 43rd Avenue and 41st Street is a vacant 17.6-acre parcel zoned RS-6 (Single-family at 6 units per acre).

Abutting the property on the east at the southwest intersection of 43rd Avenue and 41st Street is a vacant property zoned CG (General Commercial). The remaining properties along 43rd Avenue are office, warehouse and storage, and auto repair uses zoned CH (Heavy Commercial) which allows both retail, light industrial, and warehousing uses.

Utilities. The subject property is located within the City's electric, water and sewer service area, but is not served by water or sewer. Water is provided by a well and sewer through an on-site septic system. Stormwater is not connected to City's storm drainage system, but on-site stormwater structures exist.

Transportation Facilities. The subject property abuts 41st Street, which is a County maintained road. The segment of 41st Street abutting the property is a two-lane facility with a center left-right turn lane. The facility is designated an Urban Collector in the Indian River County Comprehensive Plan with a Level of Service standard of "D." The Annual Average Daily Traffic volume for the segment of 41st Street abutting the property was 4,622 in 2014.

Just to the east of the property is 43rd Avenue which intersects with 41st Street. This two-lane road is maintained by the County. It is designated as an Urban Collector in the Indian River County Comprehensive Plan with a Level of Service standard of “D.” The Annual Average Daily Traffic volume for the segment of 43rd Avenue between 26th Street and 41st Street was 8,181 in 2014.

Go Line provides transit service in the vicinity of the property with a stop at the intersection of 41st Street and 43rd Avenue.

Comparison of Existing Versus Requested Future Land Use Designation

The existing CV (Conservation) future land use designation is to be applied to those areas “which contain or possess lands with qualities and features that play an essential role in the normal functioning of local, regional and Indian River Lagoon ecosystems or merit preservation as records of once common ecosystems.” “CV designated parcels include, but are not limited, to publicly owned land or land controlled by public entities for conservation purposes.” [Land Use Element Policy 1.2] This category does not allow any permanent or transient residential density and a very limited floor area of 0.01.

[Important Note: Policy 1.2 was a 2008 amendment to the Comprehensive Plan. Prior to this amendment Table 1.8 provided the only policy guidance on this designation. Appropriate uses for CV were listed as “Open space, environmentally sensitive areas.” The “proper location” for such use was listed as: “Park areas should be near appropriate service and access. Conservation areas will be on the coast and in water recharge areas.”]

The proposed I (Industrial) designation is to be applied to “those areas that are suitable for urban scale development and intensities.” “This land use category shall allow a mixture of highway-oriented commercial uses, such as retail trade, professional offices, business and personal services, residential, cultural and civic uses, public facilities, park and recreation uses, schools, institutional, light industrial, aviation oriented uses, and utilities.” [Land Use Element Policy 1.11.] This category allows up to 15 dwelling units per acre and 30 hotel rooms per acre with a maximum FAR of 0.3 to 1.0.

Review and Analysis

The staff reviewed the proposed Future Land Use Map amendment based on the standards for considering such amendments pursuant to the provisions of Chapter 65, Article III, of the City’s Land Development Regulations. Section 65.22(i) sets the standards for review and approval of amendments.

Justification for Amendment. Pursuant to Section 65.22(i)(1), the staff finds that the requested amendment is warranted and justified to address the future land use designation that was applied to the property as discussed below:

The staff has found no evidence or reasoning to support the current designation of CV. No significant environmental resources are on the site which has been used as a pistol range for over 30 years.

When the CV designation was initially applied to the property, it was zoned ALI-A2. At that time, ALI-A2 zoning district listed no permitted uses except for public and private utilities. All the significant environmental lands located in the eastern portions of the airport and other remaining vacant property surrounding the airport's runways and taxi aprons, including the City's production wells, were all designated ALI-A2 and assigned the designation of CV.

The change in the designation of the property to I would be consistent with the existing use, its location, existing uses and zoning in the immediate vicinity of the property, and access to road network. The underlying zoning of ALI-MC is consistent with this designation.

Consistency of Requested Future Land Use Change with Comprehensive Plan. Pursuant to Section 65.22(i)(4), the staff finds that the requested amendment to the Future Land Use Map is consistent with the goals, objectives, and policies of the Comprehensive Plan and Chapter 163, F.S. and the as discussed below:

- Use Element Policy 1.2: *The Conservation (CV) Land Use designation shall be applied to those areas which contain or possess lands with qualities and features that play an essential role in the normal functioning of the local, regional and Indian River Lagoon ecosystems or merit preservation as records of once common ecosystems. CV designated parcels include, but are not limited, to publicly owned land or land controlled by public entities for conservation purposes. Lands designated as Conservation (CV) shall remain undeveloped. This land use category shall allow open space, conservation and compatible limited passive recreational uses. These lands are candidates for public acquisition.*
- Land Use Element Policy 1.11: *The Industrial (I) Land Use Designation shall be applied to those areas that are suitable for urban scale development and intensities. Those areas shall be limited to lands that are located adjacent to major transportation facilities such as airports, arterial streets or railroads, buffered from residential neighborhoods or located with consideration to environmental impacts and other performance standards provided for in the City Land Development Regulations. This land use category shall allow a mixture of highway-oriented commercial uses, such as retail trade, professional offices, business and personal services, residential, cultural and civic uses, public facilities, park and recreation uses, schools, institutional, utilities, light industrial and aviation-oriented uses.*

The existing CV designation is not consistent with Policy 1.2 due to its lack of any significant habitat or environmental features on the property coupled with the active and intensive use of the property as a pistol shooting range for over 30 years. This use has resulted in the introduction of lead into the soils which is

proposed to be remediated prior to making any further improvements to the pistol range. The existing use, access to the property, existing uses and zoning in the immediate vicinity, and the property's location are consistent with the guidelines in Policy 1.11 for I designations.

Finding: The staff finds that the requested amendment is consistent with Policy 1.11 and addresses the long-term issue of inconsistency with Policy 1.2 that governs designation of conservation and environmental protection areas under CV.

- Land Use Element Policy 1.15: *The City shall rezone land consistent with Table 1.11, Relationship between Land Use Designation and Zoning Districts. The City recognizes that not every zoning district allowed within a land use designation is appropriate for every site within that designation. Therefore, the City may deny a rezoning request, even if the requested zoning district is consistent with a site's land use designation, if the request does not meet zoning map amendment standards of the land development regulations or other legitimate public purpose.*

This policy is intended for guiding re-zonings to ensure consistency with the Comprehensive Plan. Although the text of the Comprehensive Plan adopted in 1992 did not include Policy 1.2 as mentioned previously, the rezoning of the property to ALI-MC clearly was inconsistent with the policy guidance in that version of the Comprehensive Plan. However, apparently the inconsistency of the underlying zoning of ALI-MC with the CV designation was never addressed or questioned during the rezoning process in 1992 or in 1986 when a site plan was approved for improvements to the property.

If approved, this change in designation would officially recognize what has been allowed over 30 years and would bring the property into compliance with the Comprehensive Plan with the more appropriate designation of I. It would replace the existing CV designation that was inappropriately applied to this property as it conflicted with the Comprehensive Plan in effect at the time of designation. The change in designation would allow the property to be improved, which is needed to better serve the needs of law enforcement.

Finding: The staff finds that the intent of this Policy would be met with the requested amendment from CV to I.

- Maintenance of the Level of Service: *The amendment is consistent with the concurrency requirements of the Comprehensive Plan. The site is concurrently not directly served by City water and sewer or connected to City drainage system. Existing capacity exists in the City's water and sewer and storm drainage systems, if any improvements to the property would require connection into these systems.*

The two major roadways in the vicinity of the property are well within the Level of Service standard of D. Based on the most up-to-date Links Maintenance Report prepared by Indian River County Traffic Engineering, east and west bound peak hour directional traffic on the segments of 41st Street between 58th Avenue and Old Dixie Highway are around 30% of the “D” Level of Service capacity. The segment of 43rd Avenue between 26th Street and 41st Street is about 65% of the “D” Level of Service capacity.

An analysis of the impact on the road system and other public facilities based on the differences in uses allowed under the existing and proposed designations was not conducted, as is typically required for most requested changes for the following reasons. The proposed re-designation is basically a house-keeping measure to bring the long-term existing use on the property and its underlying zoning into compliance with the Comprehensive Plan. The City of Vero Beach owns and controls the use of the property, which is intended to remain as a law enforcement shooting range; therefore, the use of the property will remain the same and any impacts on level of service will be minimal. Any proposed future improvements to the property would still be required to go through concurrency review as would any development project.

Finding: The staff finds that the proposed change in the future land use designation of the property will not have any adverse impact on LOS standards.

Recommendation

Based on the analysis and findings above, the staff recommends that the Planning and Zoning Board approve submittal of the draft Ordinance to the City Council for favorable consideration.

TJM/tf
Attachments

ORDINANCE NO. 2016-__

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA REQUESTED BY THE CITY PLANNING AND DEVELOPMENT DIRECTOR TO AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP BY CHANGING THE FUTURE LAND USE DESIGNATION FROM CV, CONSERVATION TO I, INDUSTRIAL, FOR PROPERTY LOCATED AT 4401 41ST STREET, CONTAINING 10.53 ACRES MORE OR LESS; PROVIDING FOR AN EFFECTIVE DATE.

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[See Exhibit “A”]

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This Ordinance was read for the first time on the ____ day of ____, 2015, and was advertised on the ____ day of ____, 2016, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember, _____. and adopted by the following vote:

- Mayor Richard G. Winger _____
- Vice Mayor Jay Kramer _____
- Councilmember Pilar E. Turner _____
- Councilmember Randolph B. Old _____
- Councilmember Harry Howell _____

ATTEST: CITY OF VERO BEACH, FLORIDA

Tammy K. Vock
City Clerk

Richard G. Winger
Mayor

[SEAL]

Approved as to form and legal sufficiency:

Approved as conforming to municipal policy:

Wayne R. Coment
City Attorney

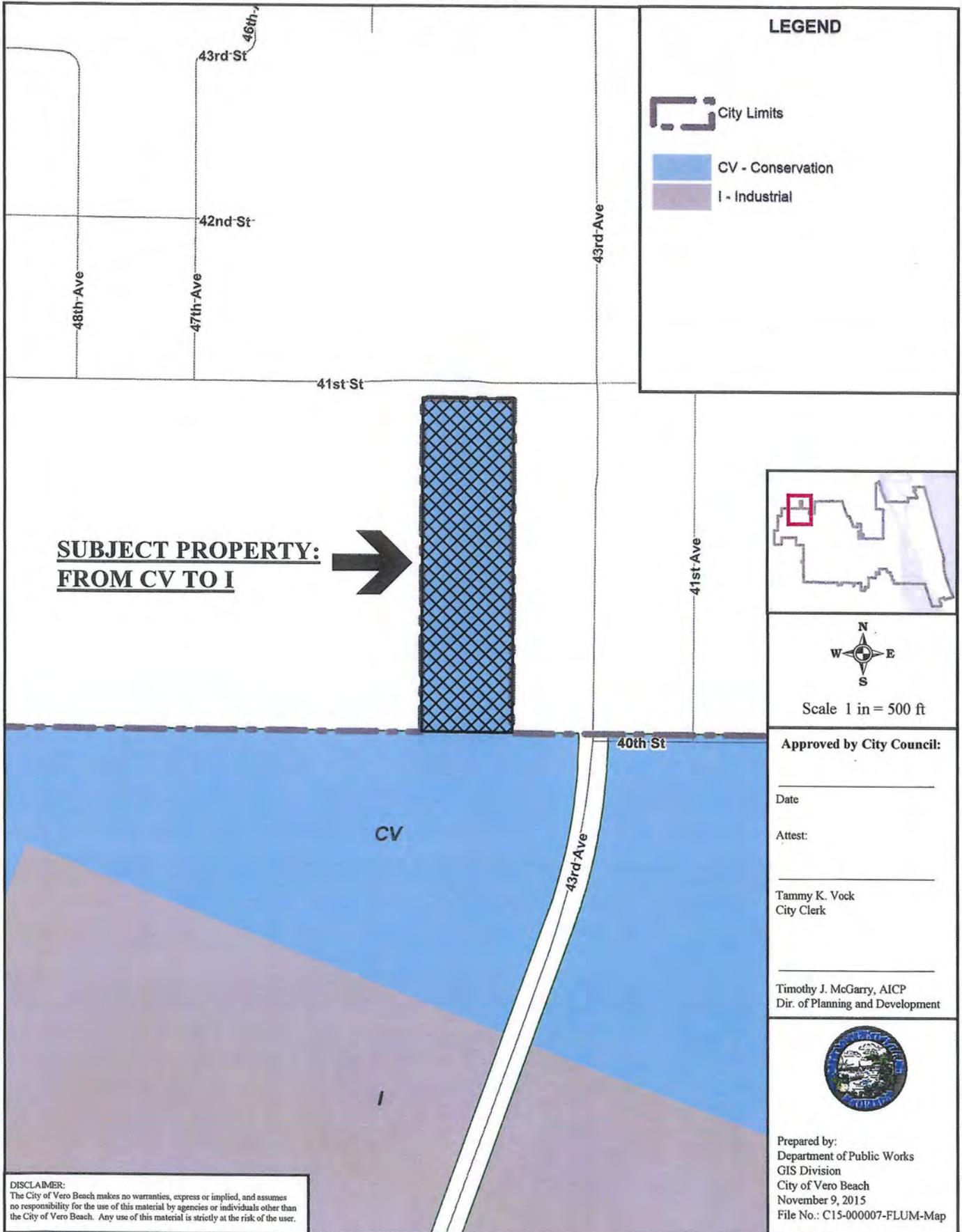
James R. O'Connor
City Manager

Approved as to technical requirements:

Timothy J. McGarry, AICP
Director, Planning & Development

Location and Future Land Use Map

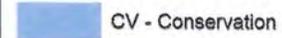
Exhibit "A"



LEGEND



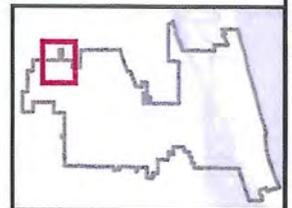
City Limits



CV - Conservation



I - Industrial



Scale 1 in = 500 ft

Approved by City Council:

Date _____

Attest: _____

Tammy K. Vock
City Clerk

Timothy J. McGarry, AICP
Dir. of Planning and Development



Prepared by:
Department of Public Works
GIS Division
City of Vero Beach
November 9, 2015
File No.: C15-000007-FLUM-Map

DISCLAIMER:
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