SPECIAL CALL CITY COUNCIL MEETING
THURSDAY, DECEMBER 9, 2010 9:30 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

A G E N D A

1. CALL TO ORDER

A) Roll Call
B) Pledge of Allegiance

2. PUBLIC HEARING – Quasi-Judicial

A) Appeal of the December by the Planning and Zoning Board Approving Site Plan Application #SP10-000002 – First Presbyterian Church – Request from Venetian Apartments

3. ADJOURNMENT

This is a Public Meeting. Should any interested party seek to appeal any decision made by Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and that, for such purpose he may need to ensure that a record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the City's Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.

EXHIBIT 1
APPELLANT'S APPLICATION

APPEAL APPLICATION

City of Vero Beach Planning & Development Department
1053 20th Place – P.O. Box 1389
Vero Beach, Florida 32961-1389
Phone (772) 978-4550 / Fax (772) 778-3856

JUL 2010
City of Vero Beach Planning Dept.

Application # A10-000001

Check applicable request:

- ☐ Appeal of an Administrative Decision to the Planning & Zoning Board
- ☐ Appeal of a Board of Adjustment Decision to the City Council
- ☐ Appeal of a City Manager Decision on Wastewater Discharge Permits to the Board of Adjustment
- ☒ Appeal of a Planning & Zoning Board Decision to the City Council

As described in the City of Vero Beach Zoning Code, I/we request a hearing to appeal a decision rendered by the authority indicated above. The property(ies) and/or zoning code(s) pertinent to this appeal are set forth in this application.

PROPERTY ADDRESS: 523 Royal Palm Blvd #4 Vero Beach, FL 32960

PROPERTY OWNER: Kraig V Pyle PHONE: 772-563-0013

OWNER ADDRESS: PO Box 6747 Vero Beach FL 32961

APPLICANT: Cathy Ergle Venetian Apts Inc PHONE: 772 766-0505

APPLICANT ADDRESS: PO Box 6747 Vero Beach FL 32961

RELATIONSHIP OF APPLICANT TO OWNER [i.e. same, attorney, engineer, architect, etc.]:

Vice President of Venetian Apts Inc

PROPERTY PARCEL ID NUMBER: 33 39 01 00005 0210 00032.0

FULL LEGAL DESCRIPTION OF THE PROPERTY [as described in the deed]:

See Attachment A

ZONING DISTRICT: R-1A & RM10

SUBJECT OF APPEAL REQUESTED: Conditional Use and Site Plan App # SP10-000002

CITE RELEVANT CITY CODE SECTION(S): Sections 61.04 & 61.38

Owner Signature:* Cathy Ergle Date: 7-30-10

Owner: Cathy Ergle See Attached Letter
(Print Name)

**A representative agent may sign with written authorization from the owner.*

Fee: $610

Parcel: 33390100005021000032.0

Attachment - A

Full Legal Description

ROYAL PARK SUB

PBS 5-30 & PBI 1-2 LOTS 24 TO 55 & THE E
10.00 FT OF LOT 56 BLK 21 & THE ABANDONED ALLEY ABUTTING
SAID LOTS 24 TO 55 & T
HE E 10.00 FT OF LOT 56 BLK 21 AS DESC I
N D BK 75 PP 339 & D BK 88 PP 574 & THE NLY 15.00 FT OF AB
ANDONED BROADWAY ABUTT
ING SAID LOTS 37 TO 55 & THE E 10.00 FT
OF LOT 56 AS DESC IN D BK 75 PP 336; TOG WITH LOTS 1 TO 5
INCL BLK 19; INC THE
SLY 15.00 FT OF ABANDONED BROADWAY ABUTT
ING SAID LOT 1 AS DESC IN D BK 77 PP 336; TOG WITH LOTS 74
TO 79 INC BLK 19; IN
C THE SLY 15.00 FT OF ABANDONED WALL ST
ABUTTING SAID LOTS 74 & 75 BLK 19 & THE SLY 15.00 FT OF A
BANDONED BROADWAY ABUT
TING SAID LOTS 76 TO 79 BLK 19 AS DESC I
N D BK 75 PP 336; ALSO INCL THE ABANDONED ALLEY ABUTTING S
AID LOTS 1 TO 4 & LOTS
74 TO 79 BLK 19; TOG WITH THAT DESC POR
OF ABANDONED BROADWAY ABUTTING SAID LOTS 37 TO 52 INCL
BL
K 21 & SAID LOTS 1; 76
TO 79 INCL BLK 19 PER THE CITY OF VERO
BEACH ORDINANCE NO 2007-20 & TOG WITH LOTS 1 TO 10 BLK 22;
LESS THAT POR OF INDI
AN RIVER BLVD R/W AS DESC IN OR BK 879 P
G 2513

Parcel: 333901000050310000 11.0

Full Legal Description

ROYAL PARK SUB

PBS 4-79 LOTS 11 & 12 LYING W OF INDIAN RIVER BLVD BLK 31

print | close

JUL 2010
City of Vero Beach
Planning Dept.

Venetian Apartments

at

Vero Beach

P.O. Box 6747
Vero Beach, Fl. 32961
772-563-0013

Entered
JUL 2010
City Clerk's
Office

July 30, 2010

Subject: Conditional Use and Site Plan Application #SP10-000002
First Presbyterian Church Approved on July 15, 2010 by Planning and Zoning

To The City of Vero Beach, City Council,

This is to notify you that Venetian Apartments, Inc. is filing an appeal regarding the P and Z approval of Site Plan #SP10-000002, on July 15, 2010 for the First Presbyterian Church.
We are formally requesting a special call hearing before the Vero Beach City Council and also that the whole council be present for this hearing.
Some of the issues we will be addressing:

1. Adverse effect on Venetian Apartments and it's tenants
2. Traffic
3. Drainage issues
4. Various other issues regarding Site Plan approval by Planing and Zoning

Sincerely,

Cathy Ergle

Cathy Ergle
Vice President, Venetian Apartments, Inc.

Venetian Apartments
At Vero Beach

P.O. Box 6747
Vero Beach, Fl. 32961
772-563-0013

July 30, 2010

I, Kraig Vann Pyle hereby authorize Cathy Ergle, Vice President of Venetian Apartments, Inc. to sign the Appeal Application for the City of Vero Beach Planning & Development Department.

Kraig Vann Pyle
Owner, Venetian Apartments, Inc.

EXHIBIT 2
PLANNING AND ZONING
BOARD HEARING RECORD

BEFORE THE PLANNING & ZONING BOARD
OF THE CITY OF VERO BEACH, FLORIDA

1053 20TH PLACE
VERO BEACH, FLORIDA 32960

In the Matter of:

First Presbyterian Church

SITE PLAN APPLICATION NO. SP10-000002

Applicant/Owner
First Presbyterian Church
520 Royal Palm Boulevard
Vero Beach, FL 32960

ORDER GRANTING SITE PLAN APPROVAL

The above-styled matter came before the Planning and Zoning Board of the City of Vero Beach ("Board") on Thursday, July 15, 2010, for public hearing on the Applicant's request to construct a multiple purpose building for that certain real property located at, **520 Royal Palm Boulevard, Vero Beach, Indian River County, Florida**, and more fully described as:

Parcel I.D. Number:	**33 39 01 00004 0210 00032.0**
Zoning District:	**R-1A Single-Family Residential and RM-10 Medium-High Multiple-Family**

The Applicant requested the following conditional site plan approval for the attached plans:

Construction of a 26,465 square foot multi-purpose facility with all associated parking, landscaping and drainage improvements.

The Board, having fully heard and considered the testimony, evidence, and arguments of the Planning and Development staff, Applicant, and public, and being fully advised in the premises, finds that in this matter competent substantial evidence and facts were presented which, in its judgment, show that the criteria of Section 64.10 of the zoning code have been satisfied.

BASED ON THE FOREGOING, a motion was made by M. Kennedy to approve Application Number SP10-000002 finding that the Applicant has satisfied the requirements of Section 64.10 of the zoning code as stated above, and thereby grant conditional site plan approval, subject to the following:

A. Public Works Department – Engineering Division has reviewed the proposed project and recommends approval, subject to the following conditions:

1. During construction and after final grading, NO surface water run-off may be directed to adjacent properties, and ALL surface water runoff must be routed to approved drainage facilities as shown on the site plan. ALL run-off from the site, both during and after construction, must be free of pollutants, including sediment, prior to discharge;

2. All required permits including but not limited to the following shall be approved and copies provided to the City of Vero Beach prior to release of the site plan for building permit:
   - COVB Right-of-Way Permit (application attached)
   - SJRWMD Environmental Resource Permit
   - FDEP Water and Wastewater Permits
   - FDEP Notice of Intent for Stormwater (NPDES NOI)
   - Covenant of Removal

B. The Water and Sewer Department, has reviewed the proposed project and recommends approval, subject to the following conditions:

1. The typical trench detail on sheet C-9 is still incorrect. The pipe bedding envelope to 12" over the pipe is to be compacted to 90% of AASHTO T-180, in accordance with the manufacturer's recommendation. The backfill above 12" over the pipe is to be compacted to 95% of AASHTO T-180. See Detail WS 6.1.

2. The Water & Sewer Department has no objections to this project. The change to the trench detail stated above can be made prior to the preconstruction meeting, re-submittal is not necessary.

The motion was seconded by Mr. Sammons and approved by a vote of the Board as follows:

Chairman Ryan	☑	Yes	☐	No	☐	Abstained	☐	Absent
Vice Chairman Vogt	☑	Yes	☐	No	☐	Abstained	☐	Absent
Mr. Sammons	☑	Yes	☐	No	☐	Abstained	☐	Absent
Mr. Mucher	☑	Yes	☐	No	☐	Abstained	☐	Absent
Mr. Kennedy	☑	Yes	☐	No	☐	Abstained	☐	Absent
Mr. McCracken	☐	Yes	☑	No	☐	Abstained	☐	Absent
Mr. Llerena	☐	Yes	☑	No	☐	Abstained	☐	Absent

Mr. Doty	☐	Yes	☑	No	☐	Abstained	☐	Absent
Mr. Norris	☐	Yes	☑	No	☐	Abstained	☐	Absent
Mr.Jones (alternate #1)	☐	Yes	☐	No	☐	Abstained	☐	Absent
Mr.Fletcher (alternate #2)	☐	Yes	☐	No	☐	Abstained	☐	Absent

IT IS THEREFORE ORDERED BY THE BOARD that the request for site plan approval is hereby GRANTED.

DONE AND ORDERED at Vero Beach, Indian River County, Florida, this 23rd day of July, 2010.

ATTEST:

Ginny Beigel
Clerk of the Board

PLANNING & ZONING BOARD
CITY OF VERO BEACH, FLORIDA

By: _____

Dennis J. Ryan
Chairman

XC: Rob Bolton, Water & Sewer
Charlotte Bowling, Bldg Dept (email)
Monte Falls, Public Works
(via Jen Baker – email)
Jose Guanch, Bldg Dept
Kelly Hazellief, IRC Community Dev (email)

MINUTES - *APPROVED* - REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD – JULY 15, 2010, 1:30 P.M., COUNCIL CHAMBER, CITY HALL, VERO BEACH, FLORIDA

PRESENT: Chairman Dennis Ryan; Mr. Cliff Norris; Mr. Richard Kennedy; Mr. Bob Sammons; Mr. Mark Mucher; Mr. Charles Vogt; Mr. Scott McCracken; Mr. Ed Llerena; Mr. Kevin Doty; Mr. Peter Jones, Alternate I; Mr. Craig Fletcher, Alternate II; Mr. Tim McGarry, Planning and Development Director; Mr. Hank Flores, Current Planning Manager; Ms. Gayle Lafferty, Planner; Mr. Wayne Coment, Assistant City Attorney; Ms. Ginny Beigel, Secretary

Mr. Ryan said they were going to take five minutes to read the handout provided by the owner of the Venetian Apartments, who couldn't be here today. As such, the meeting started at 1:35 p.m.

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

None.

II. APPROVAL OF MINUTES

A. Regular Meeting – May 20, 2010

Mr. Sammons moved for approval of the minutes; Mr. Kennedy seconded the motion and it was unanimously approved (9-0).

III. CONSIDERATION OF SITE PLAN APPROVAL

[QUASI-JUDICIAL]

A. Conditional Use and Site Plan Application #SP10-000002 - Request to Construct 26,465 Square Feet of Building Space for a Multi-Purpose Facility and to Remove an Existing Youth Building and Portions of the Administration Building and an Existing CBS Building (Northernmost Building).

Location:	520 Royal Palm Boulevard
Owner/ Applicant:	First Presbyterian Church
Engineer:	Carter Associates, Inc.
Architect:	WKWW Architects

Present: Ryan, Norris, Kennedy, Sammons, Mucher, Vogt, McCracken, Llerena, Doty; Jones; Fletcher

Mr. Ryan said before the meeting, we were provided a copy of the letter from the owner of the Venetian Apartments. He said he has asked that it be read into the record.

In response to questions by Mr. Ryan, Mr. Coment said if Mr. Ryan did not want to read it, it was his prerogative. He also said it would not be considered competent, substantive evidence.

Mr. Ryan said his contention is that it shouldn't be read into the record because it was received at the last minute and the board wasn't given an opportunity to review it.

Mr. Clint Rahjes, 6425 55th Square, said it is the applicant's decision to not read it into the record and that the board and the applicant have read it.

Mr. Lafferty reviewed the back up (on file in Planning), including how the Architectural Review Commission (ARC) had asked the applicant to take its suggestions under consideration and how changes had been made as a result. She also said all required noticing had been satisfied, including the neighborhood meeting where 30 people attended. She said the project meets concurrency requirements as well as the technical requirements of Section 64.10 and that staff recommends approval of the site plan subject to the conditions listed on Page 4 of the review.

With reference to the applicant's conducting a neighborhood meeting, Mr. Mucher said it would be nice to attend these meetings unless we weren't allowed to because it was quasi-judicial. He asked would we not be allowed to attend these meetings?

Mr. Coment said nothing says you couldn't attend, but if more than one attends, there is the potential for violating the Sunshine Law. He said the other thing is that you're strictly limited to what you see and hear.

There was a discussion initiated by Mr. Mucher regarding height and how any number can add up to 50 feet, such as a 10-foot high structure with a 40' embellishment and how staff said they would specifically look at the plans that show 17.9' of embellishment to determine whether it's allowed.

In addition, there was a discussion about a traffic study being required, which was approved by the County's Traffic Engineering staff, and how no improvements were required based on it.

Mr. Ryan asked are signs posted on the property?

Ms. Lafferty said yes.

Mr. Ryan said he never saw them.

Present: Ryan, Norris, Kennedy, Sammons, Mucher, Vogt, McCracken, Llerena, Doty; Jones; Fletcher

Mr. Sammons asked does staff attend the neighborhood meeting?

Ms. Lafferty said she was there.

Mr. Clint Rahjes, engineer with Carter Associates, 1708 21st Street, said he was sworn, introduced members of the congregation to the board, and said he is available to answer any questions. In response to questions about the properties, he explained what the proposed uses for buildings were, which ones were to be demolished, what portions of the church's properties were considered in the calculations, including the parking, and that the church only used the one large property for its open space calculations. He said they have no plans for that small piece of property [detailed on the zoning map on the southwest corner of Indian River Boulevard and Royal Palm Boulevard].

Mr. Mucher said it mentions in the Venetian letter the closing of Broadway and asked was that not a deeded city street or was that owned by the church?

Mr. Rahjes said he just received that letter and is not sure what they're talking about. He said the road closing was approved several years ago and that they included it with the site plan approval request. He said most of the neighbors on Broadway wanted that road closed. He said they did not want it to go through any more.

Mr. Mucher asked who approved it?

Mr. Rahjes said it was approved by city council.

Mr. Norris asked Mr. Rahjes, are you a member of the church? When he found he wasn't, he asked a church member to come provide rationale for this project as to why the church thinks it needs this building.

Mr. Rahjes said Pastor Tim Womack will be up here. In response to a question by Mr. Llerena, he said he is the engineer.

Mr. Llerena said and this letter from the gentleman is against that.

Mr. Rahjes said he believes he is against it.

Mr. Llerena stated and it should not be included in the minutes?

Mr. Rahjes said the right-of-way has already been approved for abandonment to be closed. He said the second thing; there was a neighborhood meeting with everybody in the area and that was not brought up at that time.

Mr. Ryan said Mr. Llerena you're misunderstanding. He said the gentleman could not be here and asked that it be distributed to all of us and the applicant. He said after discussing this with counsel, he didn't think we should read it into the minutes.

Present: Ryan, Norris, Kennedy, Sammons, Mucher, Vogt, McCracken, Llerena, Doty; Jones; Fletcher

Mr. McCracken asked haven't we accepted letters in the past?

Mr. Coment said in a quasi-judicial proceeding, it's not competent substantial evidence because we can't cross examine the writer and it was brought to you at the last minute.

Mr. Llerena asked shouldn't we include it and explain what you just said.

Mr. Coment said certainly it's in the record, but he would urge you not to make your decision based on the content of the letter.

After further discussion, it was decided a copy of the letter would be attached to be minutes to be a part of the record (attached).

Mr. Vogt asked about the abandonment saying Mr. Rahjes indicated it had been approved by the council subject to an approved site plan. He said according to the property appraiser's office, it was abandoned without site plan approval.

There was discussion about the multi-purpose building, about maximum seating capacity being 450 seats, about the building being on the far north side of the site to save as many trees as possible as on the heavily wooded south side, and about the applicant still moving four large oak trees that are in that area. It was also noted that moving it 15 feet to the south as suggested by a member would move the building into two 30-foot oaks. Distances of driveways from nearby streets and the newly created crossover were also considered as were the types of driveways, such as the easternmost one, which is proposed to be an entrance-only one.

In continued discussion, it was explained that though the abandonment of Broadway was contingent upon an approved site plan, this board would not actually be approving the abandonment as that is under the city council's purview.

Mr. Messersmith explained that that was the way it was supposed to have happened, but evidently the clerk jumped the gun. He said if the site plan were not approved, technically it could not be abandoned, even though it's been abandoned for the last year and a half. He also said the original intent was to close that road whether it was abandoned or not.

Mr. Sammons brought up the parking spaces, how they are providing 177 spaces while 88 are required, and that he's curious to know why they are supplying so many.

Mr. Rahjes said the reason is largely due to the fact this expansion is the first step in the master plan and that it is their hope that the sanctuary would be replaced with a larger one.

Present: Ryan, Norris, Kennedy, Sammons, Mucher, Vogt,
McCracken, Llerena, Doty; Jones; Fletcher

In an aside, Mr. McGarry said he had an answer on the height issue and explained how it's measured from the highest gable.

A brief discussion about the fact that the height should have been measure to the highest eave followed with Mr. Mucher pointing out it should have shown an inside measurement to the eave. Other previously constructed buildings, such as the County Administration Building, and their heights were also discussed.

Mr. Tim Womack, Senior Pastor, First Presbyterian Church, 3440 Buckinghammock Trail, said he used to live on Royal Palm Boulevard and 10th Avenue and that he has been sworn.

At Mr. Norris's request, Mr. Womack provided a little background about why they were making this request and about the growth and history of the church. He said they'd begun looking at these improvements before 2004, their 50th anniversary, when the two hurricanes hit. He explained what happened to some of the buildings and the setbacks they faced as a result. In response to a request by Mr. Norris, he explained what types of events they planned on having at the fellowship hall. He also spoke about how they had done a thorough study and were satisfied their maximum needs would be met.

Mr. McGarry said if they intended to have special events [traveling orchestras, for example], they would have to come back before you for permission because it's a conditional use.

Regarding questions about any future child care or preschool plans, Mr. Womack said there aren't any at this time, but that he certainly wouldn't rule out the possibility based on need. In addition, Mr. Womack also said we really have worked hard and honor our neighbors.

Mr. Mucher asked for an overview of the neighborhood meeting.

During the meeting, Mr. Womack said the one change requested had to do with access to the parking lot and how they would like a berm. He said a lot of the conversation was about flooding, which impacted our neighbors as much as it did us. He said we assured them we would not affect them in terms of flooding. He felt the neighbors response was supportive, surprisingly so.

Mr. Mark Polenski, 661 Broadway Street, said he had been sworn and that not only is the church a good neighbor, they are a wonderful neighbor. He said he doesn't go very often, is not a member and that the church lends a certain sense of decorum and dignity to the neighborhood and really goes out of its way to make it that way. He said we don't have a problem with them expanding; we like them.

Mr. Kirby Kenney, 551 Wall Street, said he is heavily in favor of the project with one caveat. He said his garage was built on the south side of his property. He spoke about the said the only way to get to his garage was a long, circuitous route. He said he spoke with Monte Falls, who said he would look into it. He said he's lived there since 2002, spoke about his family's participating in the children's programs and what a great neighbor we have in this church. He said there have been discussions about how all of us would have access to the alleyway that used to be there and that the church and he have discussed it formally.

Mr. Messersmith said the reason the city didn't want to provide access was because they didn't want to provide a cut through for Wall Street to Royal Palm Boulevard. He said we could certainly work with you (Mr. Kenney) and accommodate something.

Mr. Kenney said that was true and you would have a cut through. He said the solution would be to have a garage that faces Wall Street and abandon the one in the back. He said he doesn't know that there is another solution. He said he has always opposed it and is waiting for a solution and that he hasn't seen one yet.

Mr. Ryan said you certainly have an issue to take up with the church people and the city.

Mr. Kenney said the abandonment was conditioned upon site plan approval and is part of his issue.

Mr. Ryan said it also affects your neighbor.

Mr. Kenney said that it did to a lesser extent.

There was discussion about what it would cost for a new garage (50 to 70 thousand dollars), about Mr. Kenney's not having discussed this with the church, and how he has a good relationship with Tim and Tom and could talk with them about it.

Mr. Kenney said he didn't want this meeting to go by without this being on record.

Mr. Doty asked who's undertaking the improvements as shown on this plan for you to have a driveway to the south side of your driveway.

Mr. Kenney said the property actually belongs to the church and is church property.

Mr. Rahjes said the church is proposing to build the new driveway connection at the church's expense.

There was a discussion about problems with using the alley as it exists right now.

Present: Ryan, Norris, Kennedy, Sammons, Mucher, Vogt, McCracken, Llerena, Doty; Jones; Fletcher

Mr. Mucher asked would it make any sense to take the cost of stabilizing that driveway in the back and offset the cost of a new garage?

Mr. Rahjes said the problem is it also provides access to the person with the motor home and the apartment building.

Mr. Kenney said if his issues aren't addressed, he would like to cancel the abandonment.

Mr. McGarry said he has access to his property; it's inconvenient.

Mr. Kenney said he always thought about building a garage in the front anyway.

Mr. Llerena said driving a mile to get into a garage is ridiculous. He said he could not approve this until there were a solution to this problem and that he thinks it's something that could be worked out with the church or whomever. He said we should not be penalizing long-term residents there because the church is making changes.

Mr. Ryan asked can we approve this conditionally, subject to working this out with the church and city.

Mr. Coment spoke about the reasons they shouldn't condition approval on that and that it's a private matter between the parties.

Mr. Doty said he would move that we table this till this item is adequately addressed and discussed.

Mr. Llerena said if he hears a discussion, it would be that this is closed.

Mr. Ryan said he has to take a roll call vote.

Mr. Coment explained Roberts Rules of order.

Mr. Norris said we have been discussing this for an hour and a half. He said he would like to keep going.

Mr. Sammons said he agrees with Mr. Norris and that the engineer came up with a possible solution.

Mr. Ryan said let's resolve the issue and asked for a vote.

The motion to table failed (2-7) on a roll call vote: Chairman Ryan, no; Mr. Norris, no; Mr. Kennedy, no; Mr. Sammons, no; Mr. Mucher, no; Mr. Vogt, no; Mr. McCracken, no; Mr. Llerena, aye; Mr. Doty, aye.

Present: Ryan, Norris, Kennedy, Sammons, Mucher, Vogt, McCracken, Llerena, Doty; Jones; Fletcher

Mr. Rahjes said it has been brought to his attention by the people at the church that the garage is actually walled up and has been converted into a game room or something of that nature because there's no parking in this garage.

Mr. Kenney said we converted it to a game room, but if we sell the house, we sell it as a garage. He said it still is the only access we've got.

There was discussion about whether the problem is the church's responsibility or the city's and that access is through the city's right-of-way.

Mr. Kenney feels it's is partially the city's and the church's responsibilities.

It was noted that there is a 50-foot easement (50 X 138) that should have been marked on the plans and a suggestion of having the easement come off Wall Street would still result in similar issues with the neighbor to the north.

Mr. Kenney said he doesn't want to get in the way of the church's progress and that he should have talked to the church first.

At Mr. Norris's request, Mr. Messersmith came up to discuss the site plan and how, in his opinion, it doesn't warrant off-site improvements. He also spoke about traffic patterns in the area and how the construction of 24th Street was designed to eliminate some of the traffic at that intersection, Royal Palm and Indian River Boulevard. He said we're still looking at putting in a 5th Avenue connector that would connect 21st Street to Indian River Boulevard and that would reduce congestion.

Mr. Kennedy said he would move that we approve Site Plan #SP10-000002 for the First Presbyterian Church construction. Mr. Sammons seconded the motion.

Mr. Doty stated his belief that this is probably going to be approved and that in 5 years, maybe 10, approving this and half a million square feet of commercial space, we are creating a huge mess in that very small corner of this city and that improvements to Royal Palm will prove to be inadequate. He said Kirby Kenney is taking a leap of faith he would never take. He said he doesn't begrudge the church its ambitions, but he doesn't think it's in the best interest of the city either. He said we are going to look completely irresponsible and for that reason he is going to vote to deny it and that this is one area where we have complete discretion. He concluded saying he is assuming it's going to pass and would ask the applicant to consider changing the Ligustrum hedge to a Silver Buttonwood.

Mr. Sammons said he would like to say he believes everything Mr. Doty said, but that he hates to punish people for meeting the line of the code and thinks we need to change our codes. He said he doesn't like to put the burden on those people. He said if it proves to get worse and worse over there, it's going to be tougher on them.

Present: Ryan, Norris, Kennedy, Sammons, Mucher, Vogt, McCracken, Llerena, Doty; Jones; Fletcher

Mr. Ryan said he lives in the fingers and is concerned with everything Mr. Doty said, is concerned that Indian River Boulevard will be a six-lane road, and is concerned with Three Avenues, yet there was no one in this audience to get up and convince me against this project. He said the church worked hard and its neighbors like them. He said he doesn't see where these people should be deprived to do what their entitled to.

Mr. Mucher said he agreed with a lot of what Mr. Sammons said. He said he thinks the problem, if there is one, already exists and that he doesn't think the church would be part of the problem.

The motion to approve Site Plan Application #SP10-000002 passed (5-4) on a roll call vote: Chairman Ryan, aye; Mr. Norris, no; Mr. Kennedy, aye; Mr. Sammons, aye; Mr. Mucher, aye; Mr. Vogt, aye; Mr. McCracken, no; Mr. Llerena, no; Mr. Doty, no.

IV. PLANNING DEPARTMENT MATTERS

A. Landscape Ordinance

Mr. McGarry spoke about the landscape ordinance that has been in place for seven or eight months and ideas and reasons for modifying it, including the belief that it is actually not necessary to notify neighbors within 500 feet of a proposed protected tree removal request and how some specimen trees to come before the board could be handled administratively.

They discussed reasons to permit trees to be removed, such as instances on a golf course where the canopy is impacting the greens. After discussing, it was decided that some type of special exception should be considered.

Mr. McGarry said he would bring something back to the board, but not before October.

V. CHAIRMAN'S MATTERS

A. Architectural Review Commission (ARC) – Review Procedures

Mr. Ryan said he wanted to bring up, once again, his concern about the ARC getting items that come before us for site plan approval before we see it. He said he doesn't believe the ARC should see them before we look at them. He doesn't like the position it puts the Planning Board in and wanted to formalize a request to you and council that they see it first. He said if the board agrees with me, that's the way he would like to see it done.

Mr. McGarry said first, we would have to change the code. He said granted they have no authority and that the whole intent is that the can make conceptual plans before they

come to you. He said you're the only ones who have authority; all they can do is use persuasion and make recommendations. He said everything they are doing is advisory.

Mr. Ryan said it rubs him the wrong way when he gets the minutes from the ARC; it's supplemental, but to him, it's pressure.

There was a discussion about different ways for information to be provided, whether minutes might not be provided, and how staff is supposed to provide the ARC's comments.

Mr. Ryan mentioned where he'd lived previously, the ARC reviewed a plan after the Planning Board.

Mr. McGarry said that ARC board probably had some power.

A discussion followed about whether the ARC's comments should be made available to the Planning Board or not. Some members felt the ARC's comments were helpful and that they appreciated that commission's input. In the end, the majority of the board preferred to continue the routine as it now exists.

VI. ADJOURNMENT

The meeting adjourned at 3:42 p.m.

gkb

Present: Ryan, Norris, Kennedy, Sammons, Mucher, Vogt, McCracken, Llerena, Doty; Jones; Fletcher

VENETIAN APARTMRNTS

523 Royal Palm Blvd

722-563-0013 -fax 5630044

PO Box 6747 -32961

Our problems with the Church additions; For the record

It should protect the Neighborhoods rights for the residential area that it is- **FIRST** -requiring peace and tranquility and preservation as a Historic 1925 Vero "City Beautiful" design. This project, as drawn, adversely affects Venetian apartments and our Neighborhood

1) **Broadway closing**. I have a severe problem with the road "Broadway" being taken and altered from its Historic route.
   A) This Closing separates Venetian Apartments from its Historic and necessary Neighborhood.
   B) This connection may be the last way to enter our property during a rush hour with the congestion of RPB caused by diverting the traffic of RPP.

C) 24th street (that was given to KH despite our use of 40 plus years use) will always be an "Alley" entry. Our addresses are on IRB and RPB- not 24th street

D) IRB with the deceleration and acceleration lane confluence and loss of a cross-over to the North bound IRB eliminates this from working as a residential access

How are you going to solve this?

2) **The protection of our** Historic "City Beautiful "Design (by Merrick, McGee and Sexton) intact is far more important than closing off this road for Sunday Worshipping or of a fear of cars and traffic. Royal Palm Park should not be chopped up, altered or changed in Character because of this Church's design or Anyone else's wants. Separating Venetian from this Historic Neighborhood damages us severely as we rely on our connections via Broadway in many ways for our integrity

How are you going to solve this?

3) **Drainage;** The work just done at the intersection will not adequately solve the flooding problems of regular heavy rainfall. Pumps are needed. As there are no elevation plans, survey etc for the Church Plans, we are limited in our ability to determine if proper protection is given to prevent Church water from continuing to drain

down and upon us here at Venetian. This concern seriously affects us and our neighborhood. These plans do not give us the ability to have drainage reviewed by our engineers

How are you going to solve this?

4) **The new desired relocated entry** off Royal Palm Blvd, for the Church parking, aligns into our site with car headlights beaming into front windows. This is damaging and an abusive nuisance.

How are you going to solve this?

Venetian Apartments moved from Coral Gables after 49 years, solely, to be a part of restoring and belonging to Royal Palm Park, that is, in History and design, a small Sister City of Coral Gables . **That Coral Gables Review Boards care and protect the "City Beautiful" Plan, its People and their Comprehensive plans, as required by LAW- shows. THEY will not and do not cater to the desires of an individual's element just out of want.**

We can have a great Entry Development at RPB Point for Vero Beach as well helping improving the desirability and Value of Vero Beach's "Sleeping Beauties" of "Royal Palm Park" and "Country Club Estates". We came to Vero Beach to be a part of and help restore and polish Royal Palm Park. How are we going to achieve this?

We are wishing for a solution for all best interests and hoping things do work out for this Church to continue its quest.

Sincerely

kvp

7/15/10

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Ryan and Members of the Planning and Zoning Board

THROUGH: Timothy J. McGarry, Planning & Development Director

FROM: Gayle A. Lafferty, Planner

DATE: July 8, 2010

SUBJECT: Site Plan Application #SP10-000002 – First Presbyterian Church – Construction of a 26,465 square foot multi-purpose building in conjunction with an existing Place of Worship as a Conditional Use, with the removal of the existing youth building, western portion of the administration building, a portion of the existing CBS building (northern most building), and the removal of existing asphalt – Planning and Zoning Board meeting of July 15, 2010

Location: 520 Royal Palm Boulevard

Tax ID Number: 33 39 01 00005 0210 00032.0

Proposed Conditional Use: A multi-purpose building along with associated paving, drainage, utilities and landscaping in conjunction with an existing Place of Worship

The site is designated "RL – Residential Low" and "RM – Residential Medium" on the Future Land Use Map and the zoning classification is "R-1A – Single-Family Residential" and "RM-10 – Medium – High Multiple Family Residential." A Place of Worship is allowed as a conditional use in the R-1A and RM-10 Zoning Districts.

Surrounding Zoning:

North:	R-1A (Single-Family Residential District)
East:	RM-10 (Medium – High Density Multiple Family Residential District)
South:	R-1A (Single-Family Residential District) and RM-10 (Medium – High Multiple Family Residential District)
West:	R-1A (Single-Family Residential District)

Surrounding Future Land Use:

North:	RL (Residential Low)
East:	RM (Residential Medium)
South:	RL (Residential Low) and RM (Residential Medium)
West:	RL (Residential Low)

Planning and Development Department Review

The subject property is located at 520 Royal Palm Boulevard. The applicant has proposed the construction of a 26,465 square foot multiple purpose building in conjunction with its existing Place of Worship. The project encompasses the removal of the existing youth building, the western portion of the administration building, a portion of the existing north building, and the removal of existing asphalt. The required number of parking spaces is 88; 177 spaces are proposed. The project includes the removal/relocation of 60 parking spaces and the addition of 94 parking spaces (42 paved and 52 grass). During construction there will be two temporary modular units on site (800 square feet each). These units will be removed at the conclusion of construction.

The project was reviewed by the Architectural Review Commission (ARC). The Commission asked that the applicant take the Commission's comments under consideration. Attached is a copy of the ARC meeting minutes and a letter from the project's Architect addressing the ARC's comments and the changes made as a result of the meeting. The applicant also conducted a Neighborhood Workshop for the general public and owners of property within 300 feet of the project to present and discuss the project.

A summary of the proposed site plan and conditional use compliance with the appropriate provisions of the Code is attached.

Sec. 61.04/61.38

The proposed project is an existing conditional use. Because of the scope of the project, conditional use approval is required. The applicant must satisfy Sections 61.04 and 61.38 - Provisions regulating all conditional uses in the R-1A and RM-10 Zoning Districts.

A conditional use may be permitted by the City Planning and Zoning Board, provided the use is so designed, located, and proposed to be operated so that the public health, safety, and welfare are protected. Conditional uses will be considered on a case-by-case basis. Findings made in consideration of a conditional use are not justification for approval of other conditional uses. Neighborhood stability and impact on abutting properties shall be of prime importance in consideration of conditional use approval. Indicators of an unacceptable conditional use include the noise, traffic, and scale of a proposed use in relation to nearby uses. In addition to all criteria in the Code of Ordinances, the following criteria shall be considered in decision making relative to approval or denial of a conditional use:

(1) If in the judgment of the planning and zoning board, based on evidence presented, the proposed use will create noise, traffic, odor, or other nuisances to a degree that it will be disruptive to abutting or nearby properties, the conditional use shall not be approved.

(2) If in the judgment of the planning and zoning board, based on evidence presented, the scale of a proposed conditional use is determined to be inconsistent with existing or anticipated development in the vicinity, the conditional use shall not be approved. Indicators of scale shall be building bulk and height, open space, number of vehicle trips per day, and the number of parking spaces required in relation to a permitted use for the property.

(3) The use conforms to all applicable provisions of the district in which it is located.

The proposed project meets these criteria.

Sec. 61.05/61.39

The proposed project must also satisfy Sections 61.05 and 61.39 - Specific provisions regulating conditional uses.

(b) Places of worship:

(1) The minimum site for places of worship shall be five acres; provided, however, that this restriction shall not apply to existing places of worship.

(2) No main or accessory building or outside activity area shall be located within 25 feet of any side or rear lot line.

(3) Accessory uses for places of worship may be located on other than the same lot as the principal use if the accessory use is on an abutting lot or is on a lot that would be abutting the lot with the principal use, except that it is separated from the principal use by a right-of-way.

The proposed project meets these criteria.

Concurrency Management

The applicant has been in contact with the Indian River County Public Works Department regarding the submittal of a Traffic Impact Analysis (TIA) for the project. The original project did not require review because the number of trips generated by the project did not meet the threshold for review. However, subsequent to this determination, minor revisions were made to the project that added square footage to the project. This minor addition of space requires that a TIA be done for the project. County's staff is reviewing the revised TIA and is expected to issue a release of the project prior to the scheduled public hearing for the project. Staff will provide an update to the board at the public hearing.

Drainage for the project will be handled by an on-site drainage retention system. The proposed project will also require review by the St. Johns Water Management District to ensure it meets its drainage regulations. The project is served by the City of Vero Beach Water and Sewer and Electrical Utilities Departments, which have adequate capacity. Garbage is handled by the Solid Waste Division.

Findings

Staff has reviewed the proposed project, the comments of pertinent city and county departments, and determined that it meets the technical requirements of Section 64.10 – Site plan review standards and conditions - of the Code of Ordinances. Staff has also determined that the request for conditional use approval has met the standards of review for granting conditional uses as set forth in Sections 61.04/61.38 and 61.05/61.39.

Recommendation

Staff recommends approval of the site plan and conditional use, subject to the following conditions:

A. Public Works Department – Engineering Division has reviewed the proposed project and recommends approval, subject to the following conditions:

1. During construction and after final grading, NO surface water run-off may be directed to adjacent properties, and ALL surface water runoff must be routed to approved drainage facilities as shown on the site plan. ALL run-off from the site, both during and after construction, must be free of pollutants, including sediment, prior to discharge;

2. All required permits including but not limited to the following shall be approved and copies provided to the City of Vero Beach prior to release of the site plan for building permit:

    - COVB Right-of-Way Permit (application attached)
    - SJRWMD Environmental Resource Permit
    - FDEP Water and Wastewater Permits
    - FDEP Notice of Intent for Stormwater (NPDES NOI)
    - Covenant of Removal

B. The Water and Sewer Department, has reviewed the proposed project and recommends approval, subject to the following conditions:

1. The typical trench detail on sheet C-9 is still incorrect. The pipe bedding envelope to 12" over the pipe is to be compacted to 90% of AASHTO T-180, in accordance with the manufacturer's recommendation. The backfill above 12" over the pipe is to be compacted to 95% of AASHTO T-180. See Detail WS 6.1.

2. The Water & Sewer Department has no objections to this project. The change to the trench detail stated above can be made prior to the preconstruction meeting, re-submittal is not necessary.

gl/hf:gkb
Attachments

DEVELOPMENT SPECIFICATIONS					
DEV. SPECS./CODE SECTION NO.	REQ'D/ ALLOWED	PROPOSED	EXISTING	CONFORMS YES/NO	REVISED
Building height (ft) [Sec. 61.06]	35	25.5		yes	6/2/10
Overall Building height	50	42.90		yes	
Lot width (ft) [Sec.61.06]	75		exceeds req	yes	
Gross Floor Area [Sec.61.06]	82,013	45,319		yes	6/21/10
Floor Area Ratio [Sec.61.06]	0.300	0.168		yes	6/21/10
Setbacks [Sec.61.06]					
North Front yard	25	30.9		yes	
South Front yard	25		45	yes	
Side yard	15	151.8		yes	
Open area (%) [Sec.61.06]	25	52		yes	
Parking [Sec. 61.07]					
305 Seats @ 1/3.5 Seats = 88 spaces					
Standard	58	170			
Compact	26	0			
Handicap	4	7			
Total	88	177		yes	
Flood Zone	AE-6				
Base Flood Elevation	6	7.5		yes	

As a part of the conditional use approval, the proposed project must meet the following criteria:

A 20-foot-wide landscape buffer shall be provided which includes 1 tree for every 40 linear feet along the common property line between the single-family use and the conditional use and screen of plant material a minimum of six feet in height which substantially obscures view of the site from the abutting site. Landscape material shall meet or exceed the specifications outlined in the Landscape and Tree Protection Ordinance. The owner of the abutting property shall have the option to select a solid, concrete block wall six feet in height in place of the six-foot-high landscape screen. Stucco and paint shall be applied to both sides of the wall. The cost of such wall shall be paid by the owner seeking the conditional use. This section shall also apply to single-family sites separated from the proposed development site by a right-of-way.

The proposed project meets this criteria.

SITE DATA

PROJECT NAME:	First Presbyterian Church - Phase 1 Multi-Purpose Building
ADDRESS:	520 Royal Palm Boulevard Vero Beach, FL 32960
EXISTING USE:	Place of Worship
INTENDED USE:	Place of Worship
APPROVAL REQUESTED:	Major Site Plan
OWNER/APPLICANT:	First Presbyterian Church. 520 Royal Palm Boulevard Vero Beach, Florida 32960 Phone: (772) 562-9088
ENGINEER/SURVEYOR:	Carter Associates, Inc. 1708 21st Street Vero Beach, Florida 32960 Phone: (772) 562-4191 Fax: (772) 562-7160
ARCHITECT:	WKWW Architects 2300 East Seventh Street, Suite 200 Charlotte, NC 28204 Phone: (704) 373-0615
SEC-TWN-RNG:	Section 01, Township 33 South, Range 39 East
TAX PARCEL NO:	01-33-39-00005-0210-00032.0
PARCEL AREA:	273,378 SF (6.28± Acres) ***Does Not Include 1.44 Ac. for North Parking Lot Parcel
COMMENCEMENT DATE:	Summer 2010
COMPLETION DATE:	Spring 2011
ZONING:	R1-A / RM-10
LAND USE:	RL / RM
MIN. SETBACKS:	Front - 25 Feet Rear - 25 Feet Side - 15 Feet

IMPERVIOUS SURFACE:

Existing Impervious Areas:

Buildings:	27,491 SF
Paved Parking:	30,851 SF
Sidewalks/Slabs:	15,078 SF
Unpaved Parking:	18,340 SF
Total Existing Impervious	91,550 SF (2.10 Ac.)

Proposed Impervious Areas:

Buildings:	36,891 SF
Asphalt:	46,674 SF
Sidewalks/Slabs:	11,635 SF
Unpaved Parking:	21,981 SF
Total Proposed Impervious Areas:	121,281 SF (2.78 Ac.)
Proposed Allowance Impervious:	7,000 SF (0.16 Ac.)
Net Increase Impervious:	36,731 SF (0.84 Ac.)

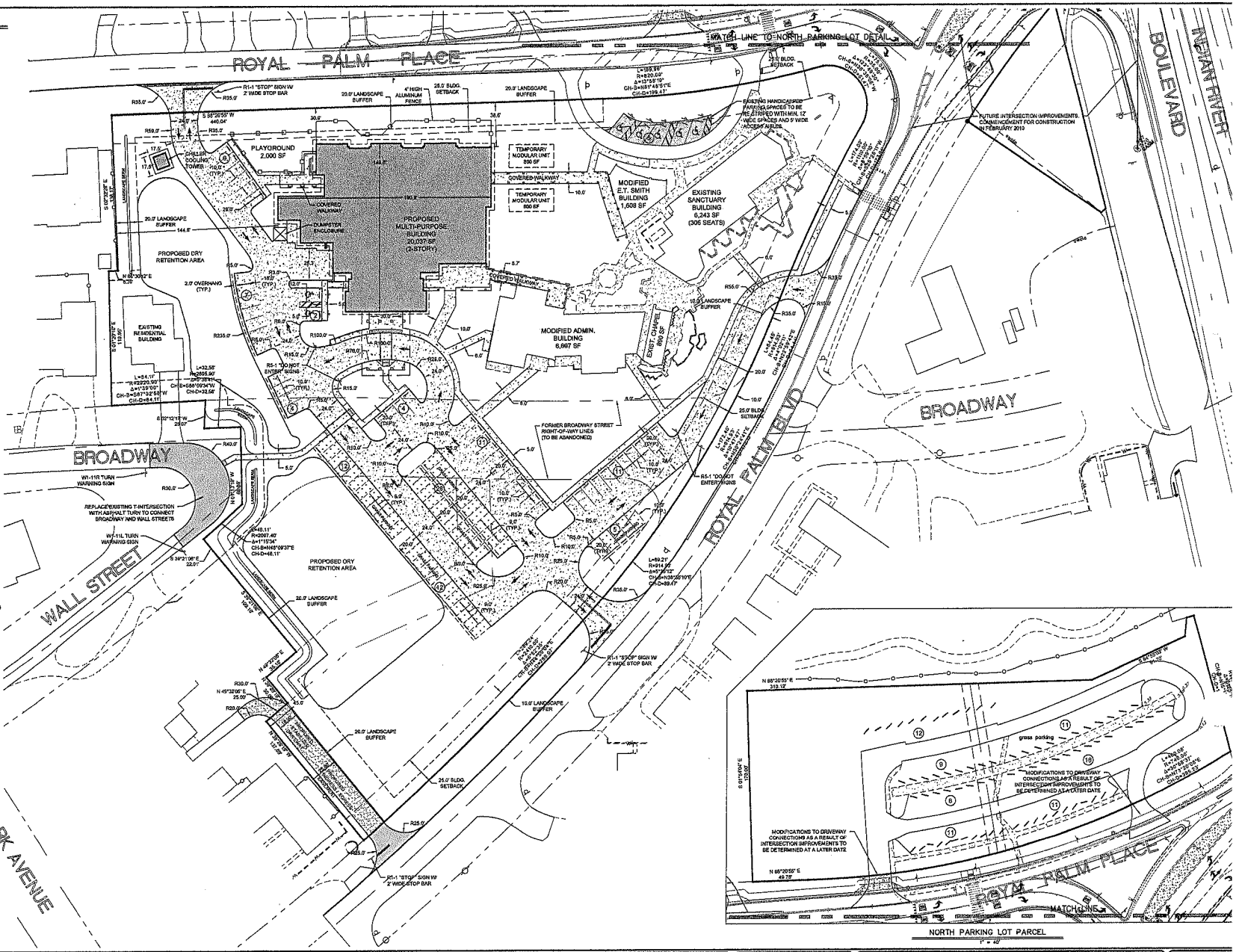
LAND COVER SUMMARY:

Min. Required Open Space: 273,378 SF x 0.5 = 136,689 SF (3.14 Ac.)

Impervious and Semi-Impervious Area: 128,281 SF

Open Space Provided: 145,097 SF (3.33 Ac.) > 136,689 SF

FEMA FLOOD PLAIN:	Zone "AE" (EL 6) - Map Number 12061C0156E (Dated May 4, 1969)
STORMWATER:	Dry retention areas are proposed to treat the new impervious areas on site. The remaining existing buildings will continue to drain in existing condition.
WATER:	Existing City of Vero Beach Water Service Connection
SEWER:	Existing City of Vero Beach Sanitary Service Connection
PARKING:	No Additional Parking is Required as Proposed Structure is an Accessory to the Existing Sanctuary and There Are More Proposed Parking Spaces than Previously Existing. Existing Parking to Be Removed: 80 Spaces Parking Spaces to Be Added: 07 Spaces Parking Spaces to Remain: 83 Spaces Place of Worship: 305 Seats @ 1 Space/3.5 Seats = 88 Spaces Total Spaces Provided: 180 (173 Standard, 7 Handicapped)
TRAFFIC:	N/A, Proposed Structure is an Accessory to the Existing Sanctuary
PERMITS REQUIRED:	City of Vero Beach Major Site Plan City of Vero Beach Right-of-Way Permit City of Vero Beach Utilities Permit S.J.R.W.M.D. ERP Stormwater Permit



NORTH PARKING LOT PARCEL
1" = 40'

NO.	REVISION	BY	DATE

FIRST PRESBYTERIAN CHURCH
520 ROYAL PALM BOULEVARD
VERO BEACH, FL 32960
TEL: (772) 562-9088 FAX: (772) 562-8638

CAI Serving Florida Since 1911 CARTER ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1708 21st STREET, VERO BEACH, FL 32960
TEL: (772) 562-4191 FAX: (772) 562-7160

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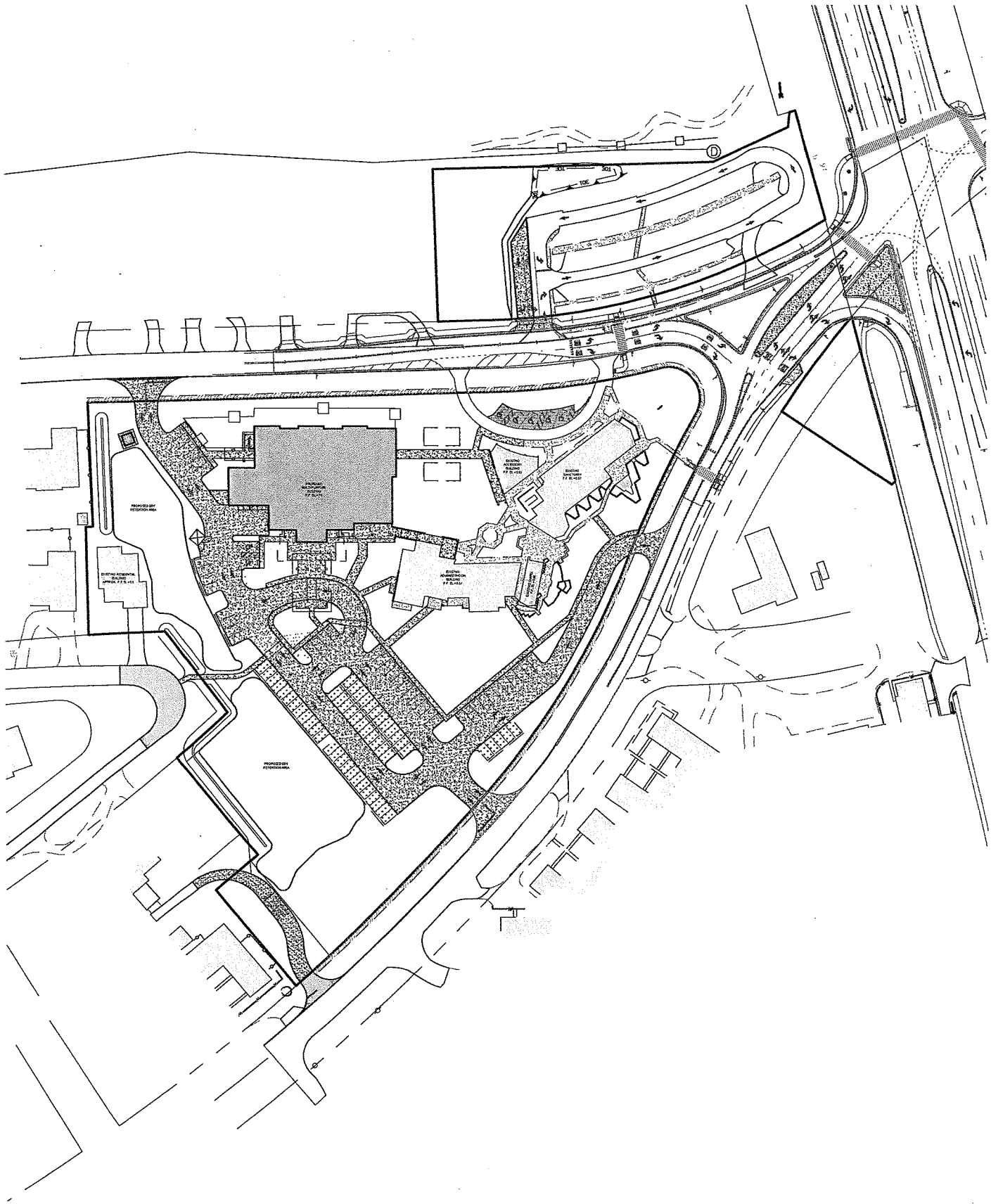
CLINTON J. RAHJES, P.E. SIGNATURE DATE
FLORIDA LICENSE No. 70170
CARTER ASSOCIATES, INC. COA 205 / LB 205

DATE : FEBRUARY 2010
PROJ. # : 07-48E
DRAWN BY: CJR
APPD. BY : CJR
PLOT BY : Clint Rahjes
FILE NAME : 07-48E.dwg
REF. # : 98-2428
F.B. & PG. : F.B. 893, PG 77+

FIRST PRESBYTERIAN CHURCH
OF VERO BEACH
PHASE 1 IMPROVEMENTS
PHASE 1 SITE PLAN

SHEET
C-2
Dwg. #: E-1633-09



Prepared by:

CARTER ASSOCIATES, INC.

CONSULTING ENGINEERS AND LAND SURVEYORS

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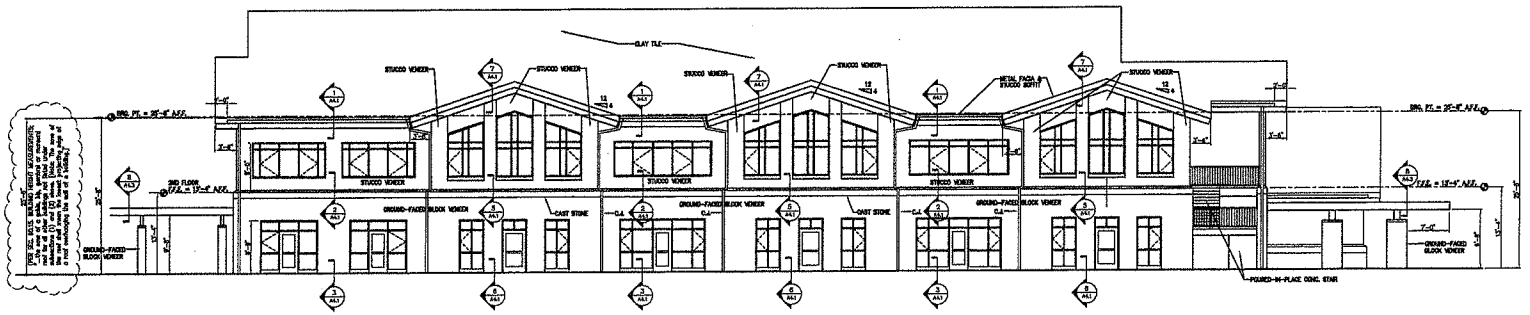
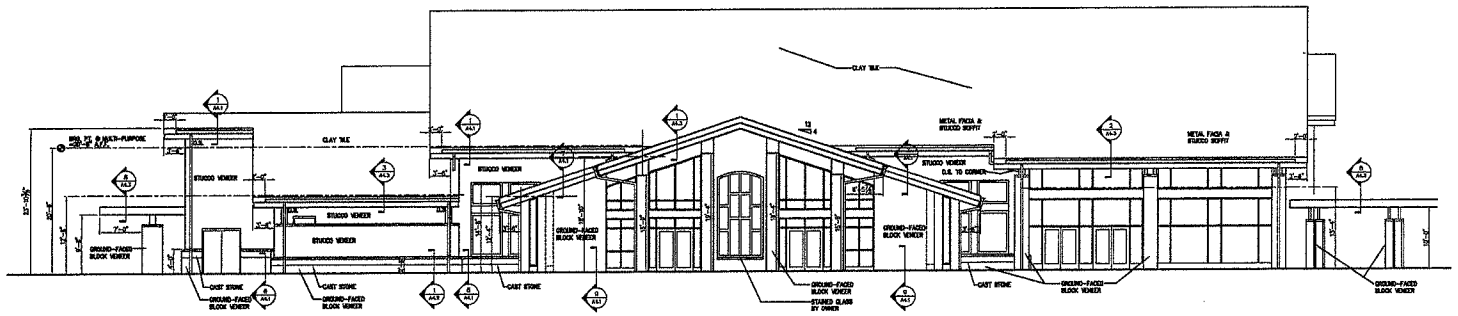


NORTH ELEVATION 'OPTION 'A' (1 / A2.1)
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION (2 / A2.1)
SCALE: 1/8" = 1'-0"

WKWW
Architects

Architecture
Planning
Interiors

2300 EAST 7TH STREET
SUITE 200
CHARLOTTE, NC 28204
704 - 373 - 0615

PROPOSED MULTI-PURPOSE AND EDUCATION

FIRST PRESBYTERIAN CHURCH

VERO BEACH FLORIDA

BUILDING ELEVATIONS

STATE OF FLORIDA REGISTERED ARCHITECT

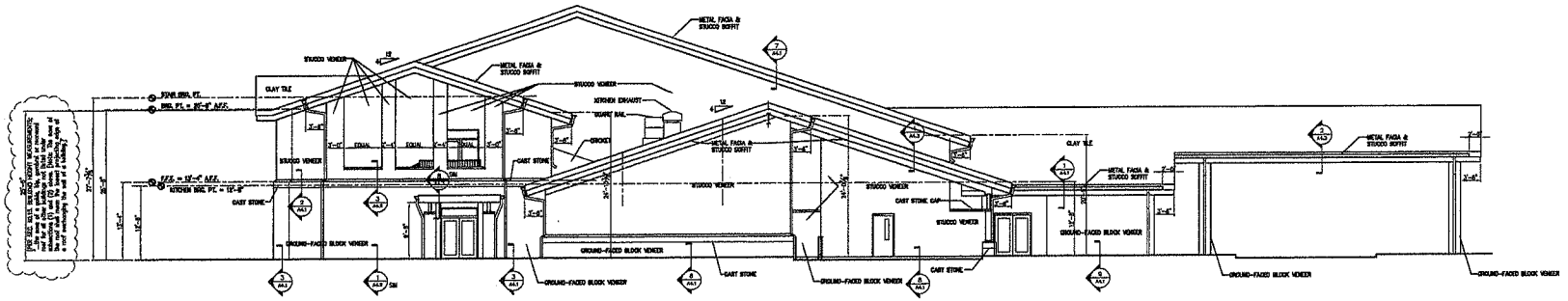
REVISIONS

946

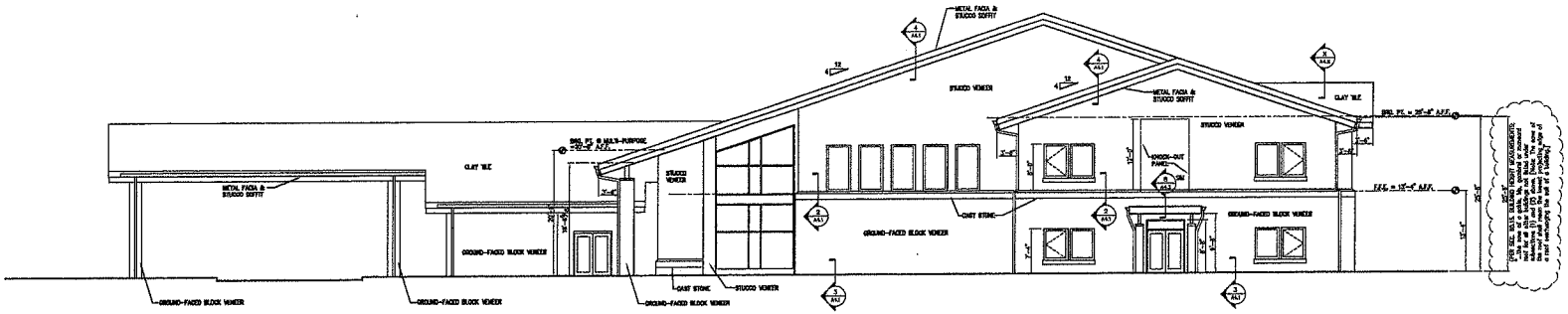
18 MAY 2010

A2.1

6 OF 21



WEST ELEVATION
SCALE: 1/8" = 1'-0"
1 A2.2



EAST ELEVATION
SCALE: 1/8" = 1'-0"
2 A2.2

WKWW
Architects

Architecture
Planning
Interiors

2300 EAST 7TH STREET
SUITE 200
CHARLOTTE, NC 28204
704 · 373 · 0615

PROPOSED MULTI-PURPOSE AND EDUCATION

FIRST PRESBYTER CHURCH

VERO BEACH FLORIDA

BUILDING ELEVATIONS

STATE OF FLORIDA
AR22761
REGISTERED ARCHITECT

REVISIONS

ORIGINAL NO. 948
DATE 18 MAY 2010
SHEET NO. A2.2
7 OF 21

FIRST PRESBYTERIAN CHURCH

NEIGHBOR MEETING/FOR CHURCH DEVELOPMENT
FIRST PRESBYERIAN CHURCH
VERO BEACH
JANUARY 7, 2010
6:00 PM

Dr. G. Timothy Womack, Senior Pastor, opened the meeting with words of welcome to our neighbors.

Dr. Womack gave a brief history of the time and work that has concluded with the design for a new education building. The process started in 2002 with a visionary committee that saw the needs of the Church out growing the present day structures.

In February of 2004, the Church celebrated its 50th anniversary, and what everyone thought would be the start of our building project, but as everyone is aware in the fall of 2004 Vero Beach suffered the brute of two hurricanes, Francis and Jeanne. At this time the church became even more aware that the process of rebuilding had to be done with the thoughts of new building.

Dr. Womack said that the church and its members' first concern was to be sure that this project would be a communal effort; our setting and neighbors are very important to any plans.

Dr. Womack introduced Elder Jim Bercaw, who is the head of the Building Project.

Jim Bercaw gave a brief history of the committee. The committee had been formed over a year ago and consisted of 12 members of the church. Jim Bercaw introduced Gray Hudson, who is the architect for the project, and informed the meeting that Proctor Construction would be the contractor doing the work.

Mr. Bercaw continued by showing site plans for the building. He went over the interior spaces as well as showing the building from the outside. He explained the position of the building on our property and the views that our neighbors would have. Mr. Bercaw also went over the height of the building, the requirement to raise the new building by two feet, the proposal for solving the flooding and drainage problems, the installation of a berm, landscaping, and the timetable for the construction.

Mr. Bercaw then asked the neighbors if they had any questions. Several questions were asked:

1. When would the Hubbard House be taken down and what would be put in its place?
2. Would there be a walking connector between Wall and Broadway?
3. How the building of the new education facility would affect flooding in the neighborhood?

4. How high would the property sit?
5. The start date of construction and the time to complete?
6. Would there be noise from generators?
7. How many, if any, of the oak trees would have to be removed?
8. What material was going to be used for the roof of the new building?
9. Was there any thought given to using impervious materials?

Mr. Bercaw, Mr. Hudson, Mr. Kindy, and Dr. Womack answered all the questions to everyone's satisfaction.

Mr. Bercaw thanked everyone for coming, and said if at any time anyone had any questions, to please not hesitate to contact him or the church office.

The meeting closed at 7:15, with many people staying and talking.

SIGN-IN SHEET
for January 7, 2010 Property Owners Meeting

PLEASE PRINT NAME	SIGNATURE	ADDRESS (PRINTED)
ED KINDY	[illegible]	PROCTOR CONSTR. CO.
JoAnn Wheeler	Jann Wheeler	member
JIM BERCAW	[illegible]	member 1st Pres
Eric Wetzig & Judy	[illegible] - Judy Wetzig	member 1st Pres
Bill Bennett	[illegible]	706 Wall St
Jean Crawfis	Jean Crawfis	685 Wall St.
Cynthia Manley	Cynthia Manley	706 Wall St
RICK MACDONALD	[illegible]	26 SAILFISH ROAD
PATTI & DAVE FRANTZ	Patti Frantz	First Presbyterian
Gayle Lafferty	Gayle Lafferty	City of Vero Beach
Ellen & Ray Flanagan	[illegible]	742 Broadway 32960
Perry & Joann Lane	Joann Lane	664 Broadway 32960
GRAY HUDSON	[illegible]	WKWW ARCHITECTS
* K KILDUFF	[illegible]	606 BROADWAY
Andrew Kennedy	[illegible]	535 Eugenia Rd.
Venetian Apts	[illegible]	523 RPB VB 32560
MARK POLONSKY	[illegible]	661 BROADWAY ST VB 32960
MARK SATTERLEE	[illegible]	560 Broadway
Fran Moffa	FRAN MOFFA	626 Broadway 32960
SONNY SCHIAVO	Sonny Schiavo	626 Broadway 32960
Timal Stephanie Womack	Timal Stephanie Womack	3440 Buckinghammock Trail VB FL 32960
DICK SCHROEDER	[illegible]	5845 CLUBHOUSE DR., VERO BEACH, FL 32967

ARCHITECTURAL REVIEW COMMISSION MINUTES
Wednesday, February 24, 2010 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Richard Bialosky; Vice Chairman, Ital Veron; Members: Chris Crawford, Peter Bernholz, Susan Smith, Michael Thomas, Scott Layne and Alternate Member, Greg Burke **Also Present:** Planning and Development Director, Tim McGarry; Current Planning Manager, Hank Flores and Deputy City Clerk, Sherri Philo

Excused Absence: Laura Allen

1. CALL TO ORDER

The Chairman called today's meeting to order at 2:00 p.m.

2. APPROVAL OF MINUTES

A) January 27, 2010

Mr. Veron referred to page three of the January 27, 2010 Architectural Review Commission minutes. He requested that the last sentence of paragraph five be stricken as it was not exactly how he felt about the atrium space.

Mr. Bialosky noted that "skyline" should be "skylight."

Mr. Thomas noted that "cowl wall" should be "kal-wall."

Mr. Burke referred to page four of the January 27, 2010 Architectural Review Commission minutes and noted that the name "Erin" should be "Aaron."

Mr. Veron made a motion to approve the minutes of the January 27, 2010 Architectural Review Commission (ARC) meeting as amended. Mr. Thomas seconded the motion and it passed unanimously.

3. OLD BUSINESS

None.

4. NEW BUSINESS

project and some shutter elements to try to break up the blank wall above the entrance. There is a covered area that goes to two of the tenant areas that they would be enclosing. They would be adding some landscaping to the courtyard and adding a wall and gate.

Mr. Layne said this was a nice building that works great on Beachland Boulevard. This was something that the building needed.

Mr. Thomas said they were adding a great entrance to the building on the north side, but he did not think that it would be used as an entrance. He would like to have something on the south side equally as majestic. He did not know if there was a way to do that with the location of the parking lot. The building itself was going to be fantastic and a great addition.

Mr. Crawford agreed that this would be a good addition.

Mr. Bialosky felt that they did a nice job of making the building work on the corner.

Mr. Veron felt that the proposed modifications were sensitively handled and would be complimentary and compatible with the existing building. He asked if they intend to relocate the large Oak tree.

Mr. Spena said that they have moved large Oak trees before and they are discussing this one.

Mr. Veron did not feel it was necessary to move the tree. He felt that this was a well done project.

Mr. Bernholtz felt that this was a terrific project and congratulated them.

Ms. Smith said what they were doing on the north side was what they hoped would happen during the visioning process. They did a great job in enhancing the corner.

Mr. Burke felt that this was well done and a great addition to the building.

Mr. Veron made a motion to approve the project and that they did not need to bring it back before the Commission. Ms. Smith seconded the motion and it passed unanimously.

The Commission took a five minute break at 3:09 p.m.

D) Property Owner – First Presbyterian Church of Vero Beach
Applicant – Same
Property Address – 520 Royal Palm Boulevard, Vero Beach, Florida

Project Description – Construction of a Two Story Multi-Purpose Building and New Parking Lot

Mr. Grey Hudson stated that they made some revisions to the project based on the Commission's input at a previous meeting. He then gave a Power Point presentation on the project (on file in the Clerk's office).

Mr. Burke thanked Mr. Hudson for bringing this project back before the Commission. He felt that the massing has improved. His biggest concern was that the fenestration in the project still had a bit of schizophrenia between the north and south side. The vertical elements on the north side were pretty much the same, but the single door with the two windows on each side has a horizontal mullion that does not follow the rest of the building. The elements that are not part of the vertical projection on the north side has a different set of windows between what is on the center and western side of the building.

Mr. Hudson said that would carry on to their future expansion. The Commission members made comments the first time they brought this project before them, which were to simplify the versions of the ideas on the northern side and that is what they are trying to do.

Mr. Burke said the windows and doors on the south side looks like there is more happening than what is on the north side. He said it still does not look right. He felt that the flat roof over the exterior stair looks uncomfortable.

Mr. Layne said the three bays on top have a cut up type of feel to them and he appreciated the previous one more. The site plan shows module types of structures that would eventually be placed on either side of the breezeway. He appreciated the need for those types of buildings and felt that it would be great to look at it in a way that it could be a great addition to the courtyard rather than the feeling as if it was just being put there.

Mr. Thomas appreciated the arch window and the corridor style window. He felt that it would almost be better to introduce something boldly different, such as a different roof style, different roof pitch, etc.

Mr. Crawford questioned if clay tile was the right material for the amount of square footage of the roof. He would like them to have a good buffer, such as a fence near the playground. He felt that this plan was somewhat improved over what was presented to the Commission previously.

Mr. Bialosky felt that they lost the stylistic connection with what was there before. He felt that they had a challenging problem and they were not far off. He said that there was too much disparity from one side to the next. He felt that the north elevation was weakened and became a

simple looking building that did not have that modern magic. He said it was okay, but hoped that they would go back and spend a little more time in connecting this to the original building. There was something about the project that just was not clicking.

Mr. Veron said it appeared that Phase I would be losing a lot of trees.

Mr. Hudson said there would be some trees lost, but they would be replaced caliper per caliper. He said that they rerouted some of the parking areas in order to save some of the larger trees.

Mr. Veron encouraged them to try to contour the parking to respond to some of the major trees. He said the multipurpose building dominates the entire complex and if they stood back and looked at the existing building, they would see that there is nothing that ties them together. He felt that as they do this project, they would need to look at the subsequent phases so it becomes one design. They need some kind of a preliminary design to pull the complex together. He understands what they are trying to do and that it is a difficult project architecturally. He felt that the cooling tower was too close to a residence.

Mr. Hudson said the cooling tower would be enclosed and they would have a berm between the tower and the residence.

Mr. Bernholz said their problem is that they have they have a massive building and they are adding fenestration to it. If they don't have some kind of action and shadows they are going to kill themselves trying to make a façade that looks like anything really vibrant. They must get some movement into the building.

Ms. Smith felt that they were probably working with a committee that is responding to a lot of things they see the same way this Commission is responding to what they see. She felt that the first rendering that was submitted had a more simplified elegant feeling to it. This site is prominent and the building itself is a landmark of an architectural style that they do not see anymore. She felt that the south elevation was more elegant in the colored rendering than what they were showing in the Power Point presentation. She would like to see them stand firm on the simplicity of the design of the building rather than lose it in bits and pieces.

Mr. Bernholz felt that there were some design clues in the original building. He said that they should not try to overshadow the elegance of the original building.

Mr. Burke said the massing they originally presented had a good start, but just needed to be developed further. He said that they have a tough problem in front of them. The simplicity in the rendering was better than what was in the lined drawing.

Mr. Bernholtz made a motion that the Commission is very concerned that this building is over shadowing the primary aspect of the development and wish that they would take the Commission's comments under consideration in terms of looking at the project from their standpoint that this project has to be secondary to the Church and that they relook at this to redefine their design to give it more interest by breaking it up in some scale. Mr. Veron seconded the motion for discussion.

Mr. Veron asked Mr. Bernholz if his motion requests that they bring this project back before the Commission.

Mr. Bernholz answered yes.

Mr. Veron did not want to impose any difficulty, but he hoped that if they bring this back before them and show the Commission how the structures would tie together. He asked not just with Phase I, but with each phase and how they would unite with the Church.

The motion passed unanimously.

E) Property Owner – Stanley D. Lewand
Applicant – Helmet House Construction
Property Address – 545 Live Oak Road, Vero Beach, Florida
Project Description – Residential New Construction

Mr. Sam Jelemby, of Helmet House Construction, briefly went over the backup material for the project with the Commission members (on file in the City Clerk's office).

Mr. Veron asked is there a landscape plan.

Mr. Jelemby answered no.

Mr. Veron asked is there a reason for the geometry of the garage. He said that there was not sufficient room to make an easy turnaround, which meant that they would have to back out. He did not know why they have stairs that go up to the storage in the attic, because it is difficult to negotiate stairs for storage and they could just enclose the corner where the stairs are and could have storage at the same level as the garage. He felt that the master closet was under scaled for a home of this size and suggested that they take a little off of the master bathroom.

Mr. Bialosky thought that the house was fine in context. The issue that Mr. Veron brought up regarding the driveway could be a problem.

First Presbyterian Church
Vero Beach, Florida

RESPONSE TO ARC COMMENTS

ARC meeting: February 24, 2010

Mr. Burke — Regarding single doors with horizontal mullions in the side windows, these mullions were an error on the drawings. The mullions on the north elevation have been updated for consistency.

Regarding windows & doors on the south side, the south lobby has been omitted due to budget constraints and the windows & doors have been updated for consistency.

The flat roof over the exterior stair has been revised to a pitched roof extension of the main roof.

Mr. Layne: The modular units are temporary. However, future expansion of the Education Building will occur to the east of the current addition to remain consistent with the Master Plan. The ARC provided many positive remarks about the Master Plan during our previous presentation to the ARC. That Master Plan has not changed.

Mr. Thomas: So as to remain consistent with the existing buildings, the roof pitches and roof style will remain as drawn.

Mr. Crawford: Roof tiles will be a flat, concrete-based material. Final color selection will occur in the field.

Mr. Bialosky: The character differences from north to south sides of the buildings are intentional. There are vastly different programmatic functions occurring on each side. While the south side needs to signal a large, inviting entry for a large gathering space and respond to southern sun exposure, the north side introduces a rhythm of regular space on two floors for the street side, while taking advantage of a northern exposure. Openings on the east and west are smaller to respond to more extreme eastern and western sun exposures. The elevations are revised to bring more consistency.

Mr. Veron: The parking has already been contoured to respond to major trees. Some of the major trees are to be relocated on the site.

If the new building dominates the site in any way, it is because it contains the largest single space on the campus and the only two-story spaces on the campus. The large multipurpose space has been carefully sited to the interior of the site to minimize any impact of scale. The scale of the two-story north face is broken down by multiple gables and the two-story space is consistent with the future development of the site and a future sanctuary which will be of a larger scale.

Mr. Veron: The roof slopes, materials, and detailing are intended to refer back to the existing while bringing some improvement in the Owner's ability to maintain the facility through improved materials.

Mr. Bernholz: The roof overhangs, projections, and rhythms of the building , along with interior and exterior lighting, will bring quite a bit of animation to the building.

Ms. Smith / Mr. Bernholz / Mr. Burke:

We believe the elegance has been restored while meeting our budgetary requirements. It is also very difficult for a line drawing to compete with a color rendering. We have sought out detailing and massing cues from the existing buildings while acknowledging that the spaces, functions and the way the Church needs to operate in the new building are vastly different than the existing spaces.

The most important building on the campus always has been and always will be the Sanctuary. The two-story portion of building was born out of necessity for future growth and responsible development of the site. The larger scale of the new building has been broken down into smaller parts and the siting of the building has been chosen so as to not compete with the Sanctuary. We believe wholeheartedly that we have achieved these goals.

Mr. Bernholz / Mr. Veron:

The Church does not intend to bring the project back before the Commission, but we appreciate the design input that has been given and the service of each Commission member to the community.

EXHIBIT 3
TRAFFIC IMPACT ANALYSIS

TABLE 1
FIRST PRESBYTERIAN CHURCH TIA
TRIP GENERATION

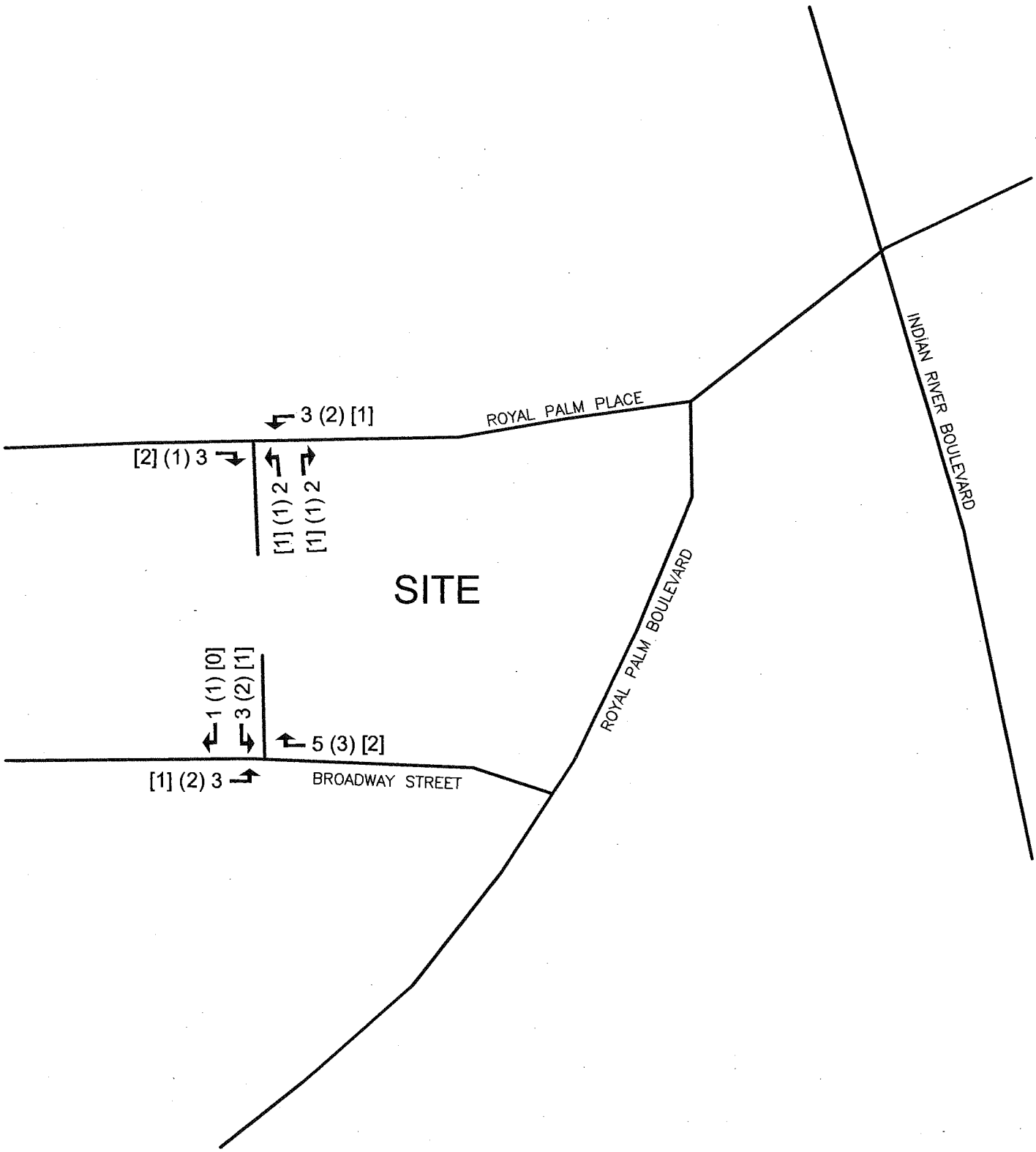
Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Proposed Site Traffic								
Church	45,187 sq. ft.	412	25	16	9	25	12	13
Pass-By Traffic								
Church	10%	(41)	(3)	(2)	(1)	(3)	(1)	(2)
Net New Proposed Site Traffic		371	22	14	8	22	11	11
Existing Site Traffic								
Church	27,481 sq. ft.	(250)	(15)	(9)	(6)	(15)	(7)	(8)
Pass-By Traffic								
Church	10%	25	2	1	1	2	1	1
Net New Existing Site Traffic		(225)	(13)	(8)	(5)	(13)	(6)	(7)
INCREASE IN NET NEW SITE TRAFFIC (PROPOSED - EXISTING)		**146**	**9**	**6**	**3**	**9**	**5**	**4**

Notes: Trip generation was calculated using the following data from *ITE Trip Generation,* 8th Edition:

Daily Traffic Generation
Church [ITE 560] = T = 9.11 * (X/1000)

AM Peak Hour Traffic Generation
Church [ITE 560] = T = 0.56 * (X/1000); (62% in, 38% out)

PM Peak Hour Traffic Generation
Church [ITE 560] = T = 0.55 * (X/1000); (48% in, 52% out)



LEGEND

XX **FUTURE TOTAL AM PEAK HOUR VOLUME**

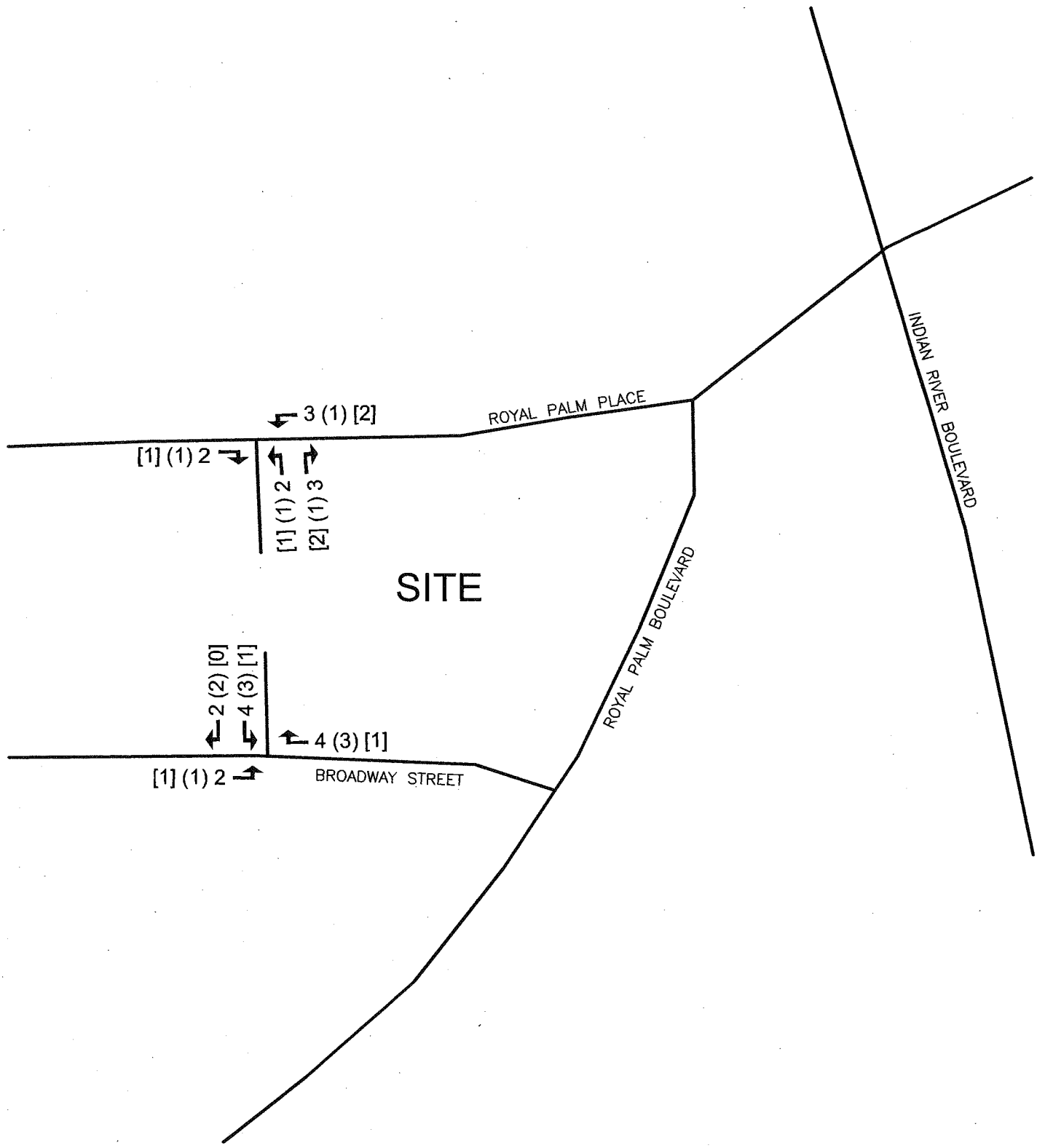
(XX) **EXISTING TOTAL AM PEAK HOUR VOLUME**

[XX] **INCREASE IN AM PEAK HOUR VOLUME DUE TO EXPANSION**

NOT TO SCALE

FIGURE 2a
FIRST PRESBYTERIAN CHURCH
AM DRIVEWAY VOLUMES

Kimley-Horn and Associates, Inc.
047681002



LEGEND

XX FUTURE TOTAL PM PEAK HOUR VOLUME

(XX) EXISTING TOTAL PM PEAK HOUR VOLUME

[XX] INCREASE IN PM PEAK HOUR VOLUME DUE TO EXPANSION

NOT TO SCALE

FIGURE 2
FIRST PRESBYTERIAN CHURCH
PM DRIVEWAY VOLUMES

Kimley-Horn and Associates, Inc.
047681002

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Jay Kramer and City Councilmembers

THROUGH: Monte K. Falls, PE MKFalls 12/2
Interim City Manager

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

DATE: December 1, 2010

SUBJECT: **Appeal by Venetian Apartments, Inc., of a Development Order by the Planning and Zoning Board Granting Approval of Conditional Use /Site Plan Application No. SP 10-000002 for the Construction of a 26,455 Square Foot Multi-Purpose Building and Other Associated Improvements for the First Presbyterian Church Located at 520 Royal Palm Boulevard**

Overview

This report provides the City Council with Planning and Development Department staff's analysis and recommendations to be considered in the appeal of the First Presbyterian Church's conditional use site plan by Venetian Apartments, Inc. Appropriate background documents and public hearing records that should be considered in this decision are presented in the following exhibits to this report:

- Exhibit 1: Venetian Apartments, Inc.'s Appeal Application
- Exhibit 2: Planning and Zoning Board Hearing Record
  - Conditional Use and Site Plan Development Order
  - Minutes of Planning and Zoning Board Public Hearing
  - Staff Report to Planning and Zoning Board
  - Minutes of Neighborhood and Architectural Review Commission (ARC) Meetings
  - Applicant's Response to ARC Comments
- Exhibit 3: Traffic Impact Analysis

This report provides more detail than the typical staff report to the Planning and Zoning Board to better assist the City Council members in rendering their decision. Other than appeal cases, the City Council is rarely involved in reviewing site plans and may not be as familiar with the specific requirements of the City Code as the Planning and Zoning Board.

Project Background

Project Description

In conjunction with the existing place of worship, the projects calls for the construction of a two-story, 26,455 foot multi-purpose building and the reconfiguration of parking areas to provide an additional 34 off-street parking spaces, drainage, utilities, and landscaping improvements, and the removal of the existing youth building, western portion of the administration building, and the northern portion of the existing CBS building. Two temporary modular units of 800 square feet each will be located on the site during construction and removed upon completion of construction.

A reduced copy of the proposed site plan is shown in Exhibit 2. [Full sized versions of the site plan will be available at the public hearing or may be viewed before the public hearing at the Planning and Development Department's offices.]

General Site Information

Location:	520 Royal Palm Boulevard – near intersection of Royal Palm Boulevard and Indian River Boulevard
Owner/Applicant:	First Presbyterian Church of Vero Beach
Parcel I.D. Number:	33 39 01 00004 0210 0032.0
Site Property Area:	6.2 acres (269,925 square feet)- Does not include north 1.44 acre grass parking lot across Royal Palm Boulevard from the church or the small triangular parcel at Indian River Boulevard. [Although part of the site plan, these parcels are can't be applied in meeting maximum FAR and minimum Open Area requirements.]
Future Land Use Designations:	RL (Residential Low) and RM (Residential Medium)
Zoning Designations:	R-1A (Single Family Residential-10,000 square foot minimum lots) and RM-10 (Residential Medium/High –up to 10 units per acre); places of worship and accessory uses are allowed with conditional use approval.
Surrounding Zoning/Uses:	
North-	R-1A/Vero Beach Country Club and Golf Course, First Presbyterian parking lot, and single family residences
East-	RM-10/ Venetian Apartments

South-	RM-10 and R-1A/ Venetian Apartments and Parc 24 office complex
West-	R-1A/ Single family residences

Project Summary

Existing Floor Area and FAR	27,481 square feet; FAR of .102
Proposed Floor Area and FAR:	45,319 square feet (construction of new 26,465 square foot building and demolition of 8,627 square feet); FAR of .168
Existing Parking:	143 spaces (5 handicapped)
Proposed Parking:	177 spaces (7 handicapped)
Existing Open Area:	4.09 acres (66.1%)
Proposed Open Area:	3.25 acres (52.5%)

Project Chronology

At the request of the First Presbyterian Church and upon recommendation of the City staff, the City Council approved the vacating of a portion of Broadway in September 2007. With the improvements to Indian River Boulevard intersection, the Public Works staff was proposing a change in the configuration of Broadway. Prior to requesting the vacating of the right-of-way, the First Presbyterian Church had held at least one neighborhood meeting to discuss its proposed building plans with the community.

Prior to submitting the site plan application for the project, the First Presbyterian Church conducted a neighborhood meeting on January 7, 2010. The meeting was advertised and a notice sent to all property owners within 500 feet of the property. A copy of the minutes of that meeting is included in Exhibit 2.

On February 24, 2010, the Architectural Review Commission (ARC) reviewed the project. Although not germane to the City Council's decision a copy of the minutes of that meeting is included in Exhibit 2 along with First Presbyterian Church's responses to comments made by the ARC.

The site plan application was filed at the end of February. The site plan was revised between February and June 2010 in response to comments made by reviewing departments and agencies. The site plan as revised is included in Exhibit 2.

As required by the City Code, the public hearing for consideration of the Planning and Zoning Board for July 15, 2010, was advertised, the property posted, and property owners within 500

feet notified of the public hearing. After listening to the testimony from staff, applicant, and the public and a review of documentation presented at the public hearing, the Planning and Zoning Board approved the site plan based on the substantial competent evidence and facts presented. A copy of the minutes of that public hearing including the staff report, and other documentation provided at the hearing are included in Exhibit 2.

Decision Making and Conditional Use Criteria

As the appellant body, the City Council is required to review the Planning and Zoning Board's decision after which it may affirm, reverse, or modify the decision of that body. The City Council's decision shall be based on the record of the Planning and Zoning Board, documentation provided in this staff report, and documentation and testimony presented at the appeal hearing.

It should be understood that the proposed project is part of an existing conditional use. Any development requiring conditional use approval does not automatically guarantee or entitle that project to such approval even if the development meets development specifications (i.e., setback, height, FAR, open space, parking, and other zoning requirements). As Sections 61.04 and 61.38 state, "a conditional use may be permitted by the City Planning and Zoning Board, provided the use is so designed, located, and proposed to be operated so that the public health, safety, and welfare are protected. Conditional uses will be considered on a case-by-case basis. Findings made in consideration of a conditional use are not justification for approval of other conditional uses. Neighborhood stability and impact on abutting properties shall be of prime importance in consideration of conditional use approval."

In making its decision, the City Council is required to consider the criteria specified in Sections 61.04 (R-1A) and 61.38 (RM-10) of the Code for conditional uses. Any site plan is also required to meet the general, performance and development standards of Section 64.10; however, as these standards are duplicative of the requirements for conditional use approval they are not discussed in this report.

The City Council decision should be based on the substantial competent evidence provided in this staff report, including exhibits, and the testimony of the appellee, appellant, expert witnesses, and public.

Staff Analysis and Findings

Each of the substantive criteria or standards upon which the City Council is required to consider in making its decision is presented in this section followed with the staff analysis and findings regarding whether or not, in the opinion of the staff, the specific criteria have been met. For simplicity's sake, the numerous standards and criteria for evaluation of the conditional use and site plan have been grouped under three separate criteria below:

1. **Criterion:** The proposed use will not create noise, traffic, odor, or other nuisances to a degree that it will be disruptive to abutting or nearby properties.

   Staff Analysis: No information has been provided to the staff or to the Planning and Zoning Board during the public hearing on the conditional use site plan to identify any impacts from the proposed development that would be disruptive to abutting or nearby properties. The project is located within an existing church campus that is situated between two roadways classified as Urban Collectors (Royal Palm Place and Royal Palm Boulevard), which both carry over 3,000 vehicles per day during peak season according to Indian River County Traffic Engineering. [For general planning purposes the capacity of these two-lane undivided roads has a capacity of 10,700 vehicles per day.]

   The amount of additional traffic to be generated is minimal as documented in the Traffic Impact Analysis provided in Exhibit 3. The net increase in daily trips is 146 with 9 trips added during AM peak hour and 9 during PM peak hour. Any traffic impact is further mitigated by the fact that peak hour traffic for the church and its accessory uses does not typically occur during the normal weekday a.m. or p.m. peak hours.

   The proposed multi-purpose activity center is to be located along Royal Palm Place west of the location of the current youth activity building, which is to be demolished. The building would be spatially removed from most residential uses in the area including the appellant's apartments, with the closest single family residence no closer than 150 feet from the proposed building across Royal Palm Place.

   In a handout provided to the Planning and Zoning Board by a representative of the appellant, an issue was raised regarding vehicles leaving the property from the new driveway and casting their headlights into the front windows of some of the apartments fronting Royal Palm Boulevard. Although this issue was not discussed at the public hearing upon advice of counsel, the matter was subsequently discussed at a meeting between the staff, representatives of the appellant, and First Presbyterian Church to hopefully resolve issues in order to avoid a hearing.

   It was acknowledged that the lights would be mainly an issue in the winter months when night meetings or events were held in the multi-purpose center and the church. Even then such events would only be of short duration. The First Presbyterian Church's representative did proffer to realign the driveway to mitigate this issue, if the appellant were willing to drop the appeal; however, the staff was subsequently informed that the appellant was unwilling to drop the appeal, so nothing further was done to revise the site plan approved by the Planning and Zoning Board.

Finding: The staff finds that the project will not create noise, traffic, odor or other nuisances to a degree that will be disruptive to abutting or nearby properties. The minimum exposure of existing apartments to headlights from oncoming vehicles does not, in the opinion of the staff, constitute a nuisance to the degree that it will be disruptive to the tenant's enjoyment of their residence.

2. **Criterion:** The proposed use shall not be determined to be inconsistent with existing or anticipated development in the vicinity. Indicators of scale to determine inconsistency shall be building bulk and height, open space, number of vehicle trips per day, and the number of parking spaces required in relation to a permitted use of the property.

Staff Analysis: The church, which has been existing on the site for almost 60 years, is located between two major urban collectors and abuts an urban minor arterial (Indian River Boulevard). Unlike some other churches, it is not located within a residential neighborhood, but outside a neighborhood along a heavily travelled thoroughfare. In this location, it serves as a transition use between the single family areas to the west and the high traffic volume of Indian River Boulevard Corridor and its more intensive uses. Other than single family residences to the west and partially on the north of the site, other uses in vicinity of the project include an 80-unit apartment complex and the approved 112,000 square foot Parc 24 office complex to the east and south.

The proposed height of the multipurpose structure is 25.5 feet to the eaves and 42.9 feet to the top of the structure. Although the height and bulk of the building would dominate the site, it has been located to the interior of the site to minimize impact of scale on any off-site properties.

As noted above, all the single family residences are 150 feet or more from the proposed multipurpose activity center. The appellant's apartments are over 360 feet from the proposed multipurpose building and 120 feet from the church's grass parking spaces.

A 20 foot landscape buffer will be placed along the western and northern property lines to provide a visual break between single family residences and the church. A 10 foot landscape buffer will be placed along Royal Palm Boulevard. The scale of the north face is somewhat muted through the use of multiple gables.

With the construction of the multipurpose building with associated parking, the open space of the property will decrease from a little over 4 acres to 3.25 acres. As the site contains over 6 acres, this decrease in open space is not out of scale with other development in vicinity of the property, which has 50 percent or less of open space.

As shown in the Traffic Impact Analysis (see Exhibit 3), the projected number of new daily vehicle trips would increase by 146. This figure probably overstates the case as the traffic generation projections are based on square footage for the church which assumes that both the church sanctuary and multipurpose building would be in full use during a given day, which is extremely unlikely. [It should be noted that both the Venetian Apartments and Parc 24 complex both generate more overall traffic than the church, even with the new multi-purpose center.]

The site plan calls for providing 177 parking spaces, which is only an increase of 34 parking spaces. In the staff's opinion, this increase in the number of parking spaces is not out of scale with the size of the property. It will not result in a significant expansion of pavement, as 130 of the spaces will be grass with new interior and perimeter landscaping installed to further soften the visual impact of the parking areas.

Finding: The staff finds that this development is not inconsistent with existing or anticipated development in the area.

3. **Criterion.** The use shall conform to all applicable provisions of the zoning district in which it is located, including relevant provisions regulating conditional uses in Section 61.05/61.39 of the Code.

Staff Analysis. The staff analysis is organized according to specific Code compliance provisions.

District Development Standards. The proposed project meets all the height, setback, floor area ratio, open space, off-street parking, and landscaping regulations of the Land Development Regulations of the Code, including provisions regarding conditional uses. [Please see table in the staff's report to Planning and Zoning Board in Exhibit 2]. Additionally, the project meets all the development standards of 64.10(c) of the Code, which is required to be met by all approved site plans.

It should be noted that the church is only required to provide parking for its sanctuary. Accessory buildings, such as the proposed multi-purpose building, are not included in this calculation, as it is extremely unlikely that both the church sanctuary and accessory buildings will be both in full use at the same time.

Floodplain Regulations. The site is located within a special flood hazard area (AE-6). The new building will be constructed 1.5 feet above the base flood elevation. All the existing buildings on the project's site are below the base flood elevation and subject to flooding as witnessed in the two 2004 hurricanes.

Concurrency Management. Pursuant to Chapter 75, Concurrency Management, of the City Code, the project must meet concurrency requirements for roads, potable water, sanitary sewer, solid waste and storm drainage. The project was determined to meet road concurrency requirements by Indian River County Traffic Engineering; however, impact fees must be paid before any building permits may be released.

The site is already served by City water and sewer services. Sufficient capacity exists in both systems to serve the proposed multi-purpose structure, which may require payment of impact fees. The site is already served by the City's Solid Waste Division and sufficient capacity exists to handle any added waste generated.

Drainage for the project will be handled by an on-site drainage retention system that meets both St. Johns Waster Management District and City stormwater regulations. These regulations require that the post-development storm runoff not exceed the pre-development runoff in terms of discharge rates and volume and that the first 1.5 inches of rainfall be retained on site before discharge into a City approved drainage system.

It should be noted that the conditional use and site plan as approved by the Planning and Zoning Board upon recommendation of the staff is subject to certain conditions, such as requiring issuance of various state and City permits prior to release of the site plan. The City Code requires that appropriate federal and state permits be obtained prior to approval and release of site plans.

Finding: The staff finds that the proposed site plan conforms with all regulations for the district and specific conditions for approval of conditional uses and meets the standards of the City Code for conditional use and site plan review and approval.

Findings and Recommendations

The Planning and Development Department staff finds that the proposed conditional use and site plan meets all requirements of the City's Code for approval of site plans and conditional uses. Therefore, the staff recommends that the City Council affirm the Planning and Zoning Board's development order approving Site Plan Application #SP10-000002 in Exhibit 2 based on the findings presented by staff in this report.

TJM/tf
Exhibits