AGENDA
REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD
THURSDAY, JUNE 18, 2020, AT 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA

I. PRELIMINARY MATTERS

Agenda Additions and/or Deletions

II. APPROVAL OF MINUTES

Regular Meeting – June 4, 2020

III. PUBLIC COMMENT

IV. PUBLIC HEARING

[Quasi-judicial]
Variance Application Submitted by AT&T Corporation to Allow Expansion of Existing Chain Link Fencing with Barb Wire for the Property Located at 1865 Old Dixie Highway (#V20-000001)

V. DISCUSSION OF PROPOSED ZONING REGULATIONS FOR CULTURAL ARTS VILLAGE

VI. PLANNING DEPARTMENT MATTERS

VII. BOARD MEMBERS' MATTERS

VIII. ADJOURNMENT

ANY PERSON AGGRIEVED BY A DECISION OF THE PLANNING AND ZONING BOARD RELATIVE TO SITE PLAN APPROVAL MAY WITHIN TEN DAYS AND IN ACCORDANCE WITH SECTION 64.08(j) FILE AN APPEAL WITH THE PLANNING DIRECTOR OF THE CITY OF VERO BEACH. ANYONE WHO MAY WISH TO APPEAL ANY DECISION THAT MAY BE MADE AT THIS HEARING WOULD NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL WILL BE BASED.

ANYONE IN NEED OF SPECIAL ACCOMMODATIONS 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.

PUBLIC INVITED TO ATTEND

PLANNING AND ZONING BOARD MINUTES
THURSDAY, JUNE 4, 2020 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

PRESENT: Steven Lauer, Chairman; Honey Minuse, Vice Chairman; **Members:** Robin Pelensky, Jose Prieto and Alternate Member #1, Richard Cahoy **Also Present:** Planning and Development Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absence: Jeb Bittner
Unexcused Absence: John Carroll

The Chairman called today's meeting to order at 1:30 p.m., and the Deputy City Clerk performed the roll call.

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A) Regular Meeting – May 21, 2020

Mrs. Minuse made a motion to approve the minutes of the May 21, 2020 Planning and Zoning Board meeting. Mr. Prieto seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. DISCUSSION OF PROPOSED ZONING REGULATIONS FOR CULTURAL ARTS VILLAGE

*Please note that questions and discussion took place throughout staff's presentation.

Mr. Jason Jeffries, Planning and Development Director, reported that this item is to begin discussions with the Board. He said because of some planned demonstrations, today's meeting will need to conclude at 3:00 p.m. He said there is a lot of material to go over so if they don't complete this today he will put it on their next meeting agenda. He then introduced Mrs. Barbara Hoffman to the Board members. He noted that she has been involved with this project since the beginning.

Mrs. Barbara Hoffman read a prepared statement (attached to the original minutes).

Mr. Jeffries went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes).

Mrs. Minuse said the one (1) thing that struck her as she was going through the material is that there is almost no reference to parking. She asked would it make sense to include something about a parking code.

Mr. Jeffries said that he planned to discuss that a little later in his presentation if they have time today. He mentioned that there are parking lots available nearby, there is on-street parking, and there are alleys as well.

Mrs. Minuse said she questioned the parking when she was looking at the residential units.

Mr. Jeffries said that is going to be the constraining element because multi-family is still going to have to provide parking.

Mrs. Minuse referred to the slide, *Residential Uses in CAV – Dwelling, group court.* She said this is what sparked her question about parking.

Mr. Jeffries said they would still have to provide for one (1) space per residential unit. In the case where these are allowed (dwelling, group court), there are alleyways.

Mrs. Pelensky referred to the slide, *Commercial Uses in CAV – Bed and Breakfast.* She asked is there a maximum square footage or lot size. She said that she could see someone pulling together a couple of lots in order to do this.

Mr. Jeffries answered no. He said that is a good point and he will look into it.

Mr. Jeffries suggested that because of the time that they allow for public comments.

The Chairman opened public comments at 2:26 p.m.

Mr. Skip Fuller, Chairman of the Board of the Friends of the Vero Beach Art Village, said that he didn't prepare anything for today's meeting because they wanted to give the Board as much time as possible to get as far as they can because of the limited time for today's meeting.

Mr. Lauer said staff did a tremendous job on this. He said this project seems like it has been around long enough and it is time to move it forward. He said that he knows there is not enough time today for Mr. Jeffries to go over the 2016 report with the Board, but to him, it is the most interesting part of the presentation. He said you can see that a lot of work has been done by a lot of people.

Mr. Jeffries said what they are doing is implementing the 2016 report. He said that he did not plan on going over the report with the Board, but had it as part of their backup information as a resource so they can understand why things were being done.

Mr. Jeffries reported that he will be setting up a meeting with the Architectural Review Commission for them to provide their input on the design standards in July. He said they will incorporate the Commission's comments into this draft and then bring it back before the Board as a public hearing.

Mrs. Pelensky referred to page 19, *Section 61.130 – Environmental Standards* of staff's report. She asked would this be a good place to entertain adding an incentive for pervious pavers where they could give some kind of a credit for stormwater requirements. She said these are really small lots so instead of having a dry retention area they could have a pervious paver parking area.

Mr. Jeffries thought they had had something like that under parking, but they might be able to codify it. He said that he would discuss this with the Public Works Department.

V. PLANNING DEPARTMENT MATTERS

Mr. Jeffries said that because of some scheduling conflicts, the Board's July meetings have been rescheduled to July 9, 2019, and July 23, 2019.

VI. BOARD MEMBERS' MATTERS

None

VII. ADJOURNMENT

Today's meeting adjourned at 2:48 p.m.

/sp

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Lauer and Planning and Zoning Board Members

THROUGH: Jason H. Jeffries, AICP JHJ
Director of Planning and Development

FROM: Cheri B. Fitzgerald, AICP
Principal Planner

DATE: June 8, 2020

SUBJECT: **Petition of AT&T Corporation for a Variance (Fence) for Property Located at 1865 Old Dixie Highway (Application #V20-000001)**

Overview

The Planning and Development Department received a variance request from the property owner to extend an existing 6 feet chain link fence with barb wire around the perimeter of the property at an American Telegraph and Telephone (AT&T) facility located at 1865 Old Dixie Highway. Chain link and barb wire fences are not permitted fence materials in the DTW, Downtown zoning district. In addition, the Downtown District regulations restrict fence heights to 3 feet if the fence is along or parallel to a street or 5 feet if wrought iron or blackened aluminum fence with openings and long expanses of fences must be interrupted with piers or larger post every 15 feet.

The following are attachments to this report:

- Attachment A-Maps of Subject Property & Location of Existing & Proposed Fence
- Attachment B-Code Section 62.312, Walls and fences
- Attachment C-Planning Director Letter (with attachments)
- Attachment D-Variance Application

Background

The subject property is one of five adjacent parcels that are owned and operated by AT& T and are part of the utility facility. These parcels have several different addresses including 1825, 1835 and 1865 Old Dixie Highway. There is an existing 6 feet chain link fence with barb wire located at the AT&T facility adjacent to the subject property to the south.

Chain link and barb wire fences are not permitted fence materials in the DTW, Downtown zoning district according to City Code Section 62.312 (5) - Walls and fences. This section of the Code also restricts fence heights to 3 feet if the fence is along or parallel to a street or 5 feet if wrought iron or blackened aluminum fence with openings and long expanses of fences must be interrupted with piers or larger post every 15 feet (Code Section 62.312 (1), (4) and (7).

A variance was granted by the City Board of Adjustment (BOA) to allow the fence in 1996. There was a discussion of the reason for the variance and potential screening of the fence. The BOA approved the request as submitted without the screening (minutes attached).

In December 2019 the property owner received approval to extend the fence around the remaining section of the subject property (west, north, east and continuing the south section) based on the 1996 variance. A building permit for the fence was issued in January 2020. The fence extension was constructed.

A citizen inquiry prompted a further review of the code compliance application for the approved fence and the Planning Director and legal staff determined that the fence extension did require another variance. Previous approval of the fence extension was rescinded (letter attached) and the property owner was notified through code enforcement to apply for a variance.

The property owner is requesting an extension of the existing chain link fence with barb wire that is located south of the subject property which would enclose the perimeter of the property along the west, north, east and a section of the south.

Existing Adjacent Land Use and Zoning Patterns. The subject property is one of five parcels that are owned and operated by AT& T and are part of the utility facility, including the property located to the south. The properties to the west and east (across Old Dixie Highway) include various commercial and office uses. The property to the north includes a multi-family residential apartment complex.

The subject parcel and the surrounding properties are zoned DTW, Downtown. The property located across Old Dixie Highway to the east is zoned M, Industrial.

Table 1. Adjacent Land Uses and Zoning Classifications:

	Land Uses	Land Use Designation	Zoning Classification
Subject Site	AT&T Utility Facility	MX, Mixed Use	DTW, Downtown
North	Multi-Family Residential Apartments	MX, Mixed Use	DTW, Downtown
South	AT&T Utility Facility	MX, Mixed Use	DTW, Downtown
East	Commercial (across Old Dixie Hwy.)	MX, Mixed Use	M, Industrial
West	Commercial/Office	MX, Mixed Use	DTW, Downtown

Review and Analysis

In order to grant a variance from the provisions of the zoning ordinance, an applicant must satisfy the criteria of Section 66.02 (General Review Criteria) ***and*** Section 66.03 (Specific Review Criteria).

Section 66.02

According to Section 66.02, the Planning and Zoning Board shall deny an application if it finds that the approval would:

(a) Constitute any change in the districts shown on the zoning map;
(b) Impair adequate supply of light or air to adjacent property;
(c) Unreasonably increase the congestion in public streets;
(d) Increase the danger of fire or panic;
(e) Imperil the public safety;
(f) Unreasonably increase overcrowding of land; or
(g) Imperil the health or general welfare of the inhabitants of the city.

Comment: There are no known obvious conflicts with the above criteria.

Section 66.03

Section 66.03 spells out the following specific review criteria that the applicant must demonstrate in order for the Planning and Zoning Board to grant a variance. It should be noted also that all the criteria must be meet in order for the variance to be granted.

Required Finding:	*That the application of the zoning ordinance causes an exceptional and unique hardship.*
Applicant's Response:	The facility provides domestic and international long distance telephone service. As such, the facility is uniquely an essential public utility and requires a higher level of security.
Comment:	This is a vacant parcel located adjacent to the north of the other parcels that are used for operations that are consistent with a utility service. This use is not typical of the retail and office uses in the Downtown District.
Required Finding:	*That the exceptional and unique hardship is not due solely to the owner's actions.*
Applicant's Response:	The request for this variance is driven not by any action of the Owner, but is due to the inherent nature of the facility

and its operation. This dictates the need for a higher level of security. Loss of long distance telephone service can have a life safety implication.

Comment: This is a vacant parcel located adjacent to the north of the other parcels that are used for operations that are consistent with a utility service. The nature of the use is the issue.

Required Finding: *That the variance granted will be compatible with the physical characteristics of the neighborhood.*

Applicant's Response: It is believed the installation of the chain link fencing would not detract from the mixed characteristics of the surrounding area.

Comment: There is an existing approved chain link fence with barb wire located on the property to the south that is part of the AT&T facility. The site is bounded by the Industrial District to the east and the Downtown District to the north, south and west.

Required Finding: *That the variance granted will be in harmony with the intent and purpose of the Code.*

Applicant's Response: Maintaining the security of this essential public service is believed to support the intent and purpose of the code.

Comment: Listed in the purpose of the zoning ordinance is the promotion of public health, safety and general welfare.

Required Finding: *That the variance granted is the minimum necessary in order to alleviate the exceptional and unique hardship.*

Applicant's Response: It is believed to be the minimum variance to ensure essential security of property.

Comment: The proposed fence would extend the existing fence to the perimeter of the overall property.

Summary

The applicant is seeking a variance to extend a 6 feet high chain link fence with barb wire surrounding the perimeter of the subject property.

Attachments

Sec. 62.312. - Walls and fences.

Construction, erection, and maintenance of walls and fences are only permitted as follows:

(1) Long expanses of walls and fences must be interrupted with piers or larger post every 15 feet.

(2) Walls and fences on side or rear property lines in this zone shall be permitted to a maximum height of six feet.

(3) No fences, walls, plantings, or other structures or obstructions shall be erected or maintained within 20 feet of any street intersection which may obstruct the view of a motorist or otherwise cause an obstruction to traffic flow.

(4) Where a wall or fence is erected along or parallel to any street, such wall or fence is permitted up to a maximum height of three feet in height, except as provided in (7) below.

(5) Chainlink fences are not permitted.

(6) Only the following fencing materials are permitted:

a. Stucco and stone to match main structure.

b. Masonry walls.

c. Wood pickets.

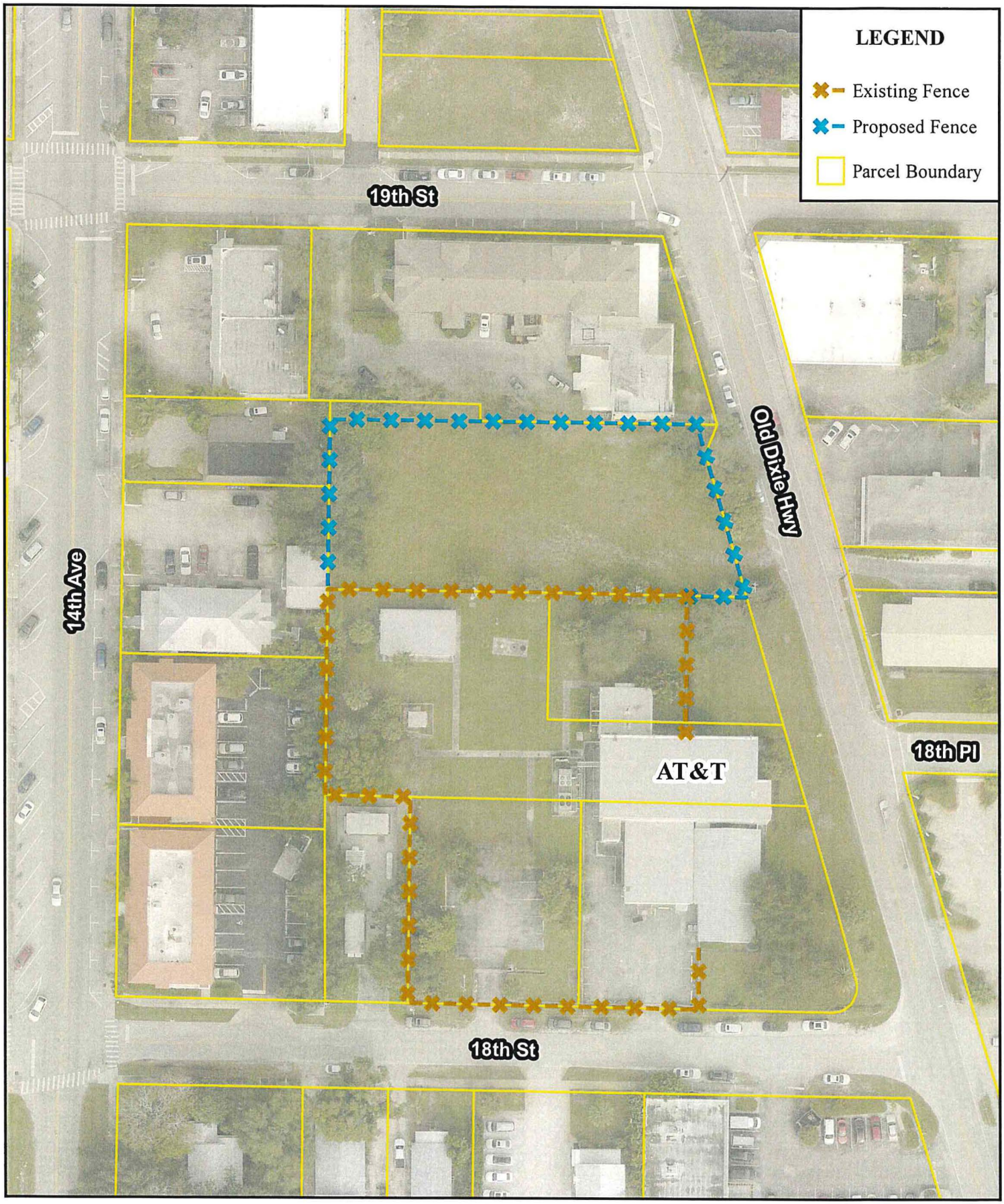
d. Wrought iron or blackened aluminum.

(7) Where a wrought iron or blackened aluminum fence is erected along or parallel to any street, such fence is permitted up to a maximum of five feet in height, with a minimum permanently opened spacing of two inches between vertical or horizontal fence elements.

(Ord. No. 93-01, § 1, 1-5-1993; Ord. No. 2017-07, § 2, 8-8-2017)

AERIAL MAP

1865 Old Dixie Hwy, Vero Beach, FL



Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
June 5, 2020

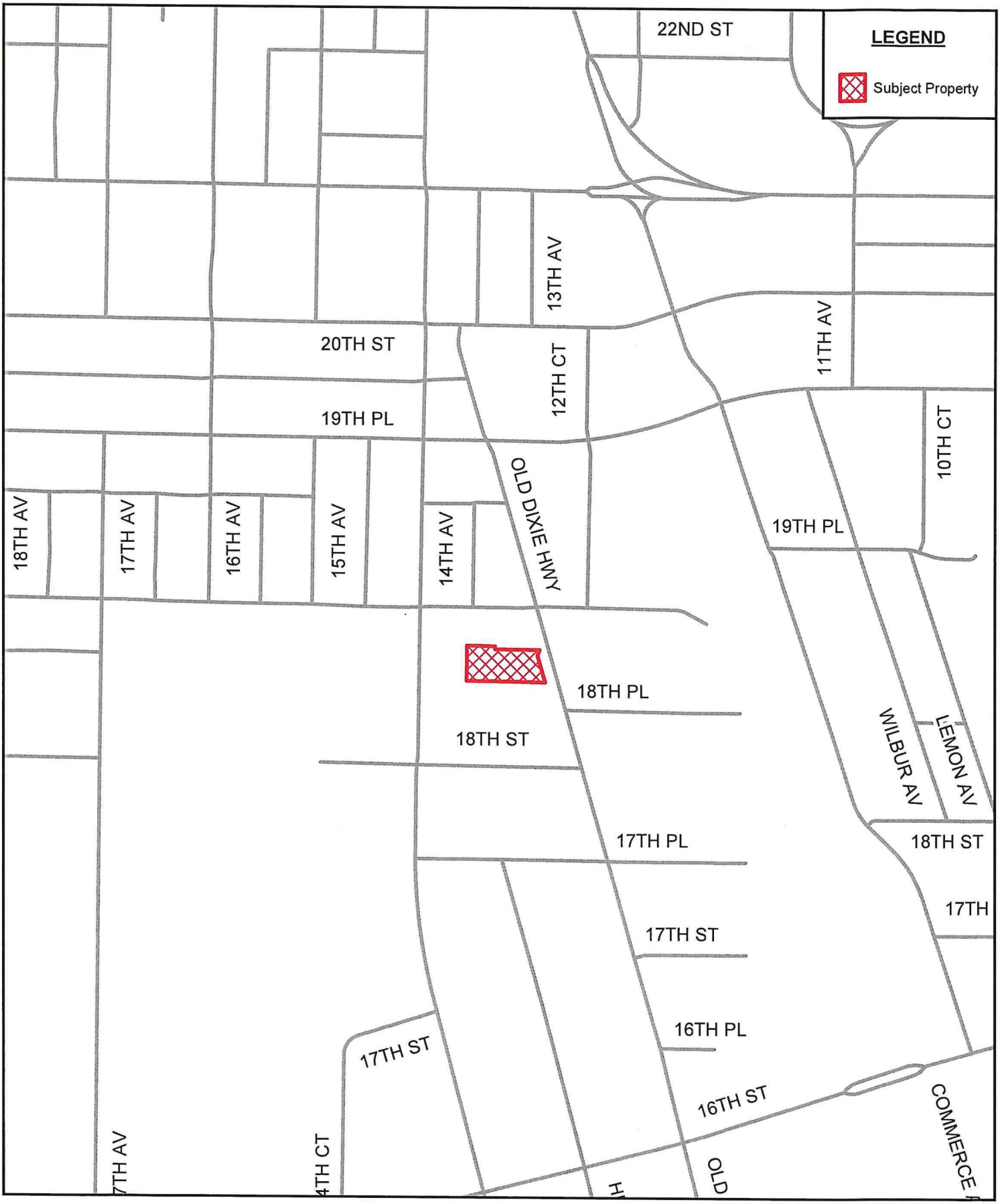
1 inch = 75 feet

DISCLAIMER:
The City of Vero Beach makes no warranties, express or implied and assumes no responsibility for the use of this material by agencies or individuals other than the City of Vero Beach. Any use of this material is strictly at the risk of the user.

N
W E
S

LOCATION MAP

1865 Old Dixie Hwy, Vero Beach, FL



Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
May 12, 2020

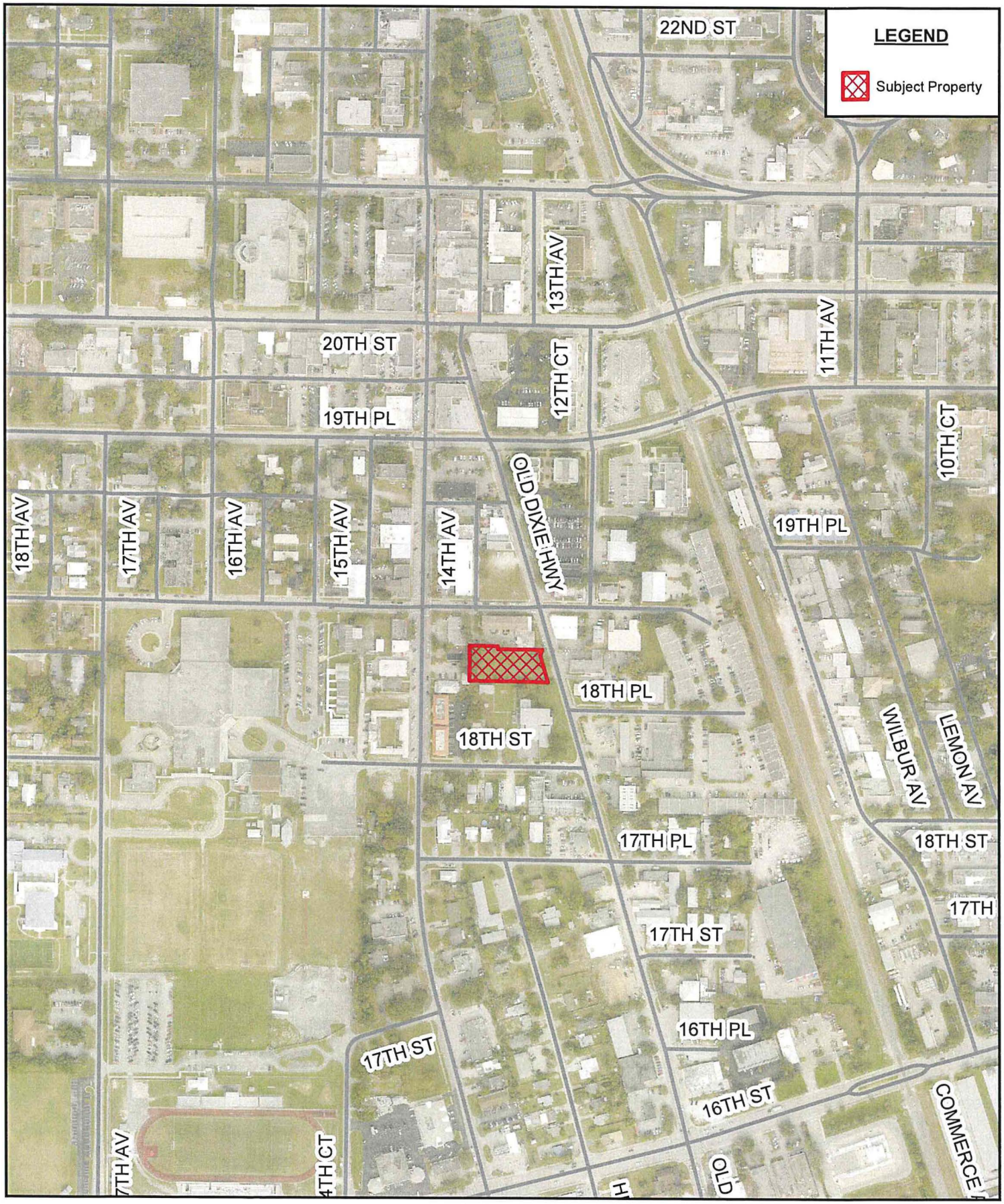
1 inch = 400 feet

DISCLAIMER:
The City of Vero Beach makes no warranties, express or implied and assumes no responsibility for the use of this material by agencies or individuals other than the City of Vero Beach. Any use of this material is strictly at the risk of the user.

N W E S

AERIAL MAP

1865 Old Dixie Hwy, Vero Beach, FL



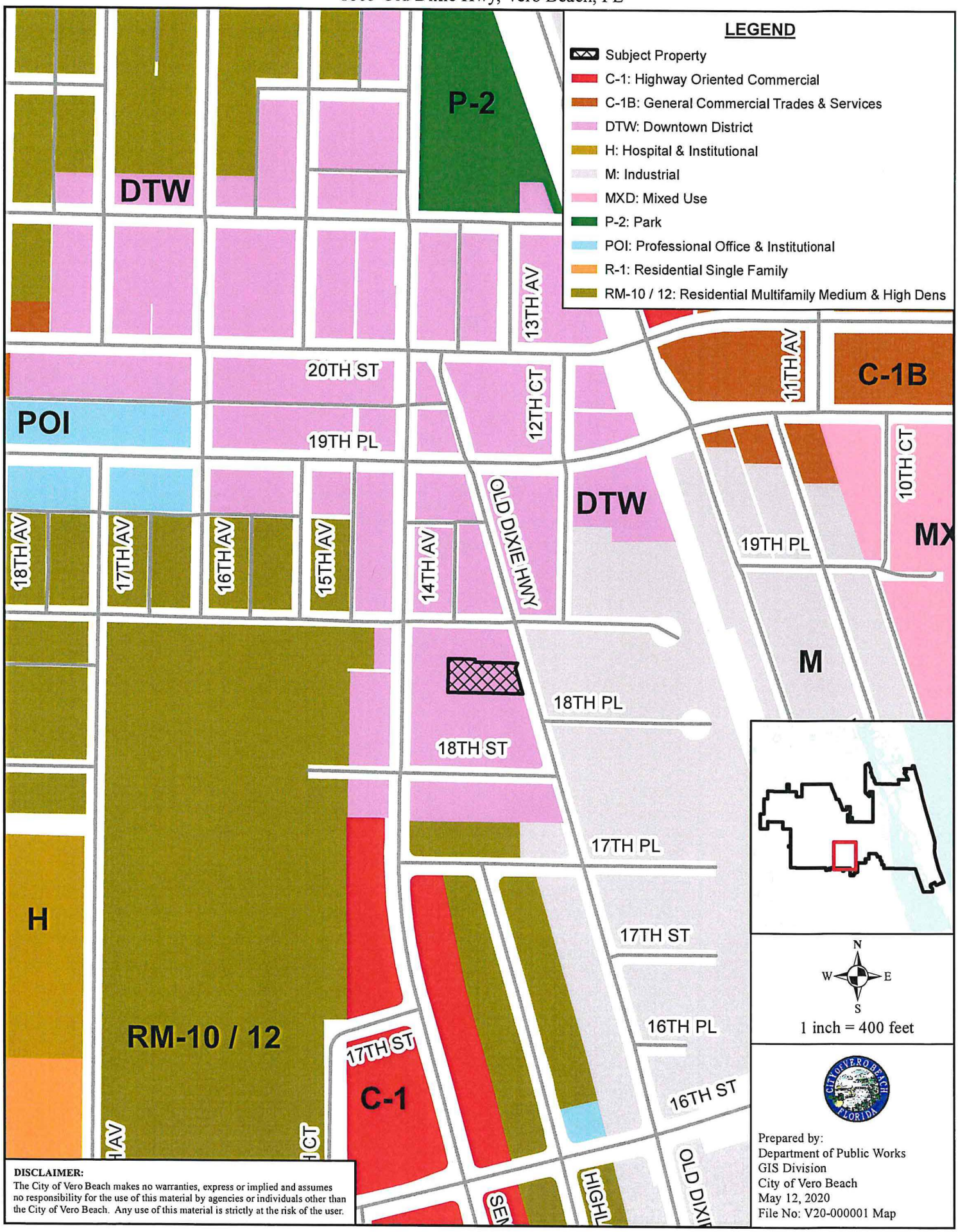
1 inch = 400 feet

Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
May 12, 2020

DISCLAIMER:
The City of Vero Beach makes no warranties, express or implied and assumes no responsibility for the use of this material by agencies or individuals other than the City of Vero Beach. Any use of this material is strictly at the risk of the user.

ZONING DISTRICTS MAP

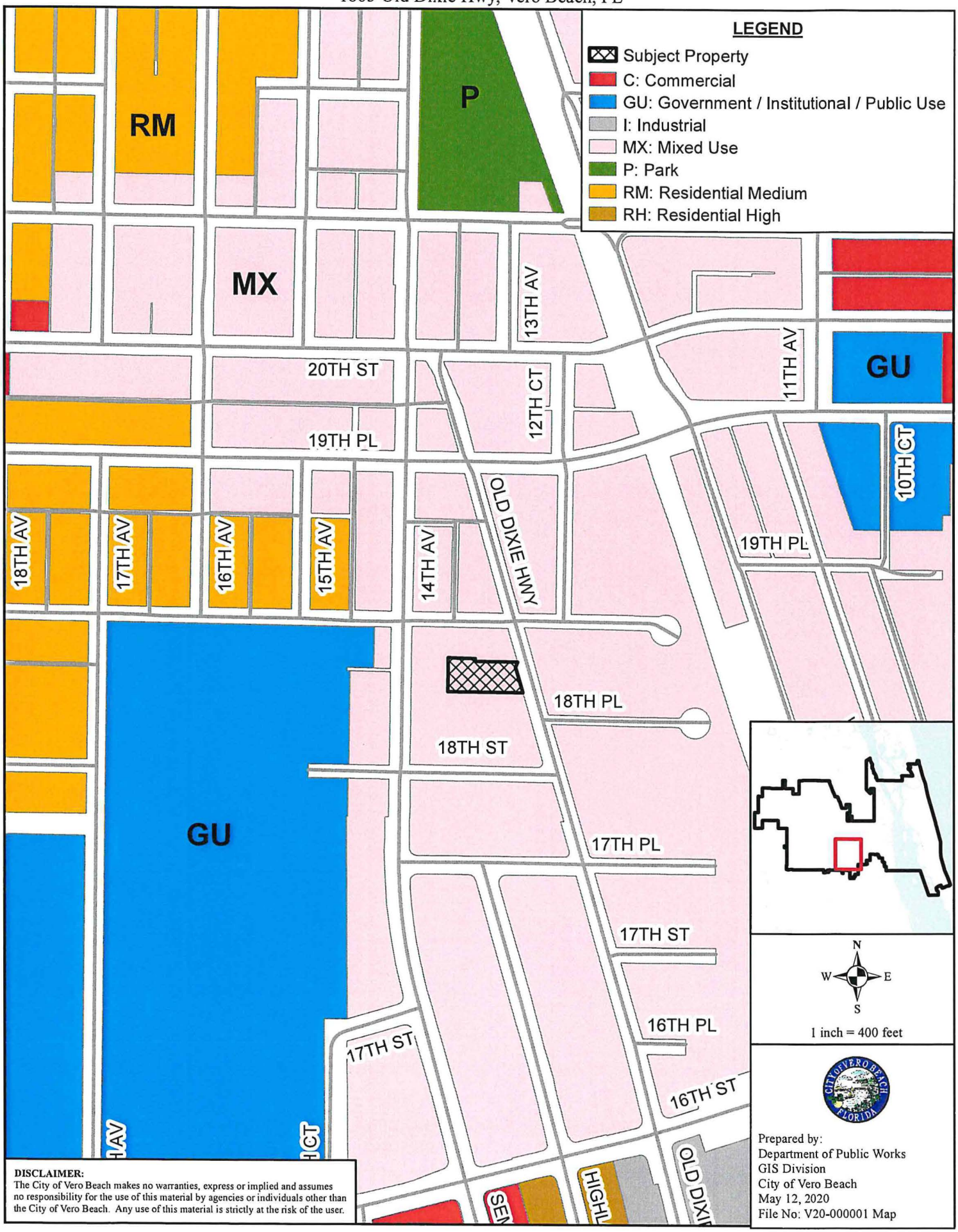
1865 Old Dixie Hwy, Vero Beach, FL



DISCLAIMER:
The City of Vero Beach makes no warranties, express or implied and assumes no responsibility for the use of this material by agencies or individuals other than the City of Vero Beach. Any use of this material is strictly at the risk of the user.

FUTURE LAND USE MAP

1865 Old Dixie Hwy, Vero Beach, FL



DISCLAIMER:
The City of Vero Beach makes no warranties, express or implied and assumes no responsibility for the use of this material by agencies or individuals other than the City of Vero Beach. Any use of this material is strictly at the risk of the user.

PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960

In the Matter of:
1865 Old Dixie Hwy
Vero Beach, FL 32960

Owner:
AT&T Corp
1010 Pine 9E0L-01
St. Louis, MO 63101

Applicant:
Adron Fence
1132 NE 12th Street
Okeechobee, FL 34972

Code Compliance Certification
Application #CC19-000514

ORDER REVOKING CODE COMPLIANCE CERTIFICATION #CC19-000514

Code Compliance Certification #CC19-000514, which was approved and issued on December 12, 2019, for property located at the above referenced address, has been further reviewed by the Director of Planning & Development, based upon a request from neighboring property owners. This review has determined that the proposed 6-foot chain-link fence with 1 foot of barbwire along the property perimeter is not permitted by Section 62.312(5) of the City of Vero Beach Code. Furthermore, Variance #96-21 granted by the Board of Adjustment was specific to 1825 Old Dixie Hwy for the purpose of securing a utility facility (telecommunications) located on that site. Variance #96-21 approval for a chain-link fence with barbwire to secure the utility facility does not extend to the vacant lot located at 1865 Old Dixie Hwy.

No construction may be undertaken or building permits related to the construction of the fence are authorized until such time as a variance is approved by the Planning & Zoning Board or a revised code compliance certificate complying with Section 62.312, walls and fences, for (DTW) Downtown zoning district is issued by the Planning and Development Department.

Signed by:

3/2/20

Jason H. Jeffries, AICP — Date
Planning & Development Director

atts
XC: Charlotte Bowling, Bldg Dept (email)
Scott McAdams, IRC Building Official (email)
File

CODE COMPLIANCE CERTIFICATION 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

Application # CC19-000514

APPLICANT: Adron Fence Telephone: 561-283-5172

Fax or Email: [illegible]@[illegible].com

MAILING ADDRESS: 1180 NE 12th St. Okeechobee FL 34972

PROPERTY OWNER: American Tel & Tel Co

OWNER ADDRESS: 1010 Pine 9E-L-01 St. Louis MO 63101

SITE ADDRESS: 5375 Old Dixie Hwy Vero Beach, FL 32960

PARCEL I.D. NUMBER: 33390200000100000002

ZONING DISTRICT: DTW FLOOD ZONE: X CHANGE OF USE?: ___

Square Footage of Floor Area Involved (nonresidential): ___

Provide a brief summary description of proposed development: Install 459 of 6' galvanized fence. Chain link to connect to existing one 16' double drive gate.

This application is limited to the development approval or change of use specifically requested. No permanent structure shall be located on City easements. In separate sheets attached to this application, provide the specific information required by Page 2 of this application, if applicable.

Any false statement, concealment, or misrepresentation made in this application or the submitted plans or drawings, intentional or unintentional, shall be grounds for revocation of approval.

[signature] 10/24/19 — Applicant Signature / Date

[signature] 11/7/2019 — *Property Owner / Date

Ross A. Chambers — Print Name President Adron Fence

Penny M. Perez — Print Name

* A letter of authorization may be provided in lieu of the property owner's signature.

Conditions: —

Review Comments: Expanding existing fence – Variance approved (#1996-21).

Planning Department Approval: [signature] 12-12-19
Authorized Signature / Date

Application Fee: 55

DEC 2019 City of Vero Beach Planning Dept

Install 455' of 6'+1' galvanized chain link fence and one 16' double drive gates

10TH STREET / FLORIDA AVENUE / EIGHTEEN STREET (P)
40' PUBLIC RIGHT-OF-WAY

10TH STREET / SEVENTEENTH STREET (P)
50' PUBLIC RIGHT-OF-WAY

OLD DIXIE HIGHWAY / UNITED STATES HIGHWAY 1
PUBLIC RIGHT-OF-WAY VARIES

X = New Fence

= Existing on adj Lot.

APPROVED
C919-000514
Planning and Development Department
12-12-19
Date
Director
Per Section 64.11, this approval expires in 6 months unless an application for a building permit has been made

GRAPHIC SCALE

NO.	REVISION	BY	DATE

OVERLAND CONSTRUCTION COMPANY, INC.
1360 63RD STREET
WEST PALM BEACH, FLORIDA 33407

CARTER ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1708 21st STREET, VERO BEACH, FL 32960
TEL: (772) 562-4191 FAX: (772) 562-7180

PROFESSIONAL ENGINEER SIGNATURE DATE
PROFESSIONAL SURVEYOR & MAPPER SIGNATURE DATE

DATE AUGUST 13, 2019
FIELD # 19-1105
DRAWN BY
AREA BY
PLOT BY
FILENAME
FB #
FB & PG

BOUNDARY SURVEY
REPLAT OF BLOCKS 3, 4, 7 OF KNIGHTS ADDITION TO EDGEWOOD,
CITY OF VERO BEACH, INDIAN RIVER COUNTY, FLORIDA

SHEET
1 OF 1

96-1233
app 7/15/96(4-0)

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Palmer & Members of the Board of Adjustment

FROM: Nancy E. Carter, Planner

DATE: June 24, 1996

SUBJ: Variance Application #96-21 - 1825 Old Dixie Highway

PARCEL NUMBER: 02 33 39 00010 0010 00014.0

ZONING DISTRICT: DTW - Downtown District

REQUESTED VARIANCE: The applicant is seeking a variance to erect a 6' tall chain link fence with three barbed wire strands. The Downtown District regulations restricts fence heights to 3' if the fence is erected along or parallel to a fence. Chain-link fences are not permitted, nor is barbed wire. In addition, the Downtown District regulations require that long expanses of walls and fences be interrupted with piers or larger posts every 15'.

CODE SECTIONS INVOLVED: Sections 62.312(1), (4) and (5).

EXISTING CONDITIONS: In 1993 a minor change was approved for this site for building additions, an underground fuel storage tank and landscape modifications. Also, included on the plans was the addition of a 6' high chain link fence which was to surround the easternmost parking lot. In 1995 a site plan was approved for the addition of a second floor and a 6' tall chain link fence with three strands of barbed wire. In both cases, the discrepancies with the code were not noted by the Planning Department. The Planning Department is now in receipt of a minor change to extend the chain link fence along either side of the westernmost driveway and the addition of a roll gate into the parking area and a swing gate on the north side of the building. The plans do not reflect barbed wire.

ANALYSIS: There are four findings that the Board of Adjustment must make in order to authorize a variance from the terms of the Zoning Ordinance. Below is a listing of the required findings, the applicant's position relative to the required findings, and, finally, the staff's position.

1. *Required Finding:* Does the application of the zoning ordinance cause an exceptional and unique hardship?

   Applicant's Position: The facility provides domestic and international long distance telephone service. As such, the facility is uniquely an essential public utility and requires a higher level of security.

   Staff's Position: This use is not typical in the Downtown District. It is reasonalbe to believe that this use requires security beyond that commonly needed by retail, office, medical or other

permitted uses in this district.

2. *Required Finding:* Can you establish that the exceptional and unique hardship is not due solely to the owner's actions?

   Applicant's Position: The request for this variance is driven not by action of the owner, but is due to the inherent nature of the facility and its operation. This dictates the need for a higher level of security. Loss of long distance telephone service can have life safety implications.

   Staff's Position: The hardship is due to the nature of the use and not the owner's actions.

3. *Required Finding:* If authorized, will the variance be compatible with the physical characteristics of the neighborhood?

   Applicant's Position: It is believed the installation of chain link fencing would not detract from the mixed characteristics of the surrounding area. In addition, a landscaping hedge will serve to partially screen the fencing along 18th Street.

   Staff's Position: This site is bounded by the Industrial district to the east and the Downtown District to the north, south and west. One-half block south of this site is the beginning of the Industrial zoning district which runs almost to the City limits line. Directly south of this site is a retail building that was constructed in 1979, a building that has recently received change of use approval from residential to retail, and two single family residences. The owner has provided landscaping which consists of a combination of trees and hedges that will mitigate the impact of the chain link fence and barbed wire on the surrounding uses.

4. *Required Finding:* Will the variance be in harmony with the intent and purpose of the Code?

   Applicant's Position: Maintaining the security of this essential public service is believed to support the intent and purpose of the code.

   Staff's Position: Listed in the purpose of zoning district regualtions is the promotion of the public health, safety and general welfare. Allowing the additional security measures for this facility will be in harmony with the intent and purpose of the Code.

If a variance is granted, it should be stipulated that said variance is only for the improvements shown in minor change #96-MC-081.

NEC

APPLICATION TO THE BOARD OF ADJUSTMENT

City of Vero Beach Planning Department

JUN 10 96

O ZONING VARIANCE
O SPECIAL EXCEPTION

O APPEAL OF ADMINISTRATIVE ZONING DECISION OR REQUIREMENT

Application # 96-21

I request a hearing regarding the terms of the Zoning Ordinances of the City of Vero Beach. This request relates to the property and zoning requirements set forth in this application.

1. PROPERTY ADDRESS 1825 Old Dixie Highway
2. PROPERTY OWNER AT&T, Mr. James E. Adams PHONE (404) 810-6429
3. OWNER ADDRESS 1200 Peachtree St., NE, Room 21W08, Atlanta, GA 30309
4. APPLICANT R. F. (Skip) Lee PHONE (904) 281-0015
5. RELATIONSHIP TO OWNER Architect
6. PROPERTY PARCEL ID NUMBER 02-33-39-00010-0010-00014.0
7. FULL LEGAL DESCRIPTION OF PROPERTY (as described in the deed):

   SEE ATTACHED.

8. ZONING DTW/~~MX~~
9. VARIANCE / SPECIAL EXCEPTION REQUESTED Installation of 6' high (with 3 barb wire strands) chain link fencing around existing AT&T facility.
10. CODE SECTION INVOLVED 62.312
11. IS THIS REQUEST THE MINIMUM VARIANCE / SPECIAL EXCEPTION POSSIBLE? Yes
12. HAS THIS REQUEST BEEN BEFORE THE BOARD PREVIOUSLY? Yes / (No) Date
13. WILL THE PLANNING & ZONING BOARD BE ACTING ON THIS CASE? (Yes) / No

I give permission to the members of the Board of Adjustment and staff to inspect the property for the purpose of this application. I declare that all statements made herein are true, based upon the best available information, and I understand that willful false statements and the like are misdemeanors of the second degree under Section 837.06 Florida Statutes. Such willful false statements may jeopardize the validity of my application or any decision issued thereon. I have fully read the application packet outlining the Board procedures and application requirements (for variances or special exceptions). With this application I am submitting the necessary supporting materials listed in the application packet.

Owner's Signature James E Adams Date 6/6/96

7/93
BOA-APPL

REQUIRED QUESTIONS FOR VARIANCE APPLICATION

City of Vero Beach Planning Department

Please answer each of the following questions fully. These questions will assist the Board of Adjustment determine whether your application meets the minimum criteria for obtaining a variance as described in Chapter 66 of the Code of Ordinances. Use additional pages if necessary.

1. Does the application of the zoning ordinance cause an exceptional and unique hardship? Please explain fully.

The facility provides domestic and international long distance telephone service. As such, the facility is uniquely an essential public utility and requires a higher level of security.

2. Can you establish that the exceptional and unique hardship is not due solely to the owner's actions? Please explain fully.

The request for this variance is driven not by any action of the Owner, but is due to the inherent nature of the facility and its operation. This dictates the need for a higher level of security. Loss of long distance telephone service can have life safety implications.

3. If authorized, will the variance be compatible with the physical characteristics of the neighborhood? Please explain fully.

It is believed the installation of chain link fencing would not detract from the mixed characteristics of the surrounding area. In addition, a landscaping hedge will serve to partially screen the fencing along 18th Street.

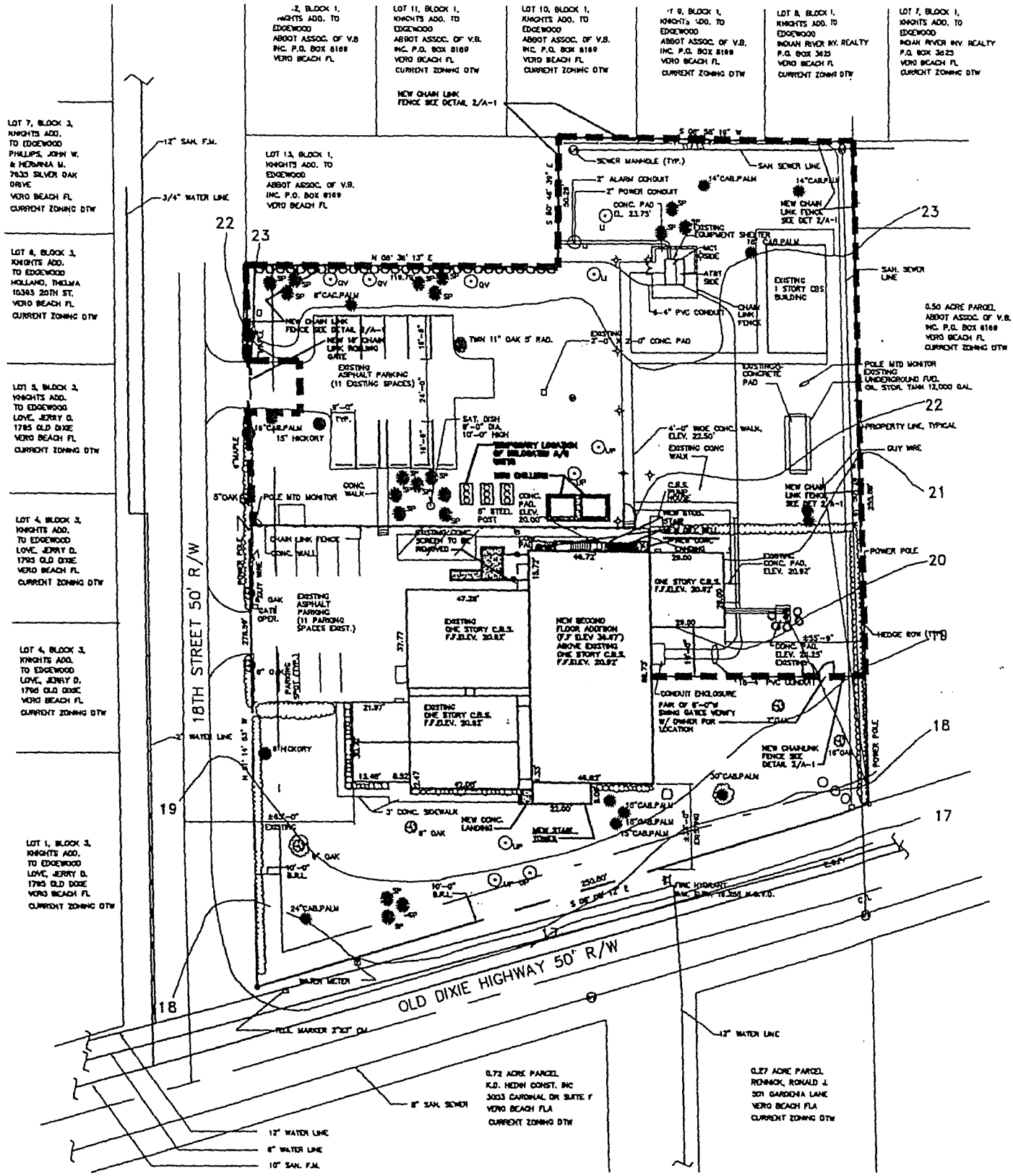
4. Will the variance be in harmony with the intent and purpose of the Code? Please explain fully.

Maintaining the security of this essential public service is believed to support the intent and purpose of the code.

AT&T Central Office
1825 Old Dixie Highway
Vero Beach, Florida

LEGAL DESCRIPTION

BLOCK 5 KNIGHTS ADDITION TO EDGEWOOD, PLAT BOOK 3, PAGE 55, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA AND LOTS 14, 15, 16 AND 17, BLOCK 1 REPLAT OF BLOCKS 3, 4, 7 OF KNIGHTS ADDITION TO EDGEWOOD, PLAT BOOK 4, PAGE 16 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, AND REPLAT OF BLOCKS 3, 4, 7 OF KNIGHTS ADDITION TO EDGEWOOD, PLAT BOOK 4, PAGE 16 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; BEGIN AT A POINT 10′ SOUTH OF THE SOUTHEAST CORNER OF LOT 7, BLOCK 1; RUN EAST TO NORTHWEST CORNER OF BLOCK 5; SOUTH ALONG WEST LINE OF BLOCK 5; EAST ALONG SOUTH LINE OF BLOCK 5 TO DIXIE AVENUE, SOUTHEASTERLY ALONG DIXIE AVENUE TO THE NORTHEAST CORNER OF LOT 16, BLOCK 1; WEST TO THE EAST LINE OF LOT 10, BLOCK 1; NORTH TO POINT OF BEGINNING.



ADA

ARCHITECTURAL DESIGN ASSOCIATES, INC.
JACKSONVILLE FLORIDA

VERO BEACH POP
2ND FLOOR BUILDING ADDITION

1825 OLD DIXIE HIGHWAY
VERO BEACH, FLORIDA

FILE: 94085

DATE: 6-5-96

SHEET

V-1

BOARD OF ADJUSTMENT MINUTES
MONDAY, JULY 15, 1996 2:00 P.M.
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA

PRESENT: Matthew Gore, Vice Chairman; Members: Dana Howard, Michael Stutzke and Alternate Member, Dee Cioffi **ALSO PRESENT:** Peggy Lyon, Assistant City Attorney; Nancy Carter, Planner and Tammy Vock, Deputy City Clerk

1. STATEMENT OF PURPOSE OF THE BOARD

Mr. Gore read the Statement of the Purpose of the Board to the audience present for today's meeting.

2. SWEARING OF WITNESSES ENMASSE

The Clerk swore in the witnesses enmasse.

3. APPROVAL OF MINUTES

A) June 17, 1996 - Regular Meeting Minutes

Mr. Howard made a motion to approve the June 17, 1996 minutes. Mr. Stutzke seconded the motion and it passed unanimously.

B) July 1, 1996 - Special Call Minutes

Mr. Howard made a motion to approve the July 1, 1996 minutes. Mrs. Cioffi seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

02 33 39 0000 0010 14.3

A) Public Hearing for Case #96-21: Public Hearing for Mr. James E. Adams (AT&T) owner of 1825 Old Dixie Highway. The applicant is seeking a variance to erect a 6' tall chain link fence with three barbed wire strands.

APPLICANT: R. F. (Skip) Lee, Architect

Mr. Skip Lee, Architect representing AT&T, was at today's meeting. He explained that they are requesting a variance to erect a 6' tall chain link fence with three barbed wire strands. The Downtown District regulations restricts fence heights to 3' if the fence is erected along or parallel to a fence. Chain-link fences are not permitted, nor is barbed wire.

Mr. Lee noted that the facility provides domestic and international long distance telephone service. The request for the variance is not driven by any action of the owner, but is due to the inherent nature

of the facility and its operation. This dictates the need for a higher level of security. Loss of long distance telephone service can have life safety implications. They feel that installation of chain link fencing would not detract from the mixed characteristics of the surrounding area.

Mr. Howard asked if there would be opaque screening going along with the fence. Mr. Lee answered yes. He explained what shrubbery was in place now and said that if the Board requests it that they would be willing to add some more.

The Public Hearing was closed at 2:15 P.M.

Mr. Howard referred to the north side of the property and asked if the plantings go all along the fence line. Mr. Lee answered no. Mrs. Carter explained that the only requirement for screening is for the parking lot. If the Board would like to see additional screening they could ask for it.

Mr. Howard made a motion to approve the variance in Case #96-21 for the 6' chain link fence with three barbed wire strands (as shown on the site plan) in addition to requiring additional planting along the northwest line.

Mrs. Carter asked what height would he like the screening to be. She said generally when looking at screening the Planning Department ask that it be a minimum of 5 feet high. Mr. Howard made that a part of his motion. Mr. Gore asked if this would be installed on the outside of the fence. Mr. Howard said yes. The reason for having it on the outside was strictly to take the viewer's eye away from the chain link fence.

Mrs. Carter reported that this fence has been in place for at least a year. After hearing this, Mr. Howard felt that his motion was moot. He withdrew his motion and made a new motion to approve the request as submitted. Mr. Stutzke seconded the motion. The motion passed 4-0, with Mrs. Cioffi voting yes, Mr. Howard yes, Mr. Stutzke yes, and Mr. Gore yes.

B) Public Hearing for Case #96-22: Public Hearing for Ms. Nancy Perry, Leasee, of 1025 Easter Lily Lane #1. A special exception for one parking space is needed in order to change the use of 50 square feet of retail area to restaurant.

APPLICANT: Mosby & Associates

Mr. Randy Mosby, of Mosby & Associates, was at today's meeting representing, Ms. Nancy Perry. Mr. Mosby explained that Ms. Perry owns Apples Bakery and has recently purchased the ice cream shop next door. Ms. Perry would like to be able to have an additional 50 feet of seating area. This is so when patrons come into the ice cream shop they can sit down. Staff has recommended approval of the special exception.

The Public Hearing closed at 2:25 P.M.

VARIANCE APPLICATION

Application # V20-000001

I request a hearing regarding the terms of the Zoning Ordinances of the City of Vero Beach. This request relates to the property and zoning requirements set forth in this application.

1. PROPERTY ADDRESS 1865 Old Dixie Hwy, Vero Beach, FL
2. PROPERTY OWNER AT&T CORP PHONE 305-343-4192
3. OWNER ADDRESS 1010 Pine 9E-L-01, St Louis, MO 63101
4. APPLICANT Rick Pomares PHONE 305-343-4192
5. APPLICANT ADDRESS 600 NW 79TH Ave, Suite 111, Miami FL
6. RELATIONSHIP OF APPLICANT TO OWNER [i.e. same, attorney, engineer, architect, etc.]
   AT&T Area Manager/authorized on behalf of owner-AT&T
7. PROPERTY PARCEL ID NUMBER 33390200010001000000.1
8. FULL LEGAL DESCRIPTION OF THE PROPERTY [as described in the deed]:
   See Attached
9. ZONING DISTRICT DTW
10. VARIANCE REQUESTED Expanding of existing chain link fencing with barb wire around perimeter
11. CITY CODE SECTION(S) INVOLVED 64.02(a)(1), 22-106(a)
12. IS THIS REQUEST THE MINIMUM VARIANCE POSSIBLE? [Yes] / No
13. HAS THIS REQUEST BEEN BEFORE THE BOARD PREVIOUSLY? Yes / [No] Date:

I give permission to the members of the City staff to inspect the property for the purpose of this application. I declare that all statements made herein are true, based upon the best available information, and I understand that willful false statements and the like are misdemeanors of the second degree under Section 837.06, Florida Statutes. Such willful false statements may jeopardize the validity of my application or any decision issued thereon. I have fully read the information outlining the Board procedures and application requirements. With this application I am submitting the necessary supporting materials listed.

Owner's Signature _____ Date 05/07/20

Rick Pomares
AT&T Area Manager/on behalf of AT&T

$540.- pd 5/21/20

MAY 2020

REQUIRED QUESTIONS FOR VARIANCE APPLICATION

Please answer each of the following questions fully. These questions will assist the Planning and Zoning Board to determine whether your application meets the minimum criteria for obtaining a variance as described in Chapter 66 of the Code of Ordinances. Use additional pages if necessary. The Planning and Zoning Board will not accept reference to a site plan as the answer to any of these questions.

1. Explain in detail how application of the Zoning Ordinance causes an exceptional and unique hardship?

The facility provides domestic and international long distance telephone service. As such, the facility is uniquely an essential public utility and requires a higher level of security

2. Can you establish that the exceptional and unique hardship is not due solely to the owner's actions? Please explain fully.

The request for this variance is driven not by any action of the Owner, but is due to the inherent nature of the facility and its operation. This dictates the need for a higher level of security, Loss of long distance telephone service can have a life safey implication.

3. If granted, will the variance be compatible with the physical characteristics of the neighborhood? Please explain fully.

It is believed the installation of the chain link fencing would not detract from the mixed characteristics of the surrounding area

4. If granted, will the variance be in harmony with the intent and purpose of the Code? Please explain fully.

Maintaining the security of this essential public service is believed to support the intent and purpose of the code.

5. If granted, is the variance the minimum necessary in order to alleviate the exceptional and unique hardship?

It is believed to be the minimum variance to ensure essential security of property

RECORD $ 10.50
DOC ST 665.00

Prepared By and Return to:

Pam S. Canady, C.L.C.
COMMONWEALTH LAND TITLE INSURANCE COMPANY
2601 20th Street
Vero Beach, FL 32960-3049
(561) 562-9006

File No.: VB36572
Property Appraisers Parcel ID#: 02-33-39-00010-0010-00000.1

IN THE RECORDS OF
JEFFREY K. BARTON
CLERK CIRCUIT COURT
INDIAN RIVER CO., FLA

DOCUMENTARY STAMPS
DEED $ 665.00
NOTE $
JEFFREY K. BARTON, CLERK
INDIAN RIVER COUNTY

1122034

99MAR 24 PM 4:25

W A R R A N T Y D E E D

THIS INDENTURE, Made MARCH 15TH, 1999 between:

ABBOTT ASSOCIATES OF VERO BEACH, INC., A FLORIDA CORPORATION

and having its principal place of business at: 500 W. WESLEY ROAD, N. W.
ATLANTA, GEORGIA 30305-3534

hereinafter called the grantor, to:

AT&T CORP., A NEW YORK CORPORATION, BY AND THROUGH AT&T COMMUNICATIONS, INC., ITS AGENT, A DELAWARE CORPORATION

~~whose address is:~~ 1200 PEACHTREE STREET, FLOC 12D22
~~with an office at:~~ ATLANTA, GEORGIA 30309
hereinafter called the grantee:
("grantor" and "grantee" are used for singular or plural, as context requires)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN and No/100 ($10.00) Dollars, and other good and valuable consideration to the grantor in hand paid by the grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to the grantee, and grantee's ~~heirs~~ successors and assigns forever, the following described land, situate, lying and being in Indian River County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

SUBJECT TO covenants, restrictions, easements of record. ~~and taxes for the current year, if any.~~

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, by its proper officer thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered
in the presence of:

Elizabeth Bracewell
Witness: Elizabeth Bracewell Print

Sandra Williams
Witness: Sandra Williams Print

ABBOTT ASSOCIATES OF VERO BEACH, INC.

A FLORIDA CORPORATION

BY: [signature]
Name/Title: FRANKLIN GARRETT, ITS PRESIDENT

(Corporate Seal)

State of GEORGIA
County of FULTON

THE FOREGOING instrument was acknowledged before me on MARCH 15TH, 1999 by FRANKLIN GARRETT, President of ABBOTT ASSOCIATES OF VERO BEACH, INC., a Florida Corporation, on behalf of the corporation. He has produced his GA Driver's License as identification.

My Commission Expires:

[illegible] 17, 1999

Notary Signature (IMPRESS SEAL)

Printed Notary Signature

OR 1264 PG 2209

EXHIBIT A

File No. VB36572

Beginning at the Southeast corner of Lot 2, Block 1, REPLAT OF BLOCKS 3, 4, AND 7, OF KNIGHT'S ADDITION TO EDGEWOOD, according to plat recorded in Plat Book 4, page 16, St. Lucie County, Florida, records; run South 9.93 feet; thence East 137.62 feet to West line of Dixie Avenue as it existed in 1928; thence Southerly along West right of way line of said Dixie Avenue to the Northeast corner of Block 5 of KNIGHT'S ADDITION TO EDGEWOOD, as recorded in Plat Book 3, page 55, St. Lucie County, Florida, records; thence West along the North line of said Block 5 and a westward extension to a point 10 feet South of the Southeast corner of Lot 7, Block 1, above-described; thence North along the East line of Lots 8, 7 and 6, a distance of 110 feet to the South line of Lot 3 of the above-described Block 1; thence East on the South line of Lots 3 and 2, a distance of 87.5 feet to the point of beginning. EXCEPT, HOWEVER, that part thereof conveyed to the State of Florida by deed recorded in Official Record Book 418, page 88, public records of Indian River County, Florida.

END OF EXHIBIT A

Ken Lear
Vice President
Real Estate Operations

AT&T Services, Inc.
308 S. Akard Street
2153
Dallas, TX 75202

T 214-782-6990
kenneth.lear.jr@att.com

May 15, 2019

Building and Zoning Officials - State of Florida

Please accept this document as authorization for the following individuals to sign permit applications and other permit related documents in the State of Florida on behalf of AT&T Corp. and Bellsouth Telecommunication, LLC.

Juan Torrejon
Hernando Fernandez
Alex Penton
Jaime E. Raffo
Aaron Beach
Armando Pou
Thomas Benes

Brad Teal
Chris Malcolm
Marie Simoneau
Penny Perez
Jay Whiteside
Rick Owen
Henry Jones

Melissa Foster
Rick Pomares
Will Gilbert
Paul Roberts
Barbara Gregory

Approved:

Ken Lear
Vice President – Real Estate Operations
AT&T Services, Inc.

Notary: Mary V. Daniels
Date: 05/13/2019

MARY V DANIELS
Notary ID #126213093
My Commission Expires
March 1, 2022

INDIAN RIVER COUNTY BUILDING DIVISION

1801 27TH STREET VERO BEACH, FL 32960

PERMIT

Confirm. #: 341

FNM FENCE MODEL

PERMIT #: **2019121088** **PERMIT TYPE:** FNM **ISSUED DATE:** 01/10/2020 **BY:** BLDMP

JOB DESCRIPTION: INSTALL459' OF 6'+1' GALVANIZED CHAIN LINK FENCE TO PROPERTY ALONG WITH ONE 16' DOUBLE DF

JOB ADDRESS: 1865 OLD DIXIE HWY

BLOCK: 0010 **LOT:** 00000.1 **SUBDIVISION #:** 1030-KNIGHTS ADDITION TO EDGEWOOD SUB REPLAT

ADDR NBR: 153337 **FOLIO NBR:** 33-39-02-00010-0010-00000.1 **WWP (2X fee):** N

OWNER NAME: AMERICAN TEL & TEL CO **JURISDICTION:** VB

FLOOD ZONE: X **FLOOD ELEV:** U **FLOOD MAP:** 158E **INSP AREA:**

PROJECT: 93090109

APPLICANT: CHAMBERS, ROSS A. **TYPE:** CONTRACTOR **JOB PHONE:** 800-282-5172

DBA: ADRON FENCE COMPANY, INC. **CERT NBR:** 10525 **JOB FAX:** (863)763-8404

SETBACKS **FRONT:** **REAR:** **LEFT:** **RIGHT:**

FCC CODE: 434 RES. ADDIT., ALTER., & CONVERS.

SQFT: **JOB VALUE:** $10,192.00 **#UNITS:** **#FLOORS:** **#BLDGS:**

TIFF #: **ROW NBR** **PLAN NBR:**

ADDITIONAL INFO:

IN ACCORDANCE WITH THE FLORIDA BUILDING CODE AND THE APPLICATION ON FILE IN THIS OFFICE, WORK MUST BE INSPECTED BEFORE BEING CONCEALED OR COVERED.

NOTICE: In addition to the requirements in this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies. FS:553.79(10)

A permit expires unless work has commenced and a "passed" inspection is obtained within 180 days after its issuance. Exception: ALL DEMOLITION PERMITS WILL EXPIRE 60 DAYS FROM ISSUE DATE.

Schedule Inspections Online at: www.ircgov.com and select the Building Division Online Services link

This permit issued by order of Building Official. **For administrative inquiries call 772-226-1260.**

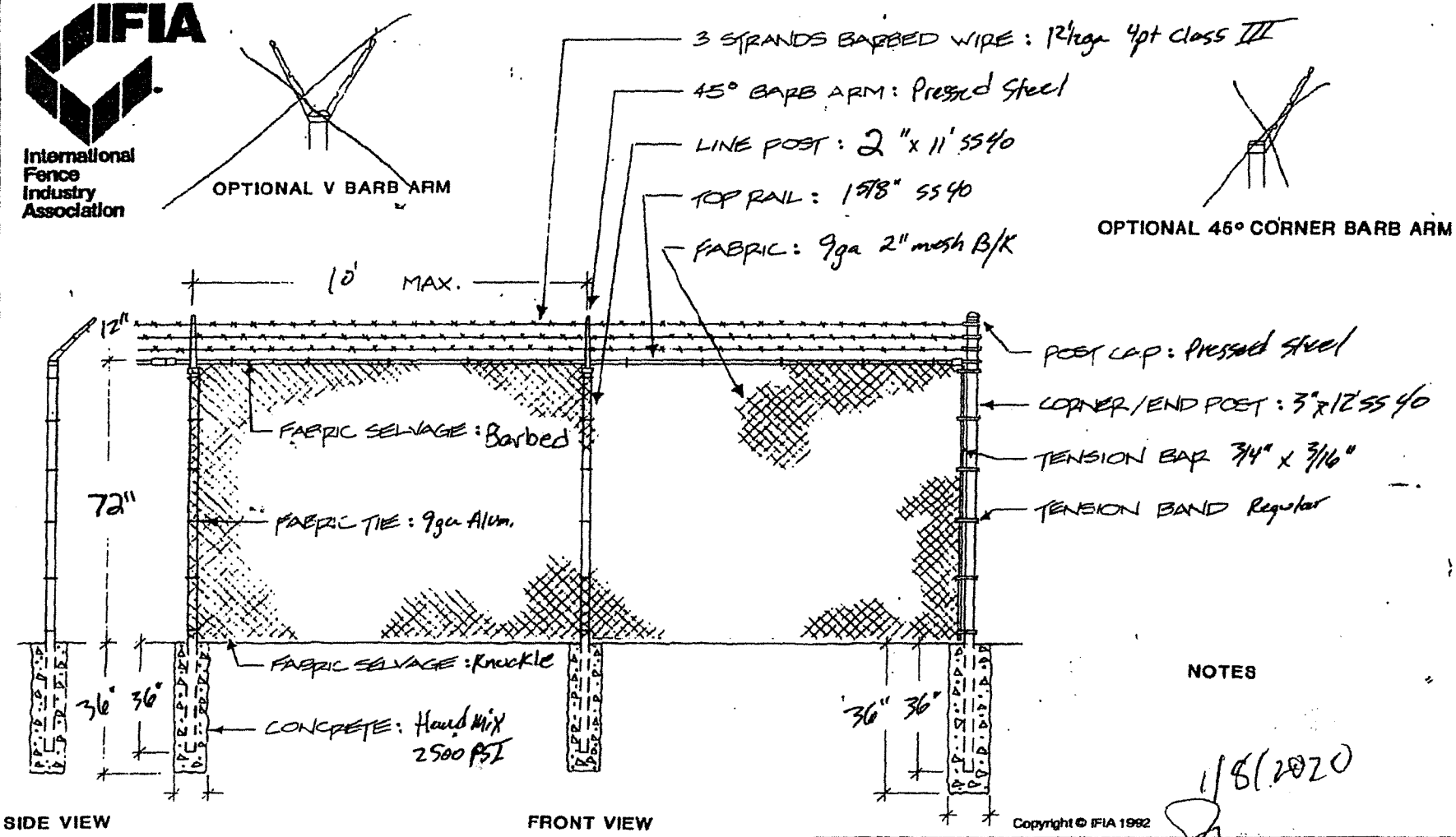
Owner/Contractor Date

Print Name

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

105.6 Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. **Engineering reserves the right to modify the original permitted conditions as needed at any time prior to final acceptance in order to comply with Indian River County Ordinances.**

International Fence Industry Association



NOTES

1/8/2020

Copyright © IFIA 1992

6'– 8' CHAIN LINK FENCING DETAIL

STYLE: TOPRAIL, 3 STRANDS BARBED WIRE NTS

PROJECT	
OWNER / GEN. CON.	
SUBMITTED BY	Adron Fence
DRAWING NO.	-1
DATE	10-30-18
	CL-10

Install 457' of 6'+1' galvanized chain link fence and one 16' double drive gates

REVIEWED

JAN 08 2020

INDIAN RIVER COUNTY
BUILDING DEPARTMENT

APPROVED
CC19-000514
Planning and Development Department
12-2-19
Date
Director
Per Section 64.11, this approval expires in 6 months unless an application for a building permit has been made.

These Plans Shall Remain On The Project At All Times

DEC 2019

* = New Fence

= Existing Fence

GRAPHIC SCALE

LEGEND

NO.	REVISION	BY	DATE
A			
A			
A			
A			
A			

OVERLAND CONSTRUCTION COMPANY, INC.
1360 53RD STREET
WEST PALM BEACH, FLORIDA 33407

CARTER ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1708 21st STREET, VERO BEACH, FL 32960
TEL: (772) 562-1721 FAX: (772) 562-7180

BOUNDARY SURVEY
REPLAT OF BLOCKS 3, 4, 7 OF KNIGHT'S ADDITION TO EDGEWOOD, CITY OF VERO BEACH, INDIAN RIVER COUNTY, FLORIDA

SHEET 1 OF 1