

AGENDA
REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD
THURSDAY, JULY 23, 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 – July 9, 2020

III. PUBLIC COMMENT

IV. PUBLIC HEARING

[Legislative]

- A. An Ordinance of the City of Vero Beach, Florida; Requested by Schwerin Asset Advisors, LLC to Annex Property Located at the Southeast Corner of Indian River Boulevard and 41st Street, Containing 23.65 Acres More or Less, Pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date.

[Legislative]

- B. An Ordinance of the City of Vero Beach, Florida Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation of Annexed Property from Indian River County Designation M-1, Medium-Density Residential-1 to City of Vero Beach Designation RM Residential Medium, for the Property Located at the Southeast Corner of Indian River Boulevard and 41st Street, Containing 23.65 Acres More or Less; Providing for an Effective Date.

[Quasi-judicial]

- C. An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation of Annexed Property from Indian River County Designations RM-8, Multiple-Family Residential and RS-1, Single-Family Residential Districts to City of Vero Beach Designation RM-8, Medium Multiple-Family Residential District, for the Property Located at the Southeast Corner of Indian River Boulevard and 41st Street, Containing 23.65 Acres More or Less; Providing for an Effective Date.

[Legislative]

- D. An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60 (Appendix. Definitions) of the Land Development Regulations to Add a Definition of Room or Room Unit for Purpose of Calculating Room Density for Hotels or Congregate Living Facilities; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date.

- V. PLANNING DEPARTMENT MATTERS**
- VI. BOARD MEMBERS' MATTERS**
- VII. 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, JULY 9, 2020 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, Steven Lauer; Vice Chairman, Honey Minuse; Members: Robin Pelensky and Jose Prieto **Also Present:** Planning and Development Director, Jason Jeffries; Principal Planner, Cheri Fitzgerald; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absences: Jeb Bittner and Richard Cahoy

Unexcused Absence: John Carroll

The Chairman called the 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 – June 18, 2020

Mrs. Minuse made a motion to approve the minutes of the June 18, 2020 Planning and Zoning Board meeting. Mrs. Pelensky seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARINGS

[Quasi-judicial]

A. Site Plan Application Submitted by Verotown, LLC, for the Construction of a 38,569 Square Foot Indoor Training Facility Located at 3951 26th Street (#SP20-000001)

The Chairman read the Site Plan Application #SP20-000001 submitted by Verotown, LLC, by title only.

There were no ex parte communications reported.

The Chairman announced that all diagrams, photographs and other exhibits referred to in the testimony in which they would like the Board to consider must be marked for identification and kept by the City Clerk.

The Deputy City Clerk swore in staff and all witnesses present for this hearing en masse.

Mr. Jason Jeffries, Planning and Development Director, who has been sworn in, went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). The staff recommends approval of the site plan subject to the conditions listed in staff's

report.

Mrs. Minuse asked if there are any restrictions by the Federal Aviation Administration (FAA) or the Federal Emergency Management Agency (FEMA) as to what can be done on this property. She asked if their approval is needed.

Mr. Jeffries said this has been approved by Airport staff and this site is not in the flight pattern.

Ms. Rachelle Madrigal, Applicant, who has been sworn in, said that she is the Managing Director of the Jackie Robinson Training Complex. She thanked the Board for their participation and partnership in this project. She reported that this training complex is meant to add another facet to what they are doing for youth programming across the globe. This will allow them to combat a lot of the weather elements and will give the kids another space to be able to get in their practice time and their workouts.

The Chairman opened and closed the public hearing at 1:47 p.m., with no one wishing to be heard.

Mrs. Minuse made a motion to accept staff's recommendation and move this forward. Mr. Prieto seconded the motion.

Mr. Lauer added to the motion, based on competent substantial evidence.

Mrs. Minuse agreed. The motion passed 4-0 with Mr. Prieto voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, and Mr. Lauer yes.

[Quasi-judicial]

B. Site Plan Application Submitted by Kevin Hawkins for the Construction of a Two-unit and a Four-unit Residential Buildings Located at 944 19th Street (#SP20-000003)

The Chairman read the Site Plan Application #SP20-000003 submitted by Mr. Kevin Hawkins by title only.

There were no ex parte communications reported.

The Chairman announced that all diagrams, photographs and other exhibits referred to in the testimony in which they would like the Board to consider must be marked for identification and kept by the City Clerk.

Mr. Jeffries went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). The staff recommends approval of the site plan application subject to the conditions listed in staff's report.

Mr. Todd Smith, who has been sworn in, said that he is the Design Engineer for this project. He reported that the buildings they are designing are under the Fair Housing Act. There will be a handicap unit in each one (1) of the four (4) and the other units will be handicapped adaptable.

The Chairman opened and closed the public hearing at 1:58 p.m., with no one wishing to be heard.

Mrs. Minuse made a motion that based upon competent substantial evidence, that the Board approves staff's recommendation for the six (6) unit multi-family residential dwelling at 944 19th Street. Mrs. Pelensky seconded the motion and it passed 4-0 with Mr. Prieto voting yes,

Mrs. Pelensky yes, Mrs. Minuse yes, and Mr. Lauer yes.

[Quasi-judicial]

C. Site Plan Application Submitted by Kevin Hawkins for the Construction of Three Four-unit Residential Buildings Located at 939-959 19th Street (#SP20-000004)

The Chairman read the Site Plan Application #SP20-000004 submitted by Mr. Kevin Hawkins by title only.

There were no ex parte communications reported.

Mrs. Cheri Fitzgerald, Principal Planner, continued with the Power Point presentation under Item #IV-C. Staff is recommending approval of the site plan based on the details and the conditions listed in staff's report (attached to the original minutes).

Mr. Todd Smith, who has been sworn in, said that he is the Design Engineer for this project. He said that he does not have a formal presentation, but he is available for questions.

The Chairman opened and closed the public hearing at 2:09 p.m., with no one wishing to be heard.

Mrs. Minuse made a motion that based on competent substantial evidence, that the Board accept staff's recommendation for the multi-family residential apartments located at 934, 949, 953, and 959 19th Street. Mr. Prieto seconded the motion and it passed 4-0 with Mr. Prieto voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, and Mr. Lauer yes.

At 2:11 p.m., the Board took a break and reconvened at 2:14 p.m.

[Quasi-judicial]

D. Variance Application Submitted by Colin Kitchell Requesting a 15 Foot Setback from Riparian Rights Lines for a New Dock Located at 724 Shore Drive (#V20-000002)

The Chairman read Variance Application #SP20-000002 submitted by Colin Kitchell by title only.

Mrs. Minuse said that she doesn't have bias and she doesn't have familiarity with this particular situation. However, she does have some background with Riparian Rights, boat docks, and homeowner communities in that she was President of her Homeowner's Association for 10 years.

There were no ex parte communications reported.

Mr. Jeffries went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). He noted that all the criteria listed under Code Section 66.03 listed in staff's report must be met in order for the Board to grant a variance.

Mr. Blaine Bergstresser, who has been sworn in, of Kimley-Horn, said that he is present on behalf of the applicant. He reported that the existing dock does not meet the 15-foot setback requirement. If they set it back 15-feet on both sides there would not be any water for a dock, which part of the reason is because they only have about 40-feet of shoreline and because of the irregular shape of the lot, it makes it very difficult to meet the Code. He said the property owner is proposing a finger dock so they can have a small boat at the end of the canal. He reported that the dock they are proposing allows for easy access for them to pull a boat straight in without affecting either of their neighbors.

Mrs. Minuse asked for a better description of the seawall that is failing.

Mr. Bergstresser said currently the seawall is made of wood that is probably 20 or 30 years old that is failing and the property owners are proposing to replace it with a new sheet pile on concrete seawall.

Mr. Lauer asked is there a residence on the lot now.

Mr. Bergstresser answered yes.

Mr. Lauer questioned so when they purchased the property were they unaware of the fact that the dock was not in compliance.

Mr. Bergstresser said that is correct.

Mrs. Minuse said the existing dock is also failing.

Mr. Bergstresser said that is correct.

Mrs. Minuse asked does the current dock accommodate a boat.

Mr. Bergstresser said they could fit a small boat on the side of it.

Mr. Lauer asked were the adjoining property owners given notice of this hearing.

Mr. Jeffries reported that property owners within 500 feet of the property were notified.

The Chairman opened the public hearing at 2:23 p.m.

Ms. Cheryl Connell, who has been sworn in, said that she lives on the east side of this property. She submitted three (3) photographs into the record (attached to the original minutes). She said that she would not be able to get a small 14-foot boat in or out if that dock was to be from property line to property line. She said that she objects to this because it is going to devalue her home because she would not be able to use a boat or enjoy her property. At this time, she showed on the doc cam the photograph showing the docs at 722, 724, and 726 Shore Drive. She said that her dock is the one with the two (2) white posts that is marked 726 and the dock marked 724 is the applicant's dock. She said that her dock and property faces northwest and is at an angle and it does not go straight on into the canal. She said approval of this variance would close off her water rights.

Mrs. Pelensky referred to the aerial view of the property. She said it does not look like it would be an obstruction if they have a boat on the east side of the new dock.

Ms. Connell said that aerial is very old. She said that aerial shows a lift on her dock, which she had removed prior to the applicant moving in.

Mrs. Pelensky asked where does she park her boat.

Ms. Connell said that she doesn't have a boat at this time.

The Deputy City Clerk swore in Mrs. Adeline Clemons.

Mrs. Clemons said that she lives one (1) block north of this property, which is in the same

subdivision. She said what the property owner is asking for is a finger pier. She said not only does the property owner want to extend the dock, he wants to put up a finger pier. She said that a finger pier will completely prevent Ms. Connell from getting a boat in and out from her property.

Mr. Lauer asked when you state a finger pier, what do you mean.

Mrs. Clemons referred to the aerial submitted by the applicant. She explained that the dock goes parallel to the property and what is coming out is the finger pier.

Mr. Lauer said those dimensions are 20 x 4 feet, so it would be sticking out into the canal 20-feet.

Mrs. Clemons said that 20-feet completely cuts Ms. Connell off.

Mr. Lauer closed the public hearing at 2:32 p.m., with no one else wishing to be heard.

Mr. Bergstresser said they are not trying to block access to Ms. Connell's dock. The neighbor to the left had a finger pier with a boat lift to allow easy access. He noted that what they are showing are conceptual plans. They are not asking the Board to approve these specific plans. All they are asking for is a variance on those rights so they can work with City staff in getting a new footprint on the dock for the permits.

Mrs. Minuse asked what is the purpose behind expanding the dock and not just rebuilding what they currently have.

Mr. Bergstresser said the main reason is if they kept the existing footprint they would have to park a boat parallel with the dock. He said it would be very difficult for them to come in with a boat, make a turn, and be parallel. Therefore, they thought it would be easier for everyone if they could pull the boat in straight to the lift. They thought this would have the least negative impact on both their neighbors.

Mrs. Pelensky asked is there a reason why they used the old aerial view.

Mr. Bergstresser thought the contractor got the information from Google Earth. He said this wasn't done on purpose.

Mrs. Pelensky said in looking at the aerial provided, if Ms. Connell did have a boat and pulled it into the right side of her dock and backed it up and turned around it seems like that could be done. However, she does not know based on the aerial provided.

Mr. Prieto said that he doesn't have any objection to allowing the property owner to repair his dock because it is existing. He asked if the Board approves this, does the property owner have to go to the Planning and Development Department with a plan that doesn't have a finger pier.

Mr. Bergstresser said it is his understanding that they still need to get staff approval for the dock.

Mr. Prieto said that he does not have a problem with the dock being repaired. He does have a problem with blocking their neighbor.

Mr. Bergstresser said they are not trying to block their neighbor. He said they need the variance because the existing dock doesn't meet Code. He felt the property owner would be fine with working with Ms. Connell and could show her the plans so that they could guarantee that they would not be blocking her view. He noted that staff still has to approve the plans before they can go into

construction.

Mr. Jeffries said no matter what, the property owner is going to have to show their dock is within Riparian Rights and that has not been submitted yet. He noted that they have the right to extend into the river, such as building a finger dock. He explained that by Code they can extend into the waterway a maximum of 20% of the width of the waterway, which their surveyor will need to provide this information to the City. Their request is to reduce the side yard setback requirement of 15-feet to zero. He then showed on the screen an updated aerial view of the property from the Property Appraiser's website. He noted that this is a variance hearing and they are to deal with the Code as written and the applicant is asking for a variance to the side yard setback. This will either allow reconstruction of the dock as it is or they can reconfigure it as long as they meet all the other criteria.

Mrs. Minuse asked does the other criteria have to have approval of the neighbors that it is not infringing on their Riparian Rights.

Mr. Jeffries said that is a Riparian Right issue. He noted that the variance requested has nothing to do with Riparian Rights. This variance is only dealing with the side property line. He said if they strictly enforce the 15-foot setback, the applicant would not be able to build a dock because of how narrow the property line is.

Mrs. Minuse said then the variance would allow them to build a dock, but the actual site plan for the dock would come back later.

Mr. Jeffries said that is correct. He suggested that if the Board does approve the variance that they make sure it is reiterated with the applicant that they are only approving the side yard setback. That they still have to comply with all other dock criteria.

Mrs. Adeline Clemons asked when they come back with a site plan and they want to put in a finger pier, will the neighbors be notified. She said if the damage is done then what happens.

Mr. Jeffries explained that the Code as it is written states that docks are allowed to extend into the canal by 20%. He felt this was an issue to be brought before the City Council. He said this is not a matter for today's hearing.

Mrs. Clemons said that she respectfully requests that the City goes back and takes a look at this and sees what a mess they have created by allowing people to go 20-feet into the canal. She said it is a mess and it is getting worse.

Mr. Lauer said that he does not understand what the applicant is requesting because the Variance Application states under item 10 – Variance Requested, *“15’ setback from Riparian Rights lines for construction of a new dock.”*

Mr. Jeffries said it does state that on the application, but what they are requesting is under Code Section 31.05 (a)(5), which requires the dock to be setback 15-feet from the side property line. He said what happens at the end of these canals is the properties were developed to give several properties water access so they ended up with narrow rear lot areas so if they applied 15-feet from each side, they could not put in a dock because the width is about 31-feet so they could only build a one (1) foot wide dock.

Mrs. Minuse asked what is the water frontage.

Mr. Jeffries thought it was 31-feet.

Mrs. Minuse said so they can't go 15-feet each way and that is why they want the variance.

Mr. Jeffries said that is correct. He said they also will have to show that the entire dock is within their Riparian Rights.

Mrs. Minuse said then the variance only grants them the right to build, but what they build will have to go through City staff.

Mr. Jeffries said that is correct.

Mrs. Pelensky asked if the Board grants the variance and the applicant goes to the Engineering Department with their plan and it does fit within their Riparian Rights, would staff give them any recommendations as to how to accommodate their neighbors.

Mr. Richard Mutterback, City Civil Engineer, who has been sworn in, answered no.

Mr. Jeffries noted that as long as they comply with every aspect of the Code, the City is under obligation to issue the permit.

Mrs. Pelensky asked if their neighbor decided to build a finger pier, she could go as long as allowable within her Riparian Rights.

Mr. Mutterback said that is correct.

Mr. Jeffries read into the record Code Section 31.05 – Private Docks, item (a), *“Forty percent (20 percent either side of the centerline) of the width of the waterway shall remain unobstructed by docks, mooring or dolphin poles, or moored boats”* and item (b), *“Application of paragraph subsection (1) above shall not result in an unobstructed waterway less than 20-feet in width (ten feet either side of centerline).”* He explained that no matter what there cannot be anything less than 20-feet unobstructed.

Mr. Prieto asked can the Board table this item until they find out what the Riparian Rights are and have a site plan of the dock.

Mrs. Minuse questioned when staff is working on the permitting for the dock, they will take into account the ability to navigate that water with the neighbors, so the neighbors will have protection.

Mr. Mutterback said that is correct. He explained that part of the process is to anticipate any impacts to the neighbors or their access.

Mrs. Pelensky said it doesn't seem to her that this is not so much as to the space, but the way to have access the docks. She said the applicant's access would be straight in and straight out, but the neighbors to the right, because they don't have a finger pier, would have to go in parallel to their existing dock, which creates the issue.

Mrs. Minuse said this is quasi-judicial and they have specific rules and laws that they have to follow and Section 66.02 gives them very clear instructions that they are to deny an application if they find that approval of a variance would do any of the conditions listed under items (a) through (g) and Section 66.03 gives them very clear instructions that they are to grant an application if they find that all the conditions listed under items (1) through (5). She said her concern is about it not negatively

impacting the neighbors, which has been explained that they are to follow Code so that doesn't happen. She said that she does not have a problem with this as long as there are protections when they actually build the dock.

Mr. Lauer respectfully disagreed. He said the variance requested in the application states that it is for a 15-foot setback from the Riparian Rights line for construction of a new dock and that is obviously not what the Board is considering today. He said they do not have to approve an application that is incorrect and that is not what the applicant was asking for. He also thinks that when the applicant purchased the property, he had every opportunity to walk out to the back and see they did not have room for a dock. He felt if they wanted a variance, they should have requested it prior to purchasing the property. He believes that the evidence shows that the applicant did not apply properly and the Board should deny the application.

Mrs. Minuse said they are not applying to build a dock. She asked what if they just wanted to replace the failing dock that is there.

Mr. Jeffries said they would still have to apply for a variance. He explained that once you improve something over 50% of the value, you have to comply with the current regulations.

Mr. Prieto questioned if they should table this until they get a complete package.

Mrs. Minuse questioned the purpose to table this.

Mr. Prieto said that the applicant would have to give the Board an updated survey that shows their Riparian Rights, as well as a site plan.

Mr. Turner said the Board is only to approve or deny the application. The application is supposed to speak for itself and the Board's obligation is to rule on the application.

Mr. Lauer said the application does not speak to the setback lines, it speaks to the Riparian Rights lines.

Mr. Turner said that he cannot recommend, unless there is an agreement of the parties, that the Board tables this. He recommended that the Board rules on this and the City Council can address that question. He said that he is not comfortable recommending that the Board table this, but if they are serious then he would need to take a few minutes to research the Ordinances. If the Board doesn't feel they have the necessary information to make a decision, to him that would be a basis for denial. He asked the Board if they wanted to take a break, he will research the Ordinances to see if tabling this item would be appropriate.

Mrs. Pelensky asked if the Board approves this variance, would the City Council bring up questions and would public comment be allowed at that time.

Mr. Turner answered yes. He said the problem is when you supplement a record at a later time with additional information that is not before them now then that creates a due process problem. That is why he said they are better off addressing the application as it stands.

Mr. Jeffries explained that the Board is the final decision maker on variances. Anyone who is aggrieved by the Board's decision can appeal to the City Council.

Mrs. Pelensky made a motion that the Board denies the variance request for the property located at 724 Shore Drive. Mr. Prieto seconded the motion and it passed 4-0 with Mr. Prieto

voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, and Mr. Lauer yes.

[Quasi-judicial]

E. Application Submitted by McLaughlin Properties, LLC for the 1st Amendment to Affordable Housing Development Plan for the Construction of 20 Dwelling Unit Multi-Family Residential Development with Five (5) Affordable Housing Dwelling Units Located at 1055 Royal Palm Boulevard (#AH19-000001)

The Chairman read Affordable Housing Development Application #AH19-000001 submitted by McLaughlin Properties, LLC, by title only.

The Board took a break at 3:16 p.m., and the meeting was reconvened at 3:24 p.m.

Mr. Lauer reported that during the break he did hear the applicant state that they were reducing this from a two (2) story project to a one (1) story project.

There were no other ex parte communications reported.

Mr. Jeffries briefly went over staff's report with the Board members (attached to the original minutes).

Mr. Todd Smith, who has been sworn in, said that he is the Engineer of Record for the project. He said the main change is reducing the building from two (2) stories to one (1) story. They did not change any landscaping design, parking, drainage, etc. All of that has remained as was approved by the Board in November. He said this is strictly a budgetary consideration in that the project as a two (2) story building came in significantly higher than what was budgeted. He said originally it was going to be two (2) stories with 20, two (2) bedroom units and now it will be one (1) story with 20, one (1) bedroom units. He noted that the building did get three (3) feet deeper than it originally was as a two (2) story building.

The Chairman opened the public hearing at 3:31 p.m.

The Deputy City Clerk swore in Ms. Judy Blankenship.

Ms. Blankenship, President of the Homeowner's Association of Royal Park Condominiums, said they are immediately south of this property. She said that her concern is how close the building will come to their fence. She said they are very concerned about how this will impact their property. She asked if there will still be 15-feet between their fence and the new building.

Mr. Smith said the rear setback is exactly what it was when previously approved, which is 15-feet. He explained that moved the front face of the building three (3) feet closer to Royal Palm Boulevard.

Mr. Jeffries noted that now that it is a one (1) story building they are only required to have a 10-foot setback so they are exceeding what is required by Code.

The Chairman closed the public hearing at 3:35 p.m., with no one else wishing to be heard.

Mrs. Minuse made a motion that the Board approves staff's recommendation based on competent and substantial evidence. Mrs. Pelensky seconded the motion and it passed 4-0 with Mr. Prieto voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, and Mr. Lauer yes.

[Legislative]

F. A Resolution of the City Council of Vero Beach, Florida, Adopting the “Three Corners, Vero Beach Report” and Directing the City Staff to Prepare a Charter Amendment Ordinance and Take Steps to Implement the Plan; and Providing for an Effective Date

The Chairman read the Resolution by title only.

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 so basically staff is requesting that the Board makes a recommendation to accept the draft Three (3) Corners Report as a master plan.

Mr. Jeffries suggested that the Board accepts the Steering Committee’s recommendation and that they also find that it is consistent with the Comprehensive Plan.

The Chairman opened public hearing at 4:03 p.m.

Mr. Ken Daige said that he wanted to bring to the Board’s attention that these two (2) properties are protected by the City Charter. He asked are both properties going to be on the ballot.

Mr. Jeffries said that would be discussed by the City Council at their meeting on July 21st. His analysis is that everything proposed in the Steering Committee plan is all public use so there would not be a reason to revise the Charter as it relates to the Waste Water Treatment Plant site.

Mr. Daige said there are other questions that he will be asking going forward. He will be asking in the future how many Charter questions will be on the ballot. Another question will be, and he will be making a public records request on this, is what is staff working on and what language will they be putting forth to the City Council as to what is going to be on the ballot. Also on both pieces of the property, when they put it on the ballot, how much acreage on each property are they going to take out of the Charter.

Mr. Jeffries felt that all those details will be discussed at the July 21, 2020, City Council meeting. He explained that the question on the ballot has a maximum of 75 words and it will have to be clear on what is being requested.

Mr. Daige questioned the number of questions to be on the ballot.

Mr. Jeffries thought there would only be one (1) question and it would only be for the Power Plant site.

Mr. Daige said we have a serious situation with this virus and our open spaces have come in handy. We, as a community, would need to pay attention to their open space and watch how much development they will allow in the future.

Mrs. Minuse made a motion that the Board accepts the draft (Three (3) Corners Report), that it is compatible with the land use element, the coastal management element and recreation and open space management element and all their objectives, that it is consistent with all these policies and objectives, and it is the Board’s recommendation to forward this to the City Council. Mr. Prieto seconded the motion and it passed 4-0 with Mr. Prieto voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, and Mr. Lauer yes.

V. PLANNING DEPARTMENT MATTERS

Mr. Jeffries reported that their next meeting will be held on July 23, 2020.

Mr. Lauer and Mrs. Pelensky reported that they will be out of town.

VI. BOARD MEMBERS' MATTERS

None

VII. ADJOURNMENT

Today's meeting adjourned at 4:18 p.m.

/sp

W. A

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Lauer and the Planning and Zoning Board Members

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

FROM: 
Cheri B. Fitzgerald, AICP
Principal Planner

DATE: July 13, 2020

SUBJECT: Voluntary Annexation Application (#AX20-000001); Property Located at the Southeast Corner of Indian River Boulevard and 41st Street

Overview

The City received a voluntary annexation application petitioning the City Council to annex a parcel located at the southeast corner of Indian River Boulevard and 41st Street. The subject parcel is contiguous to the City Limits to the east.

Based on the Voluntary Annexation Procedures, adopted by the City Council on June 2, 2009 and amended on August 20, 2019, the department staff prepared the attached Voluntary Annexation Report for the Board's consideration and recommendation to City Council.

Background & Existing Conditions

The following background information is included on the submitted Voluntary Annexation Application:

Application:	Voluntary Annexation Application (#AX20-000001)
Applicant:	Bruce Barkett, Attorney/for Owner
Owner:	Schwerin Asset Advisors, LLC
Site Location:	Southeast Corner of Indian River Boulevard & 41 st St.
Parcel #:	32-39-25-00000-5000-00001.3
Size of Property:	23.65 acres more or less
Existing Use:	Vacant Property
Existing FLUM:	County, M-1, Medium Density Residential
Proposed FLUM:	City, RM, Residential Medium
Existing Zoning:	County, RM-8, Multi-Family Residential
Proposed Zoning:	City, RM-8, Multiple-Family Residential

In general, the reasons the applicant is seeking the annexation as stated in the attached application include:

- To develop the property in a manner which reflects its highest and best use in accordance with the City Land Development Code;
- The City Code will allow the applicant to develop the property for multi-family use at 8 units per acre, consistent with properties to the north and to the south; and
- The proximity of the subject property to the City limits (adjacent on the east side).

The applicant seeks a City Comprehensive Plan Future Land Use Map designation of RM, Residential Medium and RM-8, Multiple-Family Residential Zoning District comparable with Indian River County designations.

Recommendation

Based on the attached Voluntary Annexation Report the staff recommends that the Planning and Zoning Board recommend approval for submission to the City Council of the attached: An Ordinance annexing property located at the southeast corner of Indian River Boulevard and 41st Street.

CBF

Attachments (Voluntary Annexation Report & Annexation Ordinance)

ORDINANCE NO. 2020-____

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA; REQUESTED BY SCHWERIN ASSET ADVISORS, LLC TO ANNEX PROPERTY LOCATED AT THE SOUTHEAST CORNER OF INDIAN RIVER BOULEVARD AND 41ST STREET, CONTAINING 23.65 ACRES MORE OR LESS, PURSUANT TO THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044 FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 171.044 Florida Statutes, provides for voluntary annexation of property into a municipality, provided, among other things, that the property is contiguous to the municipality and is reasonably compact and does not create enclaves of unincorporated areas, and provided that all the owners of the property petition for such an annexation; and

WHEREAS, the owner(s) of the property, as graphically depicted in the Exhibit attached and incorporated herein, Schwerin Asset Advisors, LLC, have determined that annexing the property into the City limits would be in their interest; and

WHEREAS, the City finds that the annexation of the property satisfies the requirements of section 171.044 Florida Statutes and would be in the public interest; and

WHEREAS, the City Clerk has advertised at least once each week for two (2) consecutive weeks in a newspaper, as required by section 171.044 (2) Florida Statutes; and

WHEREAS, the City Clerk has provided notice to Indian River County of this annexation proceeding by certified mail at least ten (10) days before this ordinance was advertised per the requirements cited above , as required by section 171.044(6) Florida Statutes,

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

Section 1. Adoption of “Whereas” clauses.

The foregoing “WHEREAS” clauses are hereby adopted herein.

Section 2. Adoption of Land Annexed.

The property consisting of 23.65 acres more or less which is located at the southeast corner of Indian River Boulevard and 41st Street, and which is more particularly described in the Exhibit attached and incorporated herein.

Section 3. Redefine and Record Boundaries.

The City Engineer is authorized to prepare a redefinition of the boundary lines of the municipality for inclusion in the City Charter. A copy of such revision is to be filed with the Department of State within thirty (30) days of the adoption, with a copy to the Office of Economic and Demographic Research, as required by section 171.091 Florida Statutes.

Section 4. Copies to State and County.

The City Clerk is directed to file a copy of this annexing ordinance with the Clerk of the Circuit Court of Indian River County, the County Administrator of Indian River County, and the Department of the State of Florida within seven (7) days after its adoption, as required by section 171.044 (3) Florida Statutes.

Section 5. Ordinance Effective Date.

This ordinance shall become effective upon final adoption by the City Council.

This Ordinance was read for the first time on the ____ day of _____, 2020, and was advertised on the __ day of _____, 2020, and one week later on the ____ day of _____, 2020 as being scheduled for a public hearing to be held on the ____ day of _____, 2020, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____ and adopted by the following vote:

Mayor Anthony W. Young	_____
Vice-Mayor Laura Moss	_____
Councilmember Robert Brackett	_____
Councilmember Joseph Graves	_____
Councilmember Rey Neville	_____

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Anthony W. Young
Mayor

(SEAL)

ADMINISTRATIVE REVIEW
(For Internal Use Only-Sec.2-77 COVB Code)

Approved as to form and legal sufficiency:

Approved as conforming to municipal
policy:

John S. Turner
City Attorney

Monte K. Falls
City Manager

Approved as to technical requirements:

Approved as to technical requirements:

Jason H. Jeffries
Director, Planning and Development

Mathew Mitts
Director, Public Works

EXHIBIT "B"
PROPERTY DESCRIPTION
VOLUNTARY ANNEXATION #2020-AX-01
SECTION 25, TOWNSHIP 32 SOUTH, RANGE 39 EAST
Parcel # 32-39-25-00000-5000-00001.3

Situated in the State of Florida, County of Indian River, City of Vero Beach, and being a part of Section 25, Township 32 South, Range 39 East, and being more particularly described as follows:

All of that portion of the northeast quarter of the southwest quarter of Section 25, Township 32 South, Range 39 East, lying easterly of the easterly right-of-way line of Indian River Boulevard;

Less, however, the following described parcel of land:

Beginning at the northwest corner of the northeast quarter of the southwest quarter of Section 25, Township 32 South, Range 39 East;

Thence South 89°51'33" East, along the quarter section line, a distance of 145 feet;

Thence South 00°08'27" West a distance of 50 feet;

Thence North 89°51'33" West a distance of 125 feet;

Thence South 45°08'27" West a distance of 27.8 feet to the west line of said northeast quarter of the southwest quarter;

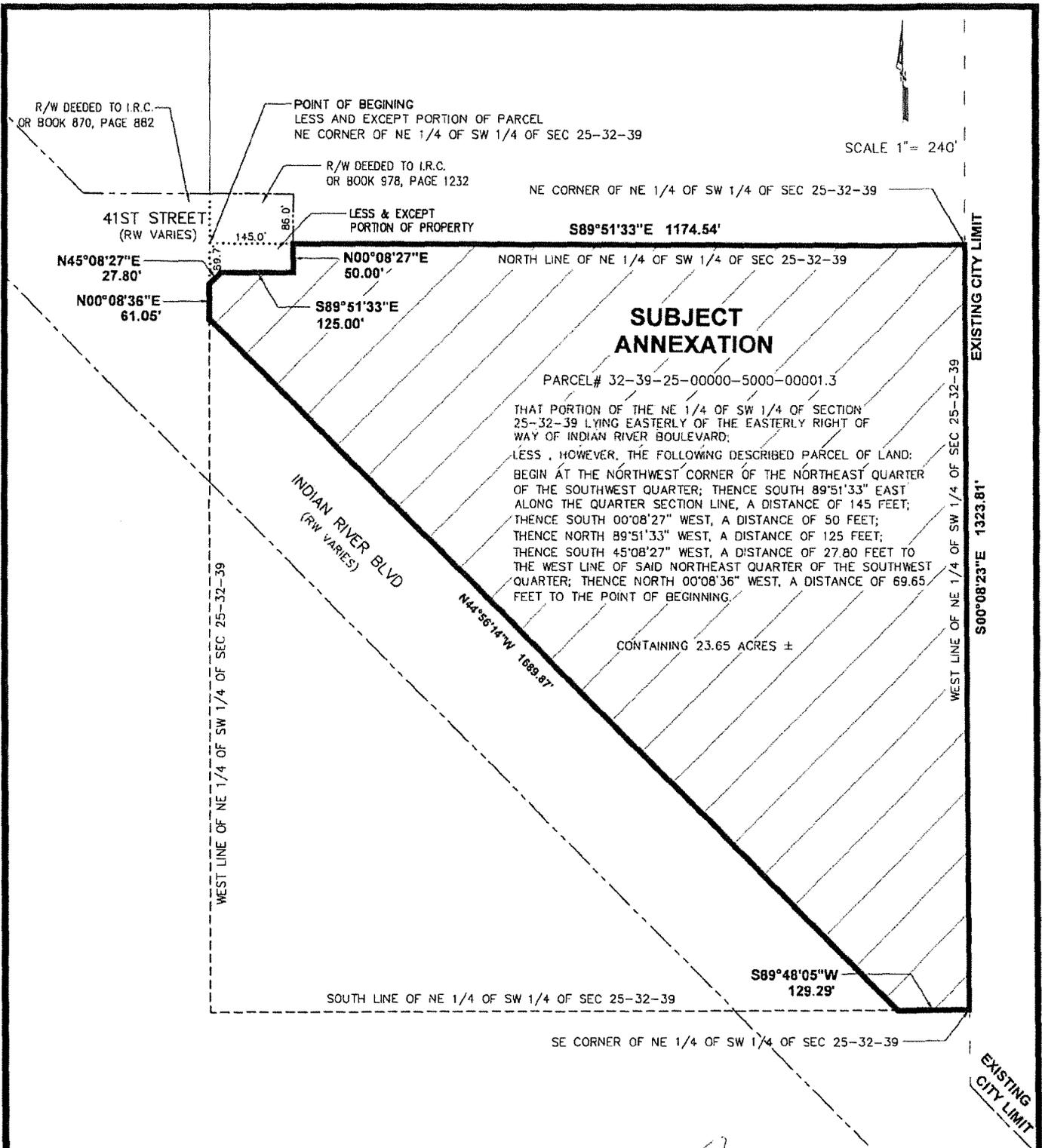
Thence North 00°08'36" West a distance of 69.65 feet to the Point of Beginning;

Said annexation parcel containing 23.65 acres more or less.



David Gay, PSM #5973





R/W DEEDED TO I.R.C. OR BOOK 870, PAGE 882

POINT OF BEGINNING
LESS AND EXCEPT PORTION OF PARCEL
NE CORNER OF NE 1/4 OF SW 1/4 OF SEC 25-32-39

SCALE 1" = 240'

R/W DEEDED TO I.R.C. OR BOOK 978, PAGE 1232

NE CORNER OF NE 1/4 OF SW 1/4 OF SEC 25-32-39

41ST STREET
(RW VARIES)

LESS & EXCEPT
PORTION OF PROPERTY

S89°51'33"E 1174.54'

N45°08'27"E
27.80'

N00°08'27"E
50.00'

NORTH LINE OF NE 1/4 OF SW 1/4 OF SEC 25-32-39

N00°08'36"E
61.05'

S89°51'33"E
125.00'

SUBJECT ANNEXATION

PARCEL# 32-39-25-00000-5000-00001.3

THAT PORTION OF THE NE 1/4 OF SW 1/4 OF SECTION 25-32-39 LYING EASTERLY OF THE EASTERLY RIGHT OF WAY OF INDIAN RIVER BOULEVARD;

LESS, HOWEVER, THE FOLLOWING DESCRIBED PARCEL OF LAND:
BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°51'33" EAST ALONG THE QUARTER SECTION LINE, A DISTANCE OF 145 FEET; THENCE SOUTH 00°08'27" WEST, A DISTANCE OF 50 FEET; THENCE NORTH 89°51'33" WEST, A DISTANCE OF 125 FEET; THENCE SOUTH 45°08'27" WEST, A DISTANCE OF 27.80 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00°08'36" WEST, A DISTANCE OF 69.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 23.65 ACRES ±

INDIAN RIVER BLVD
(RW VARIES)

N44°56'14"W 1089.87'

WEST LINE OF NE 1/4 OF SW 1/4 OF SEC 25-32-39

WEST LINE OF NE 1/4 OF SW 1/4 OF SEC 25-32-39

EXISTING CITY LIMIT

S00°08'23"E 1323.81'

S89°48'05"W
129.29'

SOUTH LINE OF NE 1/4 OF SW 1/4 OF SEC 25-32-39

SE CORNER OF NE 1/4 OF SW 1/4 OF SEC 25-32-39

EXISTING CITY LIMIT

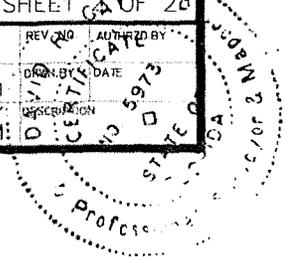
NOTE: PROPERTY DESCRIPTION IS BASED UPON THE DEED AND A SURVEY SUPPLIED BY DAVID M. JONES, JOB # 96-036, DATED 3-5-2020.

David M. Jones 4/15/20
DAVID GAY, PSM #5973 DATE

THIS SKETCH IS NOT A SURVEY

SHEET 24 OF 24

CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS SURVEY & ENGINEERING DIVISION	SKETCH OF PROPERTY DESCRIPTION VOLUNTARY ANNEXATION PORTION OF NE 1/4 OF SE 1/4 OF SECTION 25-32-39	EXHIBIT "B"		REVISED	AUTHORIZED BY
		CITY PROJECT NO	2020-AX-01	DATE	DATE
		DATE	03/2020	DRWN BY	DG





VOLUNTARY ANNEXATION REPORT
Voluntary Annexation Application (#AX20-000001)
Schwerin Asset Advisors, LLC
S.E. Corner of Indian River Boulevard and 41st Street
April 2020

Overview

The City received a Voluntary Annexation Application (application and justification pages attached) petitioning the City Council to annex a parcel of land located at the south east corner of Indian River Boulevard and 41st Street (sketch overview map attached).

Based on the Annexation Policies and Procedures adopted by City Council on June 2, 2009 and amended on August 20, 2019, this is the Voluntary Annexation Report for the subject property.

General Policies and Procedures

The following applicable general policies and procedures are listed and evaluated based on the subject application.

- The boundaries of the area to be considered for annexation shall be the Water & Wastewater Service Area, which generally conforms to the City's service areas for water and sewer utilities, or properties adjacent to the existing City Limits.

Finding: The subject property is adjacent to the existing City limits to the east.

- All annexations shall be compliant with the Florida Statutes.

Finding: The city attorney has verified the proposed annexation is compliant with Florida law.

- The City shall encourage petitions for voluntary annexations from property owners consistent with these annexation policies.

Finding: The City waives application fees for petitions for voluntary annexations consistent with the annexation policies.

- The City shall sponsor and initially designate annexed properties with future land use and zoning designations that are comparable with the existing

designations under the County's comprehensive plan and zoning regulations.

Finding: The City waives Land Use and Zoning map amendment application fees for petitions for voluntary annexations consistent with the annexation policies. The proposed Land Use and Zoning designations are comparable.

Annexation Criteria

The following annexation criteria are listed and evaluated based on the subject application.

- Annexed area will not have a negative financial impact on the City's tax base and enterprise funds unless the area annexed provides contiguity to areas for future annexation that will result in a cumulative positive financial impact.
- Annexed area will be adequately provided with necessary minimal services from the capacity of existing systems (both facilities and services) or through expansion of these systems where planned and sufficient financing for the expanded capacity is or will be available.
- Annexed area will not decrease the quality or availability of municipal services within the existing city limits.

Findings: The potential impacts on city services, facilities and revenues are not expected to be negatively impacted by this annexation. Based on the responses from city departments and the City's Comprehensive Plan, Capital Improvements Element, the proposed annexed property can be accommodated with existing services and facilities. The subject property is outside the City's water and sewer service area, therefore, the County utility facilities will need to provide both water and sewer service. County utilities currently service adjacent properties.

Based on the Indian River County Tax Collector records, the current assessed value (2019) of the subject property is \$1,186, 983. Based on the that value the annual projected ad valorem tax revenue to the City of Vero Beach from the vacant property is approximately \$2,990 (2.5194 millage rate).

- Annexed area is compact in configuration and provides the City boundaries in as regular shape as practicable so as not to create problems or confusion in delivery of services.

Findings: The proposed annexed area is compact in configuration and is reasonably regular in shape as to not create issues with delivery of services. The subject property is contiguous to the City of Vero Beach to the east. Documentation provided by the city attorney is attached.

- Annexed area provides for greater City Council control over growth and development on its borders to limit adverse impacts on the City's road system, services, neighborhoods and business districts, and to protect and enhance the quality of life of the City's residents.

Finding: The proposed annexed area does provide for control over growth as the parcel will be subject to City regulations and land development regulations.

- Annexed area is within the City of Vero Beach Water and Wastewater Service Areas or is adjacent to the City Limits.

Finding: The subject property is adjacent to the City Limits to the east.

Recommendation

The Director of Planning and Development is recommending that the City Manager review and approve this report, as to conforming to municipal policy, and authorize the placement of the annexation application on the next available Planning and Zoning Board agenda for consideration and recommendation to the City Council.

CBF

Attachments (Application; Map; City Attorney Memo)

Approved as conforming to municipal policy:



Monte K. Falls, City Manager



Date

Voluntary Annexation Application

City of Vero Beach Planning Department
P.O. Box 1389, Vero Beach, FL 32961-1390
(772) 978-4550 – Fax (772) 778-3856
www.planning@covb.org

Date Received 3/12/20

Application # AX20-00001

Prior to completing or signing this application, applicants and property owners are encouraged to read it thoroughly. If you have any questions, please do not hesitate to contact the Planning Department at (772) 978-4550.

APPLICANT Bruce Barkett, Attorney; Collins Brown Barkett, Chartered Telephone 772-321-4343
Fax #: _____

MAILING ADDRESS 756 Beachland Blvd., Vero Beach, FL 32963

SITE OWNER Schwerin Asset Advisors, LLC Telephone 772-563-9822
Fax #: _____

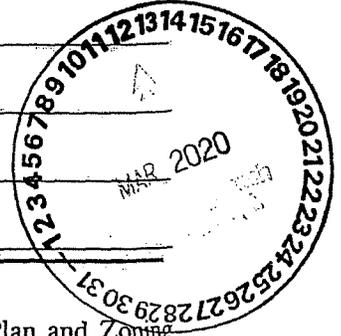
OWNER ADDRESS c/o Warren Schwerin, 5070 N. Highway A1A, Vero Beach, FL 32963

SITE LOCATION S.E. Corner of Indian River Boulevard and 41st Street

PARCEL I.D. NUMBER 32-39-25-00000-5000-00001.3

LEGAL DESCRIPTION See attached Exhibit A

EXISTING USE Vacant



Please indicate the existing *Indian River County* Comprehensive Land Use Plan and Zoning designations:

Comp Plan M-1 Zoning RM-8

Should the above referenced property be annexed into the *City of Vero Beach*, please indicate the desired Vero Beach Comprehensive Land Use Plan and Zoning District designations:

Comp Plan R-M Zoning RM-8

[Signature]
Applicant Signature _____ Date _____

772-231-4343
Telephone # _____

[Signature] March 11, 2020
Property Owner Signature(s)* _____ Date _____

719-338-2052
Telephone # _____

**Please note that all owners of a property must sign the application or the attached cover letter per #1 on the next page of this application.*

**JUSTIFICATION FOR VOLUNTARY
ANNEXATION, FUTURE LAND USE MAP
AMENDMENT, AND ZONING MAP CHANGE**

Legal Description: See attached Exhibit A.

Parcel ID # 32-39-25-00000-5000-00001.3

The owners request annexation into the City of Vero Beach to develop the property in a manner which reflects its highest and best use in accordance with the Land Development Code of the City of Vero Beach. The applicant seeks the desired City Comprehensive Land Use Plan designation of R-M, and the zoning designation of RM-8 in order to develop the property at eight units per acre. The property is currently vacant. This land use designation and zoning designation are consistent with the property's current land use and zoning designation in Indian River County.

The Land Development Code of the City of Vero Beach will allow the applicant to develop the property for multi-family use at 8 units per acre, consistent with properties to the north and to the south.

This property is contiguous with the City of Vero Beach in that a substantial part of the boundary of the property is conterminous with the boundary of the City of Vero Beach. Annexation into the City of Vero Beach would facilitate control of the city's boundaries, and would provide an increase in the city's tax base.

The property is compact in that it is confined to a single area and would not create an enclave, pocket, or finger encroaching into Indian River County.

This property is in an area which is urban in character, and which can be easily served by the services offered by the City of Vero Beach, including police and fire services. Accordingly, the owners respectfully request annexation into the City of Vero Beach.

The applicant seeks the comprehensive land use plan and zoning designations shown in the application because they are consistent with the current land use plan and zoning designations currently assigned to the property. Accordingly, there will be no increase in demand on public infrastructure or public schools. There will, however, be an increase in advalorem taxes paid to the City.

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land lying in Section 25, Township 32 South, Range 39 East, Indian River County, Florida, being that portion of the Northeast quarter of the Southwest quarter, lying Easterly of the Easterly right-of-way line of Indian River Boulevard.

LESS, however, the following described parcel of land: Begin at the Northwest corner of the Northeast quarter of the Southwest quarter; thence South $89^{\circ}51'33''$ East along the quarter section line, a distance of 145 feet; thence South $00^{\circ}08'27''$ West, a distance of 50 feet; thence North $89^{\circ}51'33''$ West, a distance of 125 feet; thence South $45^{\circ}08'27''$ West, a distance of 27.80 feet to the West line of said Northeast quarter of the Southwest quarter; thence North $00^{\circ}08'36''$ West, a distance of 69.65 feet to the point of beginning.



THIS SKETCH IS NOT A SURVEY

SHEET 1 OF 1

CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS SURVEY & ENGINEERING DIVISION	SKETCH OF PROPERTY DESCRIPTION VOLUNTARY ANNEXATION PORTION OF NE 1/4 OF SE 1/4 OF SECTION 25-32-39	OVERVIEW		REV NO	AUTHRZD BY
		CITY PROJECT NO 2020-AX-01	DATE 03/2020	DRWN BY DG	CHKD BY MTM



OFFICE OF THE CITY ATTORNEY

MEMORANDUM

To: Cheri B. Fitzgerald, AICP, Principal Planner, Planning and Development
CC: Jason H. Jefferies, AICP, Director of Planning and Development
Matthew T. Mitts, P.E., Director of Public Works
From: John S. Turner, City Attorney 
Subject: Proposed Voluntary Annexation Application (#AX20-000001); S.E. Corner of
Indian River Blvd. and 41st Street
Date: March 23, 2020

Per your request, I have reviewed the proposed voluntary annexation application for compliance with Florida Statute 171.044 "Voluntary Annexation."

Under the voluntary annexation procedure set forth in section 171.044, the only limitations proscribed are that the property be contiguous, reasonably compact, and not create enclaves. City of Sunrise v. Broward County, 473 So. 2d 1387 (Fla. 4th DCA 1985). I have reviewed the file and materials provided by your department, including a map and survey of the subject property, have discussed the annexation application with Director of Planning and Development Jason Jefferies, and have determined that the subject voluntary annexation meets the statutory requirements.

As you know, Florida Statutes 171.044 and 171.091 provide the required procedure for advertising the annexation ordinance and outline the various required filings of the ordinance after adoption, which required filings are time sensitive and mandatory. Note that the ordinance must include a map of the annexed area and a complete legal description of that area by metes and bounds. In addition, Appendix A "Description of Corporate Boundary" to the Charter of the City of Vero Beach will need to be revised to include the annexed property if the ordinance is adopted. A copy of that revision must be filed with the Department of State within thirty (30) days of the adoption and submitted to the Office of Economic and Demographic Research with a statement specifying the population census effect and the affected land area.

Please let me know if you have any questions or you need anything further.

Cc: Monte K. Falls, P.E., City Manager



IV. B

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Lauer and Planning and Zoning Board Members

THROUGH: Jason H. Jeffries, AICP ^{SHS}
 Director of Planning and Development

FROM: Cheri B. Fitzgerald, AICP
 Principal Planner

DATE: July 13, 2020

SUBJECT: **Request by City of Vero Beach to Change the Future Land Use Map for 23.65 Acres of Annexed Property from Indian River County M-1, Medium-Density Residential-1 to City of Vero Beach RM, Residential Medium, located at the Southeast Corner of Indian River Boulevard and 41st Street (Application #C20-000002-FLUM-MAP)**

Overview

The Planning and Development Department received a request from the property owner to annex property into the City Limits from unincorporated Indian River County. This Future Land Use Map Application is a part of the overall annexation process. The City sponsors the request to amend the City’s Future Land Use Map (FLUM) for property to be annexed property from M-1, Medium-Density Residential-1 (Indian River County) to RM, Residential Medium (City of Vero Beach). Due to the size of acreage of the subject property (23.65 acres) the map amendment will follow the Expedited State Review Amendment Process per Section 163.3184(3) and (5), Florida Statutes.

The following are attachments to this report:

- Attachment A-Maps of Subject Property
- Attachment B-Draft Ordinance Amending the Future Land Use Map
- Attachment C-Future Land Use Amendment Application

Background

Existing Site Conditions. The site is currently vacant or undeveloped.

Existing Land Uses and Future Land Use Designations. A list of existing land uses and future land use designations on and surrounding the subject property include the following:

Table 1. Adjacent Land Uses and Future Land Use Designations:

	Land Uses	Land Use Designation
Subject Site	Vacant/Undeveloped	M-1, Medium Density Residential
North	Residential Retirement Facility	M-1, Medium Density Residential
South	Vacant – Undeveloped Land	RM, Residential Medium
East	Vacant/Undeveloped Conservation	CV, Conservation
West	Vacant/Undeveloped & Senior Living Facility	M-1, Medium Density Residential

The parcel is contiguous to the current city of Vero Beach City limit boundary line to the east. The subject property is vacant/undeveloped. Existing retirement community residential apartments are adjacent to the north of the subject parcel. Properties to the south and east are within the City Limits and are currently vacant or undeveloped. To the west across Indian River Boulevard is vacant/undeveloped property and southwest is an existing senior living facility that are located in unincorporated Indian River County.

The site and adjacent properties to the north and across Indian River Boulevard to the west are designated M-1, Medium Density Residential (up to 8 units/acre) on the County’s Future Land Use Map. The undeveloped land to the east of the site is designated CV, Conservation on the City’s Future Land Use Map. The adjacent undeveloped property to the south is designated RM, Residential Medium (up to 10 units/acre) on the City’s Future Land Use Map.

Environment. The subject property is vacant/undeveloped. The subject property is located in Flood Zone AE-6.

Utilities and Services. The subject property is located in the County’s water and sewer service area per the 1989 territorial service agreement between the City and County and capacity is available in the county system to provide necessary services.

Transportation Facilities. The subject property has road frontage on Indian River Boulevard, a 4-lane urban principal arterial roadway.

Comparison of Future Land Use Designations

The parcel is currently designated M-1, Medium-Density Residential-1 (up to 8 units/acre) on the County’s Future Land Use Map. The County’s future land use designation allows residential uses, recreation, public facilities, institutional, limited schools and limited professional office uses. The proposed City future land use is RM, Residential Medium (up to 10 units/acre). The City’s future land use designation allows residential, education facilities, supportive community services ancillary to residential uses and institutional uses, limited professional office uses.

A comparison of the two land use designations allowable uses are included in Table 2.

Table 2. Comparison of Allowable Uses in M-1 and RM:

Allowable Uses:	M-1	RM
Single Family Residential	X	X
Duplex	X	X
Multiple Family Residential	X	X
Note: Education Facilities, Community Services, Institutional, Limited Office, Financial (uses with conditions/limitations based on other Land Use Policies and/or underlying zoning district uses)	X	X

Review and Analysis

Review of the Future Land Use Map amendment includes the applicable standards for considering such amendments in accordance with Chapter 65, Article III, of the City’s Land Development Regulations. Section 65.22(i) sets the review standards for amendments.

In addition, since the subject property is an annexed parcel the City of Vero Beach’s Annexation Policies and Procedures are reviewed. The applicable section of the general policies and procedures states: “The City shall sponsor and initially designate annexed properties with future land use and zoning designations that are comparable with the existing designations under the County’s comprehensive plan and zoning regulations...”

In this case, the proposed City future land use designation is comparable with the existing County designation in regards to allowable uses as noted in the above section. It is noted that the maximum

allowable units per acre is higher (up to 2 units/acre) in the proposed City land use designation (up to 10 units/acre) versus the existing County designation (up to 8 units/acre). However, the proposed City zoning district designation is the same allowable maximum density as the County (RM-8) and in most cases the analysis of the proposed impacts is based on the zoning district designation as it is considered a more precise depiction of allowable uses.

Justification for Amendment. Pursuant to Section 65.22(i)(1), the staff finds that the requested amendment is justified in order to comply with Florida Statutes which requires the City to adopt a comprehensive plan amendment that designates a future land use designation and corresponding zoning for the annexed area.

Finding: The staff finds the amendment is justified in order to comply with rules governing annexed property.

Consistency of Requested Future Land Use Change with the Comprehensive Plan. Pursuant to Section 65.22(i)(4), amendments to the future land use map shall be consistent with the goals, objectives, and policies of the comprehensive plan and Chapter 163, F.S..

- Land Use Element Policy 1.17. *Applications requesting amendments to the Future Land Use Map shall be evaluated based on the following criteria: (a) Consistency with the goals, objectives and policies of the Comprehensive Plan including any location considerations for specific future land use designations pursuant to Policies 1.1 through 1.13; (b) Impact on public facilities and services; (c) Environmental impacts; (d) Compatibility with surrounding areas in terms of existing land use designations and uses; and (e) Other relevant issues.*

Evaluation of the criteria in Land Use Element Policy 1.17 is included in the following sections of this document.

Finding: The staff finds the map amendment is consistent with Policy 1.17 as discussed in the following sections.

- Land Use Element Policy 1.5. *The Residential Medium (RM) Land Use designation shall be applied to areas of the City that are suitable for single-family, duplex and multifamily residential uses with moderate densities, based on access to adequate public utilities and collector and local streets and areas that are a transition between single family-detached and more intensive uses. This land use category shall allow single family, duplex, and multifamily residential development. Education facilities and supportive community services ancillary to the residential uses and institutional uses shall be allowed if listed as a permitted use or may be allowed if listed as a conditional use in the applicable underlying zoning district.*

The subject property is suitable for variety of residential uses with moderate densities based on the following findings: the property has access to adequate public utilities and has direct frontage along Indian River Boulevard, which is classified as a 4-lane

urban principal arterial roadway in the Comprehensive Plan. The property is located in an area that abuts existing moderate density land use designations to the north, south and across Indian River Boulevard to the west.

Finding: The staff finds that the request to amend the Future Land Use Map is consistent with Policy 1.5 as it is adjacent to existing moderate residential densities and abuts Indian River Boulevard.

- Impact on Public Facilities and Services. Since a request to change the land use map is not part of development review or a site plan, the impacts on available public facilities are in general terms. Specific impacts on public facilities and concurrency are part of the City's development review process. In general, the Capital Improvements Element of the Comprehensive Plans both City and County state there is available capacity to support future demand on public facilities and services such as sewer, water, solid waste, and roads. The property would be served with Indian River County water and sewer facilities and capacity is available.

It is noted that the maximum allowable units per acre is higher (up to 2 units/acre) in the proposed City land use designation (up to 10 units/acre) versus the existing County designation (up to 8 units/acre). However, the proposed City zoning district designation is the same allowable maximum density as the County (RM-8). Generally, the potential impacts are based on the proposed zoning of the property and the allowable uses and density are the similar or the same. Since the existing County future land use and zoning designations allow similar uses as the proposed designations the impacts should be similar even with the higher allowable acreage allowed in the City future land use designation. The May 2020 Rezoning Traffic Impact Analysis indicates a potential 189 multifamily units could generate an estimated 1,028 daily vehicular trips and that roadway capacity is available.

Finding: The staff finds the proposed amendment will not have a negative impact on the provision of public facilities and services and the maintenance of level of service standards.

- Environmental impacts. The subject property is vacant undeveloped property. Future development of the subject parcel shall follow all environmental regulations.

Finding: The staff finds environmental impacts will be subject to environmental regulations as part of any future development of the parcel.

- Compatibility with surrounding areas in terms of existing land use designations and uses. The adjacent existing future land use map designations are: to the west (across Indian River Boulevard) and north M-1, Medium Density Residential (Indian River County); to the east CV, Conservation (City of Vero Beach); and to the southeast RM, Residential Medium (City of Vero Beach). These designations are the same or comparable to the proposed land use designation for the subject property. The existing

uses to the north and southwest are compatible with the proposed RM, Residential Medium land use designation as they are allowed uses in the designation.

Finding: The staff finds the RM, Residential Medium land use designation is compatible with the surrounding areas in terms of existing land use map designations and uses.

- Applicable Requirements of Chapter 163, F.S: *Amendments to the Future Land Use Map shall be consistent with all applicable requirements of Chapter 163, F.S.* The proposed amendment, supporting staff analysis and data, and adoption process follows the requirements for an amendment to the Comprehensive Plan. This application is a large-scale amendment (greater than 10 acres), therefore, the amendment process shall follow the expedited state review process which provides for local, regional, state review prior to final action by the City Council.

Finding: The staff finds the amendment meets the requirements for an amendment of the Comprehensive Plan pursuant to Chapter 163, F.S.

Staff Recommendation

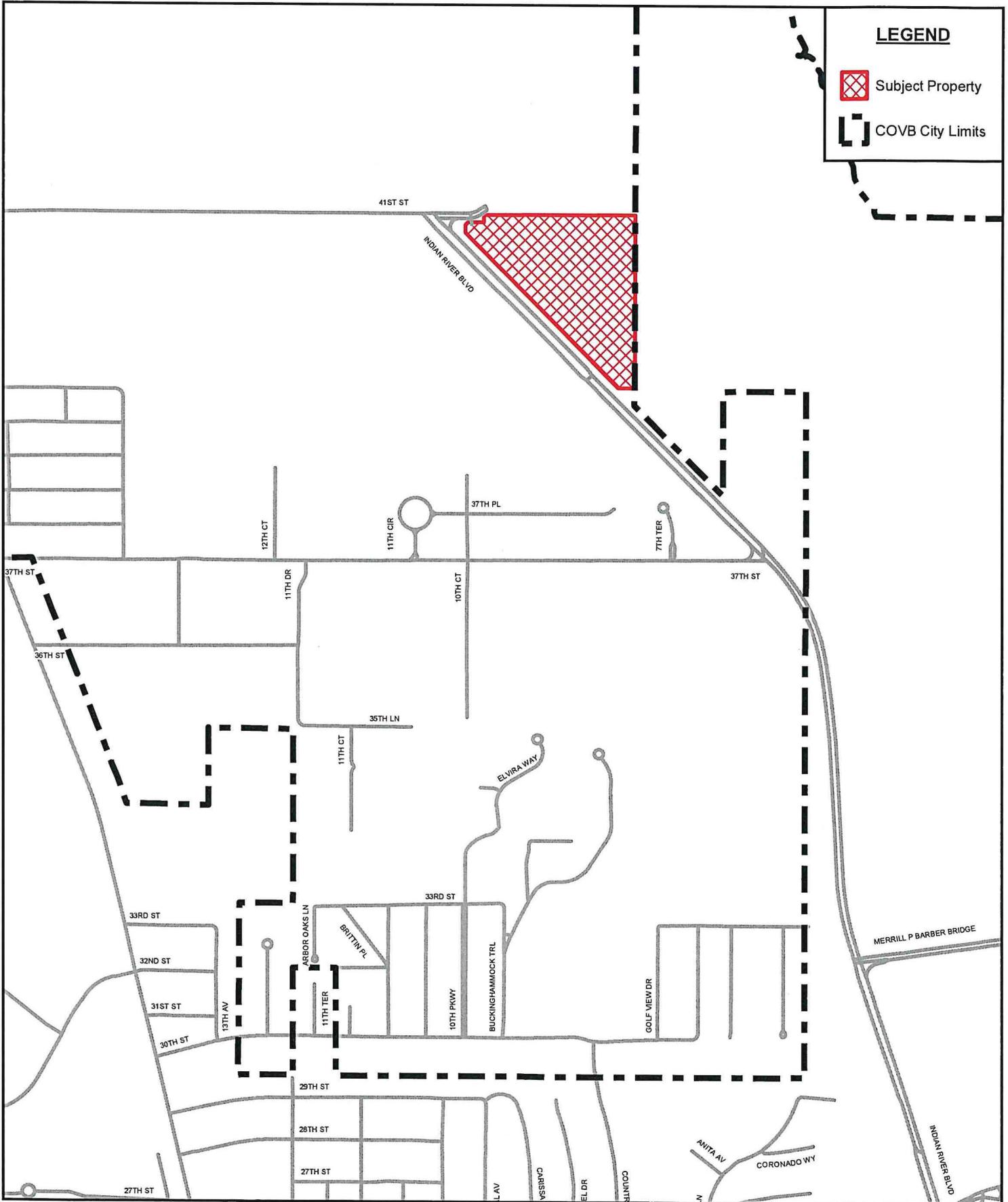
Based on the analysis and findings above, the staff recommends that the Planning and Zoning Board recommend approval by the City Council of the following:

- Draft Ordinance amending the Future Land Use Map designation from M-1, Medium-Density Residential-1 to RM, Residential Medium (23.65 acres) for the subject property.

Attachments

LOCATION MAP

SE Corner of Indian River Blvd & 41st St



LEGEND

-  Subject Property
-  COVB City Limits



Prepared by:
 Department of Public Works/GIS Division
 City of Vero Beach
 March 24, 2020

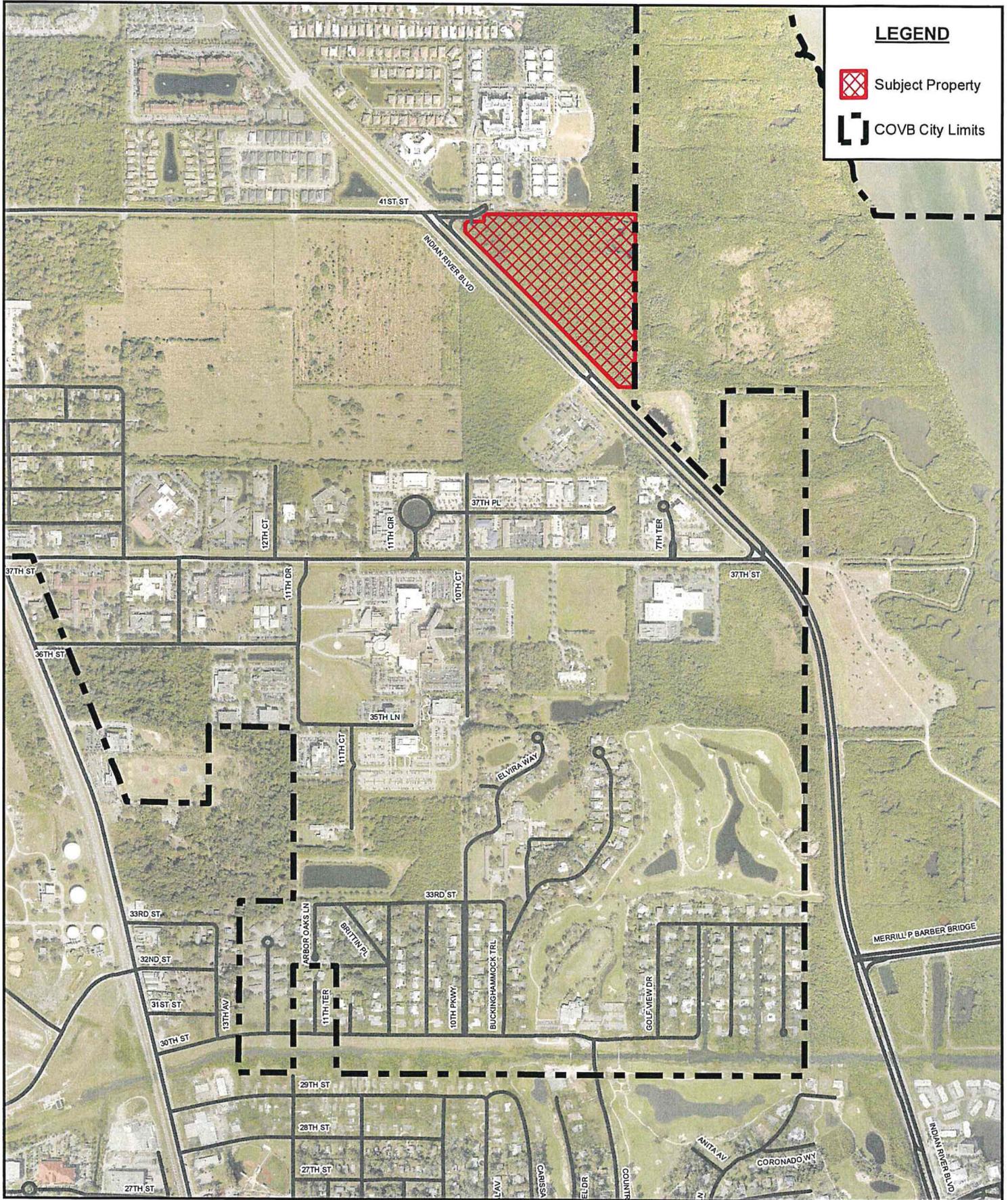
1 inch = 1,000 feet

Disclaimer:
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AERIAL MAP

SE Corner of Indian River Blvd & 41st St



LEGEND

-  Subject Property
-  COVB City Limits



Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
March 24, 2020

1 inch = 1,000 feet

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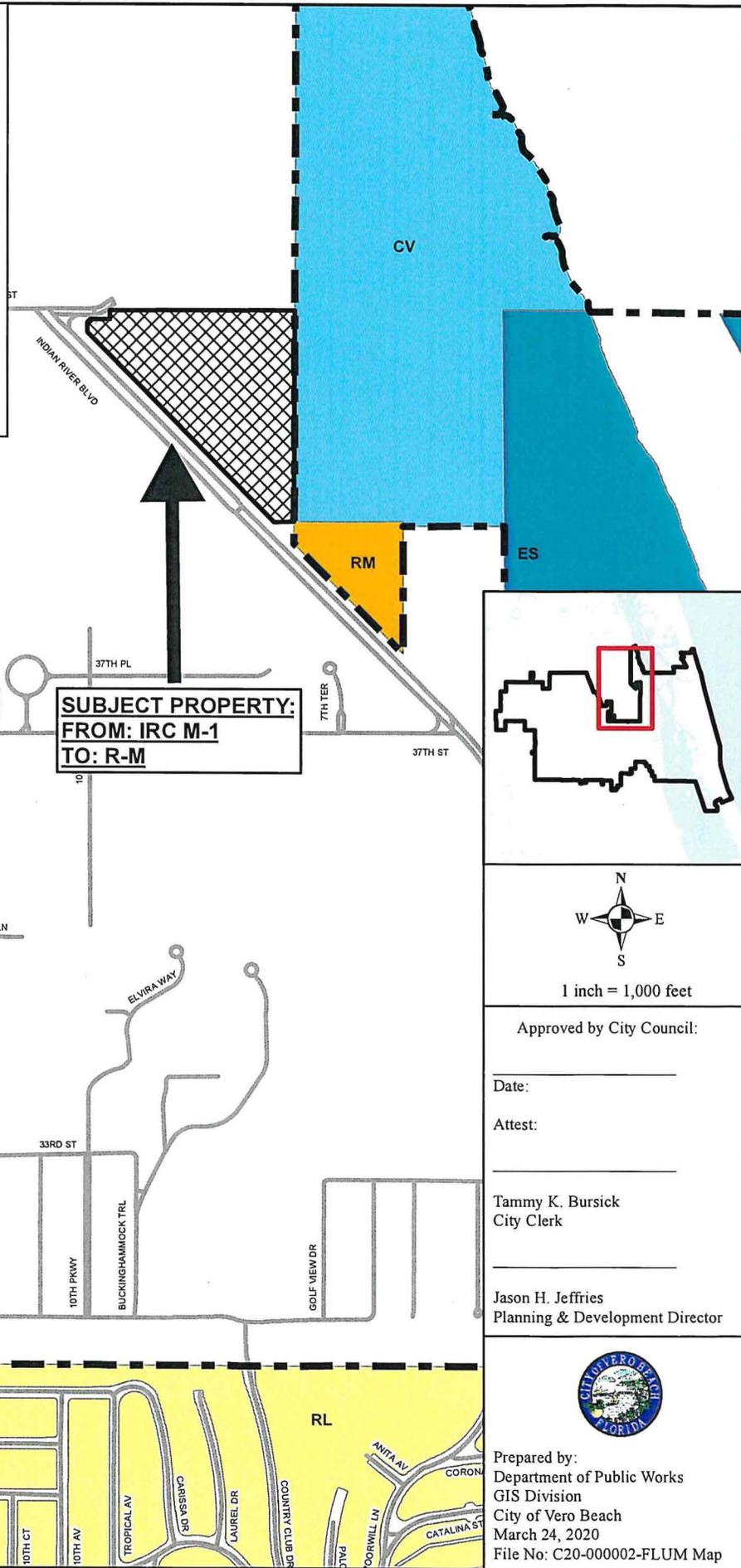


FUTURE LAND USE MAP

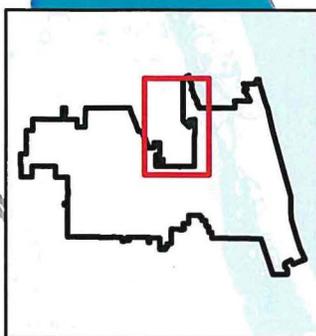
SE Corner of Indian River Blvd & 41st St

LEGEND

-  Subject Property
-  COVB City Limits
-  C: Commercial
-  CV: Conservation
-  ES: Environmentally Significant
-  GU: Government / Institutional / Public Use
-  I: Industrial
-  MR: Mixed Residential
-  MX: Mixed Use
-  P: Park
-  RL: Residential Low
-  RM: Residential Medium
-  RH: Residential High



SUBJECT PROPERTY:
FROM: IRC M-1
TO: R-M



1 inch = 1,000 feet

Approved by City Council:

Date: _____

Attest: _____

Tammy K. Bursick
 City Clerk

Jason H. Jeffries
 Planning & Development Director



Prepared by:
 Department of Public Works
 GIS Division
 City of Vero Beach
 March 24, 2020
 File No: C20-000002-FLUM Map

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ORDINANCE NO. 2020 – _____

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP BY CHANGING THE FUTURE LAND USE DESIGNATION OF ANNEXED PROPERTY FROM INDIAN RIVER COUNTY DESIGNATION M-1, MEDIUM-DENSITY RESIDENTIAL-1 TO CITY OF VERO BEACH DESIGNATION RM, RESIDENTIAL MEDIUM, FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF INDIAN RIVER BOULEVARD AND 41ST STREET, CONTAINING 23.65 ACRES MORE OR LESS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owner(s), have submitted a request for voluntary annexation of property into the City limits; and

WHEREAS, the City Council approved the voluntary annexation request and annexed the subject property, located at southeast corner of Indian River Boulevard and 41st Street, containing 23.65 acres, more or less, on _____; and

WHEREAS, the property owner(s), Schwerin Asset Advisors, LLC submitted an application for amendment to the City of Vero Beach Future Use Map pursuant to Chapter 65, Article III, of the City's Land Development Regulations, requesting a change in the Future Land Use Map designation from Indian River County designation M-1, Medium-Density Residential-1 to the City of Vero Beach designation RM, Residential Medium for property comprising 23.65 acres, more or less, located at the southeast corner of Indian River Boulevard and 41st Street; and

WHEREAS, the City Council adopted the Vero Beach Comprehensive Plan on April 4, 2018; and

WHEREAS, the property described herein meets the criteria for the Expedited State Review Amendment Process for comprehensive plan amendments, pursuant to Section 163.3184(3) of the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, serving as the local planning agency under Florida Statute 163.3174, after a public hearing held on May 21, 2020, finds that the future land use map amendment is consistent with relevant goals, objectives and policies contained within the City's Comprehensive Plan and made a recommendation to the Vero Beach City Council; and

WHEREAS, notice was given as required by law that the Future Land Use Map of the Comprehensive Plan of the City of Vero Beach, Florida, be amended to change designation of annexed property from Indian River County M-1, Medium-Density Residential-1 to City of Vero Beach Designation RM, Residential Medium for property comprising 23.65 acres, more or less, located at the southeast corner of Indian River Boulevard and 41st Street; and

WHEREAS, advertisements were placed in a newspaper of general circulation and provided the public with at least ten (10 days) advance notice of this Ordinance's public hearings to be held by the Planning and Zoning Board and the City Council of the City of Vero Beach ("City Council") in the City Council Chambers, located on the first floor of City Hall in the City of Vero Beach; and

WHEREAS, public hearings were held pursuant to the notices described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

WHEREAS, the City Council held an initial public hearing on the amendment pursuant to sections 163.3184(3) and (11) of the Florida Statutes; and

WHEREAS, the City Council approved the transmittal of the Comprehensive Plan amendment to the Florida Department of Economic Opportunity and other agencies for review; and

WHEREAS, the City Council announced at the initial public hearing the intention to hold and advertise a second public hearing to consider the adoption of the plan amendment; and

WHEREAS, the City Council transmitted within 10 working days the amendment to the Florida Department of Economic Opportunity and other review agencies; and

WHEREAS, the City Council held a second public hearing to consider the adoption of the Comprehensive Plan Amendment pursuant to Sections 163.3184 (3) (c) 1. and (11) of the Florida Statutes; and

WHEREAS, the City Council finds the proposed amendment is in the public interest and consistent with the Future Land Use Map, goals, objectives, and policies of the Comprehensive Plan, and the other standards and criteria for review and approval of amendments to the Official Zoning Map pursuant to Section 65.22(i)(1) and (4) of the Vero Beach Code of Ordinances,

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

Section 1. Adoption of “WHEREAS” Clauses.

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

Section 2. Adoption of Amendment to the Future Land Use Map.

The comprehensive plan amendment to the Future Land Use Map of the Vero Beach Comprehensive Plan is hereby adopted for the property located at the southeast corner of Indian River Boulevard and 41st Street, comprising 23.65 acres, more or less, as graphically depicted in the Exhibit “A” attached and incorporated herein.

Section 3. Transmittal of Copies of Amendment.

One copy each of this Ordinance and the Comprehensive Plan amendment is to be transmitted by the City Planning and Development Department to the State of Florida Department of Economic Opportunity, the Treasure Coast Regional Planning Council, Indian River County, and others.

Section 4. Conflict and Severability.

In the event any provision of this Ordinance conflicts with any provision of the Code or other applicable law, the provisions of this Ordinance shall apply and supersede. If any phrase or portion of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

Section 5. Effective Date.

The effective date of this ordinance is on the 31st day after the state land planning agency (State of Florida Department of Economic Opportunity) notifies the City of Vero Beach that the plan amendment package is complete.

This Ordinance was read by title for the first time on the ____ day of _____, 2020, and was advertised on the ____ day of _____, 2020, for a public hearing to be held on the ____ day of _____, 2020, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote of the City Council:

Mayor Anthony W. Young	_____
Vice-Mayor Laura Moss	_____
Councilmember Robert Brackett	_____
Councilmember Joseph Graves	_____
Councilmember Rey Neville	_____

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Anthony W. Young
Mayor

(SEAL)

ADMINISTRATIVE REVIEW
(For Internal Use Only-Sec.2-77 COVB Code)

Approved as to form and legal sufficiency:

Approved as conforming to
municipal policy:

John S. Turner
City Attorney

Monte K. Falls
City Manager

Approved as to technical requirements:

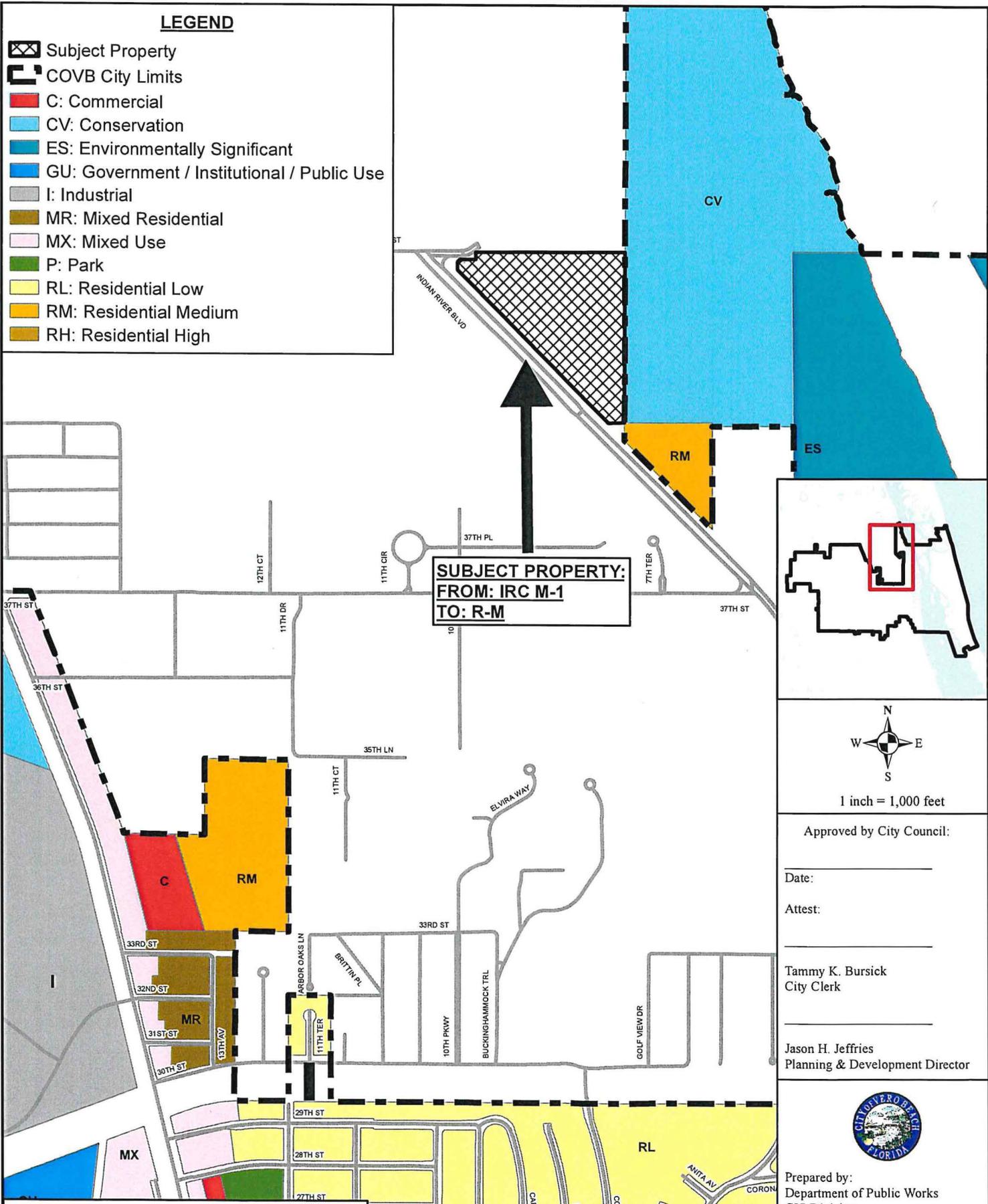
Jason H. Jeffries, AICP
Planning and Development Director

FUTURE LAND USE MAP

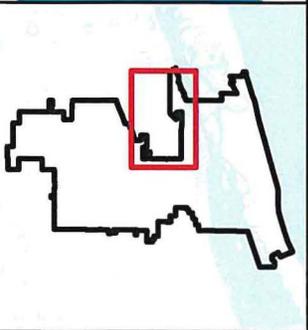
SE Corner of Indian River Blvd & 41st St

LEGEND

-  Subject Property
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SUBJECT PROPERTY:
FROM: IRC M-1
TO: R-M



1 inch = 1,000 feet

Approved by City Council:

Date: _____

Attest: _____

Tammy K. Bursick
 City Clerk

Jason H. Jeffries
 Planning & Development Director



Prepared by:
 Department of Public Works
 GIS Division
 City of Vero Beach
 March 24, 2020
 File No: C20-000002-FLUM Map

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FUTURE LAND USE MAP (FLUM) AMENDMENT 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

Date Received 3/12/20 Application # C20-000002-FLUM-MAP

Prior to completing or signing this application, applicants and property owners are encouraged to read it thoroughly. If you have any questions, please do not hesitate to contact the Planning Department at (772) 978-4550.

APPLICANT Bruce Barkett, Esq. Telephone 772-231-4343
Fax #: _____

MAILING ADDRESS 756 Beachland Blvd., Vero Beach, FL 32963

SITE OWNER Schwerin Asset Advisors, LLC Telephone 772-563-9822
Fax #: _____

OWNER ADDRESS c/o Warren Schwerin, 5070 N. Highway A1A, Vero Beach, FL 32963

SITE LOCATION S.E. Corner of Indian River Boulevard and 41st Street

PARCEL I.D. NUMBER 32-39-25-00000-5000-00001.3

LEGAL DESCRIPTION See attached Exhibit A

PROPOSED CHANGE: FROM M-1 TO R-M

(If this amendment requires a zoning change, a Zoning Change Application must accompany this request.)

<u>Application Fee*</u>		<u>with Zoning Change</u>
Large Scale (More than 10 acres)	\$2,940	\$4,090
Small Scale (Less than 10 acres)	\$2,100	\$3,010

* See attached fee schedule for additional advertising and administrative costs.



Bruce Barkett 3/11/2020
Applicant Signature Date

James W. Schwerin 3/11/2020
Property Owner Signature Date

Bruce Barkett
(Print Name)

James W. Schwerin
(Print Name)

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land lying in Section 25, Township 32 South, Range 39 East, Indian River County, Florida, being that portion of the Northeast quarter of the Southwest quarter, lying Easterly of the Easterly right-of-way line of Indian River Boulevard.

LESS, however, the following described parcel of land: Begin at the Northwest corner of the Northeast quarter of the Southwest quarter; thence South $89^{\circ}51'33''$ East along the quarter section line, a distance of 145 feet; thence South $00^{\circ}08'27''$ West, a distance of 50 feet; thence North $89^{\circ}51'33''$ West, a distance of 125 feet; thence South $45^{\circ}08'27''$ West, a distance of 27.80 feet to the West line of said Northeast quarter of the Southwest quarter; thence North $00^{\circ}08'36''$ West, a distance of 69.65 feet to the point of beginning.

**JUSTIFICATION FOR VOLUNTARY
ANNEXATION, FUTURE LAND USE MAP
AMENDMENT, AND ZONING MAP CHANGE**

Legal Description: See attached Exhibit A.

Parcel ID # 32-39-25-00000-5000-00001.3

The owners request annexation into the City of Vero Beach to develop the property in a manner which reflects its highest and best use in accordance with the Land Development Code of the City of Vero Beach. The applicant seeks the desired City Comprehensive Land Use Plan designation of R-M, and the zoning designation of RM-8 in order to develop the property at eight units per acre. The property is currently vacant. This land use designation and zoning designation are consistent with the property's current land use and zoning designation in Indian River County.

The Land Development Code of the City of Vero Beach will allow the applicant to develop the property for multi-family use at 8 units per acre, consistent with properties to the north and to the south.

This property is contiguous with the City of Vero Beach in that a substantial part of the boundary of the property is conterminous with the boundary of the City of Vero Beach. Annexation into the City of Vero Beach would facilitate control of the city's boundaries, and would provide an increase in the city's tax base.

The property is compact in that it is confined to a single area and would not create an enclave, pocket, or finger encroaching into Indian River County.

This property is in an area which is urban in character, and which can be easily served by the services offered by the City of Vero Beach, including police and fire services. Accordingly, the owners respectfully request annexation into the City of Vero Beach.

The applicant seeks the comprehensive land use plan and zoning designations shown in the application because they are consistent with the current land use plan and zoning designations currently assigned to the property. Accordingly, there will be no increase in demand on public infrastructure or public schools. There will, however, be an increase in advalorem taxes paid to the City.

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land lying in Section 25, Township 32 South, Range 39 East, Indian River County, Florida, being that portion of the Northeast quarter of the Southwest quarter, lying Easterly of the Easterly right-of-way line of Indian River Boulevard.

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This Document Prepared By and Return to:

Bruce Barkett, Esq.
Collins, Brown, Caldwell, Barkett & Garavaglia
756 Beachland Boulevard
Vero Beach, FL 32963

Parcel ID Number: 32-39-25-00000-5000-00001.3
Grantee #1 TIN:
Grantee #2 TIN:

Warranty Deed

This Indenture, Made this 31st day of October, 2005 A.D., Between
Warren L. Schwerin

of the County of Indian River, State of Florida, grantor, and
Schwerin Asset Advisors, LLC, a Florida limited liability company,

whose address is: c/o Related Properties, 2 Manhattanville Road, Purchase,
New York 10577-2118

of the County of _____, State of _____, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of
-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Indian River State of Florida to wit:
A parcel of land lying in Section 25, Township 32 South, Range 39
East, Indian River County, Florida, being that portion of the
Northeast quarter of the Southwest quarter, lying Easterly of the
Easterly right-of-way line of Indian River Boulevard.

LESS, however, the following described parcel of land: Begin at the
Northwest corner of the Northeast quarter of the Southwest
quarter; thence South 89°51'33" East along the quarter section line, a
distance of 145 feet; thence South 00°08'27" West, a distance of 50
feet; thence North 89°51'33" West, a distance of 125 feet; thence
South 45°08'27" West, a distance of 27.80 feet to the West line of
said Northeast quarter of the Southwest quarter; thence North
00°08'36" West, a distance of 69.65 feet to the point of beginning.

Subject to restrictions, reservations and easements of record, if
any, and taxes subsequent to 2004.
The Grantor warrants to the Grantee that the above-described property is not the
Grantor's homestead and that Grantor, nor any of Grantor's immediate family members,
live on any property adjacent or contiguous thereto.
NOTE: Grantor is the Sole Managing Member of Schwerin Asset Advisors, LLC & the only
member.
and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Julie K. Drake
Printed Name: Julie K. Drake
Witness

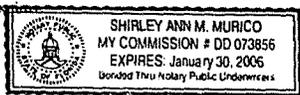
Shirley Ann M. Murico
Printed Name: SHIRLEY ANN M. MURICO
Witness

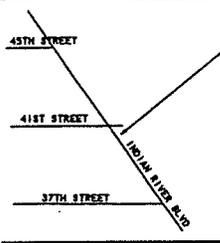
Warren L. Schwerin (Seal)
Warren L. Schwerin
P.O. Address: c/o 5070 N. Highway A1A
VERO BEACH, FL 32963

STATE OF Florida
COUNTY OF Indian River

The foregoing instrument was acknowledged before me this 31st day of October, 2005 by
Warren L. Schwerin

he is personally known to me or he has produced his Florida driver's license identification.
Shirley Ann M. Murico
Printed Name: _____
Notary Public
My Commission Expires _____





PROJECT SITE

LOCATION MAP

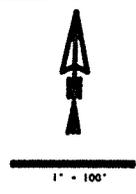
***LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 32 SOUTH, RANGE 30 EAST, INDIAN RIVER COUNTY, FLORIDA BEING THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF INDIAN RIVER BOULEVARD.

LESS HOWEVER THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°51'33" EAST ALONG THE QUARTER SECTION LINE, A DISTANCE OF 145 FEET; THENCE SOUTH 00°08'27" WEST, A DISTANCE OF 50 FEET; THENCE NORTH 89°51'33" WEST, A DISTANCE OF 125 FEET; THENCE SOUTH 45°08'27" WEST, A DISTANCE OF 27.80 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00°08'36" WEST, A DISTANCE OF 69.65 FEET TO THE POINT OF BEGINNING.

- LEGEND:**
- P.O.B. - POINT OF BEGINNING
 - P.O.C. - POINT OF COMMENCEMENT
 - P.R.M. - PERMANENT REFERENCE MONUMENT
 - P.C.P. - PERMANENT CONTROL POINT
 - P.C. - POINT OF CURVATURE
 - P.T. - POINT OF TANGENCY
 - P.I. - POINT OF INTERSECTION
 - R.P. - RIGHT OF WAY
 - C - CENTERLINE
 - ELEV - ELEVATION
 - MEAS - MEASURED
 - FOUND MAIL
 - POWER POLE
 - CONCRETE MONUMENT
 - ⊕ SECTION CORNER
 - ⊕ TELEPHONE MANHOLE
 - ⊕ WATER VALVE
 - DESC - DESCRIPTION
 - CATCH BASIN
 - ⊕ WATER METER



REVISIONS	BY

LINE	BEARING	DISTANCE
L 1	S 89°48'05"W	120.20'
L 2	N 00°03'18"E	61.05'
L 3	S 45°43'57"W	28.09' MEAS
L 4	S 45°08'27"W	27.80' DESC
L 5	N 89°51'33"W	125.00' MEAS
L 6	S 00°07'26"W	50.00' MEAS
L 7	S 00°04'27"W	50.00' DESC
L 8	N 00°04'50"E	69.65' MEAS
L 9	N 00°08'36"E	69.65' DESC

- SURVEYOR'S NOTES:**
- ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMAL PARTS THEREOF.
 - THE EAST RIGHT OF WAY LINE OF INDIAN RIVER BOULEVARD BEARS N 44°56'14"W AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
 - ADDITIONS OR DELETIONS TO THIS MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
 - NO EXCAVATION WAS DONE BY THE SURVEYOR TO DETERMINE THE LOCATION OF THE UNDERGROUND FOUNDATION OF THE BUILDING OR BUILDINGS SHOWN HEREON.

ACCURACY
 EXPECTED USE OF THE LAND IS RESIDENTIAL. THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 7,500 FEET WHICH WAS MET IN THE CASE OF THIS SURVEY.

DATA SOURCES
 DESCRIPTION WAS PROVIDED BY THE CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THIS OFFICE TO LOCATE THE EXISTENCE OF EASEMENTS OR OTHER RESTRICTIONS NOT PROVIDED BY THE CLIENT HIS REPRESENTATIVE.

MEASUREMENT METHODS
 EQUIPMENT USED IN PERFORMING THE FIELD WORK ASSOCIATED WITH THIS SURVEY WAS TESTED AND CALIBRATED. ALL WORK WAS PERFORMED WITH AN ELECTRONIC TOTAL STATION BEARING DIRECTLY A MINIMUM OF 6 SECONDS PER ANGLE WITH A DISTANCE ACCURACY 1 PART IN 50,000. ALL DATA WAS RECORDED USING A FIELD DATA COLLECTOR AND CONVENTIONAL FIELD NOTES. THE BOUNDARY WAS FORMED BY CREATING A CLOSED GEOMETRIC FIGURE AND ANGLE SIDE ITS WERE DONE USING A REDUNDANCY OF MEASUREMENTS.

NOTATIONS
 FLOOD ZONE LIES IN FLOOD ZONE A6. ACCORDING TO MAP 12061C0242H, ED DECEMBER 4, 2012, COMMUNITY PANEL 120121.

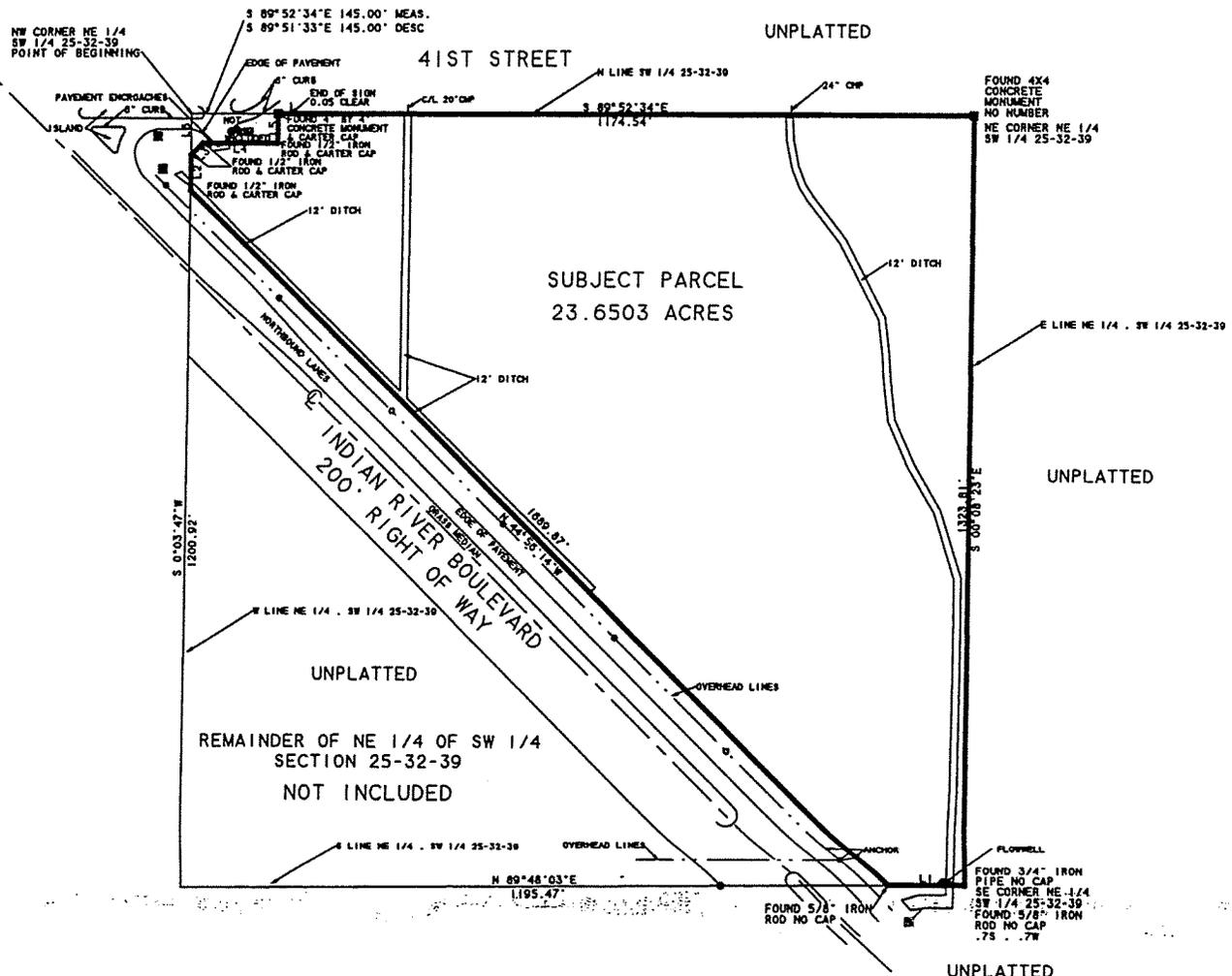
BOUNDARY INCONSISTENCIES
 NONE HEREON

PARENT PHYSICAL USE
 SINGLE FAMILY RESIDENTIAL

ADJACENTS
 NONE PROVIDED

NOTIFIED TO:
 SCHWERIN ASSET ADVISORS, LLC
 LINDA BROWN, BANKETT, CHARTERED

DATE OF SURVEY: MARCH 4, 2020
 THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER OF BELOW.
 DAVID M. JONES, FLORIDA LICENSE NUMBER LS 3900
 DRAWN AND SEALED



BOUNDARY SURVEY
 PREPARED FOR AND CERTIFIED TO
SCHWERIN ASSET ADVISORS, LLC

DAVID M. JONES
 PROFESSIONAL LAND SURVEYOR
 2506 CENTER AVENUE
 VERO BEACH, FL 32909
 1773187-9878

DATE	BY

Indian River County Department of Utility Services
1801 27th Street, Vero Beach, Florida 32960
Phone: 772-567-8000, Fax: 772-770-5143



June 30, 2020

Re: County Water & Sewer Service Availability to:
Schwerin Property
Parcel ID# 32392500000500000001.3
Indian River County, Florida

To whom it may concern,

Be advised that any and all changes to the respective Water/Sewer service areas are required to be outlined in a franchise agreement and approved by the COVB City Council and the IRC Board of County Commissioners. Reliance on a letter or memo, which is not a valid binding obligation, is at the risk of the affected parties and could be subject to change.

Presently, County Water and Wastewater Service is available to the requested location. To access such Water and Wastewater treatment service, the Applicant may be required to pay hook-up, installation and other customary fees, comply with other routine administrative procedures, provide easements, and/or remove, relocate, install or construct line extensions and other equipment, including but not limited to pumping stations, in connection with the construction of the Development. Execution of this document does not guarantee that Water and Wastewater treatment service will be available to the Applicant in the future and does not provide the Applicant with any vested rights to receive Water and Wastewater treatment service. The availability of Water and Wastewater treatment services is subject to the approval of all applicable governmental agencies having jurisdiction over these matters. Please contact this office or visit our website, <http://www.ircutilities.com>, for further information regarding connection fees and permitting procedures. Please feel free to contact us should you have any further questions.

Best regards,

Jesse Roland

Jesse Roland, Plans Reviewer

I.R.C. Dept. of Utility Services

Ph: 772-226-1636

jroland@ircgov.com

INDIAN RIVER BLVD RESIDENTIAL DEVELOPMENT
REZONING TRAFFIC IMPACT EXECUTIVE SUMMARY

May 2020

1. Note that this Traffic Impact Executive Summary was prepared based on information found in the project's Rezoning Traffic Impact Analysis dated May 2020.
2. Location:
 - Generally located on the east side of Indian River Boulevard, south of 41st Street in Indian River County, Florida.
3. Size:
 - The development program includes the following:
 - 189 multifamily (mid-rise) dwelling units
4. External Trip Generation:
 - Net New Daily Trips = 1,028 vehicular trips
 - Net New A.M. Peak-Hour Trips = 68 vehicular trips
 - Net New P.M. Peak-Hour Trips = 83 vehicular trips
5. Area of Influence Boundaries:
 - Indian River Boulevard – from SR 60 to US 1 (northbound only)
 - 41st Street – from Old Dixie Highway to Indian River Boulevard
6. Study Intersections:
 - Not Applicable
7. Trip Distribution:
 - See Appendix of the Rezoning Traffic Impact Analysis dated May 2020
8. Internal Capture:
 - Not applicable
9. Pass-by Capture:
 - Not Applicable
10. A.M. Peak Hour Directional % (ingress/egress):
 - Multifamily Housing (Mid-Rise) - 26% in/74% out
11. P.M. Peak Hour Directional % (ingress/egress):
 - Multifamily Housing (Mid-Rise) - 61% in/39% out
12. Roadway Capacities (IRC Link Sheets):
 - Indian River Boulevard from SR 60 to N. Vero Beach City Limit (NB) = 1,960 hourly veh.
 - Indian River Boulevard from N. Vero Beach City Limit to US 1 (NB) = 1,960 hourly veh.



- 41st Street from Old Dixie Highway to Indian River Boulevard (EB) = 540 hourly veh.
- 41st Street from Old Dixie Highway to Indian River Boulevard (WB) = 880 hourly veh.

REZONING TRAFFIC IMPACT ANALYSIS

Indian River Blvd Residential
Development
City of Vero Beach, Florida



Prepared for:
Schwerin Asset Advisors, LLC

142904000
May 2020
©Kimley-Horn and Associates, Inc.
C.A. Number 00000696
445 24th Street, Suite 200
Vero Beach, Florida 32960
772-794-4100 TEL

Indian River Blvd Residential Development

REZONING TRAFFIC IMPACT ANALYSIS

Prepared for:
Schwerin Asset Advisors, LLC



Prepared by:
Kimley-Horn and Associates, Inc.
445 24th Street, Suite 200
Vero Beach, Florida 32960

May 2020

Brian A Good Digitally signed
by Brian A Good
Date: 2020.05.26
12:42:59 -04'00'

Brian Good, P.E.
Date: _____
Florida Registration No. 56939
Engineering Business No. 696

142904000

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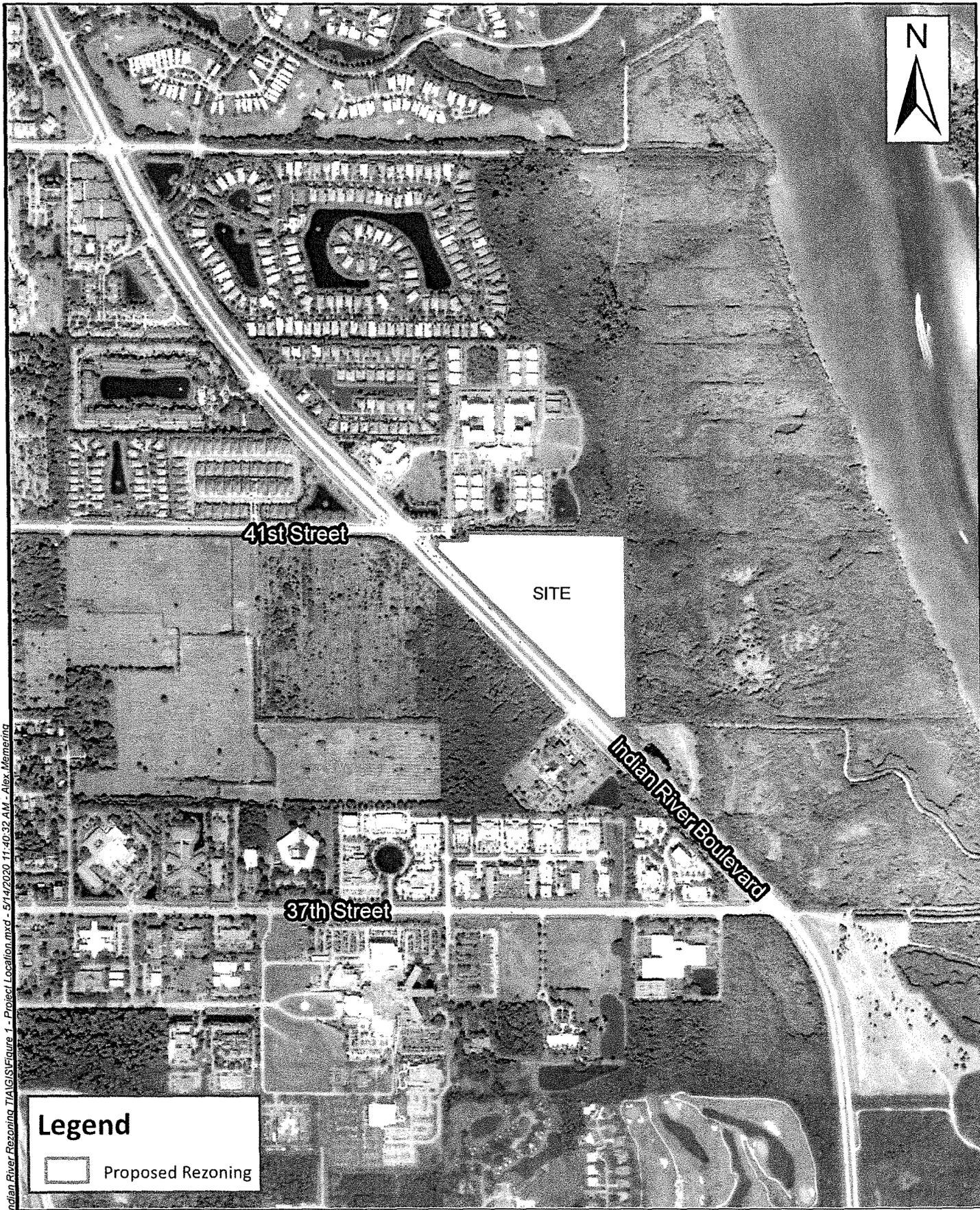
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I. INTRODUCTION

The intent of this report is to identify the potential traffic impact, if any, associated with the proposed rezoning of a 23.65-acre property generally located on the east of Indian River Boulevard, south of 41st Street in Indian River County, Florida. The property is being annexed into the City of Vero Beach. The property is currently zoned as RM-8 (multiple family residential district) and RS-1 (single family district) based upon Indian River County zoning standards and will be rezoned as RM-8 (residential multifamily medium density) based upon City of Vero Beach zoning standards. Therefore, the 23.65-acre parcel will yield 189 multifamily (Mid-Rise) dwelling units. *Figure 1* depicts the location of the parcel. The property survey is provided within the Appendix.

In accordance with City of Vero Beach Land Development Regulations, a traffic impact analysis is required to document the external traffic impacts of this proposed rezoning. The objectives of this report are as follows:

- To adequately assess the traffic impacts associated with the proposed rezoning and identify the level of off-site access and traffic control improvements required.
- To provide public agencies a comprehensive study which evaluates and documents the traffic impacts and off-site improvements, where warranted.
- To provide a technically sound basis to identify impacts and related mitigation requirements in response to off-site traffic impacts.



K:\OCA_Civil\142904000-Indian River Rezoning_TIA\GIS\Figure 1 - Project Location.mxd - 5/14/2020 11:40:32 AM - Alex Memering

Legend

 Proposed Rezoning

FIGURE 1 - SITE LOCATION MAP

Kimley»Horn

© 2020 Kimley-Horn and Associates, Inc.
445 24th Street, Suite 200, Vero Beach FL 32960
Phone: 772 794 4100
www.kimley-horn.com CA 00000696

**INDIAN RIVER BLVD RESIDENTIAL DEVELOPMENT REZONING
INDIAN RIVER COUNTY, FLORIDA**

II. PROJECT TRAFFIC

The anticipated traffic impacts associated with the proposed rezoning were derived using a process of trip generation, distribution, and assignment in accordance with the requirements of the City of Vero Beach Land Development Regulations.

TRIP GENERATION

The volume of traffic generated by a site is dependent on the intended land use and size of the development. Trip generation can be defined as an estimate of the number of trips generated by a specific building or land use. These trips represent the volume of new traffic added to the roadway network.

The estimate of new trips associated with the rezoning was developed using the methodology and equations contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, Tenth Edition and the City of Vero Beach Land Development Regulations. The trip generation characteristics for the proposed uses were calculated based on the ITE land use code for multifamily housing (mid-rise) [ITE 221]. The projected number of Daily trips, AM peak hour trips, and PM peak hour trips are detailed in *Table 1*.

Table 1 – Trip Generation

Land Use	Intensity	Daily Trips	AM Peak Hour of Adjacent Street			PM Peak Hour of Adjacent Street		
			Total	In	Out	Total	In	Out
Proposed Zoning Multifamily Housing (Mid-Rise)	189 DU	1,028	68	18	50	83	51	32
	<i>Subtotal</i>	1,028	68	18	50	83	51	32
TOTAL NET EXTERNAL TRIPS (PROPOSED)		1,028	68	18	50	83	51	32
Note 1: Trip Generation was calculated using the data from ITE's Trip Generation Manual, 10th Edition Multifamily Housing (Mid-Rise) ITE 221 Daily $T = 5.44 * (X)$; (X is number of dwelling units) AM Peak Hour of Adjacent Street $T = 0.36 * (X)$; (X is number of dwelling units); (26% in/ 74% out) PM Peak Hour of Generator $T = 0.44 * (X)$; (X is number of dwelling units); (61% in/ 39% out)								

TRIP DISTRIBUTION AND ASSIGNMENT

The distribution and assignment of project trips associated with the rezoning was derived through a gravity model based on the transportation planning modeling programs contained in the Florida Standard Urban Transportation Modeling Structure (FSUTMS). The FSUTMS programs were employed to provide an objective distribution and assignment of project trips onto the roadway network. The approved model output is provided in the Appendix.

AREA OF INFLUENCE

In accordance with the City of Vero Beach Land Development Regulations, an Area of Influence was determined for the project. This Area of Influence includes all thoroughfare network links impacted by 8 or more PM peak hour trips for a two-lane roadway and 15 or more PM peak hour trips on a roadway with four or more lanes. Based on these standards, the following roadway segments are within the project's Area of Influence:

- Indian River Boulevard – from SR 60 to US 1 (NB Only)
- 41st Street – from Old Dixie Highway to Indian River Boulevard

No roadway segments within the project's Area of Influence exceed 80% of their service capacity. Therefore, an intersection analysis is not required for the rezoning.

III. SITE ACCESS

Analysis of the site access is not required at this time because this is a proposed rezoning and not a site plan application.

IV. CONCLUSION

A proposed rezoning of a parcel generally located on the east side of Indian River Boulevard, south of 41st Street in the Indian River County, Florida. The property is being annexed into the City of Vero Beach. The development program for the rezoning traffic analysis includes up to 189 multifamily (mid-rise) dwelling units based upon City of Vero Beach zoning standards.

An analysis of the traffic impacts associated with the proposed project was performed in accordance with City of Vero Beach Land Development Regulations. The results of this analysis indicate that roadway segments within the project's Area of Influence include Indian River Boulevard and 41st Street. No roadway segments within the project's Area of Influence exceed 80% of their service capacity based upon additional project traffic. Therefore, the proposed rezoning satisfies the City of Vero Beach traffic concurrency standards.

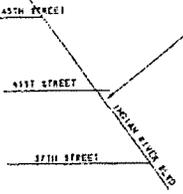
APPENDIX

SURVEY

FSUTMS MODEL OUTPUT

LINKS MAINTENANCE REPORT

SURVEY



PROJECT SITE

***LEGAL DESCRIPTION**
 A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 32 SOUTH, RANGE 30 EAST, INDIAN RIVER COUNTY, FLORIDA BEING THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF INDIAN RIVER BOULEVARD.
 LESS HOWEVER THE FOLLOWING DESCRIBED PARCEL OF LAND:
 BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°51'33" EAST ALONG THE QUARTER SECTION LINE, A DISTANCE OF 145 FEET; THENCE SOUTH 00°08'27" WEST, A DISTANCE OF 50 FEET; THENCE NORTH 89°51'33" WEST, A DISTANCE OF 125 FEET; THENCE SOUTH 45°08'27" WEST, A DISTANCE OF 27.50 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00°01'35" WEST, A DISTANCE OF 69.65 FEET TO THE POINT OF BEGINNING.

- LEGEND:**
 P.O.B. - POINT OF BEGINNING
 P.O.C. - POINT OF COMMENCEMENT
 P.R.M. - PERMANENT REFERENCE MONUMENT
 F.C.P. - PERMANENT CONTROL POINT
 P.C. - POINT OF CURVATURE
 P.T. - POINT OF TANGENCY
 P.I. - POINT OF INTERSECTION
 R/W - RIGHT OF WAY
 C - CENTERLINE
 ELEV - ELEVATION
 MEAS - MEASURED
 F - FOUND NAIL
 P - POWER POLE
 CM - CONCRETE MONUMENT
 SC - SECTION CORNER
 TM - TELEPHONE MANHOLE
 V - WATER VALVE
 DEAC - DESCRIPTION
 B - CATCH BASIN
 WM - WATER METER



LOCATION MAP

LINE	BEARING	DISTANCE
L 1	S 87°48'05"W	120.20'
L 2	N 00°03'10"E	61.05'
L 3	N 45°43'57"W	20.00' MEAS 27.00' DEAC
L 4	N 89°52'34"W	125.00' MEAS
L 5	N 89°51'33"W	125.00' DEAC
L 6	S 00°07'28"W	50.00' MEAS
	S 00°06'27"W	30.00' DEAC
	N 00°04'50"E	69.65' MEAS
	N 00°00'35"E	69.65' DEAC

- SURVEYOR'S NOTES:**
- ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMAL PARTS THEREOF.
 - THE EAST RIGHT OF WAY LINE OF INDIAN RIVER BOULEVARD BEARS N 44°50'14"W AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
 - ADDITIONS OR DELETIONS TO THIS MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
 - NO EXCAVATION WAS DONE BY THE SURVEYOR TO DETERMINE THE LOCATION OF THE UNDERGROUND FOUNDATION OF THE BUILDING OR BUILDINGS SHOWN HEREON.

***ACCURACY**
 THE EXPECTED USE OF THE LAND IS RESIDENTIAL. THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS 1:5000; OR 7.500 FEET WHICH WAS MET IN THE CASE OF THIS SURVEY.

***DATA SOURCES**
 THE DESCRIPTION WAS PROVIDED BY THE CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THIS OFFICE TO LOCATE THE EXISTENCE OF EASEMENTS OR OTHER RESTRICTIONS NOT PROVIDED BY THE CLIENT OR HIS REPRESENTATIVE.

***MEASUREMENT METHODS**
 ALL EQUIPMENT USED IN PERFORMING THE FIELD WORK ASSOCIATED WITH THIS SURVEY WAS TESTED AND CALIBRATED. ALL WORK WAS PERFORMED WITH AN ELECTRONIC TOTAL STATION READING DIRECTLY TO A MINIMUM OF 8 DECIMALS PER ANGLE WITH A DISTANCE ACCURACY OF 1 PART IN 50,000. ALL DATA WAS RECORDED USING A FIELD DATA COLLECTOR AND CONVENTIONAL FIELD NOTES. THE BOUNDARY WAS ESTABLISHED BY CREATING A CLOSED GEOMETRIC FIGURE AND ANY SIDE THEREOF WAS DONE USING A REDUNDANCY OF MEASUREMENTS.

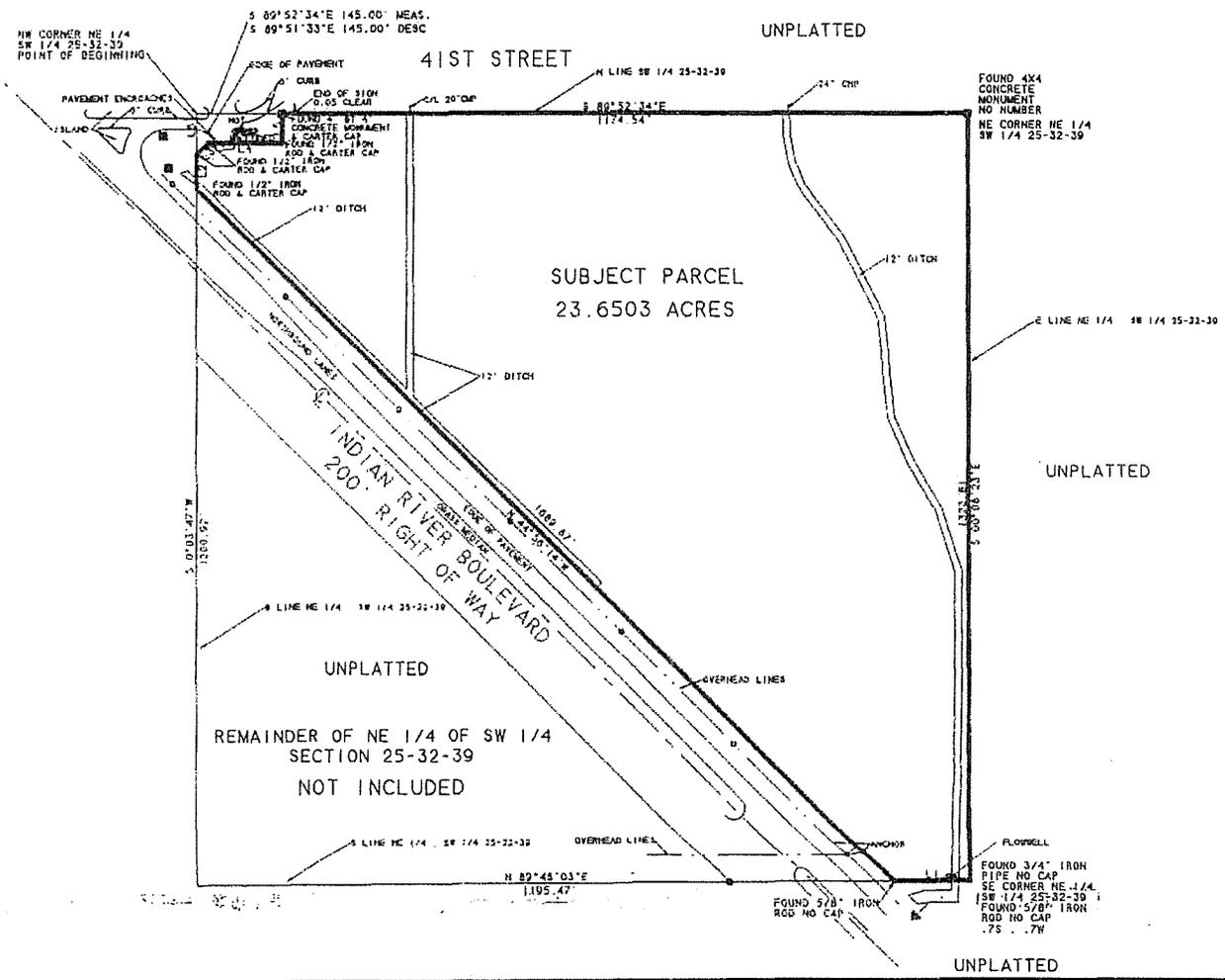
***LIMITATIONS**
 PROPERTY LIES IN FLOOD ZONE AS 0, ACCORDING TO MAP 12061C0242H, DATED DECEMBER 4, 2012, COMMUNITY PANEL 120121.

***BOUNDARY INCONSISTENCIES**
 AS SHOWN HEREON:
 *APPARENT PHYSICAL USE
 SINGLE FAMILY RESIDENTIAL
 *EASEMENTS
 NONE PROVIDED
 *CERTIFIED TO:
 SCHWERIN ASSET ADVISORS, LLC
 COLLINS, GROWN, BARNETT, CHARTERED

***DATE OF SURVEY:** MARCH 4, 2020
 THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NAMED BELOW.

***SURVEYOR AND MAPPER:** DAVID M. JONES, FLORIDA LICENSE NUMBER LS 3820

***SIGNATURE AND SEAL:**



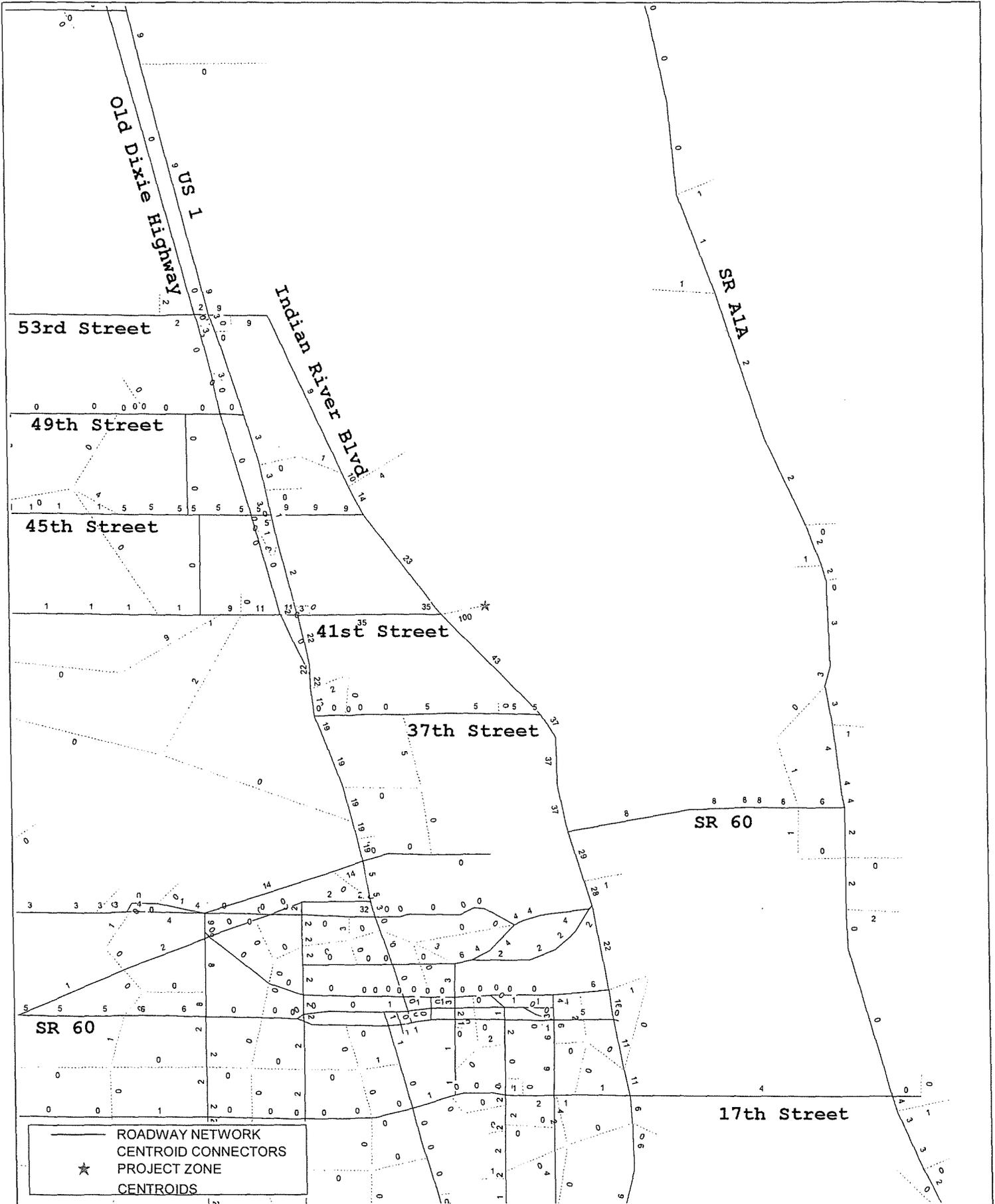
REVISIONS	BY

BOUNDARY SURVEY
 PREPARED FOR AND CERTIFIED TO
SCHWERIN ASSET ADVISORS, LLC

DAVID M. JONES
 PROFESSIONAL LAND SURVEYOR
 2266 CORTIZ AVENUE
 VERO BEACH, FL 32909
 (772) 567-9925
 (772) 567-9925

DATE	
BY	
DATE	
BY	
SCALE	1" = 100'
TITLE	
SHEET	1

FSUTMS MODEL OUTPUT



MODEL RUN - INDIAN RIVER BOULEVARD RESIDENTIAL REZONING
 TRAFFIC DISTRIBUTION (PERCENTAGES)

4/29/2020

LINKS MAINTENANCE REPORT

Indian River County - Links Maintenance Report

Released in March 2020

								PROJECT TRAFFIC IMPACT CALCULATIONS					
Link #	Link Description	Capacity	Existing Volume	Vested Trips	Total Demand	Available Capacity	% of Capacity	Project Traffic % Assignment	Project Traffic in or out	Project Traffic	Within Area of Influence ?	Exceed 80% w/ Project ?	Required Intx Analysis ?
1160N	INDIAN RIVER BD.//S.R. 60//NORTH VB CITY L	1,960	1,236	0	1,236	724	63.1%	37%	IN	19	Yes	No	No
1170N	INDIAN RIVER BD.//NORTH VB CITY L//US 1	1,890	762	0	762	1,128	40.3%	43%	IN	22	Yes	No	No
4450E	41ST ST//OLD DIXIE HWY//INDIAN RIV BD	540	225	0	225	315	41.6%	35%	OUT	11	Yes	No	No
4450W	41ST ST//OLD DIXIE HWY//INDIAN RIV BD	880	272	0	272	608	30.9%	35%	IN	18	Yes	No	No

IV.C.

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 ^{CBF}
Principal Planner

DATE: July 13, 2020

SUBJECT: **Request by City of Vero Beach for Annexed Property to Rezone 23.65 Acres from Indian River County RM-8, Multiple-Family Residential & RS-1, Single-Family Residential to City of Vero Beach RM-8, Multiple-Family Residential District, located at the Southeast Corner of Indian River Boulevard and 41st Street (Application #Z20-000006-MAP)**

Overview

The Planning and Development Department received a request from the property owner to annex approximately 23.65 acres of property into the City Limits from unincorporated Indian River County. This Zoning Map Amendment Application is a part of the overall annexation process. The City sponsors the request to amend the City’s Zoning Map for property to be annexed from RM-8, Multiple-Family Residential and RS-1, Single-Family Residential (Indian River County) to RM-8, Residential Multiple-Family Residential District (City of Vero Beach). The subject property is located at the southeast corner of Indian River Boulevard and 41st Street.

The following are attachments to this report:

- Attachment A-Maps of Subject Property
- Attachment B-Draft Ordinance Amending the Zoning Map
- Attachment C-Zoning Map Change Amendment Application

The effective date of the zoning map amendment will not occur until the annexation and future land use map amendment processes are complete. The future land use map amendment is a large scale amendment which provides for review time by local, regional and state agencies.

Background

Existing Site Conditions. The site is currently vacant or undeveloped.

Existing Land Use and Zoning Patterns. The parcel is contiguous to the current city of Vero Beach City limit boundary line to the east. The subject property is vacant/undeveloped. Existing retirement community residential apartments are adjacent to the north of the subject parcel. Properties to the south and east are within the City Limits and are currently vacant or undeveloped. To the west across Indian River Boulevard is vacant/undeveloped property and southwest is an existing senior living facility that are located in unincorporated Indian River County.

The parcel is mostly zoned RM-8, Multiple-Family Residential (up to 8 units/acre) and a small portion (approximately less than 5 acres) located on the north and east side of the subject property is RS-1, Single-Family Residential on the County’s Zoning Map. The adjacent zoning district map designations are: to the west (across Indian River Boulevard) M, Medical and north RM-8, Multiple-Family Residential (Indian River County); to the east CV, Conservation and to the southeast RM, Residential Medium (City of Vero Beach).

Table 1. Adjacent Land Uses and Zoning Classifications:

	Land Uses	Land Use Designation	Zoning Classification
Subject Site	Vacant/Undeveloped	M-1, Medium Density Residential	RM-8, Multiple-Family Residential and RS-1, Single-Family Residential (IRC)
North	Residential Retirement Facility	M-1, Medium Density Residential	RM-8, Multiple-Family Residential (IRC)
South	Vacant – Undeveloped Land	RM, Residential Medium	RM-8, Multiple-Family Residential (COVB)
East	Vacant/Undeveloped Conservation	CV, Conservation	P-1, Park (COVB)
West	Vacant/Undeveloped & Senior Living Facility	M-1, Medium Density Residential	MED, Medical (IRC)

Environment. The subject property is vacant/undeveloped. The subject property is located in Flood Zone AE-6.

Utilities and Services. The subject property is located in the County’s water and sewer service area per the 1989 territorial service agreement between the City and County and capacity is available in the county system to provide necessary services.

Transportation Facilities. The subject property has road frontage on Indian River Boulevard, a 4-lane urban principal arterial roadway.

Comparison of Existing versus Requested Zoning District Designations

The existing County zoning of the subject properties are RM-8, Multiple-Family Residential and RS-1, Single-Family Residential. The proposed City zoning district is RM-8, Multiple-Family Residential. A comparison of the two zoning districts permitted/allowable uses are included in Table 2.

Table 2. Comparison of Permitted Uses in RM-8 in County and City:

Permitted Uses:	RM-8 (County)	RM-8 (City)
Single Family Residential	X	X
Duplex	X	X
Multiple Family Residential	X	X
Adult Congregate Living Facilities	X	X
Nursing Homes	X	X
Note: Conditional uses include cultural activities, day care services, educational institutions, golf courses & country clubs, places of worship, public recreation & parks, utilities	X	X

The County’s zoning district allows single-family, duplex, multi-family residential uses and limited institutional uses, with other limited conditional uses such as schools, recreation, churches, etc. The proposed City zoning district is also RM, Multiple-Family Residential (up to 8 units/acre). The City’s RM-8 zoning district allows residential, adult congregate living facilities, nursing homes, and limited conditional uses, such as cultural activities, day care services, educational institutions, golf and country clubs places of worship, public recreation and parks, and utilities.

Review and Analysis

The staff reviewed the proposed zoning map change based on the standards for considering amendments as required in Chapter 65, Article III, of the City’s Land Development Regulations. Sections 65.22(i)(1) and (5) set the review standards for amendments to the zoning map.

In addition, since the subject property is an annexed parcel the City of Vero Beach’s Annexation Policies and Procedures are reviewed. The applicable section of the general policies and procedures states: “The City shall sponsor and initially designate annexed properties with future land use and zoning designations that are comparable with the existing designations under the County’s comprehensive plan and zoning regulations...” In this case, the proposed City RM-8 zoning district is comparable with the existing County designation in regards to allowable uses and density as noted in the above section.

Justification for Amendment. Pursuant to Section 65.22(i)(1), the staff finds that the requested amendment is justified in order to comply with Florida Statutes which requires the City to adopt a comprehensive plan amendment that designates a future land use designation and corresponding zoning for the annexed area.

Finding: The staff finds the amendment is justified in order to comply with rules governing annexed property.

Consistency of the Requested Rezoning with the Comprehensive Plan and Zoning District Standards and Criteria. Pursuant to Section 65.22(i)(5)a., the consistency with the goals, objectives and policies of the Comprehensive Plan, Land Development Regulations, and zoning district standards and criteria as discussed below:

- Land Use Element Policy 1.18: *The City shall rezone land consistent with Table 2-2, Relationship between Future Land Use Designation and Zoning Districts, and the standards set forth in this policy and elsewhere in the element. The City recognizes that not every zoning district allowed within a future land use designation is appropriate for every site within that designation. Therefore, the City may deny a rezoning request, even if the requested zoning district is consistent with a site's land use designation, if the request does not meet the following standards:*
 - (a) *Consistency with the goals, objectives, and policies of the Comprehensive Plan;*
 - (b) *Compatibility with zoning map designations abutting or in the immediate vicinity of the subject property;*
 - (c) *Changed conditions to the subject property and the neighborhood or area in the vicinity in which the property is located that warrant an amendment;*
 - (d) *Maintenance of adopted level of service on roadways, public school facilities, sanitary sewer, potable water, solid waste, storm drainage, and recreation;*
 - (e) *Maintenance of an orderly and logical development pattern; and*
 - (f) *Consistency with the public interest.*

The proposed zoning designation is RM-8, Multiple-Family Residential. This zoning district is listed as one of the appropriate districts under the RM, Residential Medium future land use designation. The RM designation allows development in areas suitable for single-family, duplex, and multifamily residential uses. Conditional uses include education, community and institutional uses, as permitted in Policy 1.5 discussed below.

Findings: The proposed zoning designation is consistent with Policy 1.18 and Table 2-2 in the City's Comprehensive Plan.

- Land Use Element Policy 1.5: *The Residential Medium (RM) Land Use designation shall be applied to areas of the City that are suitable for single-family, duplex and multifamily residential uses with moderate densities, based on access to adequate public utilities and collector and local streets and areas that are a transition between single family-detached and more intensive uses. This land use category shall allow single family, duplex, and multifamily residential development. Education facilities and supportive community services ancillary to the residential uses and institutional uses shall be allowed if listed as a permitted use or may be allowed if listed as a conditional use in the applicable underlying zoning district.*

The subject property is suitable for variety of residential uses with moderate densities based on the following findings: the property has access to adequate public utilities and has direct frontage along Indian River Boulevard, which is classified as a 4-lane urban principal arterial roadway in the Comprehensive Plan. The property is located in an area that abuts existing moderate density land use designations to the north, south and across Indian River Boulevard to the west.

Finding: The staff finds that the proposed RM-8 Zoning Map amendment is consistent with Policy 1.5 as it is adjacent to existing moderate residential densities and abuts Indian River Boulevard.

Compliance with Other Review Standards for Rezoning in the City Code. Pursuant to Section 65.22(i)(5)b. through g., the proposed zoning map amendment meets the following standards:

- Compatibility with Zoning Map Designations within Immediate Vicinity: *The amendment is compatible with the Zoning Map designation within the immediate vicinity of the proposed change. The proposed amendment is compatible with the Zoning Map designation within the immediate vicinity of the proposed change based on the following: the subject property adjacent and to the north and southeast is the same zoning district as the proposed zoning designation RM-8, Multiple-Family Residential. The property located to the west and across Indian River Boulevard is zoned MED, Medical. The adjacent property to the east is zoned CV, Conservation District.*

The RM-8 zoning district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are available. It is also the intent of the zoning district to permit residential development compatible with existing development. Public facilities and services are available in the area. Adjacent to the north exists residential development in conjunction with congregate living facilities. The land use pattern already exists in the area and the RM-8 zoning district would allow for future compatible development.

Finding: The RM-8 zoning district is considered compatible with the zoning map designations within the immediate vicinity of the subject property.

- **Changed Conditions:** *Changed conditions to the property, neighborhood, or the area in the vicinity in which the property is located that warrant an amendment.* As discussed previously under the justification for the amendment, the property is part of a voluntary annexation application.

Finding: The amendment is warranted due to the change in jurisdiction from the County to the City.

- **Maintenance of the Level of Service:** *The amendment is consistent with the concurrency requirements of the Comprehensive Plan and Land Development Regulations.* Since a request to change the zoning map is not part of development review or a site plan, the impacts on available public facilities can only be considered in general terms. Specific impacts on public facilities and concurrency are addressed as part of the City's development review process. In general terms, the following information is provided.

The Capital Improvements Element of the Comprehensive Plan states there is available capacity to support future demand on public facilities and services such as sewer, water, solid waste, and roads.

The proposed City zoning district designation is the same allowable maximum density as the County (RM-8 (up to 8 units/acre)). Generally, the potential impacts are based on the proposed zoning of the property and the allowable uses and density are similar or the same. Since the existing County zoning district allows similar uses as the proposed zoning the impacts should be similar even with the higher allowable density in the small portion (less than 5 acres) that is zoned RS-1, Single-Family Residential in the County. The total traffic generation assuming maximum development density (189 multifamily units) is estimated to be 1,028 daily vehicular trips based on the Rezoning Traffic Impact Analysis prepared in May 2020.

Finding: The staff finds the proposed amendment will not significantly change the potential traffic impacts or levels of service of public facilities and services and the maintenance of level of service standards.

- **Orderly and logical:** *The requested amendment maintains an orderly and logical development pattern.* Approval of the zoning would allow for the development of residential uses on a site adjacent to the same zoning district.

Finding: The change in zoning will allow for the development of residential uses on land adjacent to existing residential zoning.

Staff Recommendation

Based on the analysis and findings above, the staff recommends that the Planning and Zoning Board recommend approval by the City Council of the following:

- Draft Ordinance amending the Zoning Map designation from RM-8, Multiple-Family Residential & RS-1, Single-Family Residential (County) to RM-8, Multiple-Family Residential (City) (23.65 more or less acres) for the subject property.

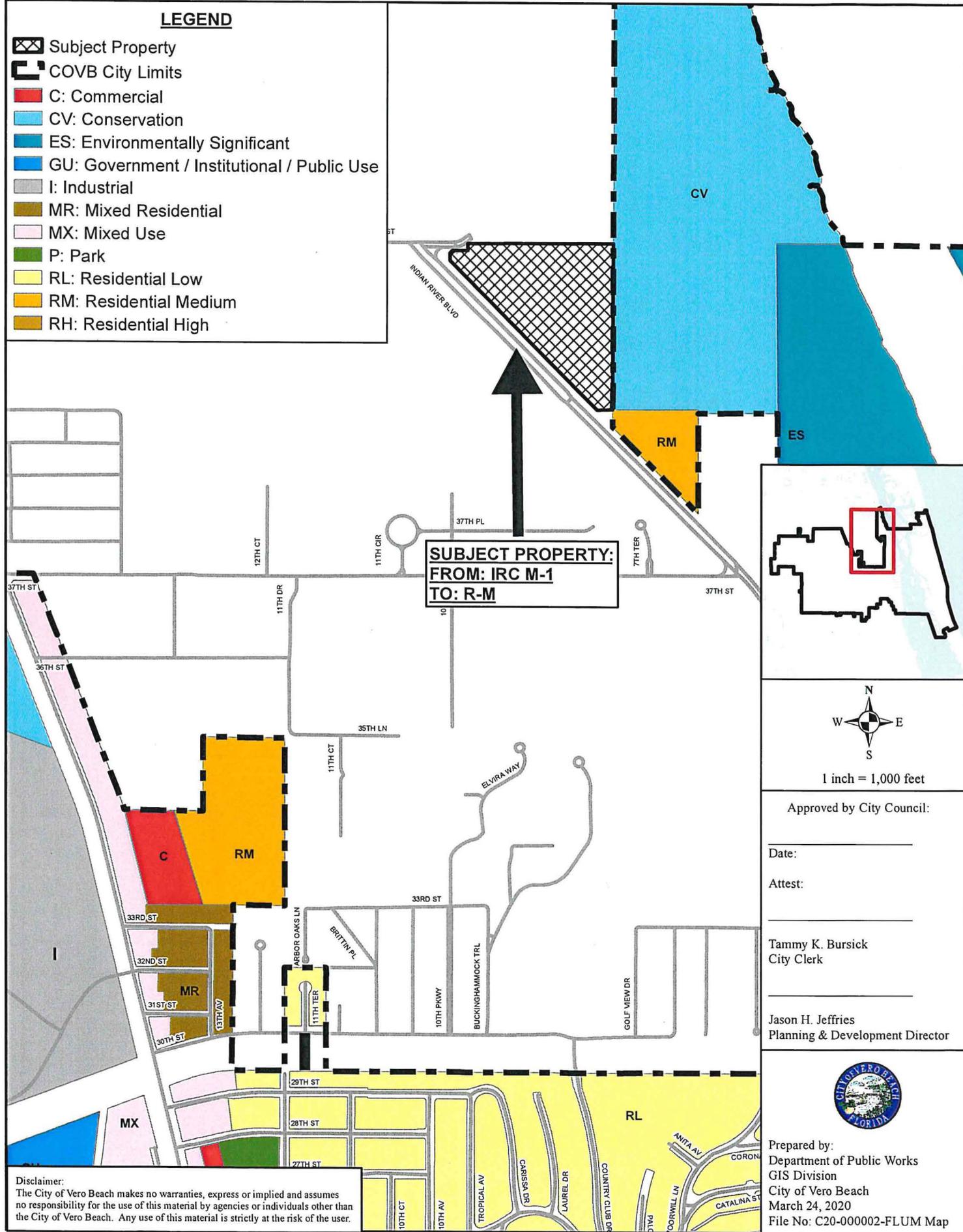
Attachments

FUTURE LAND USE MAP

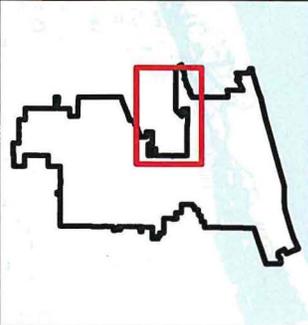
SE Corner of Indian River Blvd & 41st St

LEGEND

-  Subject Property
-  COVB City Limits
-  C: Commercial
-  CV: Conservation
-  ES: Environmentally Significant
-  GU: Government / Institutional / Public Use
-  I: Industrial
-  MR: Mixed Residential
-  MX: Mixed Use
-  P: Park
-  RL: Residential Low
-  RM: Residential Medium
-  RH: Residential High



SUBJECT PROPERTY:
FROM: IRC M-1
TO: R-M



1 inch = 1,000 feet

Approved by City Council:

Date: _____

Attest: _____

Tammy K. Bursick
 City Clerk

Jason H. Jeffries
 Planning & Development Director



Prepared by:
 Department of Public Works
 GIS Division
 City of Vero Beach
 March 24, 2020
 File No: C20-000002-FLUM Map

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

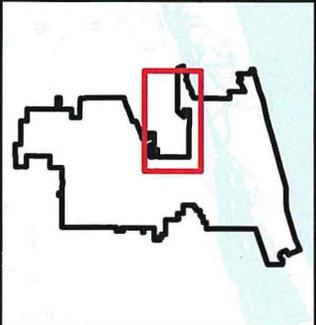
SE Corner of Indian River Blvd & 41st St

LEGEND

-  Subject Property
-  COVB City Limits
-  ALI-A1: Airport Light Industrial
-  ALI-A2: Airport Light Industrial
-  C-1: Highway Oriented Commercial
-  C-1B: General Commercial Trades & Services
-  GU: Government Use
-  M: Industrial
-  P-1: Park
-  P-2: Park
-  POI: Professional Office & Institutional
-  R-1: Residential Single Family
-  R-1A: Residential Single Family
-  R-1AAA: Residential Single Family
-  RM-8: Residential Multifamily Medium Density
-  RM-10: Residential Multifamily Medium & High Dens
-  RM-10 / 12: Residential Multifamily Medium & High Dens



SUBJECT PROPERTY:
FROM: IRC RM-8 and RS-1
To: RM-8



1 inch = 1,000 feet

Approved by City Council:

Date: _____

Attest: _____

Tammy K. Bursick
 City Clerk

Jason H. Jeffries
 Planning & Development Director



Prepared by:
 Department of Public Works
 GIS Division
 City of Vero Beach
 March 24, 2020
 File No: Z20-000006 Map

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ORDINANCE NO. 2020 – _____

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING THE OFFICAL ZONING MAP BY CHANGING THE ZONING DISTRICT DESIGNATION OF ANNEXED PROPERTY FROM INDIAN RIVER COUNTY DESIGNATIONS RM-8, MULTIPLE-FAMILY RESIDENTIAL AND RS-1, SINGLE-FAMILY RESIDENTIAL DISTRICTS TO CITY OF VERO BEACH DESIGNATION RM-8, MEDIUM MULTIPLE-FAMILY RESIDENTIAL DISTRICT, FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF INDIAN RIVER BOULEVARD AND 41ST STREET, CONTAINING 23.65 ACRES MORE OR LESS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owner(s), have submitted a request for voluntary annexation of property into the City limits; and

WHEREAS, the City Council approved the voluntary annexation request and annexed the subject property, located at the southeast corner of Indian River Boulevard and 41st Street, containing 23.65 acres, more or less, on _____; and

WHEREAS, the property owner(s), Schwerin Asset Advisors, LLC, submitted an application for amendment to the City of Vero Beach Official Zoning Map pursuant to Chapter 65, Article III, of the City’s Land Development Regulations, requesting a change in the Official Zoning Map designation from Indian River County designations RM-8, Multiple-Family Residential and RS-1, Single-Family Residential Districts to City of Vero Beach designation RM-8, Multiple-Family Residential for property comprising 23.65 acres, more or less, located at the southeast corner of Indian River Boulevard and 41st Street; and

WHEREAS, the City Council adopted the Vero Beach Comprehensive Plan on April 4, 2018; and

WHEREAS, the property described herein meets the criteria for the Expedited State Review Amendment Process for comprehensive plan amendments, pursuant to Section 163.3184(3) of the Florida Statutes; and

WHEREAS, the Vero Beach City Council has adopted the amendment to the Comprehensive Plan Future Land Use Map to designate this property from Indian River County M-1, Medium-Density Residential-1 to City of Vero Beach Designation RM, Residential Medium for property comprising 23.65 acres, more or less, located at the southeast corner of Indian River Boulevard and 41st Street; and

WHEREAS, the Planning and Zoning Board, serving as the local planning agency under Florida Statute 163.3174, after a public hearing held on May 21, 2020, finds that the zoning map amendment is consistent with relevant goals, objectives and policies contained within the City's Comprehensive Plan and made a recommendation to the Vero Beach City Council; and

WHEREAS, notice was given as required by law that the Official Zoning Map of the City of Vero Beach, Florida, be amended to change designation from Indian River County designations RM-8, Multiple-Family Residential and RS-1, Single-Family Residential Districts to City of Vero Beach designation RM-8, Multiple-Family Residential for property comprising 23.65 acres, more or less, located at the southeast corner of Indian River Boulevard and 41st Street; and

WHEREAS, advertisements were placed in a newspaper of general circulation and provided the public with at least ten (10 days) advance notice of this Ordinance's public hearings to be held by the Planning and Zoning Board and the City Council of the City of Vero Beach ("City Council") in the City Council Chambers, located on the first floor of City Hall in the City of Vero Beach; and

WHEREAS, public hearings were held pursuant to the notices described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

WHEREAS, the Vero Beach City Council finds the proposed amendment is in the public interest and consistent with the Future Land Use Map, goals, objectives, and policies of the Comprehensive Plan, and the other standards and criteria for review and approval of amendments to the Official Zoning Map pursuant to Section 65.22(i)(1) and (5) of the Vero Beach Code of Ordinances,

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

Section 1. Adoption of "WHEREAS" Clauses.

The foregoing "WHEREAS" clauses are hereby adopted and incorporated herein.

Section 2. Adoption of Amendment to Official Zoning Map.

The amendment to the Official Zoning Map of the City of Vero Beach is hereby adopted for the property located at the southeast corner of Indian River Boulevard and 41st Street, comprising 23.65 acres, more or less, as graphically depicted in the Exhibit "A" attached and incorporated herein.

Section 3. Conflict and Severability.

In the event any provision of this Ordinance conflicts with any provision of the Code or other applicable law, the provisions of this Ordinance shall apply and supersede. If any phrase or portion of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

Section 4. Effective Date.

This Ordinance shall become effective upon the effective date of the comprehensive plan amendment to the Future Land Use Map.

This Ordinance was read by title for the first time on the ____ day of _____, 2020, and was advertised on the ____ day of _____, 2020, for a public hearing to be held on the ____ day of _____, 2020, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote of the City Council:

Mayor Anthony W. Young	_____
Vice-Mayor Laura Moss	_____
Councilmember Robert Brackett	_____
Councilmember Joseph Graves	_____
Councilmember Rey Neville	_____

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Anthony W. Young
Mayor

(SEAL)

ADMINISTRATIVE REVIEW
(For Internal Use Only-Sec.2-77 COVB Code)

Approved as to form and legal sufficiency:

Approved as conforming to
municipal policy:

John S. Turner
City Attorney

Monte K. Falls
City Manager

Approved as to technical requirements:

Jason H. Jeffries, AICP
Planning and Development Director

ZONING DISTRICTS MAP

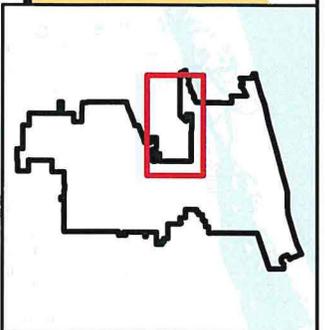
SE Corner of Indian River Blvd & 41st St

LEGEND

-  Subject Property
-  COVB City Limits
-  ALI-A1: Airport Light Industrial
-  ALI-A2: Airport Light Industrial
-  C-1: Highway Oriented Commercial
-  C-1B: General Commercial Trades & Services
-  GU: Government Use
-  M: Industrial
-  P-1: Park
-  P-2: Park
-  POI: Professional Office & Institutional
-  R-1: Residential Single Family
-  R-1A: Residential Single Family
-  R-1AAA: Residential Single Family
-  RM-8: Residential Multifamily Medium Density
-  RM-10: Residential Multifamily Medium & High Dens
-  RM-10 / 12: Residential Multifamily Medium & High Dens



SUBJECT PROPERTY:
FROM: IRC RM-8 and RS-1
To: RM-8



1 inch = 1,000 feet

Approved by City Council:

Date: _____

Attest: _____

Tammy K. Burslick
 City Clerk

Jason H. Jeffries
 Planning & Development Director



Prepared by:
 Department of Public Works
 GIS Division
 City of Vero Beach
 March 24, 2020
 File No: Z20-00006 Map

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 MAP CHANGE AMENDMENT 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

Date Received 3/12/20

Application # Z20-000006 MAP

Prior to completing or signing this application, applicants and property owners are encouraged to read it thoroughly. If you have any questions, please do not hesitate to contact the Planning Department at (772) 978-4550.

APPLICANT Bruce Barkett, Esq. Telephone 772-231-4343
Fax #: _____

MAILING ADDRESS 756 Beachland Blvd., Vero Beach, FL 32963

SITE OWNER Schwerin Asset Advisors, LLC Telephone 772-563-9822
Fax #: _____

OWNER ADDRESS c/o Warren Schwerin, 5070 N. Highway A1A, Vero Beach, FL 32963

SITE LOCATION S.E. Corner of Indian River Boulevard and 41st Street

PARCEL I.D. NUMBER 32-39-25-00000-5000-00001.3

PROPOSED ZONING CHANGE: FROM RM-8 TO RM-8

(If this amendment requires a comprehensive plan change, a future land use map amendment application must accompany this request.)

<u>Application Fee*</u>		<u>with Future Land Use Change</u>
Large Scale (More than 10 acres)	\$3,370	\$4,090
Small Scale (Less than 10 acres)	\$2,460	\$3,010

* See attached fee schedule for additional advertising and administrative costs.



Bruce Barkett 3/11/2020
Applicant Signature Date

James W. Schwerin 3/11/2020
Property Owner Signature Date

Bruce Barkett
(Print Name)

James W. Schwerin
(Print Name)

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land lying in Section 25, Township 32 South, Range 39 East, Indian River County, Florida, being that portion of the Northeast quarter of the Southwest quarter, lying Easterly of the Easterly right-of-way line of Indian River Boulevard.

LESS, however, the following described parcel of land: Begin at the Northwest corner of the Northeast quarter of the Southwest quarter; thence South $89^{\circ}51'33''$ East along the quarter section line, a distance of 145 feet; thence South $00^{\circ}08'27''$ West, a distance of 50 feet; thence North $89^{\circ}51'33''$ West, a distance of 125 feet; thence South $45^{\circ}08'27''$ West, a distance of 27.80 feet to the West line of said Northeast quarter of the Southwest quarter; thence North $00^{\circ}08'36''$ West, a distance of 69.65 feet to the point of beginning.

**JUSTIFICATION FOR VOLUNTARY
ANNEXATION, FUTURE LAND USE MAP
AMENDMENT, AND ZONING MAP CHANGE**

Legal Description: See attached Exhibit A.

Parcel ID # 32-39-25-00000-5000-00001.3

The owners request annexation into the City of Vero Beach to develop the property in a manner which reflects its highest and best use in accordance with the Land Development Code of the City of Vero Beach. The applicant seeks the desired City Comprehensive Land Use Plan designation of R-M, and the zoning designation of RM-8 in order to develop the property at eight units per acre. The property is currently vacant. This land use designation and zoning designation are consistent with the property's current land use and zoning designation in Indian River County.

The Land Development Code of the City of Vero Beach will allow the applicant to develop the property for multi-family use at 8 units per acre, consistent with properties to the north and to the south.

This property is contiguous with the City of Vero Beach in that a substantial part of the boundary of the property is conterminous with the boundary of the City of Vero Beach. Annexation into the City of Vero Beach would facilitate control of the city's boundaries, and would provide an increase in the city's tax base.

The property is compact in that it is confined to a single area and would not create an enclave, pocket, or finger encroaching into Indian River County.

This property is in an area which is urban in character, and which can be easily served by the services offered by the City of Vero Beach, including police and fire services. Accordingly, the owners respectfully request annexation into the City of Vero Beach.

The applicant seeks the comprehensive land use plan and zoning designations shown in the application because they are consistent with the current land use plan and zoning designations currently assigned to the property. Accordingly, there will be no increase in demand on public infrastructure or public schools. There will, however, be an increase in advalorem taxes paid to the City.

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land lying in Section 25, Township 32 South, Range 39 East, Indian River County, Florida, being that portion of the Northeast quarter of the Southwest quarter, lying Easterly of the Easterly right-of-way line of Indian River Boulevard.

LESS, however, the following described parcel of land: Begin at the Northwest corner of the Northeast quarter of the Southwest quarter; thence South $89^{\circ}51'33''$ East along the quarter section line, a distance of 145 feet; thence South $00^{\circ}08'27''$ West, a distance of 50 feet; thence North $89^{\circ}51'33''$ West, a distance of 125 feet; thence South $45^{\circ}08'27''$ West, a distance of 27.80 feet to the West line of said Northeast quarter of the Southwest quarter; thence North $00^{\circ}08'36''$ West, a distance of 69.65 feet to the point of beginning.

This Document Prepared By and Return to:

Bruce Barkett, Esq.
Collins, Brown, Caldwell, Barkett & Garavaglia
756 Beachland Boulevard
Vero Beach, FL 32963

Parcel ID Number: 32-39-25-00000-5000-00001.3

Grantee #1 TIN:

Grantee #2 TIN:

Warranty Deed

This Indenture, Made this 31st day of October, 2005 A.D. Between
Warren L. Schwerin

of the County of Indian River, State of Florida, grantor, and
Schwerin Asset Advisors, LLC, a Florida limited liability company,

whose address is: c/o Related Properties, 2 Manhattanville Road, Purchase,
New York 10577-2118

of the County of _____, State of _____, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Indian River State of Florida to wit:

A parcel of land lying in Section 25, Township 32 South, Range 39 East, Indian River County, Florida, being that portion of the Northeast quarter of the Southwest quarter, lying Easterly of the Easterly right-of-way line of Indian River Boulevard.

LESS, however, the following described parcel of land: Begin at the Northwest corner of the Northeast quarter of the Southwest quarter; thence South 89°51'33" East along the quarter section line, a distance of 145 feet; thence South 00°08'27" West, a distance of 50 feet; thence North 89°51'33" West, a distance of 125 feet; thence South 45°08'27" West, a distance of 27.80 feet to the West line of said Northeast quarter of the Southwest quarter; thence North 00°08'36" West, a distance of 69.65 feet to the point of beginning.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2004.

The Grantor warrants to the Grantee that the above-described property is not the Grantor's homestead and that Grantor, nor any of Grantor's immediate family members, live on any property adjacent or contiguous thereto.

NOTE: Grantor is the Sole Managing Member of Schwerin Asset Advisors, LLC & the only member.

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

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Julie K. Dyke
Printed Name: Julie K. Dyke
Witness

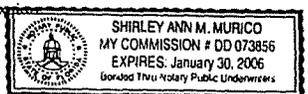
Shirley Ann M. Murico
Printed Name: SHIRLEY ANN M. MURICO
Witness

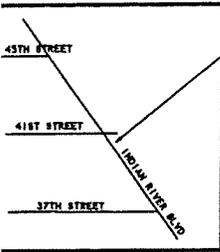
Warren L. Schwerin (Seal)
Warren L. Schwerin
P.O. Address: e/105070 N. Highway A1A
VERO BEACH, FL 32963

STATE OF Florida
COUNTY OF Indian River

The foregoing instrument was acknowledged before me this 31st day of October, 2005 by
Warren L. Schwerin

he is personally known to me or he has produced his Florida driver's license as identification.
Shirley Ann M. Murico
Printed Name: _____
Notary Public
My Commission Expires _____



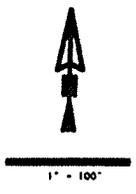


PROJECT SITE

LOCATION MAP

***LEGAL DESCRIPTION**
 A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 32 SOUTH, RANGE 30 EAST, INDIAN RIVER COUNTY, FLORIDA BEING THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF INDIAN RIVER BOULEVARD.
 LESS HOWEVER THE FOLLOWING DESCRIBED PARCEL OF LAND:
 BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°51'33" EAST ALONG THE QUARTER SECTION LINE - A DISTANCE OF 145 FEET; THENCE SOUTH 00°08'27" WEST, A DISTANCE OF 50 FEET; THENCE NORTH 89°51'53" WEST, A DISTANCE OF 125 FEET; THENCE SOUTH 45°08'27" WEST, A DISTANCE OF 27.80 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00°08'36" WEST, A DISTANCE OF 69.65 FEET TO THE POINT OF BEGINNING.

- LEGEND:**
 P.O.B. - POINT OF BEGINNING
 P.O.C. - POINT OF COMMENCEMENT
 P.R.M. - PERMANENT REFERENCE MONUMENT
 P.C.P. - PERMANENT CONTROL POINT
 P.C. - POINT OF CURVATURE
 P.I. - POINT OF INTERSECT
 P.I. - POINT OF INTERSECTION
 R.O.W. - RIGHT OF WAY
 C - CENTERLINE
 ELEV - ELEVATION
 MEAS - MEASURED
 * FOUND NAIL
 * POWER POLE
 * CONCRETE MONUMENT
 * SECTION CORNER
 * TELEPHONE MANHOLE
 * WATER VALVE
 DESC - DESCRIPTION
 * CATCH BASIN
 * WATER METER



LINE	BEARING	DISTANCE
L 1	S 89°48'05"W	129.29'
L 2	N 00°03'16"E	61.05'
L 3	S 45°43'37"W	28.00' MEAS 27.80' DESC
L 4	S 89°52'34"W	125.00' MEAS 123.00' DESC
L 5	S 00°07'26"W	50.00' MEAS
L 6	S 00°08'27"W	50.00' DESC
L 7	N 89°04'30"E	69.65' MEAS
L 8	N 89°08'36"E	69.65' DESC

- SURVEYOR'S NOTES:**
- ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMAL PARTS THEREOF.
 - THE EAST RIGHT OF WAY LINE OF INDIAN RIVER BOULEVARD BEARS N 44°56'14"W AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
 - ADDITIONS OR DELETIONS TO THIS MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
 - NO EXCAVATION WAS DONE BY THE SURVEYOR TO DETERMINE THE LOCATION OF THE UNDERGROUND FOUNDATION OF THE BUILDING OR BUILDINGS SHOWN HEREON.

CURACY
 EXPECTED USE OF THE LAND IS RESIDENTIAL. THE MINIMUM ACTIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 7,500 FEET WHICH WAS MET IN THE CASE OF THIS SURVEY.

TA SOURCES
 DESCRIPTION WAS PROVIDED BY THE CLIENT. NO SEARCH OF THE LIC RECORDS WAS MADE BY THIS OFFICE TO LOCATE THE EXISTENCE OF EASEMENTS OR OTHER RESTRICTIONS NOT PROVIDED BY THE CLIENT IS REPRESENTATIVE.

MEASUREMENT METHODS
 EQUIPMENT USED IN PERFORMING THE FIELD WORK ASSOCIATED WITH THIS SURVEY WAS TESTED AND CALIBRATED. ALL WORK WAS PERFORMED WITH AN ELECTRONIC TOTAL STATION BEARING DIRECTLY A MINIMUM OF 6 SECONDS PER ANGLE WITH A DISTANCE ACCURACY PART IN 50,000. ALL DATA WAS RECORDED USING A FIELD DATA COLLECTOR AND CONVENTIONAL FIELD NOTES. THE BOUNDARY WAS FORMED BY CREATING A CLOSED GEOMETRIC FIGURE AND ANY 3 SIDED WORK WAS DONE USING A REDUNDANCY OF MEASUREMENTS.

CITATIONS
 COUNTY LIES IN FLOOD ZONE AS 6, ACCORDING TO MAP 1206100242H, 20 DECEMBER 4, 2012, COMMUNITY PANEL 120121.

BOUNDARY INCONSISTENCIES
 NONE HEREON

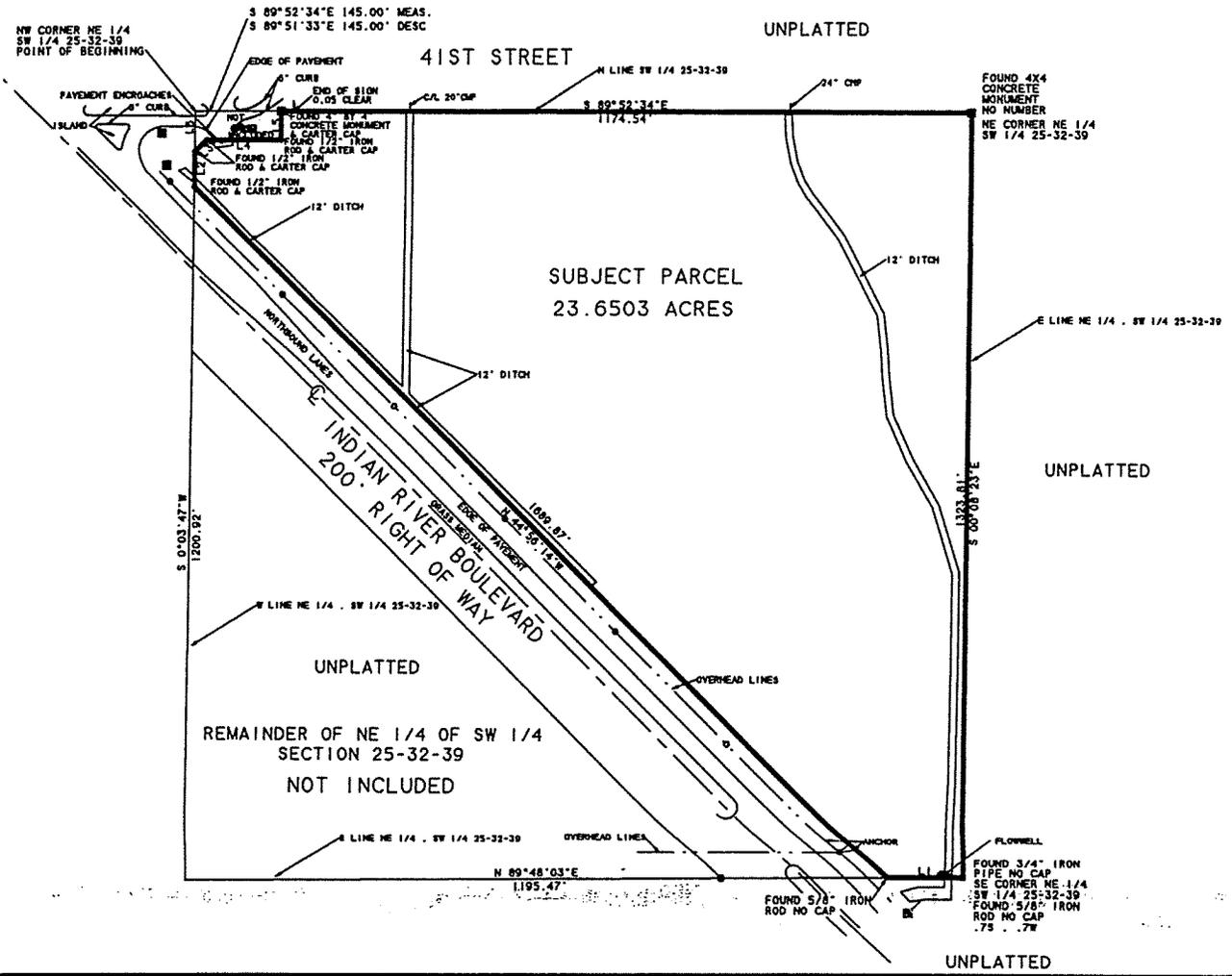
PRESENT PHYSICAL USE
 I.E. FAMILY RESIDENTIAL

ASBESTOS
 NOT PROVIDED

ADJUSTED TO:
 EXIN ASSET ADVISORS, LLC
 1425 S. BRADEN, BUNKETT, CHARLOTTE

DATE OF SURVEY: MARCH 4, 2020
 SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER

FLORIDA LICENSED SURVEYOR:
 DAVID M. JONES, FLORIDA LICENSE NUMBER LS 3700
 REGISTERED MAPPER IN BEACHES AND SANDS
 C.W. JONES, FLORIDA LICENSE NUMBER LS 3700



REVISION	BY

BOUNDARY SURVEY
 PREPARED FOR AND CERTIFIED TO
SCHWERIN ASSET ADVISORS, LLC

DAVID M. JONES
 PROFESSIONAL LAND SURVEYOR
 2288 CORTEZ AVENUE
 VERO BEACH, FL 32909
 (772) 967-9875
 (772) 967-9875

DATE	CHECKED	DATE	SCALE	JOB NO.	SHEET
3-9-20			1" = 100'	98-036	1

Indian River County Department of Utility Services
1801 27th Street, Vero Beach, Florida 32960
Phone: 772-567-8000, Fax: 772-770-5143



June 30, 2020

Re: County Water & Sewer Service Availability to:
Schwerin Property
Parcel ID# 32392500000500000001.3
Indian River County, Florida

To whom it may concern,

Be advised that any and all changes to the respective Water/Sewer service areas are required to be outlined in a franchise agreement and approved by the COVB City Council and the IRC Board of County Commissioners. Reliance on a letter or memo, which is not a valid binding obligation, is at the risk of the affected parties and could be subject to change.

Presently, County Water and Wastewater Service is available to the requested location. To access such Water and Wastewater treatment service, the Applicant may be required to pay hook-up, installation and other customary fees, comply with other routine administrative procedures, provide easements, and/or remove, relocate, install or construct line extensions and other equipment, including but not limited to pumping stations, in connection with the construction of the Development. Execution of this document does not guarantee that Water and Wastewater treatment service will be available to the Applicant in the future and does not provide the Applicant with any vested rights to receive Water and Wastewater treatment service. The availability of Water and Wastewater treatment services is subject to the approval of all applicable governmental agencies having jurisdiction over these matters. Please contact this office or visit our website, <http://www.ircutilities.com>, for further information regarding connection fees and permitting procedures. Please feel free to contact us should you have any further questions.

Best regards,

Jesse Roland

Jesse Roland, Plans Reviewer

I.R.C. Dept. of Utility Services

Ph: 772-226-1636

jroland@ircgov.com

INDIAN RIVER BLVD RESIDENTIAL DEVELOPMENT
REZONING TRAFFIC IMPACT EXECUTIVE SUMMARY

May 2020

1. Note that this Traffic Impact Executive Summary was prepared based on information found in the project's Rezoning Traffic Impact Analysis dated May 2020.
2. Location:
 - Generally located on the east side of Indian River Boulevard, south of 41st Street in Indian River County, Florida.
3. Size:
 - The development program includes the following:
 - 189 multifamily (mid-rise) dwelling units
4. External Trip Generation:
 - Net New Daily Trips = 1,028 vehicular trips
 - Net New A.M. Peak-Hour Trips = 68 vehicular trips
 - Net New P.M. Peak-Hour Trips = 83 vehicular trips
5. Area of Influence Boundaries:
 - Indian River Boulevard – from SR 60 to US 1 (northbound only)
 - 41st Street – from Old Dixie Highway to Indian River Boulevard
6. Study Intersections:
 - Not Applicable
7. Trip Distribution:
 - See Appendix of the Rezoning Traffic Impact Analysis dated May 2020
8. Internal Capture:
 - Not applicable
9. Pass-by Capture:
 - Not Applicable
10. A.M. Peak Hour Directional % (ingress/egress):
 - Multifamily Housing (Mid-Rise) - 26% in/74% out
11. P.M. Peak Hour Directional % (ingress/egress):
 - Multifamily Housing (Mid-Rise) - 61% in/39% out
12. Roadway Capacities (IRC Link Sheets):
 - Indian River Boulevard from SR 60 to N. Vero Beach City Limit (NB) = 1,960 hourly veh.
 - Indian River Boulevard from N. Vero Beach City Limit to US 1 (NB) = 1,960 hourly veh.



- 41st Street from Old Dixie Highway to Indian River Boulevard (EB) = 540 hourly veh.
- 41st Street from Old Dixie Highway to Indian River Boulevard (WB) = 880 hourly veh.

REZONING TRAFFIC IMPACT ANALYSIS

Indian River Blvd Residential
Development
City of Vero Beach, Florida



Prepared for:
Schwerin Asset Advisors, LLC

142904000
May 2020
©Kimley-Horn and Associates, Inc.
C.A. Number 00000696
445 24th Street, Suite 200
Vero Beach, Florida 32960
772-794-4100 TEL

Indian River Blvd Residential Development

REZONING TRAFFIC IMPACT ANALYSIS

Prepared for:
Schwerin Asset Advisors, LLC



Prepared by:
Kimley-Horn and Associates, Inc.
445 24th Street, Suite 200
Vero Beach, Florida 32960

May 2020

Brian A Good Digitally signed
by Brian A Good
Date: 2020.05.26
12:42:59 -04'00'

Brian Good, P.E.
Date: _____
Florida Registration No. 56939
Engineering Business No. 696

142904000

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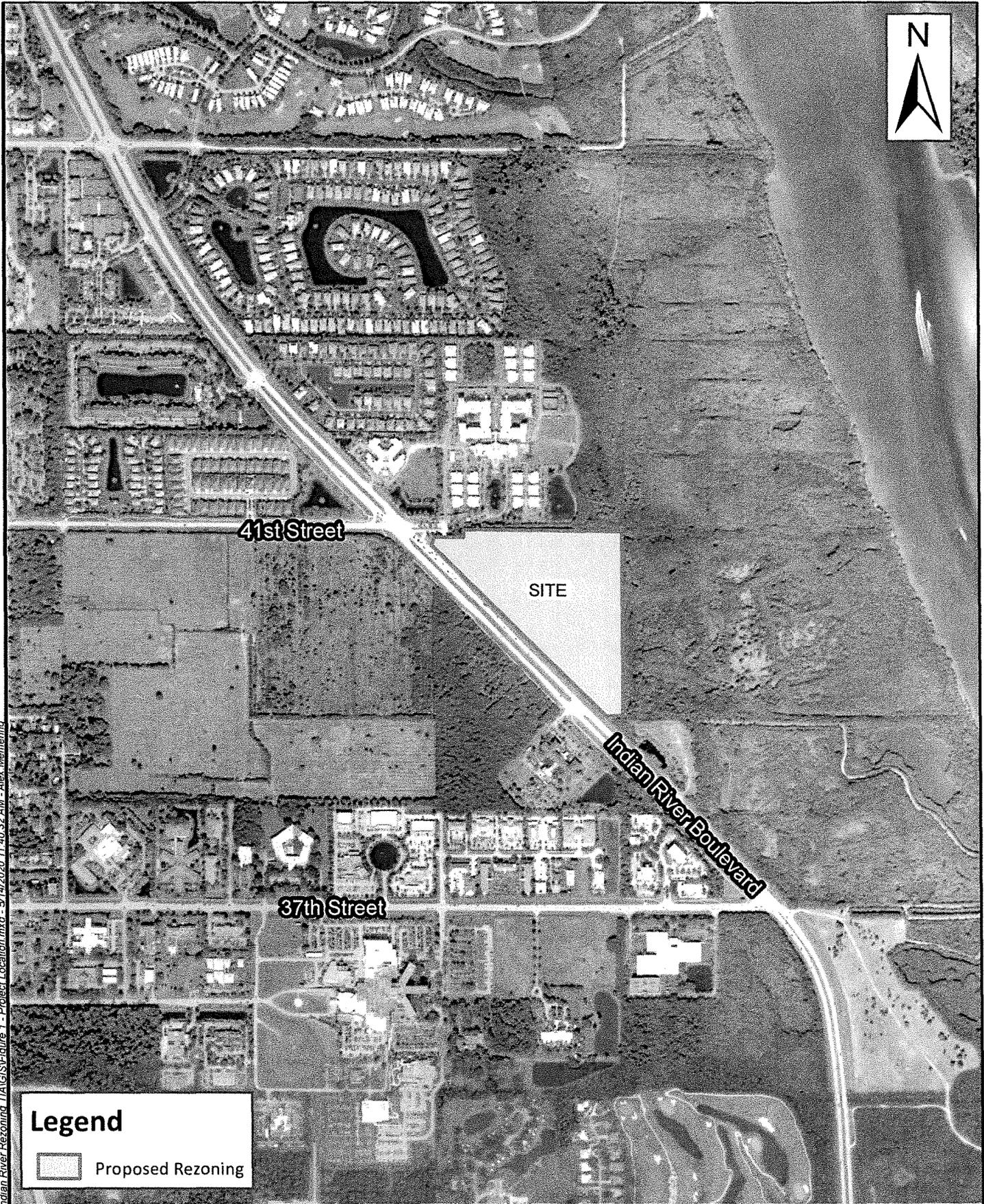
Table 2 – Intersection Analysis 7

I. INTRODUCTION

The intent of this report is to identify the potential traffic impact, if any, associated with the proposed rezoning of a 23.65-acre property generally located on the east of Indian River Boulevard, south of 41st Street in Indian River County, Florida. The property is being annexed into the City of Vero Beach. The property is currently zoned as RM-8 (multiple family residential district) and RS-1 (single family district) based upon Indian River County zoning standards and will be rezoned as RM-8 (residential multifamily medium density) based upon City of Vero Beach zoning standards. Therefore, the 23.65-acre parcel will yield 189 multifamily (Mid-Rise) dwelling units. *Figure 1* depicts the location of the parcel. The property survey is provided within the Appendix.

In accordance with City of Vero Beach Land Development Regulations, a traffic impact analysis is required to document the external traffic impacts of this proposed rezoning. The objectives of this report are as follows:

- To adequately assess the traffic impacts associated with the proposed rezoning and identify the level of off-site access and traffic control improvements required.
- To provide public agencies a comprehensive study which evaluates and documents the traffic impacts and off-site improvements, where warranted.
- To provide a technically sound basis to identify impacts and related mitigation requirements in response to off-site traffic impacts.



Legend

 Proposed Rezoning

FIGURE 1 - SITE LOCATION MAP

Kimley»Horn

© 2020 Kimley-Horn and Associates, Inc.
445 24th Street, Suite 200, Vero Beach FL 32960
Phone: 772 794 4100
www.kimley-horn.com CA 0000696

**INDIAN RIVER BLVD RESIDENTIAL DEVELOPMENT REZONING
INDIAN RIVER COUNTY, FLORIDA**

Project No.: 142904000

Not To Scale

May 2020

Page 2

K:\OCCA_Civil\142904000-Indian River Rezoning TIA\GIS\Figure 1 - Project Location.mxd - 5/14/2020 11:40:32 AM - Alex Memering

II. PROJECT TRAFFIC

The anticipated traffic impacts associated with the proposed rezoning were derived using a process of trip generation, distribution, and assignment in accordance with the requirements of the City of Vero Beach Land Development Regulations.

TRIP GENERATION

The volume of traffic generated by a site is dependent on the intended land use and size of the development. Trip generation can be defined as an estimate of the number of trips generated by a specific building or land use. These trips represent the volume of new traffic added to the roadway network.

The estimate of new trips associated with the rezoning was developed using the methodology and equations contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, Tenth Edition and the City of Vero Beach Land Development Regulations. The trip generation characteristics for the proposed uses were calculated based on the ITE land use code for multifamily housing (mid-rise) [ITE 221]. The projected number of Daily trips, AM peak hour trips, and PM peak hour trips are detailed in *Table 1*.

Table 1 – Trip Generation

Land Use	Intensity	Daily Trips	AM Peak Hour of Adjacent Street			PM Peak Hour of Adjacent Street		
			Total	In	Out	Total	In	Out
Proposed Zoning Multifamily Housing (Mid-Rise)	189 DU	1,028	68	18	50	83	51	32
	<i>Subtotal</i>	1,028	68	18	50	83	51	32
TOTAL NET EXTERNAL TRIPS (PROPOSED)		1,028	68	18	50	83	51	32
Note 1: Trip Generation was calculated using the data from ITE's Trip Generation Manual, 10th Edition Multifamily Housing (Mid-Rise) [ITE 221] Daily $T = 5.44 * (X)$; (X is number of dwelling units) AM Peak Hour of Adjacent Street $T = 0.36 * (X)$; (X is number of dwelling units); (26% in/ 74% out) PM Peak Hour of Generator $T = 0.44 * (X)$; (X is number of dwelling units); (61% in/ 39% out)								

TRIP DISTRIBUTION AND ASSIGNMENT

The distribution and assignment of project trips associated with the rezoning was derived through a gravity model based on the transportation planning modeling programs contained in the Florida Standard Urban Transportation Modeling Structure (FSUTMS). The FSUTMS programs were employed to provide an objective distribution and assignment of project trips onto the roadway network. The approved model output is provided in the Appendix.

AREA OF INFLUENCE

In accordance with the City of Vero Beach Land Development Regulations, an Area of Influence was determined for the project. This Area of Influence includes all thoroughfare network links impacted by 8 or more PM peak hour trips for a two-lane roadway and 15 or more PM peak hour trips on a roadway with four or more lanes. Based on these standards, the following roadway segments are within the project's Area of Influence:

- Indian River Boulevard – from SR 60 to US 1 (NB Only)
- 41st Street – from Old Dixie Highway to Indian River Boulevard

No roadway segments within the project's Area of Influence exceed 80% of their service capacity. Therefore, an intersection analysis is not required for the rezoning.

III. SITE ACCESS

Analysis of the site access is not required at this time because this is a proposed rezoning and not a site plan application.

IV. CONCLUSION

A proposed rezoning of a parcel generally located on the east side of Indian River Boulevard, south of 41st Street in the Indian River County, Florida. The property is being annexed into the City of Vero Beach. The development program for the rezoning traffic analysis includes up to 189 multifamily (mid-rise) dwelling units based upon City of Vero Beach zoning standards.

An analysis of the traffic impacts associated with the proposed project was performed in accordance with City of Vero Beach Land Development Regulations. The results of this analysis indicate that roadway segments within the project's Area of Influence include Indian River Boulevard and 41st Street. No roadway segments within the project's Area of Influence exceed 80% of their service capacity based upon additional project traffic. Therefore, the proposed rezoning satisfies the City of Vero Beach traffic concurrency standards.

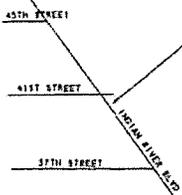
APPENDIX

SURVEY

FSUTMS MODEL OUTPUT

LINKS MAINTENANCE REPORT

SURVEY



PROJECT SITE

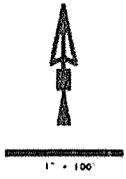
***LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 32 SOUTH, RANGE 30 EAST, INDIAN RIVER COUNTY, FLORIDA BEING THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF INDIAN RIVER BOULEVARD.

LESS HOWEVER THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 82°51'33" EAST ALONG THE QUARTER SECTION LINE, A DISTANCE OF 145 FEET; THENCE SOUTH 00°08'27" WEST, A DISTANCE OF 50 FEET; THENCE NORTH 89°51'33" WEST, A DISTANCE OF 125 FEET; THENCE SOUTH 45°08'27" WEST, A DISTANCE OF 27.80 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00°08'36" WEST, A DISTANCE OF 69.65 FEET TO THE POINT OF BEGINNING.

- LEGEND:**
- P.O.B. - POINT OF BEGINNING
 - P.O.C. - POINT OF COMMENCEMENT
 - P.R.M. - PERMANENT REFERENCE MONUMENT
 - P.C.P. - PERMANENT CONTROL POINT
 - P.C. - POINT OF CURVATURE
 - P.T. - POINT OF TANGENCY
 - I.P.I. - POINT OF INTERSECTION
 - R/W - RIGHT OF WAY
 - C - CENTERLINE
 - ELEV - ELEVATION
 - MEAS - MEASURED
 - FOUND RAIL
 - POWER POLE
 - CONCRETE MONUMENT
 - SECTION CORNER
 - TELEPHONE MANHOLE
 - WATER VALVE
 - DESC - DESCRIPTION
 - CATCH BASIN
 - WATER METER



REVISIONS	BY

LOCATION MAP

LINE	BEARINGS	DISTANCE
L 1	S 89°48'05"W	129.29'
L 2	N 00°03'10"E	61.05'
L 3	S 45°43'57"W	28.00' MEAS 27.40' DESC
L 4	N 89°52'34"W	125.00' MEAS
L 5	N 89°51'33"W	125.00' DESC
L 6	S 00°07'26"W	50.00' MEAS
L 7	S 00°06'27"W	50.00' DESC
L 8	N 00°08'30"E	69.65' MEAS 69.65' DESC

SURVEYOR'S NOTES:

1. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMAL PARTS THEREOF.
2. THE EAST RIGHT OF WAY LINE OF INDIAN RIVER BOULEVARD BEARS N 45°50'14"W AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
3. ADDITIONS OR DELETIONS TO THIS MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
4. NO EXCAVATION WAS DONE BY THE SURVEYOR TO DETERMINE THE LOCATION OF THE UNDERGROUND FOUNDATION OF THE BUILDING OR BUILDINGS SHOWN HEREON.

***ACCURACY**
THE EXPECTED USE OF THE LAND IS RESIDENTIAL. THE MINIMUM RELATIVE DISTANCE ADJUST FOR THIS TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 7,500 FEET WHICH HAS MET IN THE CASE OF THIS SURVEY.

***DATA SOURCES**
THE DESCRIPTION WAS PROVIDED BY THE CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THIS OFFICE TO LOCATE THE EXISTENCE OF EASEMENTS OR OTHER RESTRICTIONS NOT PROVIDED BY THE CLIENT OR HIS REPRESENTATIVE.

***MEASUREMENT METHODS**
ALL EQUIPMENT USED IN PERFORMING THE FIELD WORK ASSOCIATED WITH THIS SURVEY WAS TESTED AND CALIBRATED. ALL WORK WAS PERFORMED WITH AN ELECTRONIC TOTAL STATION READING DIRECTLY TO A MINIMUM OF 6 SECONDS PER ANGLE WITH A DISTANCE ACCURACY OF 1 PART IN 50,000. ALL DATA WAS RECORDED USING A FIELD DATA COLLECTOR AND CONDITIONAL FIELD NOTES. THE BOUNDARY WAS PERFORMED BY CREATING A CLOSED GEOMETRIC FIGURE AND ANY SIDE SHOTS WERE DONE USING A REDUNDANCY OF MEASUREMENTS.

***LIMITATIONS**
PROPERTY LIES IN FLOOD ZONE AE 0, ACCORDING TO MAP 120610024H, DATED DECEMBER 4, 2012, COMMUNITY PANEL 120121.

***BOUNDARY INCONSISTENCIES**
AS SHOWN HEREON

***APPARENT PHYSICAL USE**
SINGLE FAMILY RESIDENTIAL

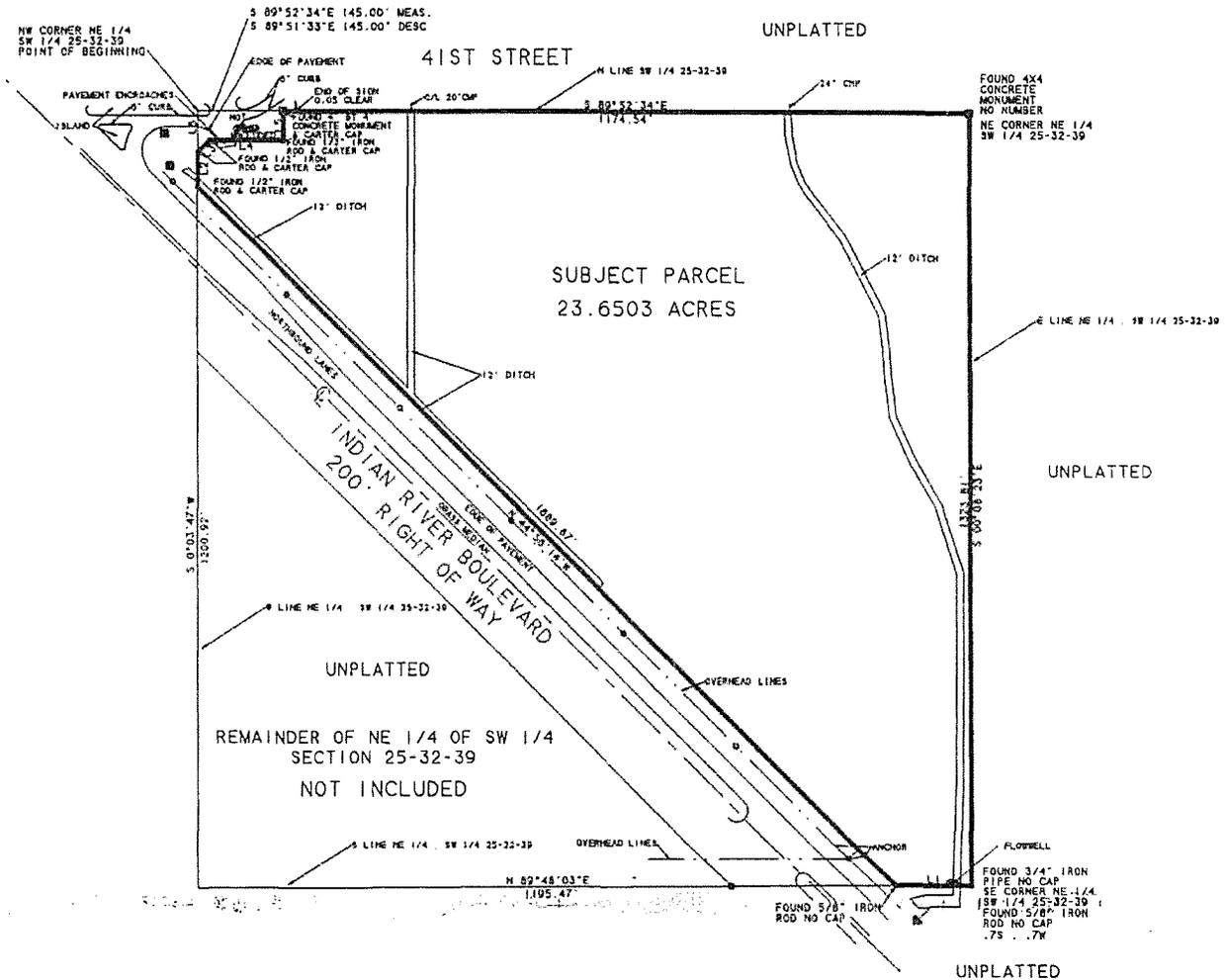
***EASEMENTS**
NONE PROVIDED

***CERTIFIED TO:**
SCHWERIN ASSET ADVISORS, LLC
COLLINS, BROWN, BARNETT, CHARTERED

***DATE OF SURVEY:** MARCH 4, 2020

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NAMED BELOW.

DAVID M. JONES, FLORIDA LICENSE NUMBER LS 3600

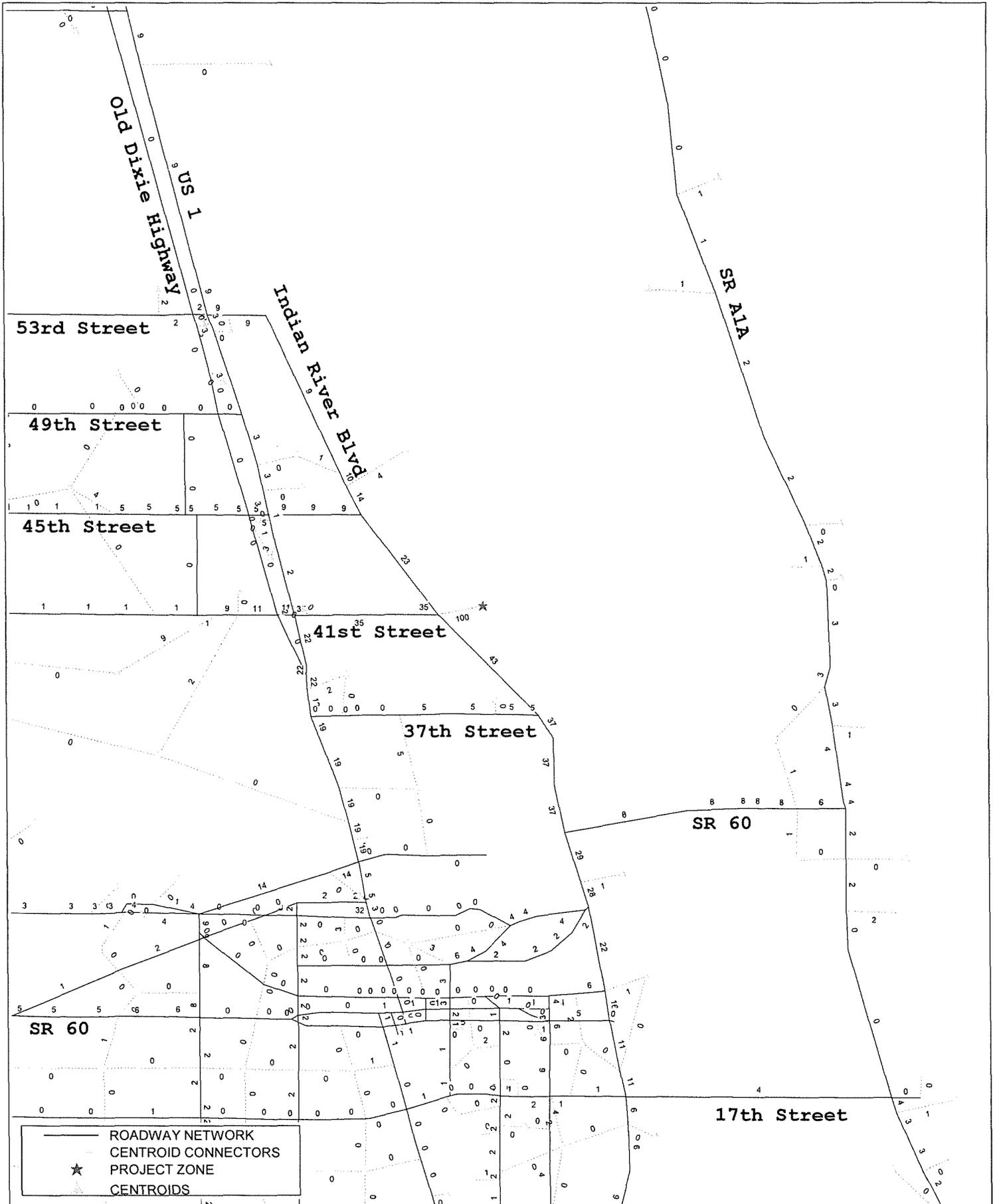


BOUNDARY SURVEY
 PREPARED FOR AND CERTIFIED TO
SCHWERIN ASSET ADVISORS, LLC

DAVID M. JONES
 PROFESSIONAL LAND SURVEYOR
 2595 WALTER AVENUE
 TAMPA FLORIDA 33606
 (772) 507-9975
 (813) 973-1130

DATE	BY
3-5-20	DMJ

FSUTMS MODEL OUTPUT



MODEL RUN - INDIAN RIVER BOULEVARD RESIDENTIAL REZONING
 TRAFFIC DISTRIBUTION (PERCENTAGES)

4/29/2020

LINKS MAINTENANCE REPORT

Indian River County - Links Maintenance Report

Released in March 2020

								PROJECT TRAFFIC IMPACT CALCULATIONS					
Link #	Link Description	Capacity	Existing Volume	Vested Trips	Total Demand	Available Capacity	% of Capacity	Project Traffic % Assignment	Project Traffic in or out	Project Traffic	Within Area of Influence ?	Exceed 80% w/ Project ?	Required Intx Analysis ?
1160N	INDIAN RIVER BD.//S.R. 60//NORTH VB CITY L	1,960	1,236	0	1,236	724	63.1%	37%	IN	19	Yes	No	No
1170N	INDIAN RIVER BD.//NORTH VB CITY L//US 1	1,890	762	0	762	1,128	40.3%	43%	IN	22	Yes	No	No
4450E	41ST ST//OLD DIXIE HWY//INDIAN RIV BD	540	225	0	225	315	41.6%	35%	OUT	11	Yes	No	No
4450W	41ST ST//OLD DIXIE HWY//INDIAN RIV BD	880	272	0	272	608	30.9%	35%	IN	18	Yes	No	No

IV.D.

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Steve Lauer and
 Planning and Zoning Board Members

FROM: Jason H. Jeffries, AICP ^{JHJ}
 Director of Planning and Development

DATE: July 16, 2020

SUBJECT: **Public Hearing on an Ordinance to Amend Chapter 60
 (Appendix, Definitions), Relating to a Definition for,
 Room or Room Unit.**

OVERVIEW

Lee Heaton on behalf of 1716 All Suite Hotel, LLC (applicant) is proposing a text amendment to Chapter 60 (Appendix, Definitions), to add a definition for room or room unit for the purpose of calculating room density for such uses as hotels or congregate living facilities. The definition will provided clarity in application of calculating room density for hotels and congregate living facilities or similar uses that calculate density by room units.

BACKGROUND

The City’s zoning code requires that hotels or congregate living facilities have a maximum number of rooms based on the land parcel size and the maximum room density per acre permitted by the particular commercial zoning district. This calculation of room density is consistent with the maximum room density established by policy in the City’s Comprehensive Plan. This calculation is similar to the dwelling unit density calculation for residential uses. Chapter 60 Appendix, Definitions, provides a definition for dwelling unit, but does not provide a definition for room or room units.

SUMARY OF PROPOSED CODE

The following is the proposed definition to be added to Chapter 60:

- *Room or room unit.* For purposes of calculating density based on room units for such uses including, but not limited to, hotels or congregate living facilities, a “room unit” is one or more rooms in a residential building or transient visitor accommodation building or portion thereof that is arranged, designed, used or intended for use as a single unit for living, sleeping, and sanitation. A “room unit” should not contain complete cooking facilities or kitchen, but may have limited cooking facilities, such as a kitchenette, mini-bar, or wet bar. For purpose of measurement, where a room suite with a single exterior door contains two or more rooms, each two sleeping rooms shall be counted as a single room unit.

STAFF REVIEW AND ANALYSIS

The staff reviewed the proposed text amendments to the Land Development Regulations based on the standards outlined in Section 65.22(i)(1) and (3) of the City of Vero Beach Code. The

Planning Board Members
Room or Room Unit Definition
July 16, 2020

staff's analysis and findings are as follows:

Justification for the Amendment. The applicant prepared a justification statement for the text amendment. In summary, the justification is stated as follows: the proposed text amendment will serve the public by providing clarity in the code for the definition of room or room units.

The staff finds the text amendment in the attached proposed ordinance to be justified and warranted pursuant to Section 65.22(i)(1) based upon the above facts.

Consistency with the Comprehensive Plan. The staff finds the text amendment, as proposed by staff, to be consistent with the following objective and policies of the Land Use Element of the City's Comprehensive Plan:

Land Use Objective 3. Land Development Regulations and Administration. The City should administer and maintain its Land Development Regulations in a manner consistent with the goals, objectives, and policies of this and other elements of the Comprehensive Plan and should revise these regulations as needed and appropriate to: 1) improve their readability, clarity, conciseness, and ease of administration; 2) create incentives and standards promoting mixed use, infill, and pedestrian/bicycle connected development in older residential neighborhoods and commercial areas; 3) reduce incompatibility between adjacent uses and maintain community character; and 4) promote diverse and distinctive commercial and neighborhood areas with a sense of place.

Policy 3.2 The City should regulate the use and development of land through its Land Development Regulations in a reasonable and transparent manner, that respects private property rights, serves the public interest, and provides for due process and adequate public involvement in the development permitting process.

The proposed amendment to add a definition to Chapter 60 relating to room or room unit will provide clarity with calculating room density for hotel or congregate living facilities and is consistent with Objective 3 to improve the clarity and ease of administration of the land development regulations (LDR). Consistent with policy 3.2, the proposed text amendment provides transparent definitions for the application of room density calculations in the LDR.

Consistency with Land Development Regulations. The proposed Ordinance ensures consistent interpretation of room or room units for calculating room density for hotels, congregate living facilities, and similar uses; therefore, the staff finds the proposed ordinance is consistent with the Land Development Regulations.

RECOMMENDATION

The staff recommends the Planning and Zoning Board approval of the attached draft ordinance for transmittal to the City Council for favorable consideration.

JHJ
Attachments

1 **WHEREAS**, the City Council, after providing legal notice and holding a public hearing,
2 finds that the Code amendments provided in this Ordinance serve a municipal purpose and promote
3 and protect the public health, safety, and welfare to add the definition for room or room unit to the
4 land development regulations.

5
6 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
7 **OF VERO BEACH, FLORIDA THAT:**

8
9 **Section 1 – Adoption of “Whereas” clauses.**

10 The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the
11 legislative findings, purpose, and intent of this Ordinance.

12
13 **Section 2 – Amendment of Chapter 60. – Appendix - Definitions.**

14 The following definition is added to Chapter 60 of the Land Development Regulations. Except as
15 amended herein, the remainder of Chapter 60 remains in full force and effect.

16 Room or room unit. For purposes of calculating density based on room units for such uses
17 including, but not limited to, hotels or congregate living facilities, a “room unit” is one or more
18 rooms in a residential building or transient visitor accommodation building or portion thereof that
19 is arranged, designed, used or intended for use as a single unit for living, sleeping, and sanitation.
20 A “room unit” should not contain complete cooking facilities or kitchen, but may have limited
21 cooking facilities, such as a kitchenette, mini-bar, or wet bar. For purpose of measurement, where
22 a room suite with a single exterior door contains two or more rooms, each two sleeping rooms
23 shall be counted as a single room unit.

24
25 **Section 3 – Codification.**

26 The provisions of this Ordinance shall be codified in the Code of Ordinances of the City of Vero
27 Beach, Florida.

28
29 **Section 4 – Conflict and Severability.**

30 In the event any provision of this Ordinance conflicts with any other provision of the Code or any
31 other ordinance or resolution of the City of Vero Beach on the subject matter of this Ordinance,
32 the more strict provision shall apply and supersede. If any provision of this Ordinance is held to
33 be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction,
34 such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall
35 be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

36
37 **Section 5 – Effective Date.**

38 This Ordinance shall become effective upon final adoption by the City Council.
39
40
41
42
43

This Ordinance was read by title for the first time on the ____ day of _____ 2020, and was advertised on the ____ day of _____ 2020, for a public hearing to be held on the ____ day of _____ 2020, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote of the City Council:

Mayor Anthony W. Young _____
Vice Mayor Laura Moss _____
Councilmember Robert Bracket _____
Councilmember Joseph Graves _____
Councilmember Rey Neville _____

ATTEST: CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Anthony W. Young
Mayor

ADMINISTRATIVE REVIEW
(For Internal Use Only—Sec. 2-77 COVB Code)

Approved as to form and
legal sufficiency:

Approved as conforming to
municipal policy:

John S. Turner
City Attorney

Monte K. Falls
City Manager

Approved as to technical requirements:

Jason H. Jeffries, AICP
Planning and Development Director

ZONING TEXT AMENDMENT APPLICATION

City of Vero Beach Planning and Development Department
P.O. Box 1389, Vero Beach, FL 32961-1389
(772) 978-4550 – Fax (772) 778-3856

Date Received 7/1/20

Application # Z20-000010-TXT

TO: Director, Planning and Development Department

- 1. The undersigned hereby petitions the City of Vero Beach for a change of the Zoning Ordinance and that the necessary hearings by the Planning and Zoning Board and the City Council be called to consider a change as summarized below:

See attached



2. Applicant Name: 1716 All Suite Hotel, LLC

Mailing Address: 277 Royal Poinciana Way

Suite 156

Palm Beach, Florida 33480

Telephone #: 561.833.5500 Fax #: n/a

On a separate sheet(s), provide justification for the proposed change.

[Signature]
Applicant's Signature

June 29th 2020
Date

<i>Application Fee:</i> *	Change in Permitted Uses	\$2,160
	All Other Text Changes	\$1,620

* See attached fee schedule for additional advertising and administrative costs.

1716 All Suites Hotel, LLC

277 Royal Poinciana Way, #156
Palm Beach, Florida 33480

June 29, 2020

Jason Jefferies
Planning and Development Director
City of Vero Beach
1053 20th Place
Vero Beach, FL. 32961

RE: 1716 All Suites Hotel, Text Amendment Application

Jason,

I request the following definition be added to the City's Code:

Definition to Chapter 60 Appendix, Definitions:

Room or room unit. For purposes of calculating density based on room units for such uses including, but not limited to, hotels or congregate living facilities, a "room unit" is one or more rooms in a residential building or transient visitor accommodation building or portion thereof that is arranged, designed, used or intended for use as a single unit for living, sleeping, and sanitation. A "room unit" should not contain complete cooking facilities or kitchen, but may have limited cooking facilities, such as a kitchenette, mini-bar, or wet bar. For purpose of measurement, where a room suite with a single exterior door contains two or more rooms, each two sleeping rooms shall be counted as a single room unit.

I have provided responses to the two questions which were on the text amendment application below.

1. *Describe why the text amendment is needed and public purpose served by the amendment.*

Answer: The Text Amendment is needed in order to clarify the code. The code is not clear and therefore is left to interpretation which could impact the land owner, purchase and the public.

2. *Describe how the text amendment is consistent with relevant goals, objectives and policies of the Comprehensive Plan and internally consistent with the purposes, permitted uses, bulk regulations, and other criteria and standards of the zoning ordinance that are not the subject of the proposed amendment.*

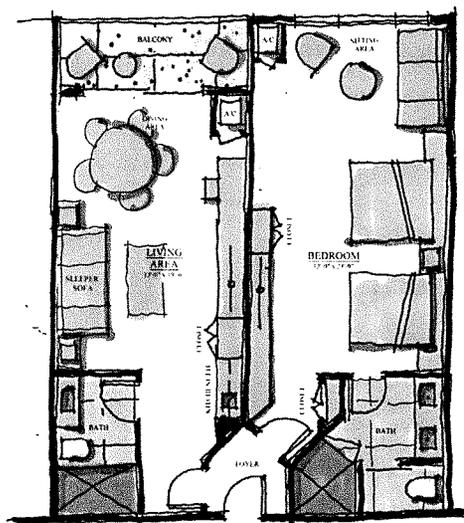
Answer: We believe that the Text Amendment language proposed is consistent with the following relevant goals because it is reasonable, transparent, and serves the public interests.

Land Use Objective 3. Land Development Regulations and Administration. The City should administer and maintain its Land Development Regulations in a manner consistent with the goals, objectives, and policies of this and other elements of the Comprehensive Plan and should revise these regulations as needed and appropriate to: 1) improve their readability, clarity, conciseness, and ease of administration; 2) create incentives and standards promoting mixed use, infill, and pedestrian/bicycle connected development in older residential neighborhoods and commercial areas; 3) reduce incompatibility between adjacent uses and maintain community character; and 4) promote diverse and distinctive commercial and neighborhood areas with a sense of place.

Policy 3.2 The City should regulate the use and development of land through its Land Development Regulations in a reasonable and transparent manner, that respects private property rights, serves the public interest, and provides for due process and adequate public involvement in the development permitting process.

Thank you,

Lee Heaton



TYPICAL SUITE FLOOR PLAN

1/4" = 1'-0"

THE ALL SUITE HOTEL

1716 HWY A1A
VERO BEACH, FLORIDA

RANDALL STOFFT
ARCHITECTS
621 Olive Street, Suite 200
Delray Beach, Florida, 33484

11.12.2019 (DWG)
06.17.2020 (DWG) - R1
07.07.2020 (DWG) - R2

Y:\Users\paul@randallstoft.com\Projects\1716 HWY A1A\1716 HWY A1A - PROJECT PRELIMS.dwg 7/7/2020 3:25:10 PM