AGENDA
REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD
THURSDAY, AUGUST 1, 2019, AT 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA

I. PRELIMINARY MATTERS

Agenda Additions and/or Deletions

II. PUBLIC COMMENT

III. PUBLIC HEARING

[Legislative]
A. An Ordinance of the City of Vero Beach, Florida; Requested by Florida Institute of Technology to Annex Property Located at 805 46th Place East, Containing 4.0 Acres More or Less, Pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date (#AX19-000002)

[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 Land from Indian River County Designation L-1, Low-Density Residential-I to City of Vero Beach Designation C, Commercial for the Property Located at 805 46th Place East, Containing 4.0 Acres More or Less; Providing for an Effective Date (#C19-000003-FLUM-MAP)

[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 Land from Indian River County Designation RS-3, Single-Family Residential District to City of Vero Beach Designation C-1A, Tourist Oriented Commercial District, for the Property Located at 805 46th Place East, Containing 4.0 Acres More or Less; Providing for an Effective Date (#Z19-000008-MAP)

[Legislative]
D. An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60 (Appendix. Definitions) of the Land Development Regulations to Add the Definitions of Beach Club and Club, Private; Amending Section 62.35 (Permitted Uses) of the Land Development Regulations to Add Beach Club as a Permitted Use in the C-1A Zoning District; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date (#Z19-000012-TXT)

This application has been withdrawn by the applicant.
[Legislative]

E. An Ordinance of the City of Vero Beach, Florida, Amending Sections 60.15 (Building Height Measurements) and 62.38 (Development Guidelines) of the Land Development Regulations to Add an Exception for Rooftop Decks, Patios, and Pools for the Embellishment Measurement in the C-1A Zoning District; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date (#Z19-000013-TXT)

This application has been withdrawn by the applicant.

IV. PLANNING DEPARTMENT MATTERS

V. BOARD MEMBERS’ MATTERS

VI. ADJOURNMENT
DEPARTMENTAL CORRESPONDENCE

TO: Chairman Carroll and the Planning and Zoning Board Members

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

FROM: Cheri B. Fitzgerald, AICP
Principal Planner

DATE: July 23, 2019

SUBJECT: Voluntary Annexation Application (#AX19-000002); Property Address – 805 46th Place East (North SR A1A)

Overview

The City received a voluntary annexation application petitioning the City Council to annex a parcel located at 805 46th Place East (east of north SR A1A). The subject parcel is contiguous to the City limits to the south.

Based on the Voluntary Annexation Procedures, adopted by the City Council on June 2, 2009, 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 (#AX19-000002)
- Applicant: Florida Institute of Technology, Inc.
- Site Location: 805 46th Place East (east of SR A1A)
- Parcel #: 32-40-32-00000-0010-00004.0
- Size of Property: 4 acres more or less
- Existing Use: Research and Development
- Existing FLUM: County, L1, Low Density Residential
- Proposed FLUM: City, C, Commercial
- Existing Zoning: County, RS-3, Single Family Residential
- Proposed Zoning: City, C-1A, Tourist Oriented Services Commercial
In general, the reasons the applicant is seeking the annexation as stated in the attached application include:

- the proximity of the subject property to the City limits (adjacent on the south side);
- the property is now an enclave surrounded by two municipalities (Indian River Shores to the north and west, to south the City);
- benefits of the service of the City police;
- a voice in the City's development and governing; and
- redevelopment of the parcel under City regulations is preferred.

The applicant seeks a City Comprehensive Plan Future Land Use Map designation of C, Commercial and C-1A, Tourist Oriented Commercial Services Zoning District. As stated in the application, development of the subject property in a manner consistent with the adjacent properties in the city limits and Indian River Shores will be more favorable to the productive use of the property. The benefits include having the entire portion of the property zoned C-1A.

**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 following: An Ordinance annexing property located at 805 46th Place East, Vero Beach, Florida.

Attachments
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 5/30/19 Application #: AX 19-000002

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 FLA INST OF TECHNOLOGY, INC.
c/o Barry G. Segal, Esquire
Telephone (772) 567-5552
Fax #: (772) 567-5772

MAILING ADDRESS 3096 Cardinal Drive, Suite 2C, Vero Beach, FL 32963

SITE OWNER FLA INST OF TECHNOLOGY, INC.
Telephone (321) 674-8756
Fax #: 0

OWNER ADDRESS 150 W UNIVERSITY BLVD, MELBOURNE, FL 32901

SITE LOCATION 805 46TH PL E VERO BEACH, FL 32963

PARCEL I.D. NUMBER 3240200000001000004.0

LEGAL DESCRIPTION See attached

EXISTING USE Research & Development

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

Comp Plan L1 Zoning RS-3

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 C Zoning C1A

Applicant Signature

Date May 29 2019

(772) 567-5552 Telephone #

Property Owner Signature(s)*

Date May 29 2019

(772) 567-5552 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.
In addition to receipt by the City of this Voluntary Annexation Application form, the following minimum information is necessary to begin the voluntary annexation process:

1. Receipt by the City of a formal letter requesting annexation signed by **all** owners of property in the area to be annexed. The letter requesting annexation may be accompanied by legal documentation indicating that all signatories are property owners; copies of property deeds or corporate documents from the State of Florida may be acceptable.

2. Five (5) copies of property surveys which includes a complete legal description, accurate acreage, parcel dimensions, the location of road center lines, the current City limits, mean high water and other appropriate landmarks. *Also include an 8-½” X 11” copy of the survey.*

3. Recent property tax bills or records from the Indian River County Tax Collector or Property Appraiser. This information is helpful in determining the potential property tax benefit/impact to the property owner and City.

4. A brief statement of why the applicant seeks annexation.

5. A brief statement of why the applicant seeks the desired City Comprehensive Land Use Plan and Zoning designations stated on page 1 of this application.

Please contact the City of Vero Beach Planning and Development Department if you have questions or require more information at (772) 978-4550.
May 16, 2019

City of Vero Beach
City Council
PO Box 1389
Vero Beach, Fl. 32961-1389

Re: Request for Annexation
805 46th Place E.
Vero Beach, Fl.

Dear Councilpersons:

This shall confirm that Florida Institute of Technology, Inc., as owner of the above-referenced property, requests that it be annexed into the City of Vero Beach and be assigned a Commercial Future Land Use Designation and C1-A zoning. Barry G. Segal, Esq. is authorized to represent the university before the Council regarding this request.

Sincerely,

T. Dwayne McCay
President
Justification Statement for Annexation into the City

The applicant is requesting annexation due to the site’s proximity to the City’s limits (it is adjacent to the City on the property’s south side). The site is currently within unincorporated Indian River County and is an enclave surrounded by two municipalities, namely the Town of Indian River Shores to the north and west and the City of Vero Beach to the south. The property is also adjacent to Indian River County’s Tracking Station Park to the north.

The owners of this property would benefit greatly by the service of the City of Vero Beach Police Department. Due to this property's position between two municipalities, the Indian River County Sheriff’s office does not provide a routine or scheduled presence in the area. As a policy, Sheriff's deputies only patrol or take action inside of a municipality at the request of that municipality’s law enforcement agency. As such, it is not practical or realistic to expect a deputy to be within a five to six mile radius of the property at any time. To the extent that the Sheriff’s office limits its presence in the barrier island patrol zones, this problem is further exacerbated.

Whether this property is annexed into the City of Vero Beach or not, its owners will be greatly affected by the city’s development, management and business. Access to the property is by way of travel through the city limits and the enjoyment of various amenities, community events and businesses will be of those located inside the city limits. Accordingly, participation in the governing of the city will be of great importance to the residents of the property and participation in that governance will be an excellent opportunity for the owners and the city as a whole. Involvement will take many forms including voting for elected leaders, running for office or volunteering for one of the many boards or committees. For this reason alone, annexation provides a tremendous benefit to the property and its occupants.

Development of this property pursuant to Vero Beach's development regulations and comprehensive plan will provide additional benefits to the property owner. The development of this property in a manner consistent with the adjacent properties in the city limits will be more favorable to a constructive and productive use of the property. These benefits include the potential of having the property zoned C1A for the entire portion of the property. The property is already serviced by the City of Vero Beach for its utility service. Most importantly, the property would be a consistent continuance of the City’s commercial node to its south. Annexation into the Town of Indian River Shores is feasible but would not as favorable since it would leave Tracking Station Park as an enclave. Moreover, development under the County's land development regulations would not be as favorable as under the City's existing regulations.
Overview

The City received a voluntary annexation application (copy attached) petitioning the City Council to annex a parcel of land located at 805 46th Place East (North SR A1A) (aerial location and sketch maps attached).

Based on the Annexation Policies and Procedures, Item C., adopted by the City Council on June 2, 2009, this is the Voluntary Annexation Report for the subject property.

General Policies and Procedures

The adopted Annexation Policies and Procedures, Item A. 6., 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.”

Response: The existing County future land use is L1, Low Density Residential. The proposed future land use in the City is C, Commercial. The existing County zoning district is RS-3, Single Family Residential. The proposed City zoning district is C-1A, Tourist Commercial Services.

In this case, the City Council policy would need to be modified to designate the proposed future land use and zoning district that are not comparable to the existing County designations.

Annexation Criteria

The following criteria shall be considered in evaluating and approving petitions for annexation and by the City Council (per the City’s adopted Annexation Policies and Procedures, Item B.).

1. 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.

2. 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.

3. Annexed area will not decrease the quality or availability of municipal services within the existing city limits.

**Response to Items #1-3 above:** Impacts on city services, facilities and revenues. 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 City water and sewer facilities have the capacity to provide both water and sewer service for the proposed property.

Based on the Indian River County Tax Collector records, the current assessed value (2018) of the subject property is $2,551,014. Based on that value the annual projected ad valorem tax revenue to the City of Vero Beach from the property is approximately $6,427 (2.5194 millage rate). The anticipated revenue should offset any increase in service costs to the City.

4. 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.

**Response:** 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 south. The proposed annexation is compliant with Florida Statues.

Documentation provided by legal counsel in the attached memorandum. The attached aerial location and sketch maps for the subject property provide visual details.

5. 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.

**Response:** The proposed annexed area does provide for control over growth as the parcel will be subject to City regulations and land development regulations.
6. Annexed area is within the City of Vero Beach Annexation Reserve Area (generally conforms to the City's service areas for water and sewer utilities).

   **Response:** The proposed annexed area is within the City's utilities service area.

**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

Approved as conforming to municipal policy:

[Signature]
Monte K. Falls, City Manager

7/23/19
Date
SKETCH OF PROPERTY DESCRIPTION
VOLUNTARY ANNEXATION
PORTION OF GOVERNMENT LOT 1
SECTION 20-32-40

AERIAL OVERVIEW
CITY PROJECT NO. 2019-AX-02

DEPARTMENT OF PUBLIC WORKS
SURVEY & ENGINEERING DIVISION

CITY OF VERO BEACH

REV. NO. 5

DRAWN BY DG
CHKED BY MKF

DATE 06/2019

DESCRIPTION
MEMORANDUM

TO: Cheri B. Fitzgerald, AICP, Principal Planner
FROM: Heather M. Ramos
DATE: June 14, 2019

SUBJECT: Voluntary Annexation Application, 805 46th Place E., Parcel 3240290000000100001.0

The City of Vero Beach has received a voluntary annexation application for the following described parcel of property:

- Parcel - 3240290000000100001.0
- 805 46th Place E., Vero Beach, FL 32963
- Current location - unincorporated Indian River County
- Owner – Florida Institute of Technology, Inc.

The proposed annexation is a voluntary annexation governed by Section 171.044 of the Florida Statutes. We have reviewed the information provided on the Indian River County Property Appraiser’s website and in the City’s Annexation Application Package and have determined that the property is contiguous to the City of Vero Beach, reasonably compact, and if annexed, will not result in the creation of any enclaves.

We suggest that the City confirm that T. Dwayne McCay has the authority to sign on behalf of the Owner.

Additionally, sections 171.044 and 171.091 of the Florida Statutes 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. 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 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.
ORDINANCE NO. 2019-___

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA; REQUESTED BY FLORIDA INSTITUTE OF TECHNOLOGY, INC. TO ANNEX PROPERTY LOCATED AT 805 46th PLACE EAST, CONTAINING 4.0 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 “A” attached and incorporated herein, Florida Institute of Technology, Inc. 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, Indian River County has been provided notice of this annexation proceeding by certified mail at least ten (10) days before this ordinance was advertised, 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 4.0 acres more or less which is located at 805 46th Place East, and which is more particularly described in the Exhibit “A” 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.

Plus Exhibit(s) incorporated by reference
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.

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 ______, 2019, and was advertised on the ____ day of ________, 2019, and one week later on the ____ day of ________, 2019 as being scheduled for a public hearing to be held on the ____ day of ________, 2019, at the conclusion of which hearing it was moved for adoption by Councilmember ________________, seconded by Councilmember ________________ and adopted by the following vote:

Mayor Val Zudans
Vice-Mayor Anthony W. Young
Councilmember Laura Moss
Councilmember Harry Howle, III
Councilmember Robbie Brackett

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Val Zudans
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

Plus Exhibit(s) incorporated by reference
TO: Chairman Carroll and the Planning and Zoning Board Members

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

FROM: Cheri B. Fitzgerald, AICP
Principal Planner

DATE: July 24, 2019

SUBJECT: City Sponsored Request to Amend the Future Land Use Map for Annexed Property (Amendment Application #C19-000003-FLUM-MAP)

Overview

This is a City sponsored request to amend the City's Future Land Use Map (FLUM) for annexed property from L1, Low Density Residential (Indian River County) to C, Commercial (City of Vero Beach). The request is a small-scale (4.0 acres more or less) map amendment. Attached is a draft ordinance for City Council consideration.

Background and Existing Conditions

The Planning and Development Department received a Future Land Use Map Amendment application as part of an application to annex land into the city limits. The request is to designate the parcel C, Commercial on the City's Future Land Use Map. Specific details contained in the application include the following information:

Applicant: Florida Institute of Technology, Inc.
Site Location: 805 46th Place East (east of north SR A1A)
Parcel #: 32-40-32-00000-0010-00004.0
Size of Property: 4.0 acres more or less
Existing Use: Research and Development
Existing FLUM: County, L1, Low Density Residential
Proposed FLUM: City, C, Commercial

The parcel is contiguous to the current city of Vero Beach City limit boundary line to the south. The subject property is partially developed with university research and development facilities. Existing commercial development is adjacent to the west of the subject parcel (CVS Pharmacy and 7-Eleven Convenience Store). The property to the south is in the City and is currently vacant or undeveloped. To the north is the Indian River County Tracking Station Park. To the east is the Atlantic Ocean.
The parcel is currently designated L1, Low Density Residential on the County's Future Land Use Map. The land use designation allows residential uses and public parks on the property. The proposed City future land use is C, Commercial.

The adjacent future land use map designations are: to the north L1, Low Density Residential (Indian River County); to the south C, Commercial (City of Vero Beach); and to the west CL, Limited Commercial (Indian River Shores).

A listing of existing land uses and future land use designations on and surrounding the subject property include the following:

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Land Uses</th>
<th>Land Use Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>IRC Tracking Station Park</td>
<td>L1, Low Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>Vacant – Undeveloped Land</td>
<td>C, Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Atlantic Ocean</td>
<td>N/A</td>
</tr>
<tr>
<td>West</td>
<td>Commercial Retail (CVS &amp; 7-Eleven Stores)</td>
<td>CL, Limited Commercial</td>
</tr>
</tbody>
</table>

Amendment Evaluation

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.

Since the subject property is an annexed parcel the City of Vero Beach’s Annexation Policies and Procedures are reviewed. The general policies and procedures state: “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 future land use designation is not comparable with the existing County designation as more fully described below. The reason and justification for the land use designation follows.
Justification for Amendments. 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 1.10. "The Commercial C Land Use designation shall be applied to those areas that are suitable for small to medium scale urban development and intensities. Those areas shall be limited to lands located near existing urban uses, or near the center of several neighborhoods, or areas in transition from residential uses to nonresidential uses. These uses shall be further limited to high access locations such as the intersections of arterial and collector streets or adjacent to arterial or collector streets. This land use category shall or may allow a broad mixture of residential, mixed residential, marinas, institutional, and nonresidential uses and supportive community services depending upon whether the use is listed as a permitted use or conditional use in the applicable underlying zoning district."

The subject property is suitable for small to medium scale urban development and intensities based on the applicable criteria stated in Policy 1.10 as follows:

- The area limited to lands located near existing urban uses. The subject property is located adjacent to existing urban uses, such as the
properties to the west, which include commercial/retail uses (i.e. CVS Pharmacy and 7-Eleven convenience store). The property is located between the existing C, Commercial Future Land Use Designation along SR A1A from the County’s Tracking Station Park (north) to the City’s Jaycee Park (south).

- These uses shall be further limited to high access locations such as the intersections of arterial and collector streets or adjacent to arterial or collector streets. The subject property has roadway access through 46th Place East (local street) and SR A1A (urban minor arterial).

**Finding:** The staff finds that the request to amend the Future Land Use Map is consistent with Policy 1.10 as it is adjacent to existing urban uses and has roadway access to SR A1A.

- 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 Plan states there is available capacity to support future demand on public facilities and services such as sewer, water, solid waste, and roads.

As part of the applicant’s application for the proposed amendment (item #5) redevelopment assumptions were evaluated based on the existing use (university research and development campus) and the possible hypothetical redevelopment of the property (commercial/retail). Results of analysis indicate the potential redevelopment of the property can be accommodated with existing services and facilities.

The applicant prepared a Traffic Impact Analysis (conclusion page attached) for the potential hypothetical development of the property to include shopping center (most intense). The analysis indicated a potential for intersection improvements along the SR A1A corridor to maintain level of service standards should the property be proposed for development as a shopping center.

**Finding:** The staff finds the provision of public facilities and services and the level of service and concurrency requirements should be met with the potential development of the property.

- Environmental impacts. The subject property is developed with existing buildings. Redevelopment 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 subject property is adjacent to C, Commercial and CL, Limited Commercial land use designations on two sides (west and south). The properties to the west of the site include existing commercial and uses. The L1, Low Density Residential land use adjacent to the north is the Indian River County Tracking Station Park.

Finding: The staff finds the C, Commercial 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.

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

Recommendation

Based on the analysis and findings in this document, the staff recommends that the Planning and Zoning Board recommend approval for submission to City Council of the following: An Ordinance amending the Future Land Use Map designation for the annexed property (± 4.0 acres) to C, Commercial.

Attachment
ORDINANCE NO. 2019 — ______

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 L-1, LOW-DESNITY RESIDENTIAL-1 TO CITY OF VERO BEACH DESIGNATION C, COMMERCIAL FOR THE PROPERTY LOCATED AT 805 46th PLACE EAST, CONTAINING 4.0 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 805 46th Place East, containing 4.0 acres, more or less, on __________________________; and

WHEREAS, the property owner(s), Florida Institute of Technology, Inc. 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 L-1, Low-Density Residential-1 to the City of Vero Beach designation C, Commercial for property comprising 4.0 acres, more or less, located at 805 46th Place East; and

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

WHEREAS, the properties described herein meet the criteria for small scale comprehensive plan amendments, pursuant to Section 163.3187(1) (c) 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 August 1, 2019, 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 L-1, Low-Density

Page 1 of 4

Plus Exhibit(s) incorporated by reference
Residential-1t to City of Vero Beach Designation C, Commercial property comprising 4.0 acres, more or less, located at 805 46th Place East; 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 (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 small scale amendment to the Future Land Use Map of the Vero Beach Comprehensive Plan is hereby adopted for the property located at 805 46th Place East, comprising 4.0 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 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 adoption, as provided by Section 163.3187, Florida Statutes.

This Ordinance was read by title for the first time on the ____ day of ______, 2019, and was advertised on the ___ day of _____________, 2019, for a public hearing to be held on the ___ day of _____________, 2019, 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 Val Zudans
Vice-Mayor Anthony W. Young
Councilwoman Laura Moss
Councilmember Harry Howle, III
Councilmember Robbie Brackett

ATTEST: CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

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

Approved as to form and legal sufficiency: John S. Turner
City Attorney

Approved as conforming to municipal policy: Monte K. Falls
City Manager

Approved as to technical requirements:

Jason H. Jeffries, AICP
Planning and Development Director

Page 4 of 4
Plus Exhibit(s) incorporated by reference
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.
LOCATION MAP
805 46th Pl E, Vero Beach, FL

LEGEND

City Limits
Subject Property

LOCATION MAP
805 46th Pl E, Vero Beach, FL

LEGEND

City Limits
Subject Property

Disclaimer:
The City of Vero Beach makes no warranties, express or implied and assumes
no responsibility for the use of this material by agencies or individuals other than
the City of Vero Beach. Any use of this material is strictly at the risk of the user.
FUTURE LAND USE MAP (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 5/30/19 Application # 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 FLA INST OF TECHNOLOGY, INC.
c/o Barry G. Segal, Esquire
Telephone (772) 567-5552
Fax #: (772) 567-5772

MAILING ADDRESS 3096 Cardinal Drive, Suite 2C, Vero Beach, FL 32963

SITE OWNER FLA INST OF TECHNOLOGY, INC.
Telephone (321) 674-8756
Fax #: 

OWNER ADDRESS 150 W UNIVERSITY BLVD, MELBOURNE, FL 32901

SITE LOCATION 805 46TH PL E VERO BEACH, FL 32963

PARCEL I.D. NUMBER 324020000000100004.0

LEGAL DESCRIPTION See attached

PROPOSED CHANGE: FROM L1 TO C
(If this amendment requires a zoning change, a Zoning Change Application must accompany this request.)

Application Fee* with Zoning Change

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.

Applicant Signature Date
Barry G. Segal, Esquire
(Print Name) May 29, 2019

Property Owner Signature Date
Barry G. Segal, Esquire for
FLA INST OF TECHNOLOGY, INC.
(Print Name) May 29, 2019
FUTURE LAND USE MAP (FLUM) CHANGE JUSTIFICATION

The applicant shall have the burden for justifying the amendment including identifying specific reasons warranting the amendment. Therefore, unless waived by the Planning Director, as part of the FLUM change request, please provide justification for the proposed change by providing the following required items along with any supporting data and information:

1. Describe why the proposed change is needed, including any change in circumstances to the property or the neighborhood/area in which the property is located that warrant a change in the FLUM designation.

2. Describe how the proposed amendment to the FLUM is compatible with the goals, objectives, and policies of the Land Use Element and other affected elements of the Comprehensive Plan.

3. Describe how the proposed amendment is compatible with the FLUM designations within the immediate vicinity of the property subject to the proposed change and will not lead to undesirable changes to established residential neighborhoods.

4. Provide School Impact Analysis, if allowable residential density is increased, indicating number of potential dwelling units by type. For purposes of dwelling unit type, the applicant shall use single family for ES and RL designations and multi-family for all other designations.

5. Provide data and analysis of the impacts on non-educational school facilities and services subject to the concurrency requirements of the Capital Improvements Element of the Comprehensive Plan. This analysis should show the availability of and demand on the following: sanitary sewer; solid waste; drainage; potable water; roads; and recreation, as appropriate. The demand estimates should be based on the change in demand over the current land use designation for the property and clearly spell out the assumptions used in the demand and availability analysis.

NOTE: If the proposed FLUM change is in combination with a proposed Zoning Map change, required Items 4 and 5 above should be prepared based on the permitted residential densities and non-residential uses and intensities of the proposed zoning district.

ADDITIONAL MATERIALS REQUIRED

The following materials are also required:

1. A copy of the property deed.
2. One original and one copy of submitted materials.
3. A Traffic Impact Assessment or Statement if required by Chapter 910, Indian River County Code.
4. Two (2) sealed surveys prepared by a State of Florida licensed surveyor made and dated within one year and to include existing topographic features, elevations based on mean sea level datum to be shown together with the benchmark reference used, rights-of-way and easements, water bodies and courses, and wetlands.
**ADDITIONAL FEES SCHEDULE:**

Large scale map amendments only:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising fee (1 regular advertisement)</td>
<td>$180</td>
</tr>
<tr>
<td>Advertising fee (2 special advertisements)</td>
<td>$720</td>
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</tbody>
</table>

Small scale map amendments only:

<table>
<thead>
<tr>
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<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Advertising fee (2 special advertisements)</td>
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Large scale map amendment with zoning change:

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</thead>
<tbody>
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<tr>
<td>Advertising fee (2 special advertisements)</td>
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<tr>
<td>Compiling of Mailing List and Preparing Notification Notice</td>
<td>$40</td>
</tr>
<tr>
<td>Posting of Property</td>
<td>$40</td>
</tr>
<tr>
<td>Handling and Mailing of Notification</td>
<td>$2.50 per address</td>
</tr>
</tbody>
</table>

Small scale map amendment with zoning change:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising fee (1 regular advertisements)</td>
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<tr>
<td>Advertising fee (1 special advertisements)</td>
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<tr>
<td>Compiling of Mailing List and Preparing Notification Notice</td>
<td>$40</td>
</tr>
<tr>
<td>Posting of Property</td>
<td>$40</td>
</tr>
<tr>
<td>Handling and Mailing of Notification</td>
<td>$2.50 per address</td>
</tr>
</tbody>
</table>
Justification Statement for Proposed Comprehensive Land Use Designation and Zoning District Designation

The property is currently surrounded by the following:

- a) CVS Pharmacy to the west/northwest currently located within the Town of Indian River Shores and zoned as C1A (Limited Commercial District).
- b) Tracking Station Park to the north currently located within unincorporated Indian River County, Florida.
- c) 7-11 convenience store and gas station to the west located within the Town of Indian River Shores and zoned as C2A (Commercial District).
- d) Undeveloped parcel consisting of approximately 8.3 acres zoned as C1A located within the City of Vero Beach.

This property is located entirely east of Highway A1A. The next closest residential zoning district east of A1A within the City of Vero Beach is found south of Jaycee Park and over eight-tenths (8/10) of one (1) mile from the subject-property. With the exception of eight parcels that are zoned as Residential Multifamily High Density (RM-13), each property located inside of the City of Vero Beach on Highway A1A between the subject property and Jaycee Park is Commercially zoned. Of the eight residentially zoned properties, five are improved with commercial establishments (Law Office of Robin Lloyd, Dale Sorensen Real Estate, Kitchen Scene, RE/MAX, and RCL Development). In short, each property abutting A1A and each property between A1A and the Atlantic Ocean north of Jaycee Park are commercially zoned or being used for a commercial purpose. The requested Land Use and Zoning for this property is consistent with its existing neighbors and, of great significance, the development along Highway A1A within the city limits. The requested zoning class and land use designation is in keeping the surroundings and development plan. Any other designation would be entirely inconsistent with the surroundings.
Future Land Use Map (FLUM) Change Justification

1. Describe why the proposed change is needed, including any change in circumstances to the property or the neighborhood/area in which the property is located that warrant a change in the FLUM designation.

The owner of the property, Florida Institute of Technology ("FIT"), obtained the property from the federal government (United States Department of Education) in 1980 when it was determined that the property was no longer required for its original use as a military tracking station. The original use of the property included tracking foreign submarines during wartime. Since that time and until recently, the property was operated by FIT as a research facility in furtherance of its academic mission. FIT has discontinued its research and academic operations at the property and is selling the property to generate the capital necessary to expand its operations on its campus.

Immediately north of the subject-property is Indian River County's Tracking Station Park. Because these two properties have been owned and dedicated to governmental and not-for-profit uses for all of recent history, their uses have remained unchanged despite the abundance of change around them. Within the immediate walking distance of the property are a CVS Pharmacy and store, a 7-11 gas station and 24-hour convenience store and a 25,000 square foot office building. The 7-11 was constructed approximately at the same time FIT acquired the property and the other uses were developed following FIT's acquisition of the property.

The property is currently zoned by Indian River County as RS-3, a single family residential district. The zoning classes of the adjacent properties are all commercial zoning districts. The vacant land to the south is C1-A (Vero Beach), the CVS is C1A (Town of Indian River Shores) and the 7-11 is C2A (Town of Indian River Shores). The properties east of Highway A1A located between the property and Jaycee Park are all zoned as Commercial. The current residential use is inconsistent with the City's zoning of this portion of the barrier island. Requiring the owner of the property to develop the property within the parameters of a single family residential zoning district while being surrounded by commercial uses would be unreasonable, inconsistent and in opposition to the current development programming for the area.

2. Describe how the proposed amendment to the FLUM is compatible with the goals, objectives, and policies of the Land Use Element and other affected elements of the Comprehensive Plan.

The property is adjacent to only one property currently located in the City of Vero Beach. That property is currently designated as "Commercial" under the Future Land Use Map ("FLUM"), the requested designation under this application. The property is adjacent to two properties currently located in the neighboring Town of Indian River Shores. Those properties are zoned as C1A and C2A which are Commercial zonings in that municipality. There are no other properties in the City of Vero Beach north of the property. With the exception of eight properties that are designated as Residential High (RH) on the FLUM, each property located inside of the City of Vero Beach on Highway A1A between the subject property and Jaycee Park is designated as Commercial. Of the eight Residential High properties, five contain commercial establishments (Law Office of Robin Lloyd, Dale Sorensen Real Estate, Kitchen Scene, RE/MAX, and RCL Development). In short, all of the
land abutting A1A and all of the land between A1A and the Atlantic Ocean north of Jaycee Park is designated as Commercial or is being used for a commercial purpose.

In conformity with the applicable provisions of the code, this request takes into consideration the prevailing land uses and is consistent and compatible with those uses in that the resulting FLUM designation will be virtually identical to each of the surrounding and similarly situated properties. This will promote uniform development and stability while further encouraging the highest and best use of the property. In fact, the designation of the property as Commercial will finalize the logical development pattern adopted by the City of Vero Beach in this area. To leave this property as residential would only accomplish the opposite. While a residential use may have been consistent with the use of the neighboring properties at the time FIT acquired the property, the Highway A1A corridor has developed commercially since that time rendering single family residential uses as the now inconsistent use.

3. Describe how the proposed amendment is compatible with the FLUM designations within the immediate vicinity of the property subject to the proposed change and will not lead to undesirable changes to established residential neighborhoods.

The property is adjacent to only one property currently located in the City of Vero Beach. That property is currently designated as “Commercial” under the Future Land Use Map (“FLUM”), the requested designation under this application. The property is adjacent to two properties currently located in the neighboring Town of Indian River Shores. Those properties are zoned as C1A and C2A which are Commercial zonings in that municipality. There are no other properties in the City of Vero Beach north of the property. With the exception of eight parcels that are designated as Residential High (RH) by the FLUM, each property located inside of the City of Vero Beach on Highway A1A between the subject property and Jaycee Park is designated Commercial. Of the eight Residential High properties, five are commercial establishments (Law Office of Robin Lloyd, Dale Sorensen Real Estate, Kitchen Scene, RE/MAX, and RCL Development) and the remainder are vacant. In short, each property abutting A1A and all of the land between A1A and the Atlantic Ocean north of Jaycee Park is designated as Commercial or is being used for a commercial purpose.

The nearest residential properties within the city limits are located west of Highway A1A, and are behind currently existing commercial businesses (Law Office of Robin Lloyd, Dale Sorensen Real Estate, Kitchen Scene, RE/MAX, and RCL Development) or vacant parcels that are designated as Residential High. To the south, the next residential neighborhood is west of Highway A1A, located behind commercial business establishments and offices and is further buffered by Bethel Creek. As such, the residential properties will be buffered and genuinely unaffected by the designation of the property as Commercial.

4. Provide School Impact Analysis, if allowable residential density is increased, indicating number of potential dwelling units by type.

N/A – The proposed FLUM change is from Residential (L-1 – IRC) to Commercial (C – COVB).

5. Provide data and analysis of the impacts on non-educational school facilities and services subject to the concurrency requirements of the Capital Improvements Element of the Comprehensive Plan. This analysis should show the availability of and
demand on the following: sanitary sewer; solid waste; drainage; potable water; roads; and recreation, as appropriate. The demand estimates should be based on the change in demand over the current land use designation for the property and clearly spell out the assumptions used in the demand and availability analysis.

**Redevelopment assumptions:**

A comparison is made between the possible redevelopment of the properties as a Retail development (102,366 sf), and the existing use as a university’s research and development campus (8,352 sf).

1. **Proposed: “C” - Commercial Land Use (COVB)**
   - Assume: 102,366 sf Retail

2. **Existing: “L” - Low Density Residential**
   - Assume: 8,352 sf University Research and Development Campus (Existing Use)
   - Assume: 100 sf / person

**Concurrency Evaluation:**

- **Sanitary Sewer and Potable Water:** The sanitary sewer generation rates will increase slightly.
  - “C”: \(0.10 \text{ gpd/sf} \times 102,366 \text{ sf} \times 1 \text{ ERU} / 350 \text{ gpd} = 29 \text{ ERU}\)
  - “L-1”: \(100 \text{ gpd/person} \times 8,352 \text{ sf} / 100 \text{ sf} \times 1 \text{ ERU/350 gpd} = 24 \text{ ERU}\)

Attached is a copy of the “Will Serve” request letter to the City of Vero Beach Water & Sewer Department. Upon receipt, the response letter will be forwarded to the City.

- **Recreation:** The city’s recreation area needs will not be affected. The recreation areas are calculated by residential area growth. There is no increase in residential growth for this FLUM change.

- **Solid Waste:** The solid waste use will increase substantially.
  - “C”: \(1.0 \text{ WGU/100 sf} \times 102,366 \text{ sf} = 1024 \text{ WGU/year}\)
    - \(= 1024 \text{ tons/year}\)
  - “L-1”: \(0.20 \text{ WGU/100 sf} \times 8352 \text{ sf} = 17 \text{ WGU/year}\)
    - \(= 17 \text{ tons/year}\)

Attached is a copy of the “Will Serve” request letters to the Indian River County Solid Waste Disposal District and City of Vero Beach Solid Waste Department. Upon receipt, the response letter will be forwarded to the City.

- **Drainage:** The drainage impacts are anticipated to decrease. Currently the site is developed with a 8352 sf research and development campus that drains directly into the adjacent streets, with little or no floodwater or pollution abatement. Any redevelopment of the site(s) would require conformance to all current applicable city, state (SJRWMD and FDEP) and federal codes for site development, including water quality (pollution abatement) and quantity (flooding impacts) requirements. Significant drainage improvements would be required with any redevelopment of the project site.

- **Traffic:** See attached traffic impact analysis prepare by Kimley Horn.
May 30, 2019

City of Vero Beach
Water & Sewer Department
Mr. Robert Bolton, Director
17 17th Street
P.O. Box 1389
Vero Beach, FL 32961

RE: "Will Serve" Letter
805 46th Place E
Vero Beach, FL 32963

Dear Mr. Bolton:

We are currently preparing annexation, FLUM change and Zoning Map change applications on a 4.7 acre site located at 805 46th Place E, Vero Beach, FL 32963, lying immediately adjacent to COVB north city limits, east of SR A1A.

FLUM and Zoning Map change applications require an assumption that the most intense use permitted on the site for concurrency analysis is used. In this case, the existing site is an 8,352 sf university research and development campus. The proposed most intense use is a 102,366 sf retail shopping center. The resulting increase in demand is 5 ERU (1,885 gpd). Calculations as follows:

- "C": 0.10 gpd/sf x 102,366 sf x 1 ERU / 350 gpd = 29 ERU
- "L-1": 100 gpd/person x 8,352 sf x 1/100 sf x 1 ERU/350 gpd = 24 ERU

Based on this information, will you please provide us with a "will serve" letter indicating that Water & Sewer service capacity is available (est. demand 10,237 GPD).

We appreciate your attention to this matter. Please address the letter to:

GBH Vero Beach Dev, LLC
c/o Joseph W. Schulke, P.E.
1717 Indian River Blvd, Suite 201
Vero Beach, FL 32960

Please forward the letter to my office. If you have any questions, please feel free to call me.

Sincerely,

Joseph W. Schulke, P.E.

cc: GBH Vero Beach Dev, LLC
May 30, 2019

City of Vero Beach
Public Works - Solid Waste Division
P.O. Box 1389
Vero Beach, FL 32961-1389

RE: “Will Serve” Letter
805 46th Place E
Vero Beach, FL 32963

To whom it may concern:

We are currently preparing annexation, FLUM change and Zoning Map change applications on a 4.7 acre site located at 805 46th Place E, Vero Beach, FL 32963, lying immediately adjacent to COVB north city limits, east of SR A1A.

FLUM and Zoning Map change applications require an assumption that the most intense use permitted on the site for concurrency analysis is used. In this case, the existing site is an 8,352 sf university research and development campus. The proposed most intense use is a 102,366 sf retail shopping center. The resulting increase in demand is 1.007 tons/year. Calculations are as follows:

- “C”: 1.0 WGU/100 sf x 102,366 sf = 1024 WGU/year
  = 1024 tons/year
- “L-1”: 0.20 WGU/100 sf x 8352 sf = 17 WGU/year
  = 17 tons/year

Based on this information, will you please provide us with a “will serve” letter indicating that the Indian River County Landfill has the capacity (est. demand 1024 tons/year) and will service the proposed new development.

We appreciate your attention to this matter. Please address the letter to:

GBH Vero Beach Dev, LLC
c/o Joseph W. Schulke, P.E.
1717 Indian River Blvd, Suite 201
Vero Beach, FL 32960

Please forward the letter to my office. If you have any questions, please feel free to call me.

Sincerely,

Joseph W. Schulke, P.E.

cc: GBH Vero Beach Dev, LLC
May 30, 2019

Himanshu Mehta, Managing Director
Indian River County Solid Waste Disposal District
1325 74th Avenue SW
Vero Beach, FL 32968

RE: “Will Serve” Letter
805 46th Place E
Vero Beach, FL 32963

Dear Mr. Mehta:

We are currently preparing annexation, FLUM change and Zoning Map change applications on a 4.7 acre site located at 805 46th Place E, Vero Beach, FL 32963, lying immediately adjacent to COVB north city limits, east of SR A1A.

FLUM and Zoning Map change applications require an assumption that the most intense use permitted on the site for concurrency analysis is used. In this case, the existing site is an 8,352 sf university research and development campus. The proposed most intense use is a 102,366 sf retail shopping center. The resulting increase in demand is 1.007 tons/year. Calculations are as follows:

- “C”: 1.0 WGU/100 sf x 102,366 sf = 1024 WGU/year
  = 1024 tons/year
- “L-1”: 0.20 WGU/100 sf x 8352 sf = 17 WGU/year
  = 17 tons/year

Based on this information, will you please provide us with a “will serve” letter indicating that the Indian River County Landfill has the capacity (est. demand 1024 tons/year) and will service the proposed new development.

We appreciate your attention to this matter. Please address the letter to:

GBH Vero Beach Dev, LLC
c/o Joseph W. Schulke, P.E.
1717 Indian River Blvd, Suite 201
Vero Beach, FL 32960

Please forward the letter to my office. If you have any questions, please feel free to call me.

Sincerely,

Joseph W. Schulke, P.E.

cc: GBH Vero Beach Dev, LLC
DEPARTMENTAL CORRESPONDENCE

TO: Chairman Carroll and the Planning and Zoning Board Members

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

FROM: Cheri B. Fitzgerald, AICP
Principal Planner

DATE: July 24, 2019

SUBJECT: City Sponsored Request to Amend the Zoning Map for Annexed Property (Amendment Application #Z19-000008-MAP)

Overview

This is a City sponsored request to amend the City's Zoning Map for annexed property from RS-3, Single Family Residential (Indian River County) to C-1A, Tourist Oriented Services (City of Vero Beach). Attached is a draft ordinance for City Council consideration.

Background and Existing Conditions

The Planning and Development Department received a Zoning Map Amendment application as part of an application to annex land into the city limits. The request is to zone the parcel C-1A, Tourist Oriented Services District. Specific details contained in the application include the following information:

Applicant: Florida Institute of Technology, Inc.
Site Location: 805 46th Place East (east of north SR A1A)
Parcel #: 32-40-32-00000-0010-00004.0
Size of Property: 4.0 acres more or less
Existing Use: Research and Development
Existing FLUM: County, L1, Low Density Residential
Proposed FLUM: City, C, Commercial
Existing Zoning: County, RS-3, Single Family Residential
Proposed Zoning: City, C-1A, Tourist Oriented Services
The parcel is contiguous to the current city of Vero Beach City limit boundary line to the south. The subject property is partially developed with university research and development facilities. Existing commercial development is adjacent to the west of the subject parcel (CVS Pharmacy and 7-Eleven Convenience Store). The property to the south is in the City and is currently vacant or undeveloped. To the north is the Indian River County Tracking Station Park. To the east is the Atlantic Ocean.

The parcel is currently designated L1, Low Density Residential on the County’s Future Land Use Map. The proposed City future land use is C, Commercial.

The adjacent zoning districts are: to the north, RS-3, Single Family Residential, (IR County); to the south, C-1A, Tourist Oriented Services (City of Vero Beach); and to the west C1A and C2A, Commercial Districts (IR Shores).

A listing of existing land uses, land use designations, and zoning districts on and surrounding the subject property are summarized as follows:

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Land Uses</th>
<th>Land Use Designation</th>
<th>Zoning Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>IRC Tracking Station Park</td>
<td>L1, Low Density Residential</td>
<td>RS-3, Single Family Residential (IRC)</td>
</tr>
<tr>
<td>South</td>
<td>Vacant - Undeveloped Land</td>
<td>C, Commercial</td>
<td>C-1A, Tourist Oriented Services (COVB)</td>
</tr>
<tr>
<td>East</td>
<td>Atlantic Ocean</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>West</td>
<td>Commercial Retail (CVS &amp; 7-Eleven Stores)</td>
<td>CL, Limited Commercial</td>
<td>C2A, Commercial District &amp; C1A, Limited Commercial District (IR Shores)</td>
</tr>
</tbody>
</table>
Comparison of Existing and Proposed Zoning District Permitted Uses

The following is a comparison list of the existing zoning district RS-3, Single Family Residential (County) and the proposed zoning district C-1A, Tourist Oriented Services permitted uses.

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>(R-3) Zoning District</th>
<th>(C-1A) Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential</td>
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<tr>
<td>Noncommercial kennel and animal boarding places</td>
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<td>Noncommercial nursery and greenhouse</td>
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<td>Noncommercial stable</td>
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<td>Guest House &amp; Transient Quarters</td>
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<td>Restaurants*</td>
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<td></td>
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<tr>
<td>Restricted Sales &amp; Services</td>
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* Excluding drive-ins, drive-thrus and food service establishments primarily providing meals intended for off-premises consumption and enclosed or wrapped or packaged in any form.

** Administrative permit use (IR County).
Amendment Evaluation

Review of the Zoning Map amendment is based on 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.

Since the subject property is an annexed parcel the City of Vero Beach’s Annexation Policies and Procedures are reviewed. The general policies and procedures state: “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 zoning district is not comparable with the existing County designation as more fully described below. The reason and justification for the proposed zoning district is as follows.

Justification for Amendments. 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 zoning district designation 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 proposed amendment to the Zoning District Map shall be consistent 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 should rezone land consistent with Table 2-2, Relationship between Future Land Use Designation and Zoning Districts, etc.

The proposed zoning designation is C-1A, Tourist Oriented Services. This zoning district is listed as one of the appropriate districts under the proposed C, Commercial land use designation.

Finding: The staff finds that the requested change in the zoning district map for this property is consistent with Policy 1.18 and Table 2-2.
- Zoning District Standards and Criteria: *The amendment shall be consistent with the Land Development Regulations and zoning standards and criteria.*

A general purpose statement is included in the City Code for the various Commercial Districts, including the C-1A district. The applicable portion of the purpose statement includes: “These districts are designed to provide adequate space in appropriate and highly accessible locations suitable for accommodating various levels of commercial development, including multiple-family residential structures and hotels or motels oriented to serving seasonal or transient residents.”

The subject property is located in an accessible location. It has roadway access to SR A1A (urban minor arterial) by way of 46th Place East (local street). The property is located within an existing urban area (existing C-1A zoning district located along SR A1A from the County’s Tracking Station Park (north) to the City’s Jaycee Park (south) and is adjacent to the Atlantic Ocean to the east and existing established commercial/retail uses to the west. The property is suitable for multiple-family residential and hotel/motel uses that support seasonal residents.

**Finding:** The staff finds that the proposed zoning designation is consistent with the Land Development Regulations and zoning standards and criteria.

*Compliance with Other Review Standards for Rezoning in the City Code.* Pursuant to Section 65.22(i)(5)b. through f., 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 adjacent zoning districts are: to the north, RS-3, Single Family Residential, (IR County); to the south, C-1A, Tourist Oriented Services (City of Vero Beach); and to the west C1A and C2A, Commercial Districts (IR Shores).

**Finding:** The staff finds the C-1A zoning district designation is compatible with the surrounding zoning map designations.

- 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 in the justification for the amendment, the subject property is proposed to be annexed into the City limits and is required to be designated in the City Comprehensive Plan and zoning map.
The subject property is no longer being used by the owner for research and academic operations. The current residential Indian River County zoning is inconsistent with the City’s zoning of this portion of the barrier island. The property is abutting existing commercial/retail uses.

**Finding:** The staff finds that the need to accommodate the proposed annexed property warrants the proposed amendments and a change in conditions warrants the amendment.

- **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 are reviewed 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 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.

As part of the applicant’s application for the proposed zoning map change (item #5) redevelopment assumptions were evaluated based on the existing use (university research and development campus) and the possible hypothetical redevelopment of the property (commercial/retail). Results of analysis indicate the potential redevelopment of the property can be accommodated with existing services and facilities.

The applicant prepared a Traffic Impact Analysis (conclusion page attached) for the potential hypothetical development of the property to include shopping center (most intense). The analysis indicated a potential for intersection improvements along the SR A1A corridor to maintain level of service standards should the property be proposed for development as a shopping center.

**Finding:** The staff finds the provision of public facilities and services and the level of service and concurrency requirements should be met with the potential development of the property.

- **Maintenance of an Orderly & Logical Development Pattern:** *The amendment is consistent with the maintenance of an orderly and logical development pattern.*

As noted in the zoning map amendment application and evaluation documented in this report, the proposed C-1A zoning district is consistent with the maintenance of an orderly and logical development pattern.
Finding: The amendment is consistent.

- Consistency and Harmony: The requested amendment is consistent with the public interest and is in harmony with the purpose and intent of the land development regulations.

As noted in the zoning map amendment evaluation documented in this report, the proposed C-1A zoning district is consistent with the intent of the land development regulations.

Finding: The amendment is consistent.

Recommendation

Based on the analysis and findings in this document, the staff recommends that the Planning and Zoning Board recommend approval for submission to City Council of the following: An Ordinance amending the Zoning District Map for the annexed property to C-1A, Tourist Oriented Services.

Attachment
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 DESIGNATION RS-3, SINGLE-FAMILY RESIDENTIAL DISTRICT TO CITY OF VERO BEACH DESIGNATION C-1A, TOURIST ORIENTED SERVICES COMMERCIAL DISTRICT, FOR THE PROPERTY LOCATED AT 805 46th PLACE EAST, CONTAINING 4.0 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 805 46th Place East, containing 4.0 acres, more or less, on ________________; and

WHEREAS, the property owner(s), Florida Institute of Technology, Inc. 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 designation RS-3, Single-Family Residential District to City of Vero Beach designation C-1A, Tourist Oriented Services Commercial District for property comprising 4.0 acres, more or less, located at 805 46th Place East; and

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

WHEREAS, the properties described herein meet the criteria for small scale comprehensive plan amendments, pursuant to Section 163.3187(1) (c) of the Florida Statutes; and

WHEREAS, the Vero Beach City Council has adopted the small scale amendment to the Comprehensive Plan Future Land Use Map to designate this property from Indian River County L-1, Low-Density Resential-1 to City of Vero Beach Designation C, Commercial property comprising 4.0 acres, more or less, located at 805 46th Place East; and

WHEREAS, the Planning and Zoning Board, serving as the local planning agency under Florida Statute 163.3174, after a public hearing held on August 1, 2019, 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 from Indian River
County designation RS-3, Single-Family Residential District to City of Vero Beach
designation C-1A, Tourist Oriented Services Commercial District for property comprising
4.0 acres, more or less, located at 805 46th Place East; 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 805 46th Place East, comprising 4.0 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 small scale amendment to the Future Land Use Map.

*******************

This Ordinance was read by title for the first time on the ____ day of ______, 2019, and was advertised on the ____ day of _____________, 2019, for a public hearing to be held on the ____ day of _____________, 2019, 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 Val Zudans
Vice-Mayor Anthony W. Young
Councilmember Laura Moss
Councilmember Harry Howle, III
Councilmember Robbie Brackett

ATTEST:                                  CITY OF VERO BEACH,
                                           FLORIDA

Tammy K. Bursick                                 Val Zudans
City Clerk                                        Mayor

Page 3 of 4
Plus Exhibit(s) incorporated by reference
ADMINISTRATIVE REVIEW
(For Internal Use Only-Sec.2-77 COVB Code)

Approved as to form and legal sufficiency: John S. Turner
City Attorney

Approved as conforming to municipal policy: Monte K. Falls
City Manager

Approved as to technical requirements:

Jason H. Jeffries, AICP
Planning and Development Director

Page 4 of 4

Plus Exhibit(s) incorporated by reference
SUBJECT PROPERTY:
FROM RS-3 (SINGLE FAMILY RESIDENTIAL) TO C1A (TOURIST COMMERCIAL SERVICES)
LOCATION MAP
805 46th Pl E, Vero Beach, FL

LEGEND
- COVB City Limits
- Subject Property

Scale: 1" = 500'

Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
July 19, 2019

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.
TOWN OF INDIAN RIVER SHORES
ZONING MAP
- R1A Single-Family Residential Districts
- R1B Single-Family, Zero Lot Line Residential Districts
- R2A Multiple-Family Residential Districts
- C1A Limited Commercial Districts
- C2A Commercial District
- P Public Districts
- OS Open Space and Recreation Districts
- RESL Residential - Environmentally Sensitive Lands Districts
- RESI Residential - Environmentally Sensitive Island Districts

INDIAN RIVER COUNTY
ZONING: RS-3

CITY OF VERO BEACH
ZONING MAP
- C-1A: Tourist Commercial Services
- R-1: Residential Single Family
- RM-10: Residential Multifamily Medium and High Density

COMBINED ZONING MAPS
REZONING TRAFFIC IMPACT ANALYSIS

4.70-Acre Parcel 46th Place Rezoning
City of Vero Beach, Florida

Prepared for:
GBH Vero Beach Dev., LLC

Kimley-Horn
IV. CONCLUSION

A proposed rezoning of a 4.70-acre parcel is generally located on the east side of SR A1A along 46th Place in Indian River County, Florida. The parcel is proposed to be annexed into the City of Vero Beach and the applicant desires to change the parcel zoning to the City C-1A Commercial designation. The development program for the rezoning traffic analysis includes up to 102,366 square feet of shopping center.

An analysis of the traffic impacts associated with the proposed project was performed in accordance with City of Vero Beach. The results of this analysis indicate that roadway segments within the project’s Area of Influence include SR A1A, Indian River Boulevard, CR 510, and SR 60. All roadway segments are projected to operate at acceptable level of service standards, with the exception of the southbound SR A1A link between N. Vero Beach City Limit and Fred Tuerk Road, Link 1050S. We would propose that this roadway capacity associated with this link be increased 5% consistent with guidance provided in the FDOT Quality/Level of Service Handbook.

The intersection of SR A1A & 46th Place operates with a with a failing level of service under 2019 total (with rezoning) traffic conditions for the westbound approach. Based upon the assumed development intensity contained within the rezoning analysis, the intersection will require signalization as to meet City identified level of service standards. The intersection SR A1A & 17th Street operates with a failing level of service during existing traffic conditions. Improvements to the intersection include an additional northbound left-turn lane and signal timings adjustments, which includes the removal of the northbound and southbound approach split phasing on SR A1A. The intersections of SR A1A & Fred Tuerk Drive will operate with acceptable operations under existing and total traffic conditions.
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 5/30/19 4:45p Application # Z19-000008-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 FLA INST OF TECHNOLOGY, INC.
c/o Barry G. Segal, Esquire
Telephone (772) 567-5552
Fax #: (772) 567-5772

MAILING ADDRESS 3096 Cardinal Drive, Suite 2C, Vero Beach, FL 32963

SITE OWNER FLA INST OF TECHNOLOGY, INC.
Telephone
Fax #:

OWNER ADDRESS 150 W UNIVERSITY BLVD, MELBOURNE, FL 32901

SITE LOCATION 805 46TH PL E VERO BEACH, FL 32963

PARCEL I.D. NUMBER 324020000000100004.0

PROPOSED ZONING CHANGE: FROM RS-3 (IRC) TO C1A

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

Application Fee* with Future Land Use Change

| 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.

Applicant Signature Barry G. Segal, Esquire
(Print Name) (Print Name)

Property Owner Signature Barry G. Segal, Esquire for FLA INST OF TECHNOLOGY, INC.
(Print Name)
ZONING MAP CHANGE JUSTIFICATION

The applicant shall have the burden for justifying the amendment including identifying specific reasons warranting the amendment. Therefore, unless waived by the Planning Director, as part of the Zoning Map change request, please provide justification for the proposed change by providing the following required items, including any supporting data and information:

1. Describe why the proposed change is needed, including any change in circumstances to the property or the neighborhood/area in which the property is located that warrant a change in the Zoning Map designation.

2. Describe how the proposed amendment to the Zoning Map is compatible with the goals, objectives, and policies of the Land Use Element and other affected elements of the Comprehensive Plan and consistent with zoning district standards and criteria.

3. Describe how the proposed amendment is compatible with the Zoning Map designations within the immediate vicinity of the property subject to the proposed change and will not lead to undesirable changes to established residential neighborhoods.

4. Provide School Impact Analysis, if allowable residential density is increased, indicating number of potential dwelling units by type. For purposes of dwelling unit type, the applicant shall use single family units for R-1AAA through R-1 and multi-family for all other zoning districts.

5. Provide data and analysis of the impacts on non-educational school facilities and services subject to the concurrency requirements of the Capital Improvements Element of the Comprehensive Plan. This analysis should show the availability of and demand on the following: sanitary sewer; solid waste; drainage; potable water; roads; and recreation, as appropriate. The demand estimates should be based on the change in demand over the current land use designation for the property and clearly spell out the assumptions used in the demand and availability analysis.

NOTE: If the proposed Zoning Map change is in combination with a proposed FLUM change, required items 4 and 5 above should be prepared based on the permitted residential densities and non-residential uses and intensities of the proposed zoning district.

ADDITIONAL MATERIALS REQUIRED

The following materials are also required:

1. A copy of the property deed.
2. One original and one copy of submitted materials.
3. A Traffic Impact Assessment or Statement if required by Chapter 910, Indian River County Code.
4. Two (2) sealed surveys prepared by a State of Florida licensed surveyor made and dated within one year and to include existing topographic features, elevations based on mean sea level datum to be shown together with the benchmark reference used, rights-of-way and easements, water bodies and courses, and wetlands.
**ADDITIONAL FEES SCHEDULE:**

Large scale map amendments only:

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Small scale map amendments only:

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[If site plan approval is also required as part of conditional use approval, the additional costs for advertising, notification, and posting are included with those required for a major site plan application.]

Large scale map amendment with future land use change:

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Small scale map amendment with future land use change:

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</tr>
<tr>
<td>Handling and Mailing of Notification</td>
<td>$2.50 per address</td>
</tr>
</tbody>
</table>
Zoning Change Justification

1. Describe why the proposed change is needed, including any change in circumstances to the property or the neighborhood/area in which the property is located that warrant a change in the Zoning Map designation.

The owner of the property, Florida Institute of Technology ("FIT"), obtained the property from the federal government (United States Department of Education) in 1980 when it was determined that the property was no longer required for its original use as a military tracking station. The original use of the property included tracking foreign submarines during wartime. Since that time and until recently, the property was operated by FIT as a research facility in furtherance of its academic mission. FIT has discontinued its research and academic operations at the property and is selling the property to generate the capital necessary to expand its operations on its campus.

Immediately north of the subject-property is Indian River County's Tracking Station Park. Because these two properties have been owned and dedicated to governmental and not-for-profit uses for all of recent history, their uses have remained unchanged despite the abundance of change around them. Within the immediate walking distance of the property are a CVS Pharmacy and store, a 7-11 gas station and 24-hour convenience store and a 25,000 square foot office building. The 7-11 was constructed approximately at the same time FIT acquired the property and the other uses were developed following FIT's acquisition of the property.

The property is currently zoned by Indian River County as RS-3, a single family residential district. The zoning classes of the adjacent properties are all commercial zoning districts. The vacant land to the south is C1-A (Vero Beach), the CVS is C1A (Town of Indian River Shores) and the 7-11 is C2A (Town of Indian River Shores). The properties east of Highway A1A located between the property and Jaycee Park are all zoned as Commercial. The current residential use is inconsistent with the City's zoning of this portion of the barrier island. Requiring the owner of the property to develop the property within the parameters of a single family residential zoning district while being surrounded by commercial uses would be unreasonable, inconsistent and in opposition to the current development programming for the area.

2. Describe how the proposed amendment to the Zoning Map is compatible with the goals, objectives, and policies of the Land Use Element and other affected elements of the Comprehensive Plan and consistent with zoning district standards and criteria.

The property is adjacent to only one property currently located in the City of Vero Beach. That property is currently zoned as C-1A, the requested zoning under this application. The property is adjacent to two properties currently located in the neighboring Town of Indian River Shores. Those properties are zoned as C1A and C2A which are Commercial zonings in that municipality. There are no other properties in the City of Vero Beach north of the property. With the exception of eight properties that are zoned as Residential Multifamily High Density (RM-13), each property located inside of the City of Vero Beach on Highway A1A between the subject property and Jaycee Park is Commercially zoned. Of the eight residentially zoned properties, five contain commercial establishments (Law Office of Robin Lloyd, Dale Sorensen Real Estate, Kitchen Scene, RE/MAX, and RCL Development). In short, all of the land abutting A1A and all of the land between A1A and the Atlantic Ocean north of Jaycee Park is commercially zoned or being used for a commercial purpose.
In conformity with the applicable provisions of the code, this request takes into consideration the prevailing land uses and is consistent and compatible with those uses in that the resulting zoning will be virtually identical to each of the surrounding and similarly situated properties. This will promote uniform development and stability while further encouraging the highest and best use of the property. In fact, the zoning of the property commercially will finalize the logical development pattern adopted by the City of Vero Beach in this area. To leave this property as residential would only accomplish the opposite. While a residential use may have been consistent with the use of the neighboring properties at the time FIT acquired the property, the Highway A1A corridor has developed commercially since that time rendering single family residential uses as the now inconsistent use. Because the property is currently serviced by FPL and the City of Vero Beach for its utility service, Indian River County for its fire and EMS service, the only visible change in services will be law enforcement which already services the adjacent property.

3. Describe how the proposed amendment is compatible with the Zoning Map designations within the immediate vicinity of the property subject to the proposed change and will not lead to undesirable changes to established residential neighborhoods.

The property is adjacent to only one property currently located in the City of Vero Beach. That property is currently zoned as C-1A, the requested zoning under this application. The property is adjacent to two properties currently located in the neighboring Town of Indian River Shores. Those properties are zoned as C1A and C2A which are Commercialzonings in that municipality. There are no other properties in the City of Vero Beach north of the property. With the exception of eight parcels that are zoned as Residential Multifamily High Density (RM-13), each property located inside of the City of Vero Beach on Highway A1A between the subject property and Jaycee Park is Commercially zoned. Of the eight residentially zoned properties, five are commercial establishments (Law Office of Robin Lloyd, Dale Sorensen Real Estate, Kitchen Scene, RE/MAX, and RCL Development). In short, each property abutting A1A and all of the land between A1A and the Atlantic Ocean north of Jaycee Park is commercially zoned or being used for a commercial purpose.

The nearest residential properties within the city limits are located west of Highway A1A, and are behind currently existing commercial businesses (Law Office of Robin Lloyd, Dale Sorensen Real Estate, Kitchen Scene, RE/MAX, and RCL Development) or vacant parcels that are zoned for High Density Residential use. Further south, the next residential neighborhood is west of Highway A1A, located behind commercial business establishments and offices and is further buffered by Bethel Creek. As such, the residential properties will be buffered and genuinely unaffected by the rezoning of the property.

4. Provide School Impact Analysis, if allowable residential density is increased, indicating number of potential dwelling units by type.

The proposed zoning change is not increasing residential density – therefore, a school impact analysis is not applicable.

5. Provide data and analysis of the impacts on non-educational school facilities and services subject to the concurrency requirements of the Capital Improvements Element of the Comprehensive Plan. This analysis should show the availability of and demand on the following: sanitary sewer; solid waste; drainage; potable water; roads;
and recreation, as appropriate. The demand estimates should be based on the change in demand over the current land use designation for the property and clearly spell out the assumptions used in the demand and availability analysis.

**Redevelopment assumptions:**
A comparison is made between the possible redevelopment of the properties as a Retail development (102,366 sf), and the existing use as a university's research and development campus (8,352 sf).

1. Proposed: “C-1A” - Commercial (COVB)  
   Assume: 102,366 sf Retail
2. Existing: “RS-3” – Residential  
   Assume: 8,352 sf University Research and Development Campus (Existing Use)  
   Assume: 100 sf / person

**Concurrency Evaluation:**

- **Sanitary Sewer and Potable Water:** The sanitary sewer generation rates will increase slightly.
  
  "C-1A": 0.10 gpd/sf x 102,366 sf x 1 ERU / 350 gpd = 29 ERU  
  "RS-3": 100 gpd/person x 8,352 sf x 1/100 sf x 1 ERU/350 gpd = 24 ERU
  
  Attached is a copy of the “Will Serve” request letter to the City of Vero Beach Water & Sewer Department. Upon receipt, the response letter will be forwarded to the City.

- **Recreation:** The city’s recreation area needs will not be affected. The recreation areas are calculated by residential area growth. There is no increase in residential growth for this FLUM change.

- **Solid Waste:** The solid waste use will increase substantially.
  
  "C-1A": 1.0 WGU/100 sf x 102,366 sf = 1024 WGU/year  
  = 1024 tons/year  
  "RS-3": 0.20 WGU/100 sf x 8352 sf = 17 WGU/year  
  = 17 tons/year
  
  Attached is a copy of the “Will Serve” request letters to the Indian River County Solid Waste Disposal District and City of Vero Beach Solid Waste Department. Upon receipt, the response letter will be forwarded to the City.

- **Drainage:** The drainage impacts are anticipated to decrease. Currently the site is developed with a 8352 sf research and development campus that drains directly into the adjacent streets, with little or no floodwater or pollution abatement. Any redevelopment of the site(s) would require conformance to all current applicable city, state (SJRWMD and FDEP) and federal codes for site development, including water quality (pollution abatement) and quantity (flooding impacts) requirements. Significant drainage improvements would be required with any redevelopment of the project site.

- **Traffic:** See attached traffic impact analysis prepare by Kimley Horn.
July 23, 2019

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

Re: Zoning Text Amendment withdrawal
Applicant: Florida Institute of Technology
Application: C-1A: Z19-000012-TXT (Beach Club use in C-1A)
Application: Z19-000013-TXT (Rooftop Patios & Pools)

Dear Jason:

Please accept this letter as the applicant’s, Florida Institute of Technology, notice of withdrawal of the two text amendment applications more fully described above. I sincerely appreciate all of your effort and advice with regard to these applications. I am also very appreciative of your open mindedness in considering these changes to our code. If you require anything further, please do not hesitate to contact me.

Thank you.

Sincerely,

Barry G. Segal