

AGENDA
REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD
THURSDAY, FEBRUARY 6, 2020, AT 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA

I. PRELIMINARY MATTERS

Agenda Additions and/or Deletions

II. APPROVAL OF MINUTES

- A. Regular Meeting – November 21, 2019
- B. Regular Meeting – December 5, 2019
- C. Workshop Meeting – January 29, 2020

III. PUBLIC COMMENT

IV. PUBLIC HEARING

[Quasi-judicial]

- A. An Ordinance of the City Council of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation of Property from MXD, Mixed Use, to C-1, Highway Oriented Commercial, for the Property Located in the 800 Block of 18th Place and 19th Street, in the Palm Addition of Vero Beach, Florida Subdivision, Including the West 25 Feet of Lot 5 and Lots 6, 7, 8 and the East 25 Feet of Lot 9 and Lots 16, 17, 18, and 19, Containing 1.31 Acres More or Less; Providing for an Effective Date (#Z19-000016-MAP)

[Quasi-judicial]

- B. An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map to Correct the Zoning District Designation from R-1A, Single-Family Residential District to RM-10, Multiple-Family Residential District, for Properties Located at 905, 909, 911 Pirate Cove Lane and 1505 Coral Avenue, Lots 7 – 10, Block 7, The Ocean Corporation Subdivision, Providing for an Effective Date (#Z20-000001-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 Property from Indian River County Designation RS-3, Single-Family Residential District to City of Vero Beach Designation R-1A, Single-Family Residential District, for the Property Consisting of all of Somerset Subdivision, as Recorded in Plat Book 15, Page 25, of the Public Records of Indian River County and Annexed into the City in 2003, Containing 3.57 Acres More or Less; Providing for an Effective Date (#Z20-000002-MAP)

[Quasi-judicial]

- D. 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-6, Single-Family Residential, to City of Vero Beach Designation P-2, Parks, for Property Owned by the City of Vero Beach, Annexed into the City in 2003, and Maintained as Charles Park, Containing 3.83 Acres More or Less; Providing for an Effective Date (#Z20-000003-MAP)

[Quasi-judicial]

- E. An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation of Property from R-1 and R-1A, Single-Family Residential, to P-2, Parks, for Property Owned by the City of Vero Beach and Maintained as Charles Park, Containing 10.61 Acres More or Less; Providing for an Effective Date (#Z20-000004-MAP)

V. PLANNING DEPARTMENT MATTERS

VI. BOARD MEMBERS' MATTERS

VII. ADJOURNMENT

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

ANYONE IN NEED OF SPECIAL ACCOMMODATIONS FOR THIS MEETING MAY CONTACT THE CITY'S AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR AT 978-4920 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.

PUBLIC INVITED TO ATTEND

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, NOVEMBER 21, 2019 – 1:30 P.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Vice Chairman, Steven Lauer; Members: Honey Minuse, Robin Pelensky, Jose Prieto, Alternate Member #1, Richard Cahoy and Alternate Member #2, Joe Bittner **Also Present:** Planning and Development Director, Jason Jeffries; Senior Planner, Gayle Lafferty; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absence: John Carroll

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A) Regular Meeting – October 17, 2019

Mrs. Minuse made a motion to approve the minutes of the October 17, 2019 Planning and Zoning Board meeting. Mr. Prieto seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARING

{Quasi-Judicial}

- A) Affordable Housing Development Application submitted by McLaughlin Properties, LLC for the construction of 20 dwelling unit multi-family residential development with five (5) affordable housing dwelling units located at 1055 Royal Palm Boulevard (AH19-000001)**

The Vice Chairman read Affordable Housing Development Application #AF19-000001 submitted by McLaughlin Properties, LLC, by title only.

There were no ex parte communications reported.

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

Mr. Jason Jeffries, Planning and Development Director, briefly went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). Staff finds that the application is compliant with affordable housing development standards and based on the findings outlined in the staff report, staff recommends approval of the affordable housing development application and plan for this site.

Mr. Todd Smith, Project Engineer, reported that this is the first project to come before the Board to utilize the Affordable Housing Ordinance. He said there is a provision in the Ordinance that allows for a reduction in parking, which they are not proposing. He said they would be providing two (2) parking spaces per unit.

The Vice Chairman opened the public hearing at 1:52 p.m.

Dr. Arthur J. Story said that he had been sworn in. He said that he owns a Dental Office at 1140 Royal Palm Boulevard and has owned the property since 1983. He asked why were they going to put in 20 units when the Code only allows 17 units.

Mr. Jeffries said there are currently 20 units on the site.

Dr. Story said there are 20 units currently, but that is past zoning.

Mr. Jeffries said the City now has an Ordinance that allows someone to rebuild the same number of units as long as the Planning and Zoning Board approves the Affordable Housing plan.

Dr. Story questioned why do they want to increase the density in this area.

Mr. Jeffries said this is not increasing the density because they currently have 20 units on the property.

Dr. Story said but they are going over what the new zoning regulations are, which is 17 units.

Mr. Jeffries explained that it would be a disincentive to improve sites if they didn't allow people to rebuild their structures to what they currently have.

Dr. Story said they are going to tear down the whole structure and build a new structure with 20 units of which only five (5) would be affordable housing. He asked what is going to happen to the other 15 groups who are currently living there.

Mr. John Turner, City Attorney, asked Dr. Story if he had any questions on the application itself or any other issues rather than the general concepts.

Dr. Story answered no.

Ms. Judy Blankenship said that she has been sworn in. She reported that she is the President of the Royal Park Condominium Association, which is located immediately to the south of this property. She said that she lives on the second floor and what concerns her is that she overlooks this property. Currently she has the view of beautiful trees and asked if this new building goes in, what is going to break her view. She said they have 38 units in her building, which has three (3) floors so the second and third floor would be looking into the back of this proposed building. She felt that parking could be a serious issue and parking on the street will not work at all. She said they need to look at the existing neighbors and how everything is going to be addressed. She said they have a total of 92 units, with 38 units on the north and 27 units on the east and west so there are a lot of people. She said they have a very respectable community and a desirable piece of property and they would like to keep it that way. She said that they would appreciate the consideration of their neighbors.

Mrs. Sandy McLaughlin stated that her and her husband are partners in McLaughlin Properties and are the applicants. She reported that there are 95 Palm Trees on the site and they are going to keep as many of them as they can. She said that she did try to reach out to the Condominium Association because they do want to work with them. She asked Ms. Blankenship for her contact information so they can discuss this. She reported that there currently are a little over 20 people living on the property and there are probably six (6) cars parked there. She explained that the reason she is only designating five (5) units as affordable housing is because of the reporting requirements. It is her commitment to maintain all of the 20 units as affordable housing units for as long as she owns the property. She reported that the interior of all the units would be the same. There will be 20 very nice affordable housing units at a rate of income that her tenants can afford. She noted that the rate her tenants are currently paying will not increase, which means they will not be displaced in any way.

Mr. Dallas Freeman said that he is a resident of Royal Palm Condominiums. The Vice Chairman asked Mr. Freeman if he has been sworn in. Mr. Freeman testified that he was.

Mr. Freeman said that he has been a resident of the condominium for 20 years. He said currently they restrict the number of people permitted in their units. He asked how that would play into the proposed project.

Mr. Jeffries said there are requirements in the City's Code. However, because of the nature of this project there might be an opportunity to have something in the agreement with the City.

The Chairman closed the public hearing at 2:10 p.m., with no one else wishing to be heard.

Mrs. McLaughlin said that she runs a very tight ship and anyone living there has to be on the lease and she allows only one (1) person per bed and two (2) if they are married.

Mr. Lauer asked how many bedrooms are in the units.

Mrs. McLaughlin answered one (1) bedroom for the most part.

Mr. Lauer asked are they all one (1) bedroom units.

Mrs. McLaughlin answered yes.

Mr. Jeffries asked was the question how many bedrooms do they have currently or what is being proposed.

Mr. Lauer said what is being proposed.

Mr. Jeffries clarified that what is being proposed is two (2) bedrooms per unit.

Mrs. Pelensky questioned how they could put the number of people allowed per unit into the agreement.

Mr. Jeffries said the Board can make that as part of their recommendation to the City Council. He said staff will make sure that is built into the agreement before they bring it before the City Council.

Mrs. Pelensky made a motion that the Board puts into the agreement that they have a certain amount, whatever the amount is that they agree on ...

Mr. John Turner, City Attorney, asked do they have a number in mind.

Mr. Lauer suggested that they not exceed four (4) people per unit.

Mr. Jeffries recommended that they allow one (1) person per bedroom unless it is a married couple.

Mr. Lauer questioned restricting it to a married couple. If they say not to exceed four (4) people per unit, then that would be the maximum allowed.

Mrs. Pelensky made a motion that staff includes in the agreement with the City that requires a maximum of four (4) people living in a unit ...

Mr. Lauer explained that the Board needs a motion to approve or not approve the application subject to an agreement.

Mr. Turner explained that there is a request that the application would include a cap of four (4) people per unit as a recommendation. He said the Board could move to approve the application as presented with the amendment to the application as to restricting the number of individuals

per unit and that is supported by substantial competent evidence, it should be a finding made by the Board.

Mrs. Pelensky made that motion (that the Board approves Affordable Housing Development Application #AH19-000003 submitted by McLaughlin Properties, LLC, with the added language in their agreement with the City that there is a cap of four (4) people per unit). Mr. Prieto seconded the motion and it passed 5-0 with Mr. Cahoy voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, Mr. Prieto yes, and Mr. Lauer yes.

{Quasi-Judicial}

- B) Site Plan Application submitted by McLaughlin Properties, LLC for the construction of a two-story multi-family residential building (20 units) located at 1055 Royal Palm Boulevard (SP19-000003)**

The Chairman read Site Plan Application #SP19-000003 submitted by McLaughlin Properties, LLC by title only.

There were no ex parte communication reported.

Mr. Turner noted that this is a separate proceeding so anyone who is going to testify or make a statement need to be under oath.

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

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

Mr. Bittner referred to the proposed parking of two (2) spaces per unit. He asked if there would be any additional spaces for guest parking.

Mr. Jeffries said the Code only requires two (2) parking spaces per unit.

Mr. Bittner said if they are approving up to four (4) people per unit and providing two (2) parking spaces per unit with no guest parking, it might lead up to overflow parking.

Mr. Jeffries explained that they are now dealing with the Site Plan Application so the question would be if they are meeting the City standards, so built into that ratio is the provision of people living in that unit and guest parking and the Code requires two (2) spaces per unit.

Mr. Lauer said 40 parking spaces is a lot.

Mrs. Minuse asked isn't there also a provision in the Code regarding affordable housing and nearby transportation.

Mr. Jeffries answered yes.

Mrs. Pelensky said the plan shows on the south property line, six (6) clusters of Palm Trees, which is great, but the elevation drawing shows a lot more than six (6). Therefore, that is not an accurate depiction of what the people in the condominium will be looking at.

Mrs. Pelensky asked why is the building being set so far back.

Mr. Jeffries said that would be a question for the applicant.

Mr. Todd Smith, Project Engineer, said the building is being set back on the property because they knew they were going to have the main access to the property on Ponce De Leon and there are distance requirements from the intersection to the entrance, so it would either push the parking all the way to the back of the property or push the building all the way to the front along Royal Palm Boulevard. They also looked at where they could save the most trees. He said under their design consideration, it would save the most trees by putting the stormwater on the front of the property and putting the building towards the back of the property. He stated that they would have 79 Palm Trees, there are eight (8) existing canopy trees on the site and they would be planting an additional 20 more large canopy trees, and about 400 shrubs. He said they are not taking the parking reduction that is allowed by the Affordable Housing Code and will be providing 40 parking spaces. He noted that typically most multi-family units are allowed two (2) vehicles per unit on the entire complex. It usually averages to about 1.5 per unit. He reported that the stormwater will be a big improvement to the site in that their stormwater area will be a dry sodded system at 18-inches deep.

Mr. Cahoy asked is there any type of privacy fencing on the rear of the property to accommodate the close vicinity of the multi-family behind them.

Mr. Smith said a fence is not being proposed.

Mr. Cahoy said the privacy issue and the accommodation was raised earlier in today's meeting, which is why he is raising that question; to have some type of fencing to accommodate the people to the rear of the property.

Ms. Gayle Lafferty, Senior Planner, said the adjacent property has an existing six (6) foot privacy fence, which is located on the property line.

Mr. Cahoy asked Mrs. McLaughlin if they would be predesignating parking numbers to the parking spaces. He said guest parking was raised earlier and if the parking spaces were numbered, that would not accommodate a guest parking issue.

Mrs. McLaughlin answered no. She said they currently have 40-50 people living there and there are six (6) cars so she doesn't see parking being an issue. If it becomes an issue, they can address it when it happens and if they need to designate parking for each unit, they can do that.

Mr. Cahoy said that would help him make a decision if there was some type of an agreement relative to designation.

Mr. Jeffries noted that they are reviewing the site plan so they have to follow the site plan requirements and there is no such requirement of the City to require numbering of parking spaces.

Mr. Cahoy questioned the fence issue that was raised.

Ms. McLaughlin said the Condominium Association has a fence on their side of the property and she has a fence on her side of the property. She said the fences are essentially back-to-back. She said her fence is a little bit older and it is her intent to take it down. She said that she doesn't see a need to have both fences and the Condominium's fence is much nicer.

The Chairman opened and closed the public hearing at 2:46 p.m., with no one else wishing to be heard.

Mrs. McLaughlin said they have made every effort to accommodate what is good for the City with regard to parking, the egress/ingress, and aesthetics. She asked the Board to approve the project.

Mr. Prieto said that he lives on Royal Palm Boulevard and is totally in favor of having something like this versus what is currently there. He felt this is an improvement and a great idea that they applied for the credits for affordable housing.

Mr. Lauer said this is a vast improvement over what is currently there.

Mr. Prieto made a motion to approve Site Plan Application #SP19-000003 as submitted. Mrs. Minuse seconded the motion and it passed 5-0 with Mr. Cahoy voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, Mr. Prieto yes, and Mr. Lauer yes.

V. PLANNING DEPARTMENT MATTERS

Mr. Jeffries briefly went over the Planning Department's portion of the Power Point presentation with the Board members. He referred to the slide showing the site SpeakupVeroBeach.com relating to the concept plans for the Power Plant and Water and Sewer Plant properties (the Three Corners) and encouraged the Board members to visit the website, but not to participate in the discussions. He explained that there is a way for people to register on the website and throw out their ideas for the property. However, he would not encourage the Board members to participate because of the Sunshine law.

Mr. Cahoy asked Mr. Jeffries if he is saying that the Board members can't draw any information from that site.

Mr. Turner said it is their participation on the website, which might lend to problems, but they can go on the website.

Mr. Jeffries said if the Board members have ideas they might be able to discuss them as an agenda item and he would make sure their ideas get into the process. He said that he does want them as a Board to be engaged in this process.

VI. BOARD MEMBERS' MATTERS

Dr. Arthur Story said the building next to his office has been condemned for almost two (2) years. He questioned why the City hasn't done anything about it.

Mr. Jeffries said staff is working with the property owner and there are people who are interested in buying it, which might resolve this issue.

VII. ADJOURNMENT

Today's meeting adjourned at 3:14 p.m.

/sp

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, DECEMBER 5, 2019 - 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

PRESENT: Vice Chairman, Steven Lauer; Members: Honey Minuse, Robin Pelensky, Jose Prieto, Alternate Member #1, Richard Cahoy and Alternate Member #2, Joe Bittner **Also Present:** Planning and Development Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Unexcused Absence: John Carroll

Today's meeting was called to order at 1:30 p.m.

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

Mr. Jason Jeffries, Planning and Development Director, added to today's agenda, selection of a Board member to serve on the Citizen's Oversight Committee.

II. ELECTION OF OFFICERS

A) Chairman

Mr. Lauer nominated Mr. John Carroll for Chairman of the Planning and Zoning Board.

Ms. Sherri Philo, Deputy City Clerk, explained that Mr. Carroll could not be nominated because he is not present to accept or decline the nomination.

Mr. Prieto nominated Mr. Steven Lauer for Chairman of the Planning and Zoning Board. Mrs. Pelensky seconded the nomination.

There were no other nominations.

Mr. Steven Lauer was unanimously appointed Chairman of the Planning and Zoning Board.

B) Vice Chairman

Mrs. Pelensky nominated Mrs. Honey Minuse for Vice Chairman of the Planning and Zoning Board. Mr. Prieto seconded the nomination.

There were no other nominations.

Mrs. Honey Minuse was unanimously appointed Vice Chairman of the Planning and Zoning Board.

III. SUNSHINE LAW BRIEFING

Mr. John Turner, City Attorney, gave a Power Point presentation on the Sunshine Law, the Public Records Law and Quasi-Judicial Hearings (attached to the original minutes).

Mr. Lauer referred to slide 20, *“What is Not Competent Substantial Evidence,”* where Mr. Turner stated that unless attorneys are sworn in and have personal knowledge and establish on the record that based upon their education, background, and experience, that they are qualified. He said there is one (1) attorney in particular that comes before the Board on numerous occasions who refuses to be sworn in as a witness. He asked is the Board to ignore everything he says.

Mr. Turner said outside of the attorney’s argument or for his client’s position, if he is not going to be sworn, his testimony lacks the necessary foundation and credibility. The attorney can make arguments. He said if you are an attorney and are going to be testifying regarding some facts and matters and they are not in the record, then you should be sworn in.

IV. PUBLIC COMMENT

None

Add on Item: Selection of a Board member to serve on the Citizen’s Oversight Committee

Mr. Jeffries reported that typically a member of the Planning and Zoning Board sits on the Citizen’s Oversight Committee. Because the previous member who sat on the Committee no longer serves on the Planning and Zoning Board, that member will need to be replaced.

Mrs. Robin Pelensky volunteered to sit on the Committee. The Board members agreed.

V. DISCUSSION OF ANNUAL REPORT

Mr. Jason Jeffries, Planning and Development Director, gave a Power Point presentation outlining the Annual Report that was included in their backup information (both attached to the original minutes). He referred to page three (3) of the Report stating that *“2019”* should be *“2020.”* Included in the Power Point presentation were some additional activities to be added to the Annual Report.

Mrs. Minuse made a motion to approve the Annual Report as amended. Mr. Lauer seconded the motion and it passed unanimously.

VI. PLANNING DEPARTMENT MATTERS

A) Update on Three Corners Charrette and Plan

This item was included in the Power Point presentation of the Annual Report.

Mr. Cahoy referred to the cellular towers that are currently located on the Power Plant. He asked are they going forward with relocating the towers.

Mr. Jeffries reported that they have a date certain to be off the Power Plant building.

Mr. Cahoy said there is some consideration for maintaining the Power Plant building, rather than tearing it down.

Mr. Jeffries said that he would discuss this with the City Manager.

Mrs. Minuse referred to the old Postal Annex property and questioned if they are going to be limited as to what they can do with the property because of Florida Power & Light's substation. She said that she knows there are new regulations as to what can be near transmission of electricity so she wondered if that is going to limit what can be done on that site.

Mr. Jeffries will look into that.

VII. BOARD MEMBERS' MATTERS

None

VIII. ADJOURNMENT

Today's meeting adjourned at 3:12 p.m.

/sp

**PLANNING AND ZONING BOARD WORKSHOP MINUTES
VERO BEACH THREE CORNERS
CHARENTE PUBLIC SESSION
WEDNESDAY, JANUARY 29, 2020 – 4:00 P.M.
VERO BEACH COMMUNITY CENTER, 2266 14TH AVENUE
VERO BEACH, FLORIDA**

PRESENT: Chairman, Steven Lauer; Vice Chairman, Honey Minuse; Members: Robin Pelensky, Jose Prieto, Alternate Member #1, Richard Cahoy and Alternate Member #2, Joe Bittner **Also Present:** Planning and Development Director, Jason Jeffries; City Attorney, John Turner; City Manager, Monte Falls and Deputy City Clerk, Sherri Philo

Excused Absence: John Carroll

Mr. Jason Jeffries, Planning and Development Director, explained to the audience present today that this is an official workshop meeting of the Planning and Zoning Board.

The Chairman called the meeting to order at 4:00 p.m.

Mr. Andres Duany, CEO of DPZ CoDesign, introduced himself to the Board members. He reported that they have held seven (7) charette/meetings regarding the Three Corners, which have all gone very smoothly. He said there has never been an outreach like this because of the lead time and Christmas, they had over two (2) months of interaction on the internet (SpeakUpVeroBeach), which has yielded 6,000 people tracking this, 3,000 people participating, and 1,000 people have participated in writing. He reported by Monday evening they already had a proposition. Unlike most charettes where a lot of time is spent taking notes, they just went ahead and started designing. He said this process is so advanced that they were able to present visible ideas and they had enough time to change them. He reported that last night they met with the residential neighbors to the north and south of the project and there was no opposition.

Mr. Duany stated that their contract states that they are to deliver to the City five (5) scenarios, which are 1) what happens if they don't do anything; 2) what do the neighbors think; 3) what does the community as a whole think, which brings in the County residents; 4) what do you (public officials and employees) actually think, which he has never heard from anyone because their position is they are here to listen, which occurs all over the Country, which he disagrees with because Elected Officials are here to and 5) what does he think. He said that the report they submit to the City would have the five (5) scenarios with the pros and cons on everything. He would recommend that the City Council approve the plans in principle and then get on with the most popular and easiest project to do. He recommended that the City set this up to pass the plan as soon as it is delivered and then take it apart one by one and get on with it. That is the politics of it, which he has not discussed before.

Mrs. Minuse asked how did they reach out to the neighbors.

A Representative of DPZ CoDesign reported that they went reached out to the Home Owner Associations, they had articles in the newspapers, they used facebook, social media, and

SpeakUpVeroBeach.

Mr. Duany said they reached out to the neighbors on the north and to the south of the property and there were several hundred people at their meeting last night.

Mr. Jeffries said in terms of benchmarks, the Vision Plan only had about 500 people involved in the entire process. The Art Village Plan, which is similar to the charette process they are doing with the Three Corner process, had 125 people, which they have far exceeded with this project. He reported that they spent two (2) Saturdays giving tours of the Power Plant so everyone can see the site and the building and there were over 1,000 people who attended.

Mr. Duany said politically what astonished him was in going from the most popular ideas to the least popular ideas, the least popular ideas was anything that made income. He said that he started to get worried about who was going to pay for this stuff and then he was told by the Finance Director that when the electric utilities were sold, the City acquired \$21 million, which could be spent on this. However, he was told that the City has money to build things, but has very little funds to keep things going. So one of their proposals is having different entities manage other entities, such as the sailing club managing the skate park, the hotel could manage the conference center and security, etc.

Mr. Duany said this site is much larger than people think. It is actually the size of the historic district of St. Augustine. Therefore, they were able to provide everything that everyone wanted. The only skill they did was to fit it together in a coherent way. He felt this was part of the reason this process has been going so easily. He said just say yes to everything because everything fits. He explained that after putting all the ideas on the property, there is still one-third of the land left. He thought they were going to recommend that the City mothball that property and let the next generation decide what they want.

Mr. Duany said that he was approached by a young man this morning who owns a business on Main Street who is employing a lot of young people who told him there is no housing for them. He said enough of this entertainment stuff. What is really needed here is housing that is affordable. Mr. Duany said the hospital has 40 unfilled jobs, teachers are approached by other school boards, etc. He said housing does come up and they could consider putting housing on the property catered directly to hospital employees, police officers, and school teachers. Out of the responses they received on the questionnaires, of the 14 categories listed, housing was number 11, so it is not popular, but people are asking for it and that will be incorporated in the design.

Mrs. Pelensky asked what is the next step where the Planning and Zoning Board is involved.

Mr. Duany said tonight's meeting is to present to the Board. He reported that the highest point of acceptance of the plan will be at Friday evening's meeting, which concludes the meeting process. The next step will be the contract, which will break it down in phases.

Mr. Lauer asked what is the zoning of the property.

Mr. Jeffries reported that the Power Plant and the Water Sewer Plant are zoned M-Industrial, the

Post Office Annex property is zoned Commercial. He reported that the Plan would come before the Planning and Zoning Board and the Steering Committee for their recommendations to the City Council. He noted that the Power Plant property and the Water and Sewer Plant property are protected by the Charter as recreational public use so this property would probably have to go to a referendum.

Mr. Monte Falls, City Manager, explained that it would have to go to referendum if the property is leased or sold. He felt that it was heading towards going to referendum, which the deadline to get it on the ballot would be in August.

Mr. Duany showed drawings of the different ideas for the property, which showed parking, shed buildings that would incubate businesses, a conference center and hotel inside the Power Plant, Youth Sailing, three (3) restaurants that would be at different costs so everyone can enjoy them, a Skate Park, a service and pedestrian road, a restored wetland, and a wedding chapel.

Mr. Duany said on the Water and Sewer Plant property they would have the kayak launch. He showed on the screen the two (2) water tanks with a glassed in lobby between them. He said they could have a meeting hall in one (1) of the tanks clarifying that he was not talking about having City Hall there, but having a meeting room. He said they could have climbing walls in one (1) of the tanks or a black box theater.

Mrs. Minuse asked when would this be coming back before the Board.

Mr. Jeffries said sometime in April.

Mr. Lauer asked if the Board could take a tour of the Power Plant.

Mr. Jeffries said that he would arrange for a tour.

Today's meeting adjourned at 5:30 p.m.

/sp

W.A

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Lauer and Planning and Zoning Board Members

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

FROM: Cheri B. Fitzgerald, AICP *CBF*
 Principal Planner

DATE: January 30, 2020

SUBJECT: **Request by Dr. Michael Geraghty to Rezone ±1.31 Acres from MXD, Mixed Use to C-1, Highway Oriented Commercial; located in the 800 Block of 18th Place and 19th Street in the Palm Addition Subdivision (Application #Z19-000016-MAP)**

Overview

This is a request to rezone approximately 1.31 acres of land from MXD, Mixed Use District to C-1, Highway Oriented Commercial District. The subject property is located in the 800 Block of 18th Place and 19th Street in the Palm Addition Subdivision.

The following are attachments to this report:

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

Background

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

Existing Land Use and Zoning Patterns. The site and adjacent properties to the north, south, and west are designated (MX) Mixed Use on the City's Future Land Use Map. The undeveloped land to the east of the site is designated (C) Commercial.

Table 1. Adjacent Land Uses and Zoning Classifications:

	Land Uses	Land Use Designation	Zoning Classification
Subject Site	Undeveloped Vacant Mixed Use	Mixed Use	MXD (Mixed Use)
North	Residential Apartments	Mixed Use	MXD (Mixed Use)
South	Commercial Parking Lot for former Press Journal	Mixed Use	C-1 (Highway Oriented Commercial)
East	Undeveloped Vacant Commercial	Commercial	C-1 (Highway Oriented Commercial)
West	Undeveloped Vacant Mixed Use	Mixed Use	MXD (Mixed Use)

The proposal is to change the zoning to C-1 (Highway Oriented Commercial). The purpose of the Commercial districts are to provide for 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 servicing seasonal or transient residents. Located to the north and across 19th Street of the subject property are existing multi-family residential apartments and are zoned MXD (Mixed Use). The properties to the south and across 18th Place include the existing commercial parking lot for the former Press Journal building and are zoned C-1 (Highway Oriented Commercial). The adjacent properties to the east include undeveloped lots and existing commercial uses and are zoned C-1 (Highway Oriented Commercial). The adjacent properties to the west include vacant/undeveloped land and residential apartments and are zoned MX (Mixed Use).

Environment. The subject property is vacant/undeveloped parcels with many large old growth oak trees. The subject property is located in Flood Zone “X”.

Utilities and Services. The subject property is located in the City’s current water and sewer service area and capacity is available in the system to provide necessary services.

Transportation Facilities. The subject property has road frontage on two local streets including 19th Street and 18th Place. In addition, the property is located approximately 245 feet to the west of US Highway 1 an urban principal arterial roadway.

Comparison of Existing versus Requested Zoning District Designations

The existing zoning of the subject properties are MXD (Mixed Use). The proposed zoning district is C-1 (Highway Oriented Commercial). A comparison of the two zoning districts permitted/allowable uses are included in Table 2.

Table 2. Comparison of Permitted Uses in MXD and C-1:

Permitted Uses:	MXD	C-1
Single Family Residential	X	
Duplex	X	
Multiple Family Residential	X	X
Cultural and Civic Activities	X	X
Places of Worship	X	X
Educational Institutions	X	
Day Care Services	X	
Park & Recreation Areas	X	
Nursing Homes	X	
Adult Congregate Living Facilities	X	X

Permitted Uses:	MXD	C-1
Utility Services	X	X
Government Uses	X	X
Administrative Services		X
Business and Professional Offices	**	X
Commercial Amusements		X
Financial Institutions		X
Fire Stations		X
Funeral Homes		X
General Retail Sales & Services		X
Guest House & Transient Quarters		X
Hotel & Motels		X
Medical Services	**	X
Microbreweries		X
Nonprofit Clubs		X
Parking Lots & Garages		X
Plant Nurseries		X
Restaurants		X
Restricted Sales & Services *	**	X
Self-Service Storage Facilities		X
Trade Service & Repair		X
Vehicular Sales & Services		X
Veterinary Services		X
Wholesale Trades & Services		X
Accessory uses	X	X
* Excluding drive-ins, drive-throughs and food service establishments primarily providing meals, intended for off-premises consumption and enclosed or wrapped or packaged in any form.		
**Additional permitted uses in the MXD, Mixed District include a maximum of 5,000 square feet per acre of the following uses, provided that a minimum of 75 percent of the maximum number of residential units permitted on a site are built in conjunction with these uses: a) Restricted sales and services; b) Medical offices; and c) Business and professional offices.		

As noted above, the two zoning districts share six (6) permitted uses, they are: multiple family residential, cultural and civic activities, places of worship, adult congregate living facilities, utilities services and government uses. In addition, business and professional offices, medical services and restricted sales and services uses are also permitted in the MXD zoning district, with limitations of size and in conjunction with residential uses. There are several uses, such as

commercial amusements, funeral homes, general retail sales and services, hotels/motels, microbreweries, parking lots and garages, restaurants, self-service storage facilities, vehicular sales and services and veterinary services that are only permitted in the proposed C-1 zoning district. The MXD zoning district is mainly designated for mixed-use residential uses with limited small-scale retail and office uses versus the proposed C-1 zoning district allows larger scale and more intense commercial and highway oriented uses.

Review and Analysis

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

Justification for Amendment. Pursuant to Section 65.22(i)(1), the applicant’s justification for the proposed amendment to the zoning map for the subject property is discussed below:

The applicant’s representative prepared the justification statement for the amendment. In summary, the justification is stated as follows: “The re-zoning request includes six (6) existing parcels that abut or are adjacent to the existing C-1 zoned parcels along the frontage of US Highway 1. The existing parcels lie within the US 1 Commercial corridor, which presently supports many Commercial uses. The US 1 corridor is a designated Commercial node for these types of services, and the parcels in question, are proxemics to this corridor. A proposed Veterinary Medical Clinic is proposed for the existing C-1 Commercial parcels, but the additional land needed to support the project, requires the re-zoning to the C-1 designation. The proposed Veterinary Medical Clinic requires the C-1 zoning designation and the six (6) parcels in question will need to be re-zoned to the C-1 designation for the Clinic to be constructed.”

Findings: The amendment is justified based on the location of the subject site. The site is adjacent to existing properties zoned C-1 (Highway Oriented Commercial) and is located approximately 245 feet from the US 1 Highway Corridor. The site is an appropriate site for commercial development based on the location of the property and the proximity to the US 1 Corridor.

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

- Land Use Element Policy 1.18: *The City shall rezone land consistent with Table 2-2, Relationship between Future Land Use Designation and Zoning Districts, and the standards set forth in this policy and elsewhere in the element. The City recognizes that not every zoning district allowed within a future land use designation is appropriate for every site within that designation. Therefore, the City may deny a rezoning request, even if the requested zoning district is consistent with a site’s land use designation, if the request does not meet the following standards:*

- (a) *Consistency with the goals, objectives, and policies of the Comprehensive Plan;*
- (b) *Compatibility with zoning map designations abutting or in the immediate vicinity of the subject property;*
- (c) *Changed conditions to the subject property and the neighborhood or area in the vicinity in which the property is located that warrant an amendment;*
- (d) *Maintenance of adopted level of service on roadways, public school facilities, sanitary sewer, potable water, solid waste, storm drainage, and recreation;*
- (e) *Maintenance of an orderly and logical development pattern; and*
- (f) *Consistency with the public interest.*

The requested zoning designation is C-1, Highway Oriented Commercial. This zoning district is listed as one of the appropriate districts under the MX, Mixed Use future land use designation. The MX, Mixed Use designation allows development in areas suitable for a broad mixture of residential, mixed residential/nonresidential, commercial, educational, institutional, and nonresidential uses, as permitted in Policy 1.9 discussed below.

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

- Land Use Element Policy 1.9: *The Mixed Use (MX) Land Use designation shall be applied to those areas that are suitable for small to medium urban scale development and intensities. Those areas shall be limited to lands near in proximity and with access to arterial or collector streets and multi-modal transportation alternatives, and shall be located within or immediately adjacent to the existing Downtown area or existing uses in the central core of the City radiating out from the intersection of the Florida East Coast Railway and SR 60. This land use category shall or may allow a broad mixture of residential, mixed residential/nonresidential, commercial, educational, 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 located in MX, Mixed Use future land use category. The subject property is adjacent to existing C-1, Highway Oriented Commercial zoning district to the east and across 18th Place to the south and northeast across 19th Street. The subject property is also located approximately 245 feet from an urban principal arterial roadway.

Findings: The subject property is within the MX, Mixed Use land use designation, as noted above. The zoning change request is consistent with Policy 1.9. The proposed zoning change will provide the ability for development of the adjacent properties to the east with US1 highway frontage.

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

- **Compatibility with Zoning Map Designations within Immediate Vicinity:** *The amendment is compatible with the Zoning Map designation within the immediate vicinity of the proposed change.* The proposed amendment is compatible with the Zoning Map designation within the immediate vicinity of the proposed change based on the following: the subject property adjacent and to the east is the same zoning district as the proposed zoning designation C-1 (Highway Oriented Commercial District). The property located to the south, across 18th Place, is also zoned C-1.

The property located adjacent and to the west and across 19th Street to the north is zoned MXD, Mixed Use District. The subject property currently abuts to the east the C-1 Zoning District. The MXD and C-1 Zoning Districts currently are adjacent to one another in the immediate vicinity and nearby neighborhoods. The MXD Zoning District purpose statement includes language that intends to preserve and enhance the residential character of neighborhoods while allowing for greater density residential development and small-scale, low-intensity nonresidential uses. The MXD Zoning District allows a mixture of higher residential densities (maximum of 17 units per acre) and smaller scale commercial uses (such as medical services, business and professional offices, and restricted retail sales and services).

Finding: The proposed change is considered a compatible zoning map designation with the zoning map designations within the immediate vicinity to the north, south, east and west.

- **Changed Conditions:** *Changed conditions to the property, neighborhood, or the area in the vicinity in which the property is located that warrant an amendment.* As discussed previously under the justification for the amendment, the site is an appropriate site for commercial development based on the location of the property and proximity to the US 1 Corridor.

Finding: Conditions in the area near the vicinity of the proposed zoning map have changed due to the potential re-development of the property along the US1 Corridor adjacent to the subject site.

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

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

As part of the zoning amendment application, a traffic impact analysis was prepared that conducted a review of the potential hypothetical Pre/Post traffic impacts to the surrounding roadway systems with the existing MXD zoned property and the proposed C-1 zoning change. The analysis reported no adverse impacts to the surrounding transportation infrastructure systems and stated that the systems will continue to operate as they do today.

Finding: The change from MX to C-1 will not significantly change the traffic impact or levels of service.

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

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

Staff Recommendation

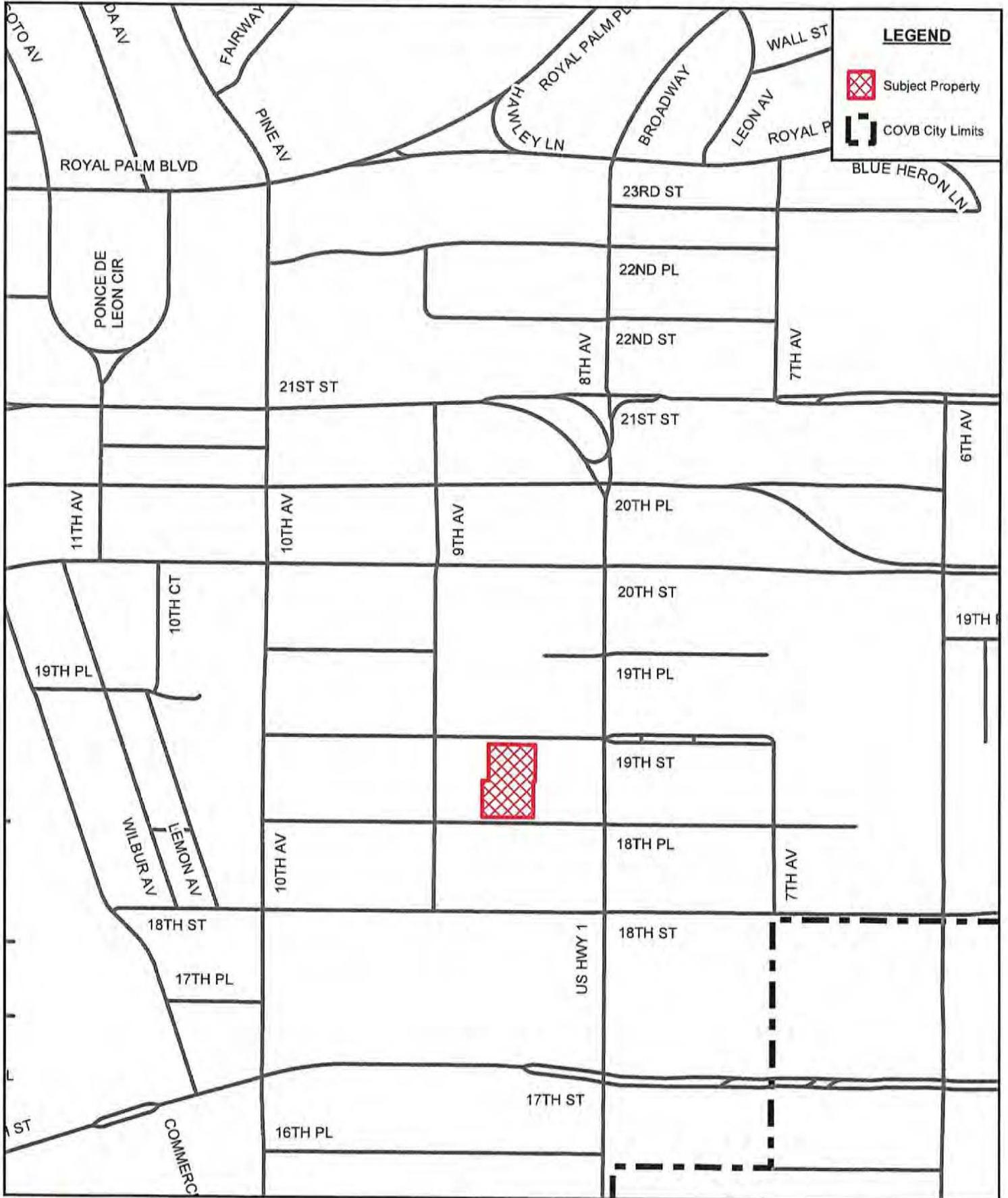
Based on the analysis and findings above, the staff recommends that the Planning and Zoning Board recommend approval by the City Council of the following:

- Draft Ordinance amending the Zoning Map designation from MXD, Mixed Use to C-1, Highway Oriented Commercial (±1.31 acres) for the subject property.

Attachments

LOCATION MAP

18th Pl to 19th St, Vero Beach, Fl



LEGEND

 Subject Property

 COVB City Limits



Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
January 14, 2020

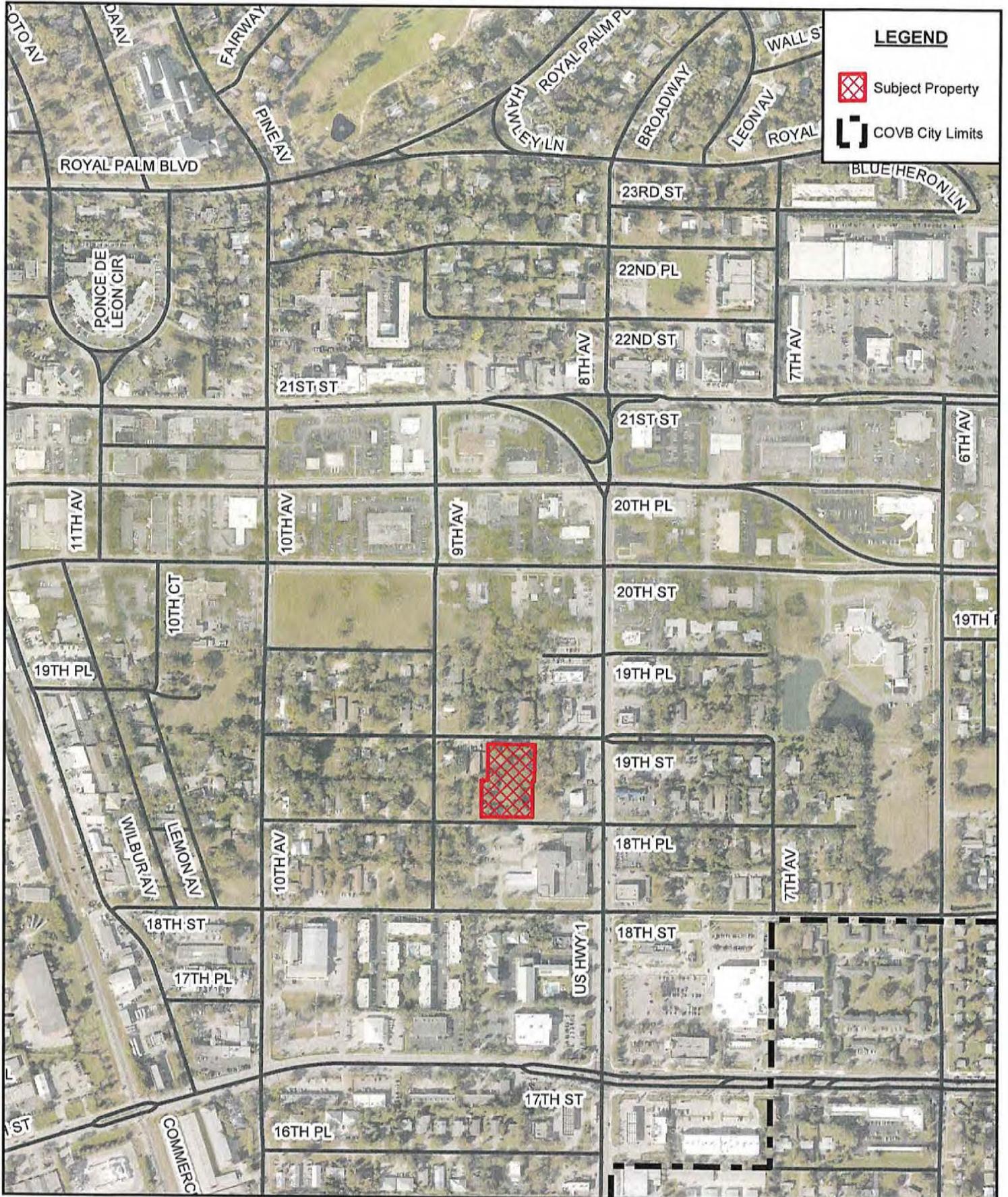
Scale: 1" = 500'

Disclaimer:
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AERIAL MAP

18th Pl to 19th St, Vero Beach, Fl



LEGEND

-  Subject Property
-  COVB City Limits



Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
January 14, 2020

Scale: 1" = 500'

Disclaimer:
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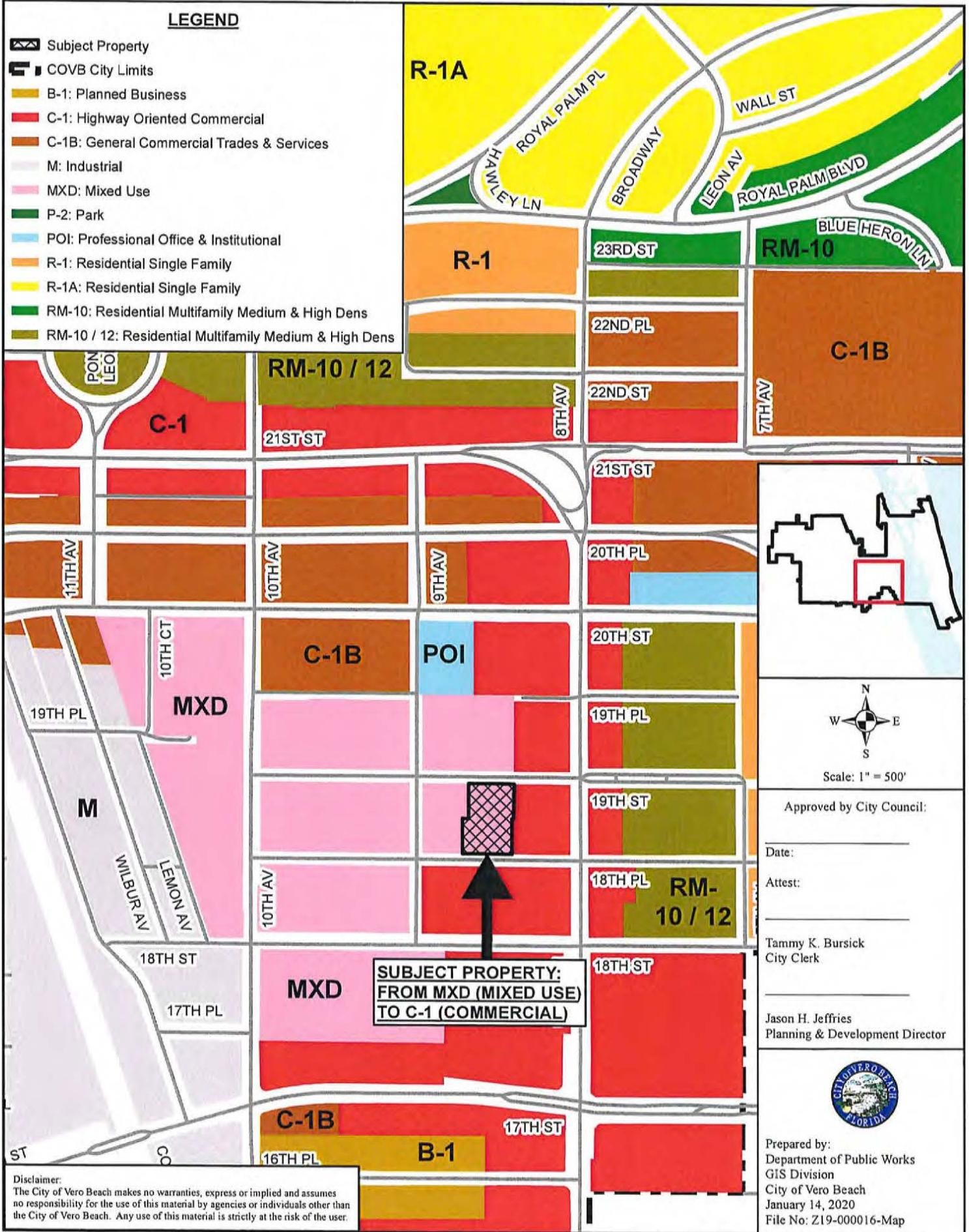


ZONING DISTRICTS MAP

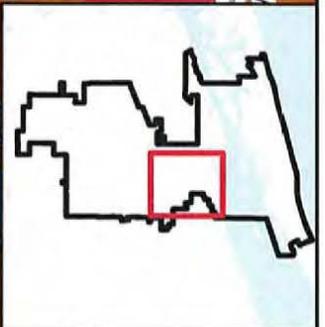
18th Pl to 19th St, Vero Beach, Fl

LEGEND

-  Subject Property
-  COVB City Limits
-  B-1: Planned Business
-  C-1: Highway Oriented Commercial
-  C-1B: General Commercial Trades & Services
-  M: Industrial
-  MXD: Mixed Use
-  P-2: Park
-  POI: Professional Office & Institutional
-  R-1: Residential Single Family
-  R-1A: Residential Single Family
-  RM-10: Residential Multifamily Medium & High Dens
-  RM-10 / 12: Residential Multifamily Medium & High Dens



**SUBJECT PROPERTY:
FROM MXD (MIXED USE)
TO C-1 (COMMERCIAL)**



Scale: 1" = 500'

Approved by City Council:

Date: _____

Attest: _____

Tammy K. Bursick
City Clerk

Jason H. Jeffries
Planning & Development Director



Prepared by:
Department of Public Works
GIS Division
City of Vero Beach
January 14, 2020
File No: Z19-000016-Map

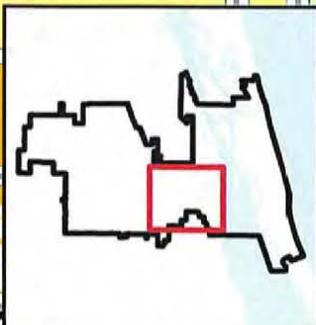
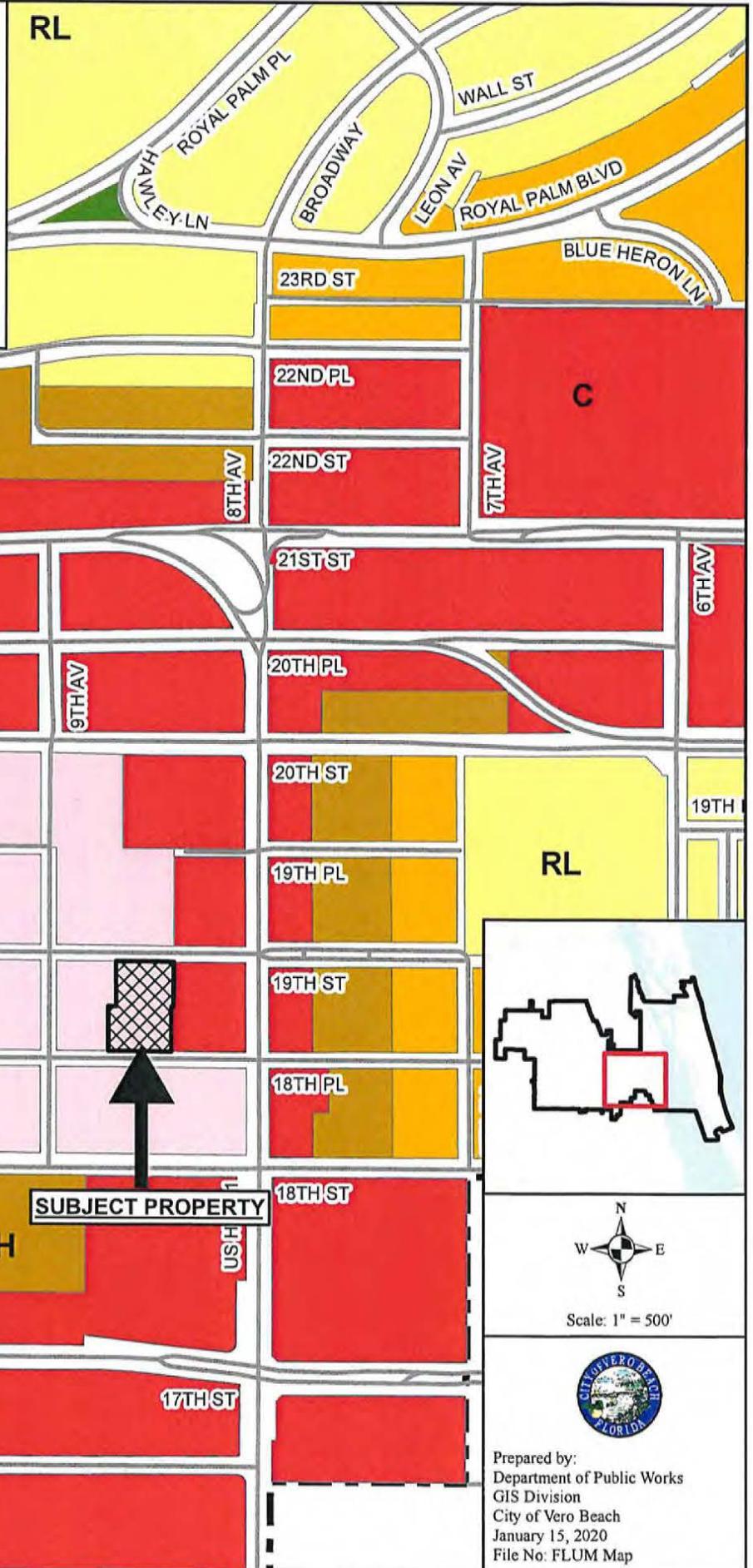
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FUTURE LAND USE MAP

18th Pl to 19th St, Vero Beach, FL

LEGEND

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



Prepared by:
 Department of Public Works
 GIS Division
 City of Vero Beach
 January 15, 2020
 File No: FLUM Map

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DRAFT
ORDINANCE NO. 2020 – _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, AMENDING THE OFFICAL ZONING MAP BY CHANGING THE ZONING DISTRICT DESIGNATION OF PROPERTY FROM MXD, MIXED USE, TO C-1, HIGHWAY ORIENTED COMMERCIAL, FOR THE PROPERTY LOCATED IN THE 800 BLOCK OF 18th PLACE AND 19th STREET, IN THE PALM ADDITION OF VERO BEACH, FLORIDA SUBDIVISION, INCLUDING THE WEST 25 FEET OF LOT 5 AND LOTS 6, 7, 8 AND THE EAST 25 FEET OF LOT 9 AND LOTS 16, 17, 18, AND 19, CONTAINING 1.31 ACRES MORE OR LESS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Dr. Michael Geraghty, Contract Purchaser, acting as the authorized applicant on behalf of the property owner, Miracle Mile Prime, LLC, submitted an application for amendment to the City of Vero Beach Official Zoning Map pursuant to Chapter 65, Article III, of the City’s Land Development Regulations, requesting a change in the Official Zoning Map designation from MXD, Mixed Use District to C-1, Highway Oriented Commercial District for property comprising 1.31 acres, more or less, located in the 800 Block of 18th Place and 19th Street, in the Palm Addition of Vero Beach, Florida Subdivision, including the west 25 feet of Lot 5 and Lots 6,7,8, and the east 25 feet of Lot 9 and Lots 16,17, 18, and 19; and

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

WHEREAS, the Planning and Zoning Board, serving as the local planning agency under Florida Statute 163.3174, after a public hearing held on February 6, 2020, finds that the zoning map amendment is consistent with relevant goals, objectives and policies contained within the City’s Comprehensive Plan and made a recommendation to the Vero Beach City Council; and

WHEREAS, notice was given as required by law that the Official Zoning Map of the City of Vero Beach, Florida, be amended to change designation from MXD, Mixed Use District to C-1, Highway Oriented Commercial District for property comprising 1.31 acres, more or less, located in the 800 Block of 18th Place and 19th Street in the Palm Addition of Vero Beach, Florida Subdivision, including the west 25 feet of Lot 5 and Lots 6,7,8, and the east 25 feet of Lot 9 and Lots 16,17, 18, and 19; 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 in the 800 Block of 18th Place and 19th Street, in the Palm Addition of Vero Beach, Florida Subdivision, including the west 25 feet of Lot 5 and Lots 6,7,8, and the east 25 feet of Lot 9 and Lots 16,17, 18, and 19; and

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 adoption by the City Council.

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

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

ATTEST:

**CITY OF VERO BEACH,
FLORIDA**

Tammy K. Bursick
City Clerk

Anthony W. Young
Mayor

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

Approved as to form and legal sufficiency:

Approved as conforming to
municipal policy:

John S. Turner
City Attorney

Monte K. Falls
City Manager

Approved as to technical requirements:

Jason H. Jeffries, AICP
Planning and Development Director

ZONING 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 12/23/19 Application # Z19-000016-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 Dr. Michael Geraghty Telephone 772-240-0934
Fax #: _____

MAILING ADDRESS 4001 Oak Hammock Lane; Fort Pierce, FL 34951

SITE OWNER Miracle Mile Prime, LLC - Ron Rennick Telephone _____
Fax #: _____

OWNER ADDRESS 15 Royal Palm Pointe; Vero Beach, FL 32960

SITE LOCATION See attached.

PARCEL I.D. NUMBER See attached.

PROPOSED ZONING CHANGE: FROM MXD TO C-1



(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.

[Signature]
Applicant Signature
12/19/19
Date

[Signature]
Property Owner Signature
12/20/19
Date

Dr. Michael Geraghty
(Print Name)

Mr. Ron Rennick
(Print Name)

1-6-2020

SITE LOCATION

PARCEL ID

834 18 th PL, VB, 32960	33390100015000000017.0
842 18 th PL, VB, 32960	33390100015000000016.0
823 19 th ST, VB, 32960	33390100015000000005.0
833 19 th ST, VB, 32960	33390100015000000007.0
835 19 th ST, VB, 32960	33390100015000000008.0
843 19 th ST, VB, 32960	33390100015000000009.0

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-IAAA through R-I 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:

Advertising fee (1 regular advertisement)	\$ 180
Advertising fee (2 special advertisements)	\$ 720
Compiling of Mailing List and Preparing Notification Notice	\$ 40
Posting of Property	\$ 40
Handling and Mailing of Notification	\$ 2.50 per address

Small scale map amendments only:

Advertising fee (2 regular advertisements)	\$ 360
Compiling of Mailing List and Preparing Notification Notice:	\$ 40
Posting of Property:	\$ 40
Handling and Mailing of Notification:	\$ 2.50 per address

[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:

Advertising fee (1 regular advertisement)	\$ 200
Advertising fee (2 special advertisements)	\$ 800
Compiling of Mailing List and Preparing Notification Notice	\$ 40
Posting of Property	\$ 40
Handling and Mailing of Notification	\$ 2.50 per address

Small scale map amendment with future land use change:

Advertising fee (1 regular advertisements)	\$ 200
Advertising fee (1 special advertisements)	\$ 400
Compiling of Mailing List and Preparing Notification Notice	\$ 40
Posting of Property	\$ 40
Handling and Mailing of Notification	\$ 2.50 per address

December 20, 2019

City of Vero Beach
1053 20th Place
Vero Beach, FL 32960

Subject: Re-Zoning Application for 834 & 842 18th PL and
823, 833, 835 & 843 19th ST, Vero Beach
City of Vero Beach, Florida

To Whom It May Concern:

This letter shall serve as notification and authorization that Dr. Michael Geraghty, Contract Purchaser may act as the authorized Applicant on behalf of the company Miracle Mile Prime, LLC in obtaining all Re-Zonings and permits for the above referenced Subject. In addition, this letter shall also serve as notification and authorization that Todd Howder, VP with MBV Engineering, Inc. may act as the authorized agent for the Applicant and on behalf of the company Miracle Mile Prime, LLC in obtaining all Re-Zonings and permits for the above referenced Subject.



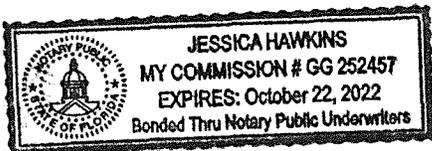
Mr. Ronald H. Rennick, Manager

12-20-19
Date

State of Florida
County of Indian River

The foregoing instrument was acknowledged before me this 20 day of December, 2019, by Ronald H. Rennick, who is personally known to me or has produced _____ as identification.

SEAL





Notary Public, State of Florida
Print Name: _____
My commission expires: _____



ZONING MAP CHANGE JUSTIFICATION REPORT

I. PROPOSED CHANGE NEED:

The re-zoning request are for a total of six (6) existing parcels that abut or are adjacent to the existing C-1 zoned parcels along the frontage of US Highway 1, more specifically located at 1833 & 1859 US Highway 1 in Vero Beach. The parcels in question are seeking a re-zoning from the MXD zoning designation to the C-1 designation. The existing parcels lie within the US 1 Commercial corridor, which presently supports many Commercial uses, such as fast-food restaurants, retail, motels, sit down restaurants, gas stations, grocery stores, etc. The US 1 corridor is a designated Commercial node for these types of services, and the parcels in question, are proxemic to this corridor. A proposed Veterinary Medical Clinic is proposed for the existing C-1 Commercial parcels, but the additional land needed to support the project, requires the re-zoning to the C-1 designation. The existing vacant building at 1833 US 1 has become blighted and will be demolished as part of the proposed project. In addition, the existing car repair station located at 1859 US 1 will also be removed. The proposed Veterinary Medical Clinic requires the C-1 zoning designation and the six (6) parcels in question will need to be re-zoned to the C-1 designation for the Clinic to be constructed.

II. PROPOSED AMENDMANT COMPATIBILITY – LAND USE ELEMENT:

The proposed Zoning amendment from the MXD designation to the C-1 designation is compatible with the existing land Use Element and goals and objectives for this Corridor. The area requested for the re-zoning lies in the US 1 Commercial corridor which supports various commercial uses as discussed in Section I above. This corridor is a designated node for commercial uses and not designated for any residentially zoned parcels. Municipalities develop these Commercial Land Use nodes specifically for this reason, providing for specific separation of the Commercially zoned parcels from Residential Zones to maintain the quality of life for its residents. The requested amendment will remain in compliance with these Land Use goals and objectives.

III. PROPOSED AMENDMANT COMPATIBILITY – ZONING MAP:

The City of Vero Beach Comprehensive Plan encourages compatibility with the surrounding properties for each designated Zoning district. The US 1 Corridor is surrounded and occupied by various C-1 designated parcels with a wide range of Commercial uses. The proposed re-zoning of



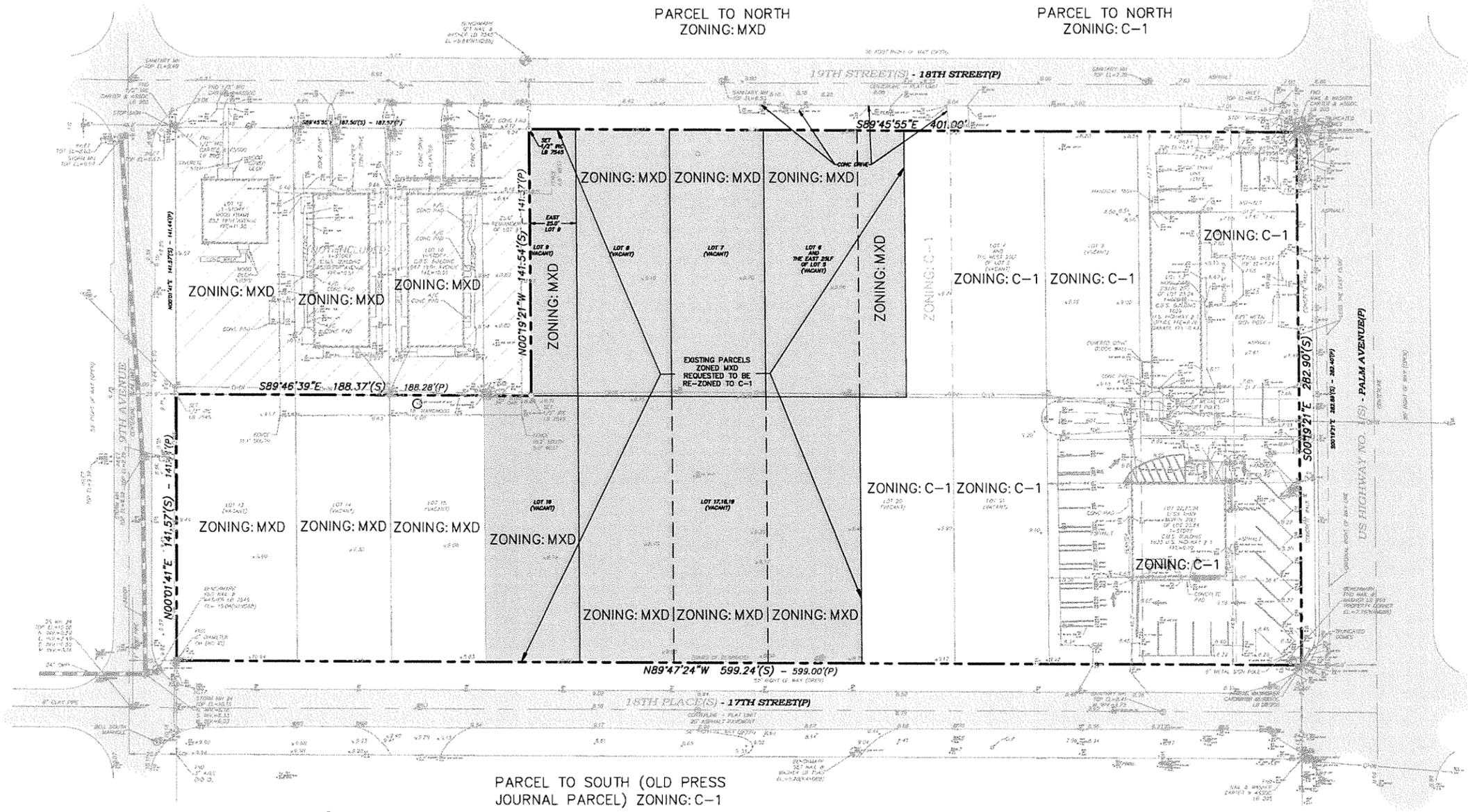
the parcels in question to the C-1 designation will maintain compatibility with the surrounding area and not adversely affect the existing conditions or other Commercially zoned parcels.

IV. SCHOOL IMPACT ANALYSIS:

The proposed amendment request is for a non-residential project and will not increase the residential density. Therefore, there will be no School impacts.

V. NON-EDUCATIONAL FACILITIES AND SERVICES IMPACT ANALYSIS:

The existing MXD designated parcels requesting the C-1 zoning designation are permitted to have infrastructure to support any use permitted by the LDR for a MXD zoned parcel. The infrastructure permitted for each of this party includes, but is not limited to, water and sewer service, driveway connection to existing to each parcel to access the existing roadway systems, drainage runoff to existing ROW and other elements afforded to MXD improved parcels. The re-zoning amendment request to convert to the C-1 zoning for said parcels will not adversely impact the existing infrastructure already in place to support this corridor. The US #1 Corridor already provides for and maintains adequate water, sewer, drainage and transportation facilities that will in turn continue to support the parcels as a C-1 designated zoning. In addition, a Traffic Impact Analysis has been conducted analyzing the Pre / Post traffic impacts to the surrounding roadway systems with the MXD parcels classified as C-1. The analysis reported no adverse impacts to the surrounding transportation infrastructure system and stated that the system will continue to operate as it does today. See Traffic Impact Analysis by Traffic Impact Group, LLC and dated December 4, 2019 for the full analysis and conclusions.



PARCEL TO NORTH
ZONING: MXD

PARCEL TO NORTH
ZONING: C-1

PARCEL TO SOUTH (OLD PRESS
JOURNAL PARCEL) ZONING: C-1

PARCEL RE-ZONING EXHIBIT

NO.	DATE	REVISIONS
1	11/11/10	ISSUED
2	11/11/10	ISSUED
3	11/11/10	ISSUED
4	11/11/10	ISSUED
5	11/11/10	ISSUED
6	11/11/10	ISSUED
7	11/11/10	ISSUED
8	11/11/10	ISSUED
9	11/11/10	ISSUED
10	11/11/10	ISSUED

JOB NO.	19-0033
DESIGNED	TH
DRAWN	WOO
DATE	12/28/10
CHECKED	AS
DATE ISSUED	TBD

MBV
ENGINEERING, INC.
MOA, BOWLES VILLAMIZAR & ASSOCIATES
CONSULTING ENGINEERING CA #3728
REGISTERED PROFESSIONAL ENGINEER
NO. 12711
FLORIDA

EXHIBIT

VETERINARY MEDICAL CENTER
OF IRC - RE-ZONING
FLORIDA
CITY OF VERO BEACH

NOT FOR CONSTRUCTION
PLAN SHEETS ARE PRELIMINARY
AND FOR INFORMATION ONLY.
PLANS SHOULD NOT BE USED AS
A BASIS FOR BIDS. CONTRACTOR
SHOULD ORDER THE OFFICIAL
PLANS FROM THE ENGINEER OF
RECORD TO ENSURE THAT ANY
ADDENDUMS ARE PROPERLY
DISTRIBUTED. PLANS ARE INVALID
WITHOUT ENGINEER OF RECORDS
SEAL AND SIGNATURE.

SHEET
EX
19-0033



IV. B

DEPARTMENTAL CORRESPONDENCE

TO: Chairman John Carroll, Jr and
Planning and Zoning Board Members

FROM: Gayle Lafferty, AICP *GL*
Senior Planner

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

DATE: January 30, 2020

SUBJECT: **Request by City of Vero Beach to Correct the Zoning District Designation from R-1A, Single-Family Residential District to RM-10, Multiple-Family Residential District for Properties Located at 905, 909, 911 Pirate Cove Lane and 1505 Coral Avenue, Lots 7 10, Block 7, The Ocean Corporation Subdivision, Providing for an Effective Date.**

Overview

A recent review of the City’s Official Zoning Map revealed an error in the zoning classification for the subject properties. The Official Zoning Map currently zones these properties as R-1A (Single-Family Residential). A review of the City records reveal that the properties were zoned RM-10 (Multi-Family Residential) and were never formally rezoned to R-1A.

Staff discovered the zoning had changed to R-1A, sometime after the 2007 Official Zoning Map, which had the correct zoning of RM-10. The Official Zoning Map dated April 18, 1978 has these properties zoned R-2A–Medium High Density Multiple Family Residential. There have been no hearings held to rezone these properties from RM-10 to R-1A. A zoning hearing is required to correct the map.

The following are attachments to this report:

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

Background

Existing Site Conditions. The subject properties are currently developed as duplex residential dwelling units.

Existing Land Use and Zoning Patterns. The site and properties to the south and east are designated Residential High on the City’s Future Land Use Map. The zoning for the

properties correspond to the Future Land Use designations (RM-10 and RM-10/12).

The proposal is correct the zoning from R-1A to RM-10 zoning.

Table 1. Adjacent Land Uses and Zoning Classifications:

	Land Uses	Land Use Designation	Zoning Classification
Subject Site	Duplexes	Residential High	R-1A
North	Single-family	Residential Low	R-1A
South	Commercial & Multi-family	Residential High	POI & RM-10
East	Multi-family	Residential High	RM-10/12
West	Commercial	Residential High	POI

Environment. The subject property is located in Flood Zone “X”.

Utilities and Services. The subject property is located in the City’s current water and sewer service area and capacity is available in the system to provide necessary services.

Transportation Facilities. The subject properties have frontage on local streets (Pirate Cove Lane and Coral Avenue). These streets are accessed from State Road A1A (Federal Highway) to the west, a paved two-lane roadway.

Review and Analysis

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

Justification for Amendment. Pursuant to Section 65.22(i)(1), the justification for the proposed amendment to the zoning map for the subject property is discussed below:

Findings: The request is justified based on the fact that this will be correcting an error on the zoning map.

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

- Land Use Element Policy 1.18: *The City shall rezone land consistent with Table 2-2, Relationship between Future Land Use Designation and Zoning Districts, and the standards set forth in this policy and elsewhere in the element. The City recognizes that not every zoning district allowed within a future land use designation is appropriate for every site within that designation. Therefore,*

the City may deny a rezoning request, even if the requested zoning district is consistent with a site's land use designation, if the request does not meet the following standards:

- (a) Consistency with the goals, objectives, and policies of the Comprehensive Plan;*
- (b) Compatibility with zoning map designations abutting or in the immediate vicinity of the subject property;*
- (c) Changed conditions to the subject property and the neighborhood or area in the vicinity in which the property is located that warrant an amendment;*
- (d) Maintenance of adopted level of service on roadways, public school facilities, sanitary sewer, potable water, solid waste, storm drainage, and recreation;*
- (e) Maintenance of an orderly and logical development pattern; and*
- (f) Consistency with the public interest.*

To correct the map, the requested zoning designation is RM-10, Multi-Family Residential. This zoning district is listed as one of the appropriate districts under the RH, Residential-High future land use designation. The RH, Residential High designation allows development in areas suitable for duplex residential uses.

Finding: The requested change in zoning designation is consistent with Policy 1.18. and Table 2-2 in the City's Comprehensive Plan. R1-A is not consistent with Table 2-2.

Table 2. Comparison of Permitted Uses in R-1A and RM-10:

Permitted Uses:	R-1A	RM-10
Single-family residential structures	X	X
Community gardens	X	X
Accessory structures and facilities	X	X
Duplexes		X
Multiple-family residential structures		X
Adult congregate living facilities		X
Nursing homes		X

- Land Use Element Policy 1.6: *The Residential High (RH), Land Use designation shall be applied to areas of the City that are suitable for multifamily residential uses with high densities adjacent to arterial or collector streets, and that are a transition between moderate density multifamily residential development and more intensive uses. This land use category shall allow single family, duplex and multifamily residential development. Educational facilities and supportive community services ancillary to the residential uses and*

institutional uses shall be allowed if listed as a permitted use or may be allowed if listed as a conditional use in the applicable underlying zoning district.

The subject property is located in the RH, Residential High future land use category. The subject property is surrounded by residential land uses and professional, office and institutional uses and services by utility services and paved roads in an area that is suitable for residential uses. The proposed multi-family residential zoning is compatible with the existing development pattern of single-family residential neighborhoods to north, multi-family to the east and south of the subject property.

Finding: The subject property is within a Residential High land use designation (RH), as noted above. The zoning change request is consistent with Policy 1.6. The proposed zoning change will maintain the high-density residential zoning of the subject property.

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

- **Compatibility with Zoning Map Designations within Immediate Vicinity:** *The amendment is compatible with the Zoning Map designation within the immediate vicinity of the proposed change.* The properties to the south of the subject property are zoned RM-10, Multi-Family Residential. The properties to the east of the subject property are zoned RM-10/12 Multi-Family Residential. The property to the west and one property to the south of the subject property is zoned Professional, Office, Institutional.

Finding: The proposed change is considered compatible zoning map designation with the zoning map designations within the immediate vicinity to the subject site.

- **Changed Conditions:** *Changed conditions to the property, neighborhood, or the area in the vicinity in which the property is located that warrant an amendment.* As discussed previously under the justification for the amendment, the site is developed duplex residential uses.

Finding: The zoning amendment will correct the designation to the subject property since the conditions have not changed.

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

concurrency are addressed as part of the City's development review process. In general terms, the following information is provided.

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

Finding: No change in development patterns, only a correction in the map.

- Orderly and logical: *The requested amendment maintains an orderly and logical development pattern.* Approval of the change in zoning will maintain the multi-family residential zoning and development on the subject site.

Finding: The correction in zoning will allow for the development of multi-family residential and community facility uses.

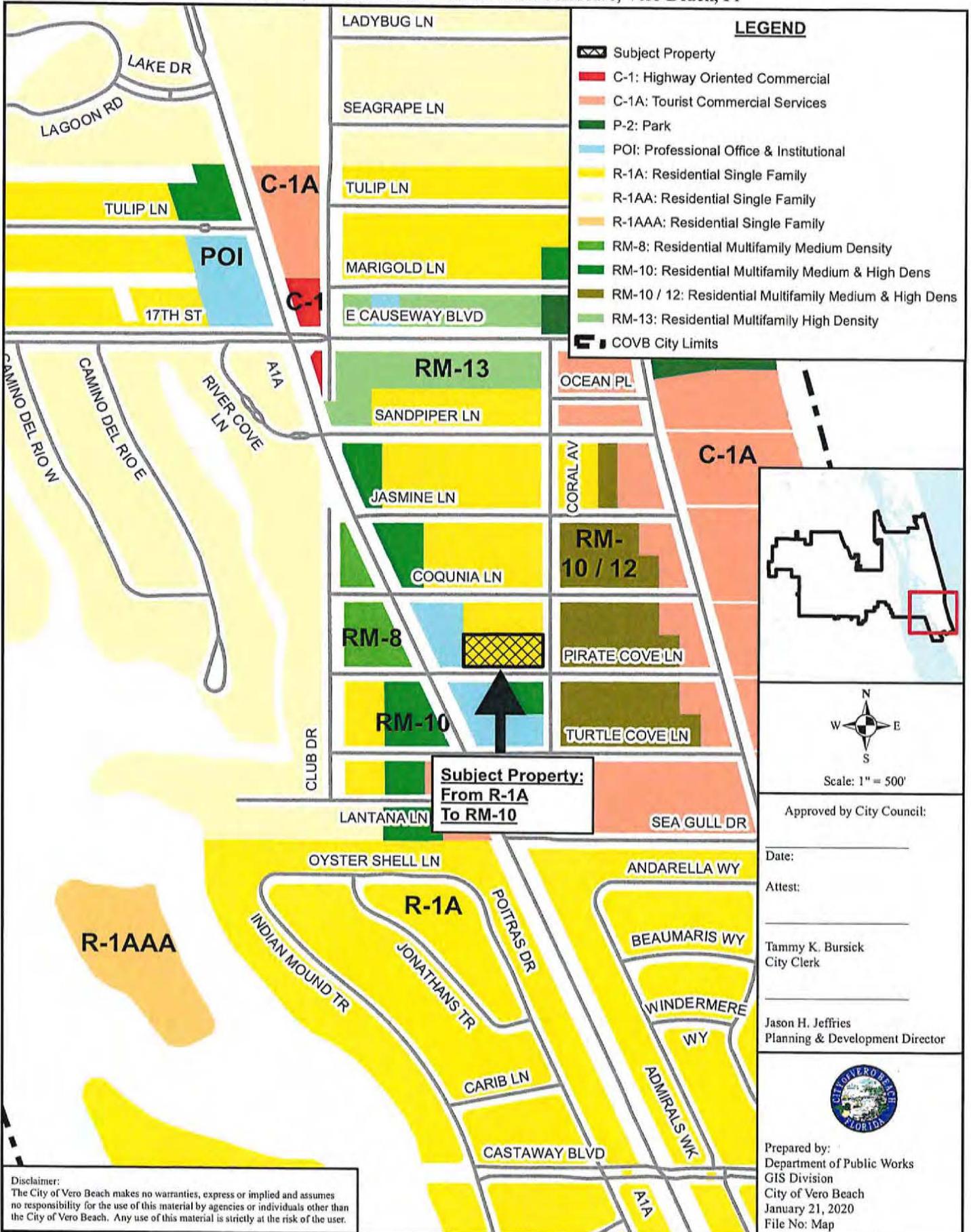
Staff Recommendation

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

- Draft Ordinance amending the Zoning Map designation to correct the zoning from R1-A, Single-Family Residential to RM-10, Multi-Family Residential for these subject properties.

ZONING DISTRICTS MAP

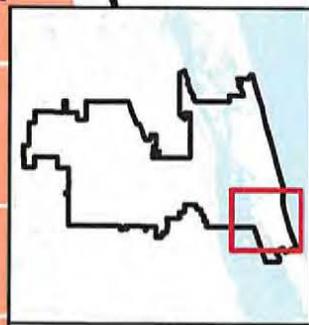
905, 909, 911 Pirate Cove Ln and 1505 Coral Ave, Vero Beach, FL



LEGEND

-  Subject Property
-  C-1: Highway Oriented Commercial
-  C-1A: Tourist Commercial Services
-  P-2: Park
-  POI: Professional Office & Institutional
-  R-1A: Residential Single Family
-  R-1AA: Residential Single Family
-  R-1AAA: Residential Single Family
-  RM-8: Residential Multifamily Medium Density
-  RM-10: Residential Multifamily Medium & High Dens
-  RM-10 / 12: Residential Multifamily Medium & High Dens
-  RM-13: Residential Multifamily High Density
-  COVB City Limits

Subject Property:
From R-1A
To RM-10



Scale: 1" = 500'

Approved by City Council:

Date: _____

Attest: _____

Tammy K. Bursick
City Clerk

Jason H. Jeffries
Planning & Development Director

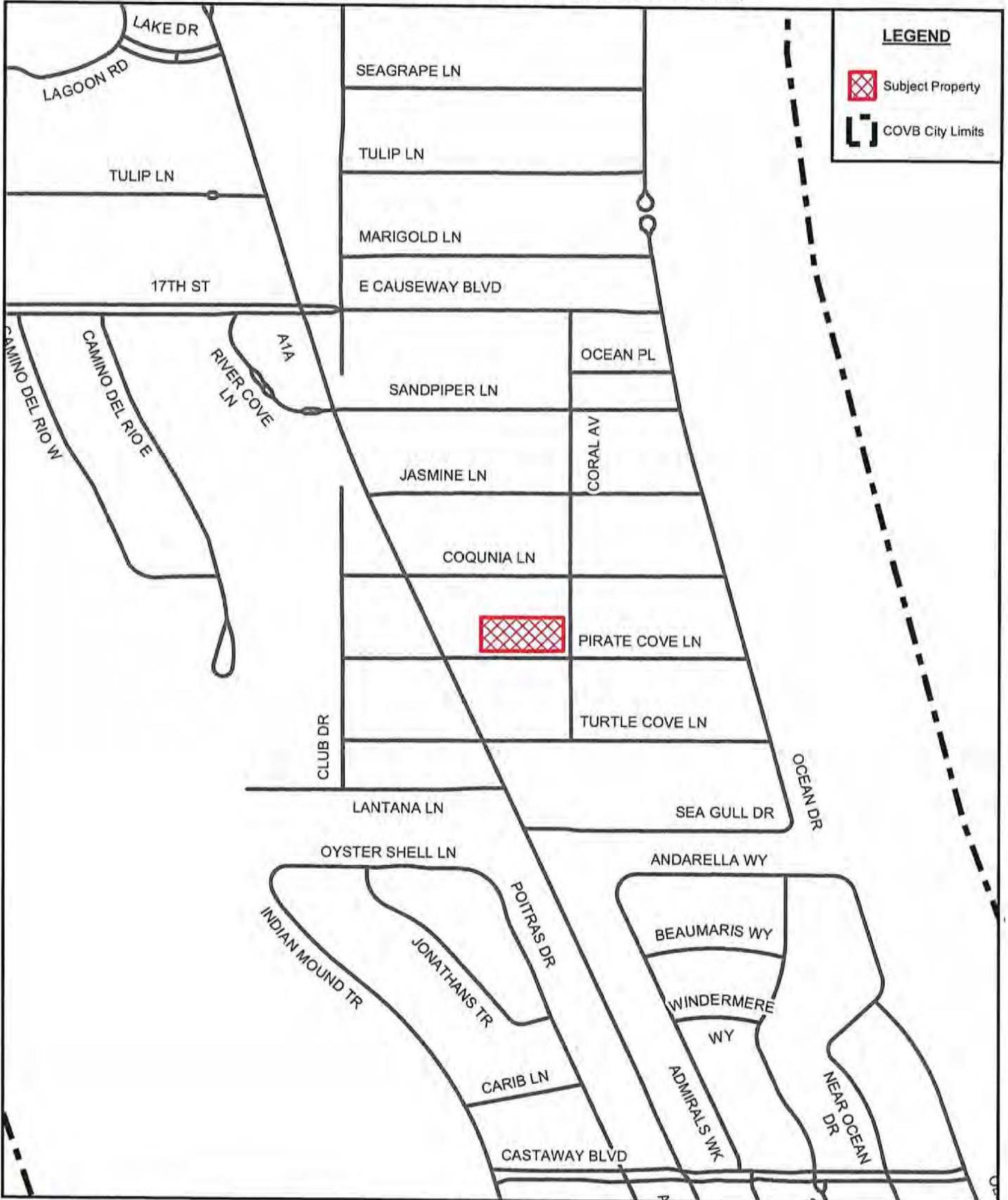


Prepared by:
Department of Public Works
GIS Division
City of Vero Beach
January 21, 2020
File No: Map

Disclaimer:
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LOCATION MAP

905, 909, 911 Pirate Cove Ln and 1505 Coral Ave, Vero Beach, Fl



LEGEND

-  Subject Property
-  COVB City Limits



Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
January 21, 2020

Scale: 1" = 500'

Disclaimer:
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1 **Section 1. Adoption of "WHEREAS" clauses.**

2
3 The foregoing "WHEREAS" clauses are hereby adopted and incorporated herein.
4

5 **Section 2. Adoption of Amendment to the Official Zoning Map.**

6
7 The amendment to the Official Zoning Map of the City of Vero Beach is hereby adopted
8 for the property located at 905, 909, 911 Pirate Cove Lane and 1505 Coral Avenue, comprising
9 0.9552 acre, more or less, as graphically depicted in the Exhibit "A" attached and incorporated
10 herein.
11

12 **Section 3. Conflict and Severability.**

13
14 In the event any provision of this Ordinance conflicts with any other provision of the Code
15 or other applicable law, the provisions of this Ordinance shall apply and supersede. If any phrase
16 or portion of this Ordinance or application thereof to any person or circumstance is held invalid or
17 unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,
18 distinct, and independent provision and such holding shall not affect the validity of the remaining
19 portion.
20

21 **Section 4. Effective Date**

22
23 This Ordinance shall become effective upon final adoption by the City Council.
24

25 *****
26

27 This Ordinance was read by title for the first time on the ____ day of _____
28 2020, and was advertised on the ____ day of _____ 2020, for a public hearing to
29 be held on the ____ day of _____ 2020, at the conclusion of which hearing it was
30 moved for adoption by Councilmember _____, seconded by Councilmember
31 _____, and adopted by the following vote of the City Council:

32
33 Mayor Tony Young _____
34 Vice Mayor Laura Moss _____
35 Councilmember Joe Graves _____
36 Councilmember Robert Bracket _____
37 Councilmember Rey Neville _____
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ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Tony Young
Mayor

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

Approved as to form and
legal sufficiency:

Approved as conforming to
municipal policy:

John S. Turner
City Attorney

Monte K. Falls
City Manager

Approved as to technical requirements:

Jason H. Jeffries, AICP
Planning and Development Director

W.C.

DEPARTMENTAL CORRESPONDENCE

TO: Chairman John Carroll, Jr and
Planning and Zoning Board Members

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

DATE: January 23, 2020

SUBJECT: **Request by City of Vero Beach to Rezone ±3.57 Acres from (Indian River County Zoning) RS-3, Single-Family Residential to (City of Vero Beach Zoning) R-1A, Single Family Zoning; located at the Somerset Subdivision on the north side of 30th Street (Application #Z20-000002-MAP)**

Overview

This is a request to apply City of Vero Beach zoning to annexed properties. The subject properties were annexed into the City in 2003. During the annexation process the City is required to change the Future Land Use Map and Zoning District designations for the annexed properties from Indian River County designations to City designations. The Future Land Use designation was approved in January 2004. The City Council never adopted the zoning designation for the subject properties.

The request is to rezone approximately 3.57 acres of land from Indian River County Zoning Designation, RS-3, Single-Family Residential to City of Vero Beach Zoning Designation, R1-A, Single-Family Residential. The subject properties are located on 11th Terrace in the Somerset Subdivision, which is on the north side of 30th Street.

The following are attachments to this report:

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

Background

Existing Site Conditions. The site is currently developed as single-family residential subdivision.

Existing Land Use and Zoning Patterns. The site and surrounding properties are designated Residential Low on the City's and Indian River County's Future Land Use Map, except the property to the west of the site, which is designated by the County as Medium Density Residential. The zoning for the surrounding properties correspond to the Future Land Use

designations (see Table 1).

The proposal is to designate the subject properties with a Single-Family Residential zoning district (R-1A). The purpose of the single-family residential districts are to provide suitable areas for low-density residential development where appropriate urban services and facilities are provided. The Somerset Subdivision is a developed residential neighborhood with appropriate urban services. The surrounding area is also developed as single-family residential.

Table 1. Adjacent Land Uses and Zoning Classifications:

	Land Uses	Land Use Designation	Zoning Classification
Subject Site	Single Family Residential	Residential Low	(IRC) RS-3 (Single-Family Residential)
North	Single Family Residential	(IRC) L-1 Low-Density Residential	(IRC) RS-3 (Single-Family Residential)
South	Canal / Waterway Single Family Residential	Residential Low	R-1 (Single-Family Residential)
East	Single Family Residential	(IRC) L-1 Low-Density Residential	(IRC) RS-3 (Single-Family Residential)
West	Multi-Family Residential	(IRC) M-1 Medium - Density Residential	(IRC) RM-6 (Multi-Family Residential)

Environment. The subject property is located in Flood Zone “X”.

Utilities and Services. The subject property is located in the City’s current water and sewer service area and capacity is available in the system to provide necessary services.

Transportation Facilities. The subject properties have frontage on a local street (11th Terrace). The subdivision is accessed from 30th Street (local street) to the south, a paved two-lane roadway, with approximately 370 feet of public right-of-way shared with Indian River Farms Drainage District, and is a county road.

Review and Analysis

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

Justification for Amendment. Pursuant to Section 65.22(i)(1), the justification for the proposed amendment to the zoning map for the subject property is discussed below:

Findings: The amendment is justified based on the requirement to designate annexed properties with City of Vero Beach zoning, the development of the

subdivision with single-family residential uses, and compatible surrounding residential development.

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

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

The requested zoning designation is R-1A, Single-Family Residential. This zoning district is listed as one of the appropriate districts under the RL, Residential-Low future land use designation. The RL, Residential Low designation allows development in areas suitable for detached, low-density single-family residential uses with maximum density of 6 dwelling units per acre, as permitted in Policy 1.4 discussed below.

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

- Land Use Element Policy 1.4: *The Residential Low (RL) Land Use designation shall be applied to areas of the City that are suitable for detached, low-density single family dwelling units on individual lots based on existing development patterns, infrastructure capacity, natural conditions and constraints. This land use category shall allow single family-detached residential development.*

Educational facilities and supportive community services ancillary to the residential uses may be allowed if listed as a conditional uses in the applicable underlying zoning district.

The subject property is located in the RL, Residential Low future land use category. The subject property is surrounded by residential land uses and services by utility services and paved roads in an area that is suitable for residential uses. The proposed single-family residential zoning is compatible with the existing development pattern of single-family residential neighborhoods to north, east and south of the subject property.

Finding: The subject property is within a Residential Low land use designation (RL), as noted above. The zoning change request is consistent with Policy 1.4. The proposed zoning change will maintain the low-density residential character of the subject property.

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

- **Compatibility with Zoning Map Designations within Immediate Vicinity:** *The amendment is compatible with the Zoning Map designation within the immediate vicinity of the proposed change.* The properties to the south of the subject property are zoned R-1, Single Family Residential. The Somerset Subdivision (subject site) has larger minimum lot sizes than the properties to the south, which necessitates the designation of the subject site with the R-1A zoning district instead of the R-1 zoning. The properties to the north and east of the subject property are zoned Single-Family Residential in the County. The property to the west of the subject property is zoned Multi-Family Residential in the County.

Finding: The proposed change is considered compatible zoning map designation with the zoning map designations within the immediate vicinity to the subject site.

- **Changed Conditions:** *Changed conditions to the property, neighborhood, or the area in the vicinity in which the property is located that warrant an amendment.* As discussed previously under the justification for the amendment, the subdivision is developed with single-family residential uses. The properties were annexed into the City in 2003.

Finding: The annexation into the City requires the zoning amendment to designate City of Vero Beach zoning on the subject property.

- **Maintenance of the Level of Service:** *The amendment is consistent with the concurrency requirements of the Comprehensive Plan and Land Development Regulations.* Since a request to change the zoning map is not part of

development review or a site plan, the impacts on available public facilities can only be considered in general terms. Specific impacts on public facilities and concurrency are addressed as part of the City's development review process. In general terms, the following information is provided.

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

Finding: The change from Indian River County, RS-3, Single-Family Residential zoning to City of Vero Beach, R-1A, Single-Family Residential zoning will not significantly change the traffic impact on levels of service, since both districts permit residential and community facility uses.

- Orderly and logical: *The requested amendment maintains an orderly and logical development pattern.* Approval of the change in zoning will maintain the residential zoning and development on the subject site.

Finding: The change in zoning will allow for the development of single-family residential and will maintain protections for the single-family residential character of the Somerset Subdivision.

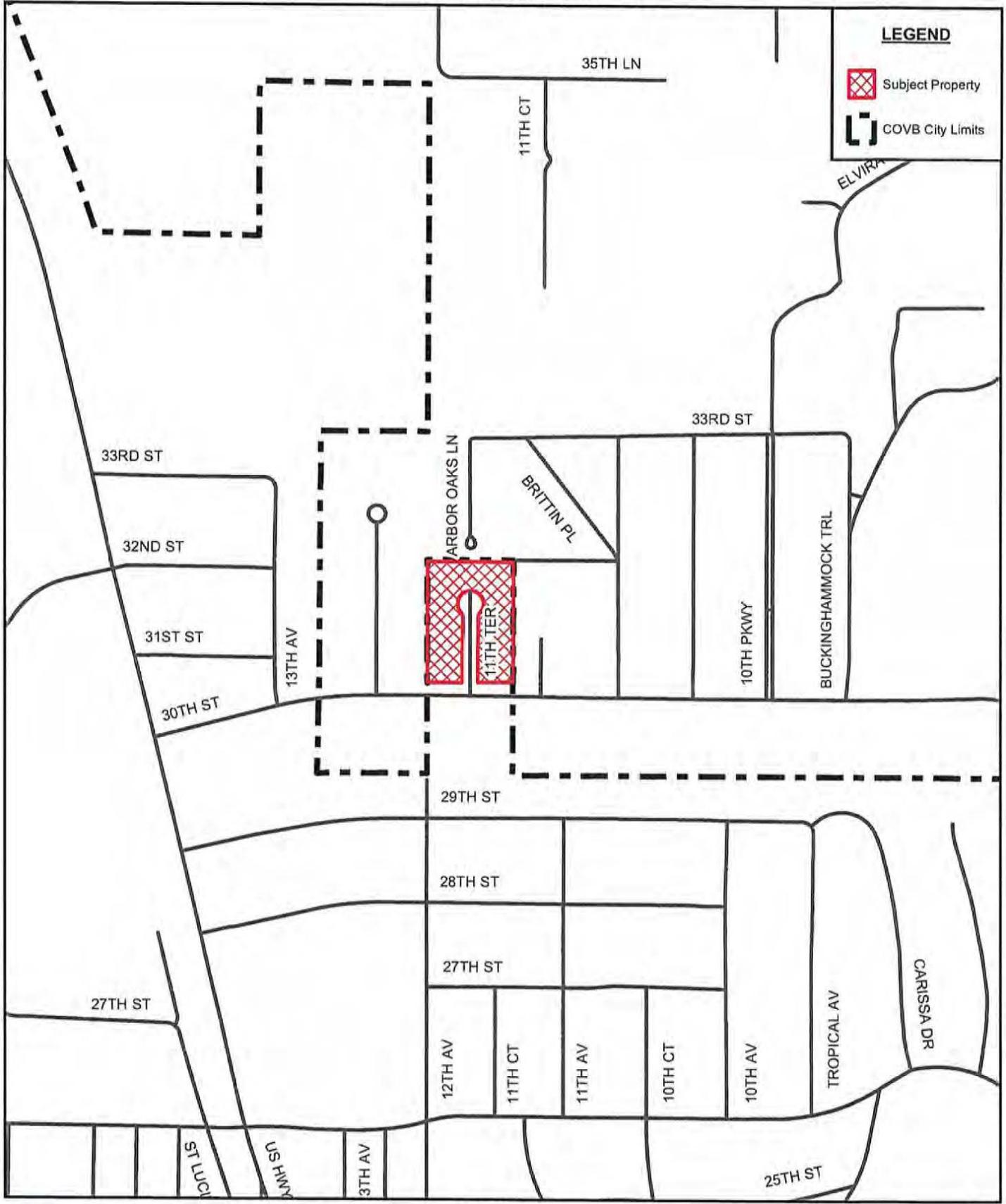
Staff Recommendation

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

- Draft Ordinance amending the Zoning Map designation Rezone from (Indian River County) RS-3, Single-Family Residential to (City of Vero Beach) R-1A, Single Family Residential (±3.57 acres) for the subject property.

LOCATION MAP

Somerset Subdivision, Vero Beach, FL



LEGEND

- Subject Property
- COVB City Limits



Prepared by:
 Department of Public Works/GIS Division
 City of Vero Beach
 January 17, 2020

Scale: 1" = 500'

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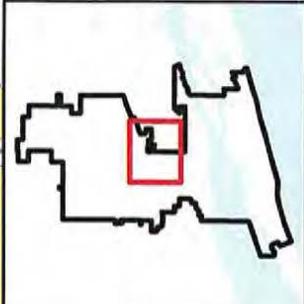
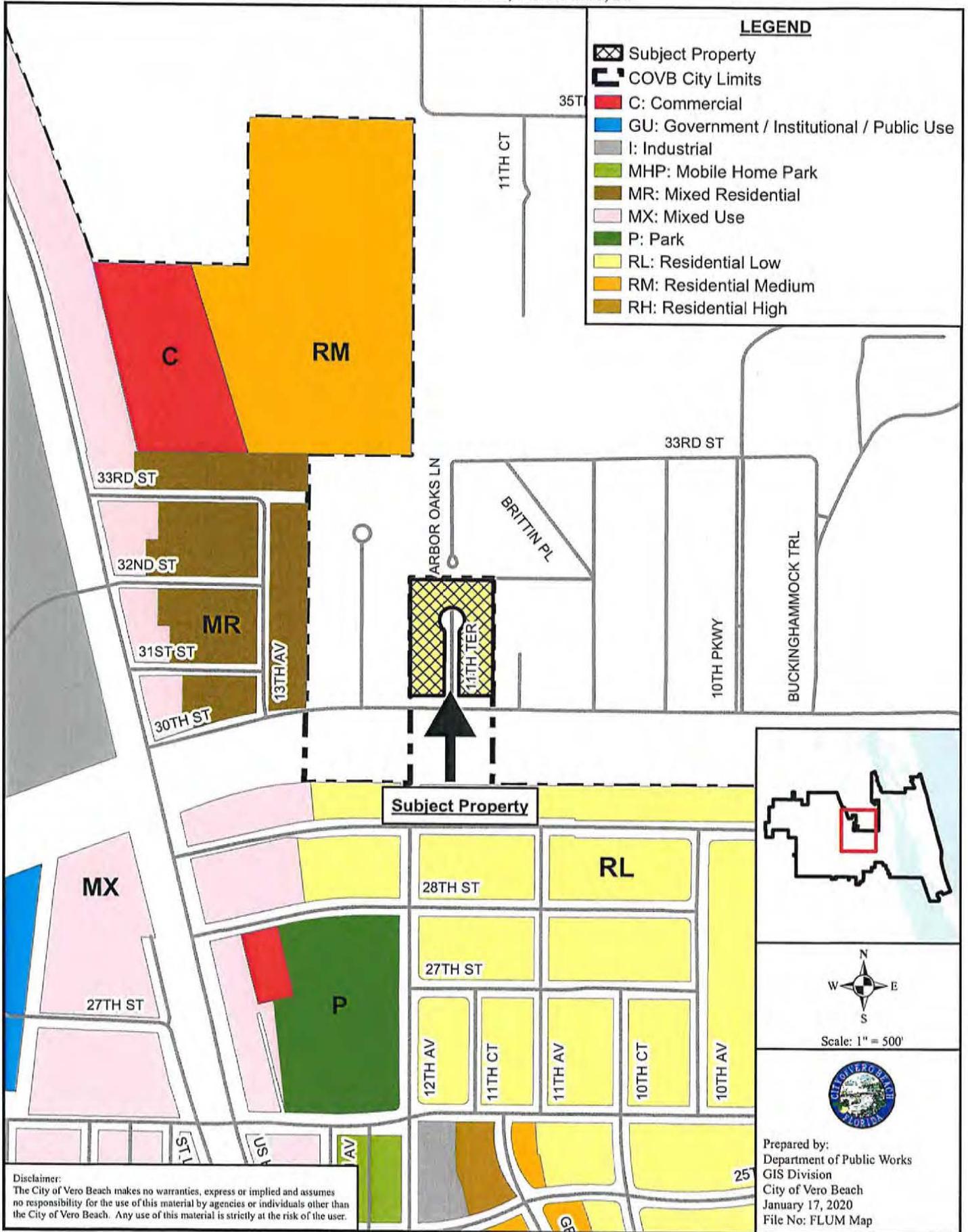


FUTURE LAND USE MAP

Somerset Subdivision, Vero Beach, Fl

LEGEND

-  Subject Property
-  COVB City Limits
-  C: Commercial
-  GU: Government / Institutional / Public Use
-  I: Industrial
-  MHP: Mobile Home Park
-  MR: Mixed Residential
-  MX: Mixed Use
-  P: Park
-  RL: Residential Low
-  RM: Residential Medium
-  RH: Residential High



Scale: 1" = 500'

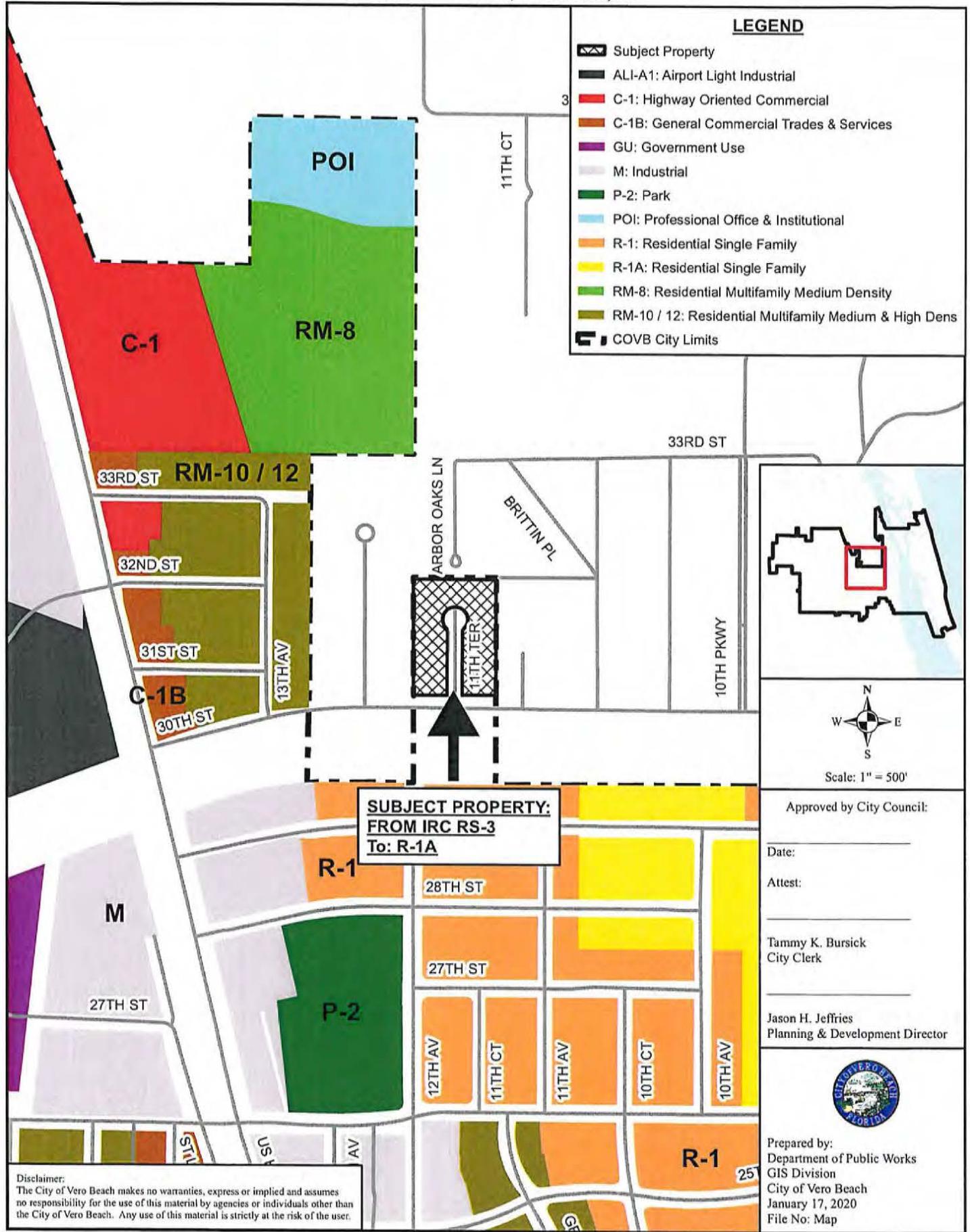


Prepared by:
 Department of Public Works
 GIS Division
 City of Vero Beach
 January 17, 2020
 File No: FLUM Map

Disclaimer:
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ZONING DISTRICTS MAP

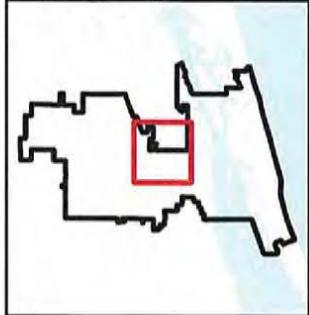
Somerset Subdivision, Vero Beach, Fl



LEGEND

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

SUBJECT PROPERTY:
FROM IRC RS-3
To: R-1A



Approved by City Council:

Date: _____

Attest:

 Tammy K. Bursick
 City Clerk

 Jason H. Jeffries
 Planning & Development Director



Prepared by:
 Department of Public Works
 GIS Division
 City of Vero Beach
 January 17, 2020
 File No: Map

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

1 (“City Council”) in the City Council Chambers, located on the first floor of City Hall in the City
2 of Vero Beach; and

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

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

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

13 **Section 1. Adoption of "WHEREAS" clauses.**

14
15 The foregoing "WHEREAS" clauses are hereby adopted and incorporated herein.

16
17 **Section 2. Adoption of Amendment to the Official Zoning Map.**

18
19 The amendment to the Official Zoning Map of the City of Vero Beach is hereby adopted
20 for the property consisting of all of the Somerset Subdivision, as recorded in Plat Book 15, Page
21 25, of Indian River County, containing 3.57 acres, more or less, as graphically depicted in the
22 Exhibit "A" attached and incorporated herein.

23
24 **Section 3. Conflict and Severability.**

25
26 In the event any provision of this Ordinance conflicts with any other provision of the
27 Code or other applicable law, the provisions of this Ordinance shall apply and supersede. If any
28 phrase or portion of this Ordinance or application thereof to any person or circumstance is held
29 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
30 separate, distinct, and independent provision and such holding shall not affect the validity of the
31 remaining portion.

32
33 **Section 4. Effective Date**

34
35 This Ordinance shall become effective upon final adoption by the City Council.

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

Mayor Tony Young _____
Vice Mayor Laura Moss _____
Councilmember Joe Graves _____
Councilmember Robert Bracket _____
Councilmember Rey Neville _____

ATTEST: CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Tony Young
Mayor

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

Approved as to form and
legal sufficiency:

Approved as conforming to
municipal policy:

John S. Turner
City Attorney

Monte K. Falls
City Manager

Approved as to technical requirements:

Jason H. Jeffries, AICP
Planning and Development Director

Voluntary Annexation Application

City of Vero Beach Planning Department
P.O. Box 1389, Vero Beach, FL 32961-1389

Date Received 2/11/03

Application No. 03-AX-01

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.

APPLICANT SOMERSET HOME OWNERS ASS'N.

MAILING ADDRESS 3100 11TH TERRACE VB. 32960

OWNER(S) *see below* SEE ATTACHED LETTER DATED 2-4-03

OWNER ADDRESS _____

PROPERTY LOCATION 36-37-39-16-0000-1-10.0

PARCEL ID No.(s) ABOVE

LEGAL DESCRIPTION SOMERSET 548.

EXISTING USE HOUSES

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

Comp Plan L-1 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 RL Zoning R-1A

Jacqueline W. H. 2-10-03 562-2092
Applicant Signature Date Telephone
Somerset Homeowners Ass. president

Owner Signature(s)* Date Telephone

**Please note that all owners of a property must sign the application or the attached cover letter per No.1 on the next page of this application.*

V.D

DEPARTMENTAL CORRESPONDENCE

TO: Chairman John Carroll, Jr and
Planning and Zoning Board Members

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

DATE: January 31, 2020

SUBJECT: **Request by City of Vero Beach to Rezone ±3.83 Acres from (Indian River County Zoning) RS-6, Single-Family Residential to (City of Vero Beach Zoning) P-2, Parks District Zoning; annexed property located in Charles Park on the south boundary of the City (Application #Z20-000003-MAP)**

Overview

This is a request to apply City of Vero Beach zoning to annexed properties. The subject properties were annexed into the City in 2003. During the annexation process the City is required to change the Future Land Use Map and Zoning District designations for the annexed properties from Indian River County designations to City designations. The Future Land Use designation was approved in November 18, 2003. The City Council never adopted City of Vero Beach zoning designation for the subject properties.

The request is to rezone approximately 3.83 acres of land from Indian River County Zoning designation, RS-6, Single-Family Residential to City of Vero Beach Zoning designation, P-2, Parks District. The subject properties are located in Charles Park, which is on the south boundary of the city on 2300 block of 15th Street. The annexed parcels are located at the end of 2200 block of 14th Street.

The following are attachments to this report:

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

Background

Existing Site Conditions. The site is currently undeveloped property.

Existing Land Use and Zoning Patterns. The site and adjacent park properties to the east and north are designated Park on the City's Future Land Use Map. The remaining surrounding properties, to the north, east and south of the site are designated low density residential on the City's and County's Future Land Use Maps. The zoning for the surrounding properties correspond to the Future Land Use designations (see Table 1),

except for the developed portion of Charles Park, which zoned Single-Family Residential and has a land use designation of Park.

The proposal is to designate the subject properties with the P-2, Park zoning district. The purpose of the P-2, Park and Recreation District, is intended for outdoor sports and other active recreational activities and cultural and civic activities. The recreational activities for which the P-2 District is provided are primarily conducted in the open air while related accessory activities may be in the open air or within a building or structure. The cultural and civic activities for which the P-2 District is intended are museums, libraries, community centers, community theater, and similar uses. Charles Park is developed as a neighborhood park with recreational activities. The surrounding area is developed as single-family residential.

Table 1. Adjacent Land Uses and Zoning Classifications:

	Land Uses	Land Use Designation	Zoning Classification
Subject Site	Undeveloped	Park	(IRC) RS-6 (Single-Family Residential)
North	Neighborhood Park Single Family Residential	Park Residential Low	R-1 (Single-Family Residential)
South	Single Family Residential	(IRC) L-2 Low-Density Residential	(IRC) RS-6 (Single-Family Residential)
East	Single Family Residential	(IRC) L-2 Low-Density Residential	(IRC) RS-6 (Single-Family Residential)
West	Neighborhood Park	Park	R-1A (Single-Family Residential)

Environment. The subject property is located in Flood Zone “X”.

Utilities and Services. The subject property is located in the City’s current water and sewer service area and capacity is available in the system to provide necessary services.

Transportation Facilities. The subject properties have frontage on a local street (14th Street). The park is currently accessed from 15th Street (local street) to the north, a paved two-lane roadway, with approximately 60 feet of public right-of-way, and is a city road.

Review and Analysis

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

Justification for Amendment. Pursuant to Section 65.22(i)(1), the justification for the proposed amendment to the zoning map for the subject property is discussed below:

Findings: The amendment is justified based on the requirement to designate annexed properties with City of Vero Beach zoning. The development of public property with parks and recreational facilities is compatible with surrounding residential neighborhood development.

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

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

The requested zoning designation is P-2, Parks. This zoning district is listed as one of the appropriate districts under the P, Park future land use designation. The P, Park designation is applied to land used for active and passive parks and recreation facilities including clubs, and cultural and civic activities located in public parks with maximum floor area ratio (FAR) of 0.4, as permitted in Policy 1.13 discussed below.

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

- Land Use Element Policy 1.13: *The Park (P) Land Use designation shall be applied to land used for active and passive parks and recreation facilities*

including clubs, and cultural and civic activities located in public parks. Parks and recreation facilities are not limited to this land use designation.

The subject property is located in the P, Parks future land use category. The subject property is surrounded by park and residential land uses. The property is owned by the City of Vero Beach and is protected by the City Charter as park and public land. Public land, listed in the City Charter, may only be used for a public purpose and may not be sold or leased unless approved by the electors of the City of Vero Beach. The proposed park zoning is compatible with the existing development pattern of park and single-family residential neighborhoods surrounding the subject property.

Finding: The subject property is within a P, Park land use designation, as noted above. The zoning change request is consistent with Policy 1.13. The proposed zoning change will maintain the subject property for park and recreational use.

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

- **Compatibility with Zoning Map Designations within Immediate Vicinity:** *The amendment is compatible with the Zoning Map designation within the immediate vicinity of the proposed change.* The properties to the north of the subject property are zoned R-1, Single Family Residential. The properties to the east and south of the subject property are zoned Single Family Residential in the County. The property to the west is the existing Charles Park and is the subject of another application to rezone the property to P-2, Park zoning.

Finding: The proposed change is considered compatible zoning map designation with the zoning map designations within the immediate vicinity to the subject site.

- **Changed Conditions:** *Changed conditions to the property, neighborhood, or the area in the vicinity in which the property is located that warrant an amendment.* As discussed previously under the justification for the amendment, the subject property is undeveloped City property with Park future land use designation. The properties were annexed into the City in 2003.

Finding: The annexation into the City requires the zoning amendment to designate City of Vero Beach zoning on the subject property.

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

concurrency are addressed as part of the City's development review process. In general terms, the following information is provided.

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

Finding: The change from Indian River County, RS-6, Single-Family Residential zoning to City of Vero Beach, P, Park zoning will not significantly change the impact on levels of public service, since the subject properties are currently undeveloped and the City has no plans to develop cultural or community facilities on the property. The property will be incorporated into the existing neighborhood park.

- Orderly and logical: *The requested amendment maintains an orderly and logical development pattern.* Approval of the change in zoning will protect the subject site for public use as a park or recreation use.

Finding: The change in zoning will allow for the development of park and recreation uses and will maintain protections for the public property for park and recreation uses.

Staff Recommendation

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

- Draft Ordinance amending the Zoning Map designation Rezone from (Indian River County) RS-6, Single-Family Residential to (City of Vero Beach) P-2, Park (±3.83 acres) for the subject property.

AERIAL MAP

Charles Park Annexed, Vero Beach, Fl



Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
January 21, 2020

Scale: 1" = 500'

Disclaimer:
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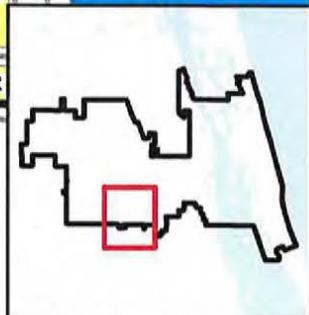
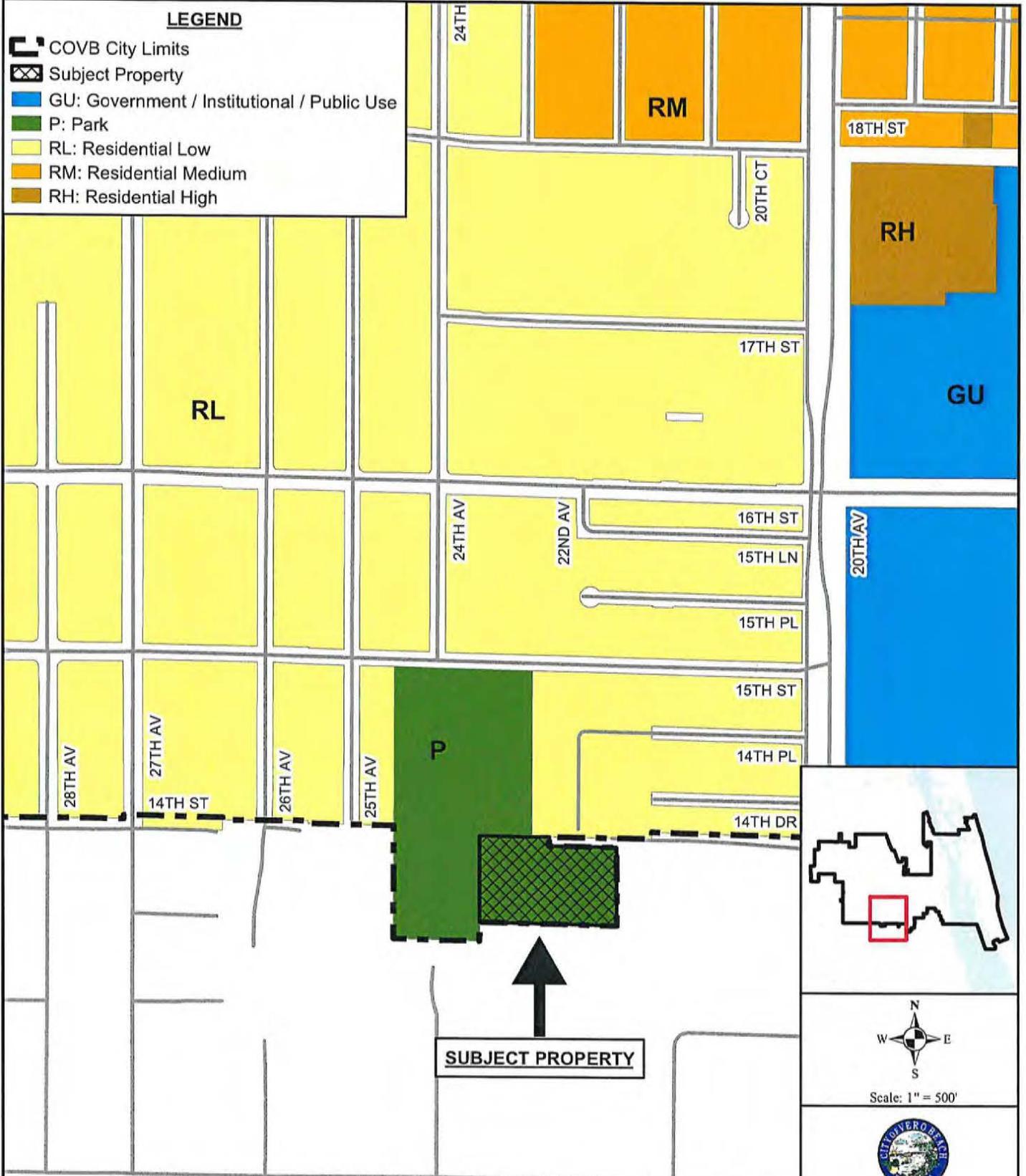


FUTURE LAND USE MAP

Charles Park Annexed, Vero Beach, FL

LEGEND

-  COVB City Limits
-  Subject Property
-  GU: Government / Institutional / Public Use
-  P: Park
-  RL: Residential Low
-  RM: Residential Medium
-  RH: Residential High



Prepared by:
 Department of Public Works
 GIS Division
 City of Vero Beach
 January 21, 2020
 File No: FLUM Map

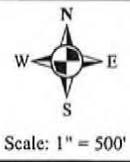
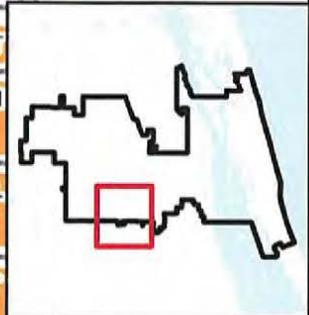
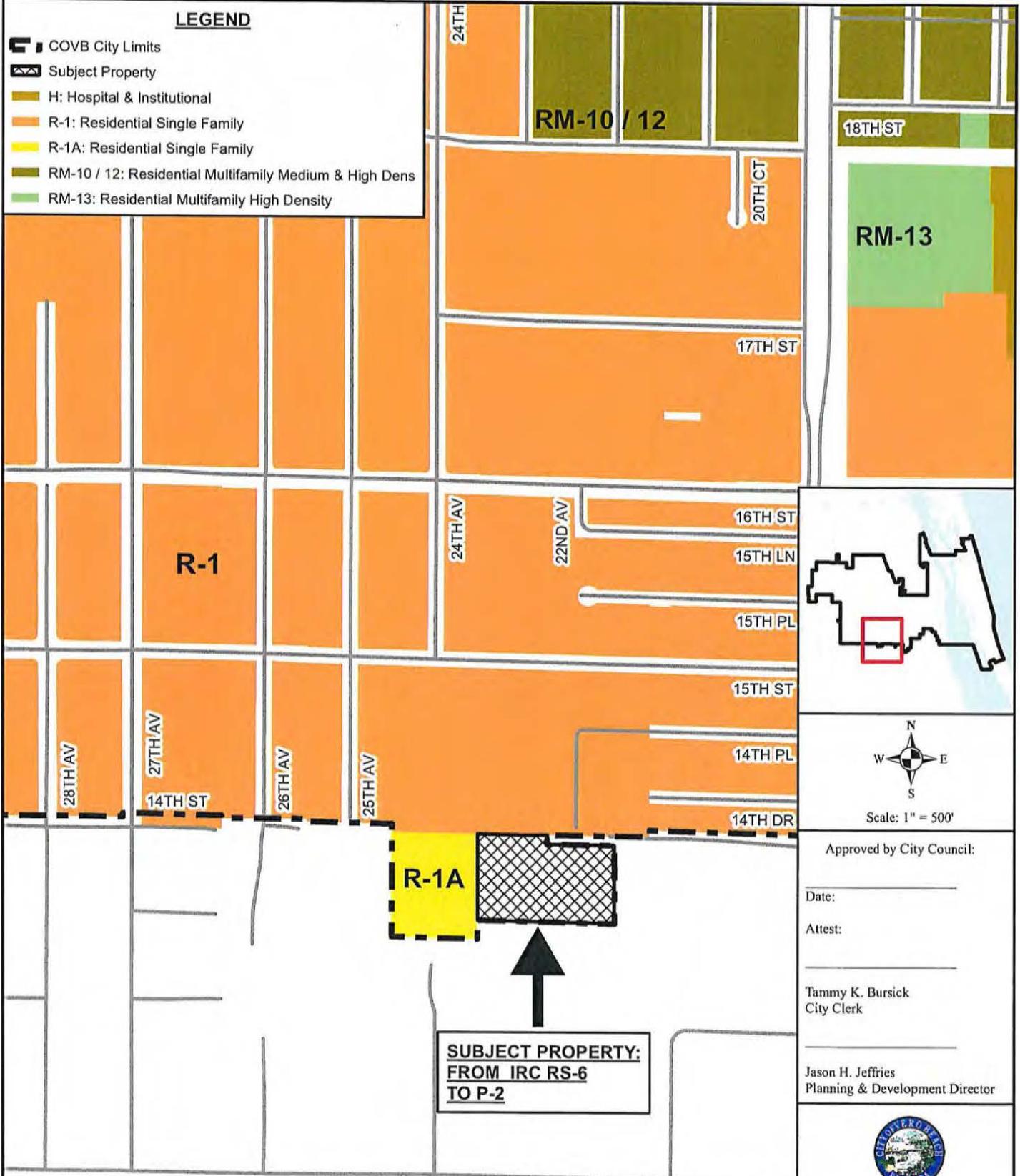
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ZONING DISTRICTS MAP

Charles Park Annexed, Vero Beach, Fl

LEGEND

-  COVB City Limits
-  Subject Property
-  H: Hospital & Institutional
-  R-1: Residential Single Family
-  R-1A: Residential Single Family
-  RM-10 / 12: Residential Multifamily Medium & High Dens
-  RM-13: Residential Multifamily High Density



Approved by City Council:

Date: _____

Attest: _____

Tammy K. Bursick
City Clerk

Jason H. Jeffries
Planning & Development Director



Prepared by:
Department of Public Works
GIS Division
City of Vero Beach
January 21, 2020
File No: Map

**SUBJECT PROPERTY:
FROM IRC RS-6
TO P-2**

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.

LOCATION MAP

Charles Park Annexed, Vero Beach, FL



LEGEND

-  Subject Property
-  COVB City Limits



Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
January 21, 2020

Scale: 1" = 500'

Disclaimer:
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1 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;
2 and

3 **WHEREAS**, the Vero Beach City Council finds the proposed amendment is in the public
4 interest and consistent with the Future Land Use Map, goals, objectives, and policies of the
5 Comprehensive Plan, and the other standards and criteria for review and approval of
6 amendments to the Official Zoning Map pursuant to Section 65.22(i)(1) and (5) of the Vero
7 Beach Code of Ordinances,
8

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

11 **Section 1. Adoption of "WHEREAS" clauses.**

12
13 The foregoing "WHEREAS" clauses are hereby adopted and incorporated herein.
14

15 **Section 2. Adoption of Amendment to the Official Zoning Map.**

16
17 The amendment to the Official Zoning Map of the City of Vero Beach is hereby adopted
18 for the annexed properties located adjacent to Charles Park, comprising 3.83 acres, more or less,
19 as graphically depicted in the Exhibit "A" attached and incorporated herein.
20

21 **Section 3. Conflict and Severability.**

22
23 In the event any provision of this Ordinance conflicts with any other provision of the
24 Code or other applicable law, the provisions of this Ordinance shall apply and supersede. If any
25 phrase or portion of this Ordinance or application thereof to any person or circumstance is held
26 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
27 separate, distinct, and independent provision and such holding shall not affect the validity of the
28 remaining portion.
29

30 **Section 4. Effective Date**

31
32 This Ordinance shall become effective upon final adoption by the City Council.
33

34 *****

35
36 This Ordinance was read by title for the first time on the ____ day of _____
37 2020, and was advertised on the ____ day of _____ 2020, for a public hearing to
38 be held on the ____ day of _____ 2020, at the conclusion of which hearing it
39 was moved for adoption by Councilmember _____, seconded by
40 Councilmember _____, and adopted by the following vote of the City
41 Council:

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Mayor Tony Young _____
Vice Mayor Laura Moss _____
Councilmember Joe Graves _____
Councilmember Robert Bracket _____
Councilmember Rey Neville _____

ATTEST: CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Tony Young
Mayor

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

Approved as to form and
legal sufficiency:

Approved as conforming to
municipal policy:

John S. Turner
City Attorney

Monte K. Falls
City Manager

Approved as to technical requirements:

Jason H. Jeffries, AICP
Planning and Development Director

Voluntary Annexation Application

City of Vero Beach Planning Department
P.O. Box 1389, Vero Beach, FL 32961-1389

Date Received 9/9/02

Application No. 02-AX-02

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.

APPLICANT CITY OF VERO BEACH

MAILING ADDRESS 1053 20TH PLACE, VB 32961

OWNER(s) *see below* CITY OF VERO BEACH

OWNER ADDRESS SAME

PROPERTY LOCATION EAST OF CHARLES PARK

PARCEL ID No.(s) 11 33 39 00006 0060 00006.0 & 00005.0

LEGAL DESCRIPTION SEE ATTACHED

EXISTING USE UNDEVELOPED LAND

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

Comp Plan L-2 Zoning RS-6

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 RL Zoning R-1A

[Signature] [Signature] 9-12-02 978-4710
Applicant Signature Date Telephone

[Signature] [Signature] 9-12-02 978-4710
Owner Signature(s)* Date Telephone

**Please note that all owners of a property must sign the application or the attached cover letter per No.1 on the next page of this application.*

IV.E

DEPARTMENTAL CORRESPONDENCE

TO: Chairman John Carroll, Jr and
Planning and Zoning Board Members

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

DATE: January 31, 2020

SUBJECT: **Request by City of Vero Beach to Rezone ±10.61 Acres from R-1 and R-1A, Single-Family Residential to P-2, Park District Zoning; property located in Charles Park on the south boundary of the City (Application #Z20-000004-MAP)**

Overview

This is a request to apply P-2, Park zoning to an existing park owned by the City of Vero Beach and designated with Park future land use in the City’s Comprehensive Plan. City is required under state statute for the zoning district designations to be consistent with the future land use designation. Park district zoning designation is considered consistent with the Park future land use designation in the City’s Comprehensive Plan.

The request is to rezone approximately 10.61 acres of land from R-1 and R-1A, Single-Family Residential to P-2, Park District. The subject properties are located in Charles Park, which is on the south boundary of the city at 2405 15th Street.

The following are attachments to this report:

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

Background

Existing Site Conditions. The site is currently undeveloped property.

Existing Land Use and Zoning Patterns. The site is designated Park on the City’s Future Land Use Map. The remaining surrounding properties are designated low density residential on the City’s and County’s Future Land Use Maps. The zoning for the surrounding properties correspond to the Future Land Use designations (see Table 1).

The proposal is to designate the subject properties with the P-2, Park zoning district. The purpose of the P-2, Park and Recreation District, is intended for outdoor sports and other active recreational activities and cultural and civic activities. The recreational activities for which the P-2 District is provided are primarily conducted in the open air while related accessory activities may be in the open air or within a building or structure. The cultural

and civic activities for which the P-2 District is intended are museums, libraries, community centers, community theater, and similar uses. Charles Park is developed as a neighborhood park with recreational activities. The surrounding area is developed as single-family residential.

Table 1. Adjacent Land Uses and Zoning Classifications:

	Land Uses	Land Use Designation	Zoning Classification
Subject Site	Neighborhood Park	Park	R-1 and R-1A (Single-Family Residential)
North	Single Family Residential	Residential Low	R-1 (Single-Family Residential)
South	Single Family Residential	(IRC) L-2 Low-Density Residential	(IRC) RS-6 (Single-Family Residential)
East	Single Family Residential	Residential Low	R-1 (Single-Family Residential)
West	Single Family Residential	Residential Low (IRC) L-2 Low-Density Residential	R-1 (Single-Family Residential) (IRC) RS-6 (Single-Family Residential)

Environment. The subject property is located in Flood Zone “X”.

Utilities and Services. The subject property is located in the City’s current water and sewer service area and capacity is available in the system to provide necessary services.

Transportation Facilities. The subject properties have frontage on 15th Street (local street) to the north, a paved two-lane roadway, with approximately 60 feet of public right-of-way, and is a city road.

Review and Analysis

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

Justification for Amendment. Pursuant to Section 65.22(i)(1), the justification for the proposed amendment to the zoning map for the subject property is discussed below:

Findings: The amendment is justified based on the requirement to designate properties with zoning districts consistent with the future land use designations in City’s adopted Comprehensive Plan. Charles Park is designated with a Park future land use designation. The existing residential zoning is not considered consistent with the Park future land use designation in the City’s Comprehensive Plan.

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

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

The requested zoning designation is P-2, Parks. This zoning district is listed as one of the appropriate districts under the P, Park future land use designation. The P, Park designation is applied to land used for active and passive parks and recreation facilities including clubs, and cultural and civic activities located in public parks with maximum floor area ratio (FAR) of 0.4, as permitted in Policy 1.13 discussed below.

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

- Land Use Element Policy 1.13: *The Park (P) Land Use designation shall be applied to land used for active and passive parks and recreation facilities including clubs, and cultural and civic activities located in public parks. Parks and recreation facilities are not limited to this land use designation.*

The subject property is located in the P, Parks future land use category. The subject property is surrounded by residential land uses. The property is owned by the City of Vero Beach and is protected by the City Charter as park and

public land. Public land, listed in the City Charter, may only be used for a public purpose and may not be sold or leased unless approved by the electors of the City of Vero Beach. The proposed park zoning is compatible with the existing development pattern of park and single-family residential neighborhoods surrounding the subject property.

Finding: The subject property is within a P, Park land use designation, as noted above. The zoning change request is consistent with Policy 1.13. The proposed zoning change will maintain the subject property for park and recreational use.

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

- **Compatibility with Zoning Map Designations within Immediate Vicinity:** *The amendment is compatible with the Zoning Map designation within the immediate vicinity of the proposed change.* The properties to the north, east and west of the subject property are zoned R-1, Single Family Residential. The properties to the south and southwest of the subject property are zoned Single Family Residential in the County.

Finding: The proposed change is considered compatible zoning map designation with the zoning map designations within the immediate vicinity to the subject site.

- **Changed Conditions:** *Changed conditions to the property, neighborhood, or the area in the vicinity in which the property is located that warrant an amendment.* As discussed previously under the justification for the amendment, the subject property is an existing neighborhood park with Park future land use designation.

Finding: The designation of the property with Park future land use designation requires the zoning amendment to change the zoning to P-2, Park zoning on the subject property.

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

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

Finding: The change from R-1 and R-1A Single-Family Residential zoning to P, Park zoning will not significantly change the impact on levels of public service, since the subject properties are currently developed as a neighborhood park and the City has no plans to develop cultural or community facilities on the property.

- Orderly and logical: *The requested amendment maintains an orderly and logical development pattern.* Approval of the change in zoning will protect the subject site for public use as a park or recreation use.

Finding: The change in zoning will allow for the development of park and recreation uses and will maintain protections for the public property for park and recreation uses.

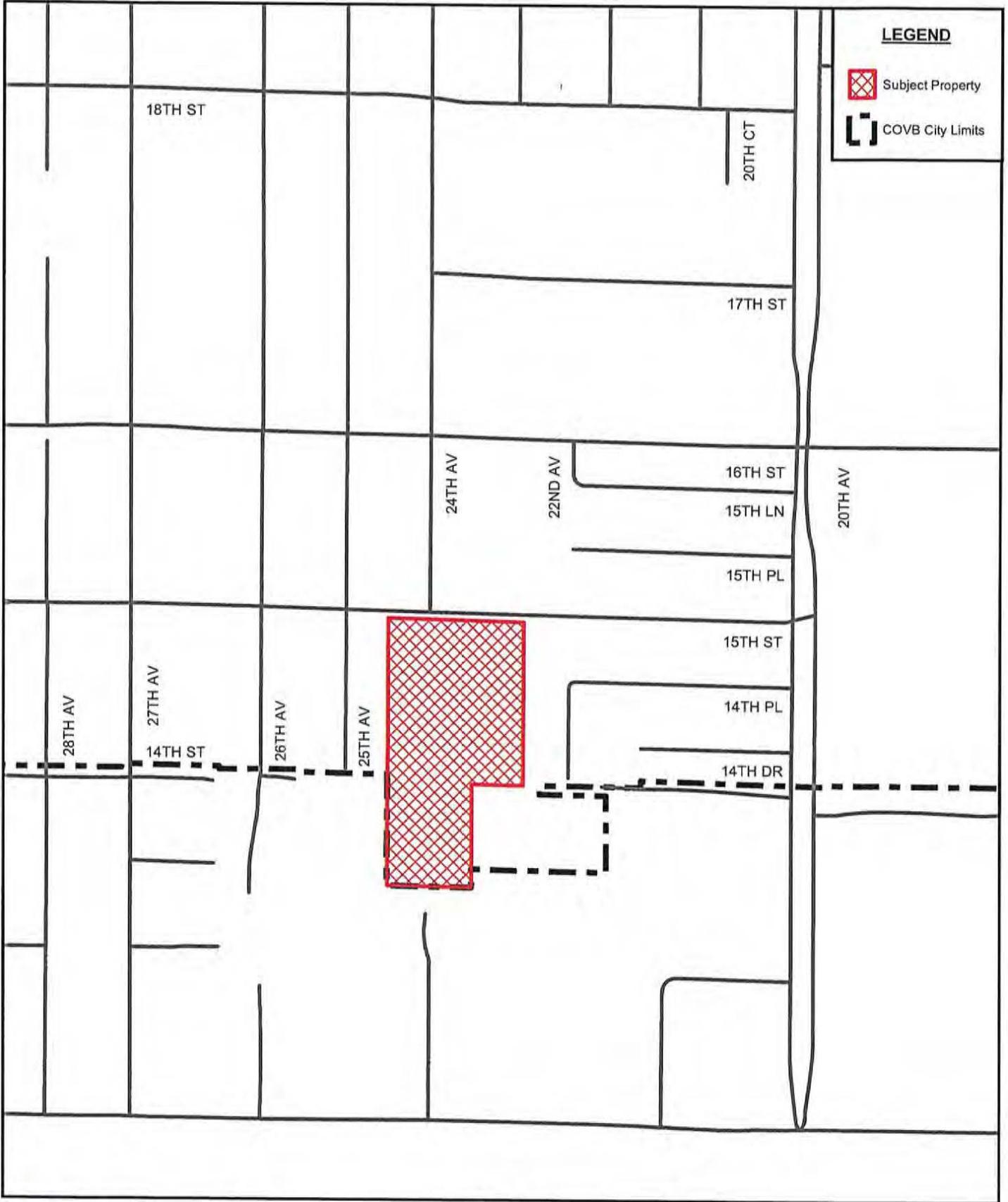
Staff Recommendation

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

- Draft Ordinance amending the Zoning Map designation Rezone from R-1 and R-1A, Single-Family Residential to P-2, Park (±10.61 acres) for the subject property.

LOCATION MAP

Charles Park, Vero Beach, Fl



LEGEND

 Subject Property

 COVB City Limits



Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
January 21, 2020

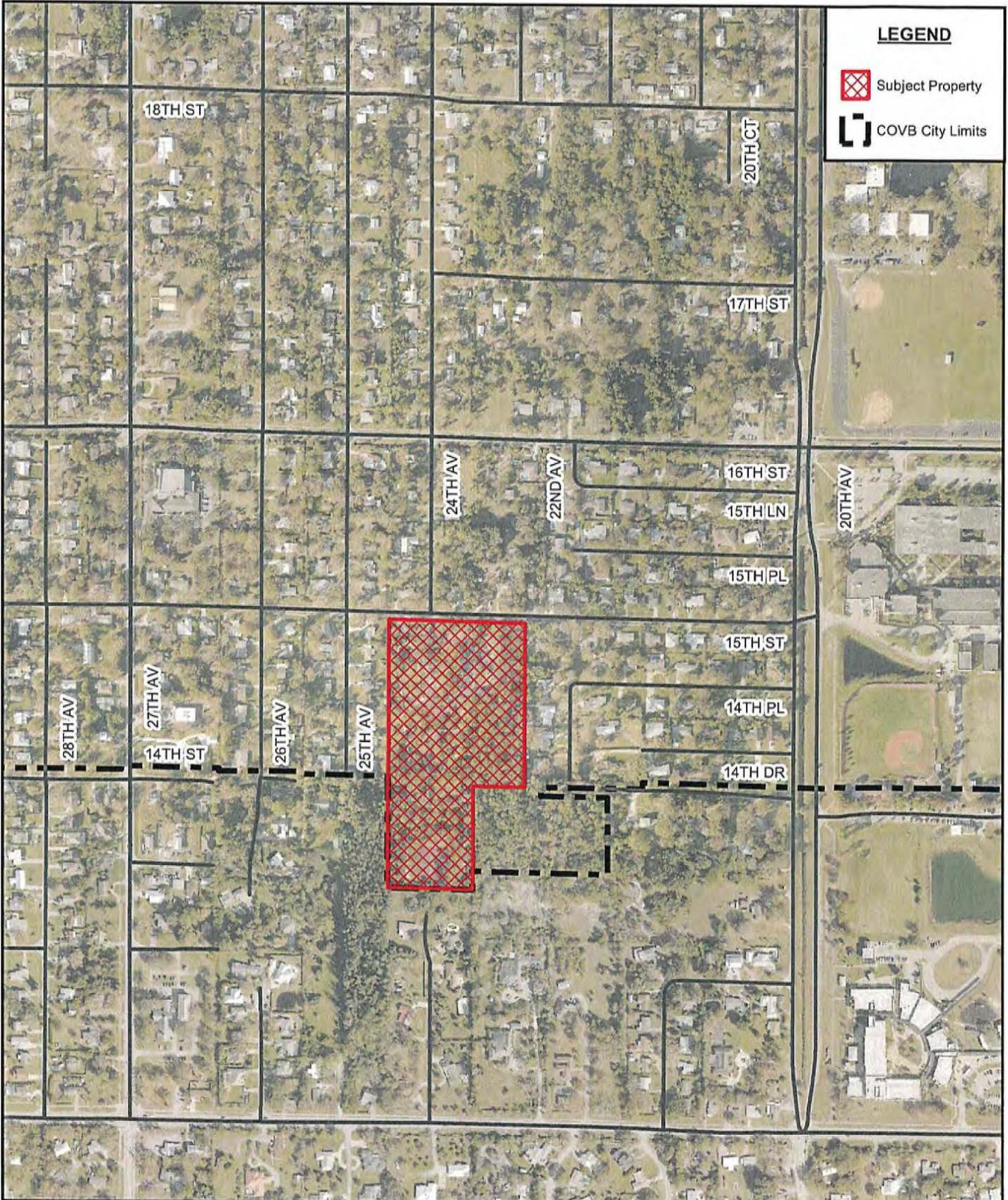
Scale: 1" = 500'

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.



AERIAL MAP

Charles Park, Vero Beach, Fl



LEGEND

 Subject Property

 COVB City Limits



Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
January 21, 2020

Scale: 1" = 500'

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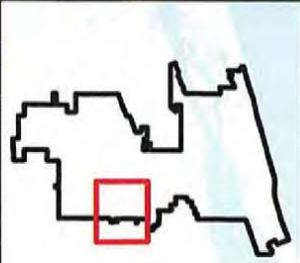
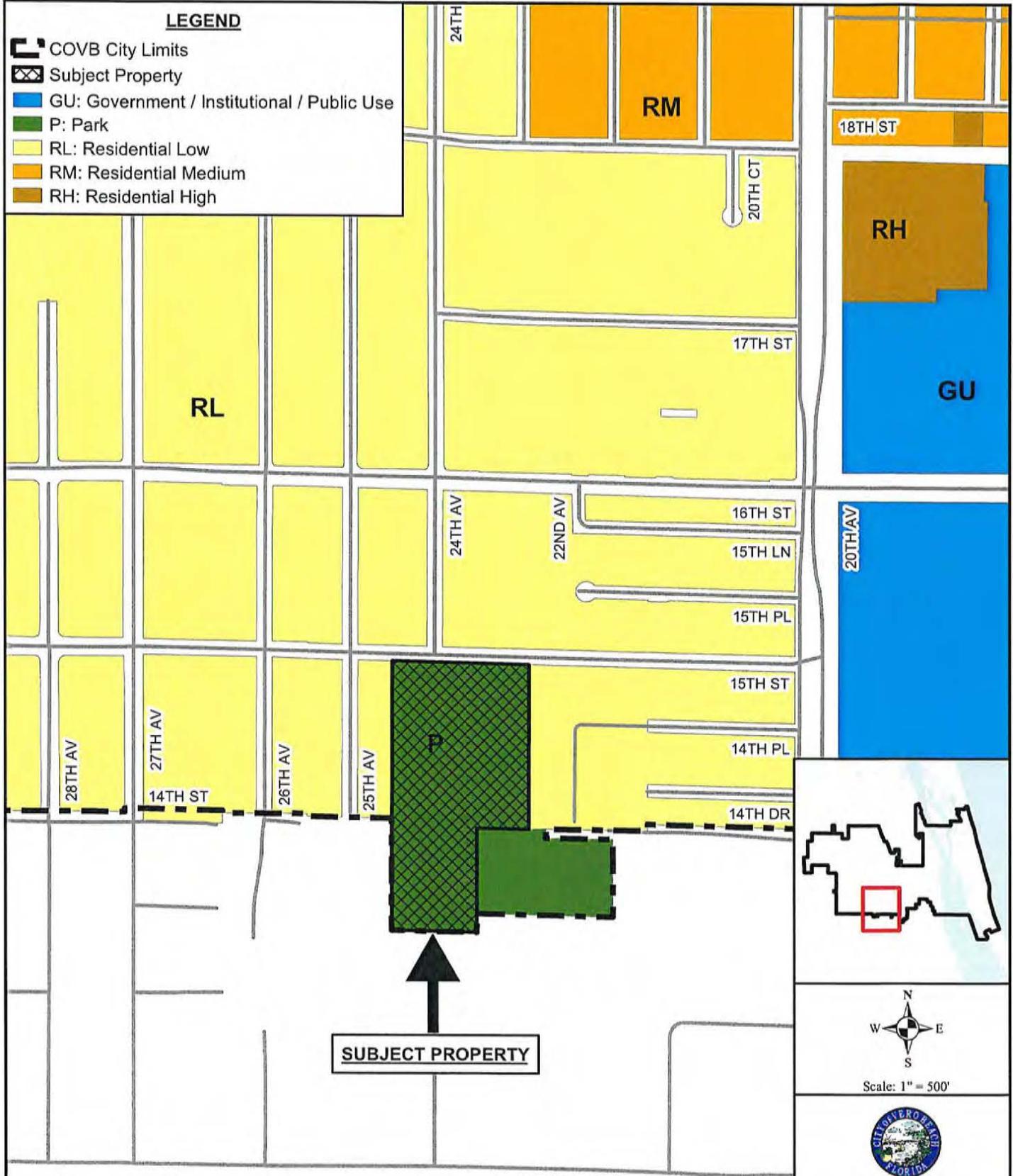


FUTURE LAND USE MAP

Charles Park, Vero Beach, Fl

LEGEND

-  COVB City Limits
-  Subject Property
-  GU: Government / Institutional / Public Use
-  P: Park
-  RL: Residential Low
-  RM: Residential Medium
-  RH: Residential High



Scale: 1" = 500'



Prepared by:
Department of Public Works
GIS Division
City of Vero Beach
January 21, 2020
File No: FLUM Map

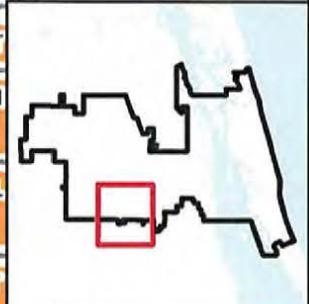
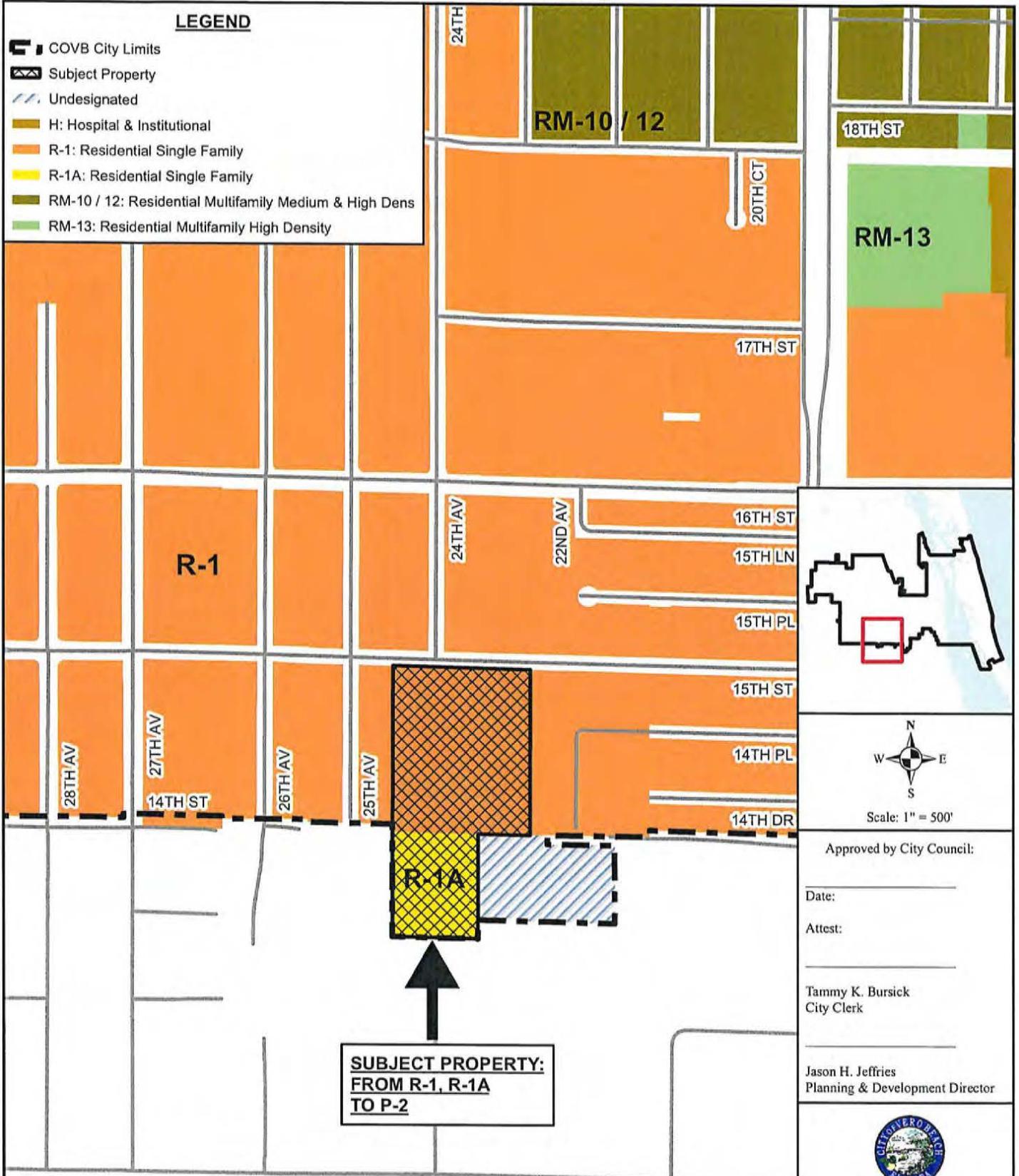
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ZONING DISTRICTS MAP

Charles Park, Vero Beach, Fl

LEGEND

-  COVB City Limits
-  Subject Property
-  Undesignated
-  H: Hospital & Institutional
-  R-1: Residential Single Family
-  R-1A: Residential Single Family
-  RM-10 / 12: Residential Multifamily Medium & High Dens
-  RM-13: Residential Multifamily High Density



Scale: 1" = 500'

Approved by City Council:

Date: _____

Attest: _____

Tammy K. Bursick
City Clerk

Jason H. Jeffries
Planning & Development Director



Prepared by:
Department of Public Works
GIS Division
City of Vero Beach
January 21, 2020
File No: Map

Disclaimer:
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1 **Section 1. Adoption of "WHEREAS" clauses.**

2
3 The foregoing "WHEREAS" clauses are hereby adopted and incorporated herein.
4

5 **Section 2. Adoption of Amendment to the Official Zoning Map.**

6
7 The amendment to the Official Zoning Map of the City of Vero Beach is hereby adopted
8 for the property located at 2405 15th Street, comprising 10.61 acres, more or less, as graphically
9 depicted in the Exhibit "A" attached and incorporated herein.
10

11 **Section 3. Conflict and Severability.**

12
13 In the event any provision of this Ordinance conflicts with any other provision of the
14 Code or other applicable law, the provisions of this Ordinance shall apply and supersede. If any
15 phrase or portion of this Ordinance or application thereof to any person or circumstance is held
16 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
17 separate, distinct, and independent provision and such holding shall not affect the validity of the
18 remaining portion.
19

20 **Section 4. Effective Date**

21 This Ordinance shall become effective upon final adoption by the City Council.
22

23 *****
24

25 This Ordinance was read by title for the first time on the ____ day of _____
26 2020, and was advertised on the ____ day of _____ 2020, for a public hearing to
27 be held on the ____ day of _____ 2020, at the conclusion of which hearing it
28 was moved for adoption by Councilmember _____, seconded by
29 Councilmember _____, and adopted by the following vote of the City
30 Council:
31

32 Mayor Tony Young _____
33 Vice Mayor Laura Moss _____
34 Councilmember Joe Graves _____
35 Councilmember Robert Bracket _____
36 Councilmember Rey Neville _____
37

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ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Tony Young
Mayor

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

Approved as to form and
legal sufficiency:

Approved as conforming to
municipal policy:

John S. Turner
City Attorney

Monte K. Falls
City Manager

Approved as to technical requirements:

Jason H. Jeffries, AICP
Planning and Development Director

ZONING 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 _____

Application # 220-000004 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 City of Vero Beach Telephone 978-4710

Fax #: _____

MAILING ADDRESS PO Box 1053, Vero Beach, FL 32961

SITE OWNER Same Telephone _____

Fax #: _____

OWNER ADDRESS _____

SITE LOCATION Charles Park

PARCEL I.D. NUMBER 3339110000600300001.0, 14.0 & 14.1 and 33391100006005000001.0

PROPOSED ZONING CHANGE: FROM R-1 & R-1A TO P-2

(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.

[Signature]
Applicant Signature

1/30/2020
Date

[Signature]
Property Owner Signature

1/31/2020
Date

Justin A. Jeffries
(Print Name)

Monte K Falls
(Print Name)