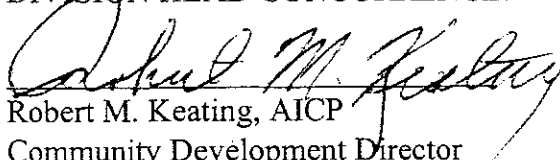

TO: James E. Chandler
County Administrator

DIVISION HEAD CONCURRENCE:


Robert M. Keating, AICP
Community Development Director

THROUGH: ^{A.B.} Stan Boling, AICP
Planning Director

FROM: John McCoy, AICP ^{JWM}
Senior Planner, Current Development

DATE: June 27, 2001

SUBJECT: The 3900 Group L.L.C.'s Request to Rezone Approximately 6.09 Acres from MED to PD (Commercial/Light Industrial) and Request for Conceptual PD Plan Approval for a Mixed Use Commercial Development

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of July 3, 2001.

DESCRIPTION & CONDITIONS:

This is a request by 3900 Group L.L.C. through its agent, Mosby & Associates, to rezone approximately 6.09 acres from MED (Medical) to PD (Commercial/Light Industrial). As part of the rezoning request, a conceptual and preliminary PD plan/plat have been submitted for approval. The subject site is located at the northeast corner of U.S. 1 and 39th Street at the western edge of the existing "medical node". The purpose of this request is to secure a zoning district which allows a building complex that contains a wide mix of uses, including retail, office, contractor trade and light industrial.

At its regular meeting of May 24, 2001, the Planning and Zoning Commission voted 6 to 1 to recommend approval of the rezoning, and approved the preliminary PD plan subject to Board approval of the rezoning. The Planning and Zoning Commission added an approval condition to increase the landscaping required along the north side of the proposed building complex, and that condition is agreeable to the applicant. This added landscaping condition has been incorporated into staff's recommendation contained at the end of this report. The Board is now to approve, approve with conditions or deny the PD rezoning request and conceptual PD plan.

- **DEVELOPMENT APPROVAL OPTIONS AVAILABLE TO THE DEVELOPER:**

Presently, the subject site is zoned MED (Medical), a zoning district which allows a variety of medical-related uses, but does not allow retail sales, general office or light industrial uses. For those uses to be allowed, the subject property must be rezoned, and any rezoning must be consistent with the site's C/I Commercial/Industrial land use designation. Since none of the standard commercial or industrial zoning districts cover the variety of uses that the applicant is proposing, there is only one option available to the applicant. That is a PD rezoning. If approved, the PD rezoning would effectively rezone the property in accordance with the approved conceptual PD plan.

- **THE PD ZONING DISTRICT, GENERALLY:**

There have been several commercial PD rezoning districts approved by the county. Unlike standard zoning districts, there are no specific size or dimension criteria for PD districts. Instead, the PD district is based on the underlying land use plan designation for density and use limitations, and on compatibility requirements. In the PD zoning district, setbacks and other typical zoning district regulations are established on a site by site basis through approval of a conceptual PD plan. Aesthetic design standards may also be required under the PD rezoning process. Adopted as part of the PD zoning for a property, the conceptual plan serves as the zoning standard for the site.

A rezoning to the PD district requires the submission of a binding conceptual PD plan which, along with certain PD district requirements, limits uses and sets-forth specific development standards on the site. Thus, a PD rezoning allows a unique PD district to be developed specifically for each development site.

In this case, the conceptual/preliminary PD plan proposes 81, 968 square feet of building area on 6.09 acres for uses including retail, office, and light manufacturing. Aspects of the proposed conceptual/preliminary PD will be addressed in the "Plan Analysis" section of the staff report.

● **THE PD REZONING PROCESS:**

The PD rezoning review, approval, and development process is as follows:

- STEP 1. Rezoning and Conceptual PD Plan Approval: Review and recommendation made by staff and by the Planning and Zoning Commission. Final action taken by the Board of County Commissioners.
- STEP 2. Preliminary PD Plan/Plat (combination of site plan and preliminary plat) Approval: Review and recommendation made by staff. Final action taken by the Planning and Zoning Commission, subject to the Board's action on the rezoning request.
- STEP 3. Land Development Permit or Permit Waiver: Reviewed and issued by staff for construction of subdivision improvements (road, utilities, drainage).
- STEP 4. Building Permit(s): Reviewed and issued by staff for construction of buildings.
- STEP 5. Final PD Plat Approval: Review and recommendation made by staff. Final action taken by the Board of County Commissioners.
- STEP 6. Certificate of Occupancy: Reviewed and issued by staff for use and occupancy of buildings.

The applicant is pursuing approval of Steps 1 and 2 at this time.

Once a PD conceptual plan is approved, only minor modifications to the conceptual plan can be approved at a staff level. Any proposed changes that would intensify the site use (e.g. increase the maximum building area) or reduce compatibility elements (e.g. reduced buffering) may be approved only via a process involving public hearings held by both the Planning and Zoning Commission and the Board of County Commissioners.

● **PROPOSED PD DISTRICT FOR THE PROJECT SITE:**

The subject site has a C/I (Commercial/Industrial) land use designation. The C/I land use designation allows a variety of commercial and industrial districts. Since the land use designation controls the use of the property by limiting the applicable zoning districts, any rezoning must be compatible with the uses allowed by the property's land use designation. Once a specific PD rezoning is approved for a site, the applicable PD conceptual plan adopted as part of the rezoning limits the type of specific uses and intensity of development on the site and establishes the site's dimensional criteria.

Although PD zoning district parameters are flexible, certain standards related to uses, compatibility (buffering), infrastructure improvements, dimensional criteria, and open space are set forth in Chapter 915 (P.D. Process and Standards for Development Ordinance) of the County's Land Development Regulations (LDRs). Based upon the proposed conceptual PD plan and the Chapter 915 standards, the proposed PD district for

the subject site contains the special elements identified in the table below. That table also lists corresponding MED district criteria for comparison purposes.

| Element | MED Zoning District | Proposed PD District |
|--------------------|--|---|
| Uses Allowed | Hospital and health industry facilities, medical offices and complimentary uses (limited retail, restaurants, hotels). | Same as allowed in MED District, plus general retail uses, general office, warehouse, and light industrial (assembly only)* |
| Minimum Open Space | 30% | 30% |
| Setbacks | | |
| Front: | 25' | 25' |
| Side: | 20' | 10' (applies to northernmost building unit only)** |
| Rear | 20' | 10' (applies to northernmost building unit only) |
| Aesthetic Controls | None | Architectural requirements and foundation plantings |

Note*: The proposed rezoning to PD will allow light manufacturing uses which are limited to assembly type uses.

Note**: The reduction to 10' is allowed through the PD process. Since the adjacent properties are zoned MED, the 25' PD perimeter setback/buffer does not apply pursuant to section 915.16(1)(A).

REZONING ANALYSIS:

● EXISTING ZONING & LAND USE PATTERN

The site is presently vacant and has been underbrushed, with a number of protected trees remaining on the site. To the north is a grove which is medically zoned. The property to the east is a neighborhood park and is also medically zoned. To the south, across 39th Street, are single-family homes which are zoned RM-8. To the west, across U.S. 1, there is an existing commercial building which is zoned CG.

The subject site is in the Hospital/Medical node, which is 419.38 acres in size with approximately 209 acres having been developed and/or site planned. The majority of the 210.38 acres of vacant medical node property was added to the node a few years ago via the EAR-based land use plan amendments and rezonings. That node expansion occurred on properties located north of 37th

Street, including the subject site, and was intended to significantly increase node acreage to accommodate future growth of health services, health industries, and complementary uses. Due to the small size of the subject site, granting the rezoning request will not significantly reduce medically zoned area within the node. Also, due to the location of the subject site at the node's western perimeter at U.S. 1, granting the request will not break up the medically zoned areas of the node. These characteristics are similar to the Oak Point development (7.36 acres) located at the east perimeter of the medical node, which was rezoned from MED to OCR in May of 1999.

The proposed PD rezoning is intended to provide a transition from U.S. 1 general commercial uses to medical uses within the medical node, by providing a mixed use commercial/business complex that can contain uses that complement medical node activities.

- **Future Land Use Map Pattern**

The subject property has a Commercial/Industrial land use designation, as do the properties to the north, east and west. The property to the south has an M-1, Medium Density residential (up to 8 units/acre), land use designation. The proposed PD rezoning of the subject property is consistent with the County's Future Land Use Map.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Rezoning requests are reviewed for consistency with the policies of the comprehensive plan and must also be consistent with the overall designation of land uses as depicted on the Future Land Use Map. These include agricultural, residential, recreational, conservation, and commercial and industrial land uses and their densities. Commercial and industrial land uses are located in nodes throughout the unincorporated areas of Indian River County.

The goals, objectives and policies are the most important parts of the comprehensive plan. Policies are statements in the plan which identify the actions which the county will take in order to direct the community's development. As courses of action committed to by the County, policies provide the basis for all County land development related decisions. While all comprehensive plan policies are important, some have more applicability than others in reviewing rezoning requests. Of particular applicability for this request are the following policies and objectives.

- **FUTURE LAND USE POLICY 1.21** states that the commercial/industrial land use designation shall be applied to those areas which are suitable for urban scale development and intensities. Those areas shall be limited to lands that are located within the urban service area and near existing urban centers. Since the site is on U.S. 1 near the City of Vero Beach, is in an area of significant commercial, industrial, and medical office/health industry development, and has a C/I land use designation, the proposed rezoning is consistent with policy 1.21.
- **FUTURE LAND USE POLICY 4.1** states that land use districts shall be located in a manner which concentrates urban uses, thereby discouraging sprawl. The subject rezoning is in an existing commercial node along U.S. 1 where the land use plan proposes to concentrate urban uses, such as those uses proposed with this application. Since the site is located on U.S. 1 and the project proposes to concentrate urban uses, the proposed

rezoning is consistent with policy 4.1.

- **FUTURE LAND USE POLICY 5.4** encourages the use of the Planned Development (PD) overlay district to provide design flexibility. The PD overlay zoning district provides the ability to allow for a wide range of uses, while controlling site development and appearance. Since the subject PD incorporates the PD overlay district design feasibility to provide a diversity of uses on an appropriate site with sufficient design controls, the proposed rezoning is consistent with Policy 4.1.
- **ECONOMIC DEVELOPMENT POLICY 1.1**
The County shall focus its industrial expansion efforts on attracting and expanding clean, small-scale light manufacturing and assembly industries. Since the proposed project contains a mix of “business park” and “flex space” uses and design characteristics that will cater to clean, light manufacturing and assembly uses, the proposed rezoning is consistent with policy 1.1.

While the referenced policies are particularly applicable to this request, other comprehensive plan policies and objectives also have relevance. For that reason, staff evaluated the subject request for consistency with all applicable plan policies and objectives. Based upon that analysis, staff determined that the request is consistent with the comprehensive plan.

- **COMPATIBILITY**

Staff's position is that granting the request to rezone the property to PD will result in development which will be compatible with the surrounding areas. Since the lands to the north and east are zoned MED, it is anticipated that these properties will develop with medical district uses similar to those existing facilities within the medical node. The property to the west is zoned general commercial (CG) and is developed as a patio furniture sales store. Because these properties to the north, east and west are or will be developed non-residentially, they will be compatible with the proposed project. To ensure aesthetic compatibility with facilities in the medical node, the subject project site design reflects the appearance of a business park complex, a design which is compatible with campus type medical projects. The buildings will be architecturally enhanced to appear more like a medical or retail buildings from the west (U.S. 1) frontage. This includes building articulation and a simulated brick finish. In addition, increased landscaping is being proposed along the north side of the proposed complex, where the site abuts undeveloped medically zoned property.

To ensure compatibility between the subject project and the single-family residential uses on the south side of 39th Street, the conceptual plan incorporates special buffer provisions. To this end, there will be a Type “C” buffer with additional canopy trees provided along the south side of the building as foundation plantings.

- **CONCURRENCY**

No concurrency related services or facilities will be affected by the rezoning, since the rezoning is essentially a “lateral” rezoning from one type of commercial category to another. Concurrency,

however, is addressed in the PD plan analysis section of this staff report.

- **ENVIRONMENTAL IMPACTS**

These issues will be addressed in the PD plan analysis.

PD PLAN ANALYSIS:

The conceptual/preliminary PD plan proposes two large, multiple use buildings and supporting infrastructure which form a business park complex oriented toward U.S. 1. The plan proposes light manufacturing, retail, general office, and contractor trades uses in a "business park" and "flex space" type of facility design. .

1. **Size of Site:** 6.09 Acres

2. **Zoning Classifications:**

Current: CG, General Commercial

Proposed: PD, Planned Development

3. **Land Use Designation:** C/I, Commercial/Industrial

4. **Building Area by Use:**

| | |
|--------------------------------|--------------------|
| Retail: | 6,400 square feet |
| Office: | 9,600 square feet |
| Construction Trades: | 9,360 square feet |
| Light Manufacturing/Wholesale: | 56,608 square feet |
| Total: | 81,968 square feet |

5. **Building Coverage:**

| | |
|----------------------|-------|
| Proposed: | 30.9% |
| Allowed in MED or PD | 40.0% |

6. **Impervious Area:** 186,799 square feet or 4.29 acres

7. **Open Space:**

| | |
|------------------|-----|
| Required in MED: | 30% |
| Proposed in PD: | 30% |

8. **Parking:**

| | |
|-----------|------------|
| Required: | 191 spaces |
|-----------|------------|

Provided: 200 spaces

9. **Setbacks:**

Front

Required: 25' (MED and PD)
Provided: 85' west (U.S. 1 frontage)
25' south (39th Street frontage)

Side

Required: 20' (MED); 10' (PD)
Proposed: 10'

Rear

Required: 20' (MED); 10' (PD)
Proposed: 10'

Note: Through the PD rezoning process, the applicant is requesting that the 20' side and rear setbacks in the MED district be reduced to 10'. The proposed waivers to the MED district dimensional criteria are allowed through the PD rezoning process.

10. **Traffic Circulation:** The applicant is proposing two driveways to access the site. One driveway will access U.S. 1, while the other will access 39th Street. The U.S. 1 driveway will be limited to right-in and right-out movements. The 39th Street driveway will be a full movement driveway. The driveways will provide access to the parking lots and wide rear building access aisles, and will be internally connected so traffic can flow through the site using both driveways. Traffic Engineering has approved the traffic circulation plan.

A traffic impact analysis (TIA) has been reviewed and approved by Traffic Engineering. As a result of the TIA, a northbound right-turn lane is required along for the project's U.S. 1 driveway. The applicant will need to provide a design for a right turn acceptable to Traffic Engineering prior to issuance of an LDP or LDP waiver.

11. **Stormwater Management:** The project's preliminary stormwater management plan has been approved by the public works department, and the developer will be required to obtain a Type "A" county stormwater permit prior to issuance of an LDP or LDP waiver. A single stormwater tract is proposed on the east side of the site. That tract is proposed to be dry with a number of existing trees retained (preserved) within the retention area.

12. **Utilities:** The project will be connected to County water and sewer. These utility provisions have been approved by the County Utilities Department and the Environmental Health Department.

13. **Landscape Plan and Buffers:** The landscape plan is in compliance with Chapter 926, and includes a Type "C" buffer along the south property line adjacent to 39th Street and the single family (RM-8 zoned) area south of 39th Street.

14. **Environmental Issues:**

- Uplands: Since the site is over 5 acres, the native upland habitat requirements of section 929.05 potentially apply. However, there is no native upland habitat on the site; therefore, no set aside is required.
- Wetlands: The environmental planning staff has verified that there are no jurisdictional wetlands on the subject site. Therefore, no wetland permits are required.

15. **Dedications and Improvements:**

- U.S. 1 sidewalk: A 5' wide public sidewalk is required along the site's U.S.1 frontage. The applicant will need to obtain Public Work's approval of a design for the sidewalk prior to the issuance of a land development permit or waiver, and construct or bond the sidewalk prior to issuance of a certificate of occupancy.
- 39th Street Sidewalk: A 5' sidewalk is required along the site's 39th Street frontage. The sidewalk will need to be constructed or bonded prior to issuance of a Certificate of Occupancy.
- 39th Street Right-of-Way: Presently, 50' of right-of-way exists for 39th Street, which is a local road requiring 60' of right-of-way. The applicant will need to dedicate 5' of additional right-of-way without compensation to provide its share of the 60' of local road right-of-way. The right-of-way needs to be dedicated prior to or via the project final plat.
- Inter-connected Parking: The applicant will need to stub-out the on site westernmost north/south driveway to the north property line to provide for a future driveway connection with the commercially zoned property to the north, per LDR section 952.12. The stub-out will need to be built or bonded prior to the issuance of a Certificate of Occupancy.

16. **Benefits:** Through the PD process, applicants are asked to indicate how their proposal provides public benefits, beyond those provided by a conventional development. The property owner has indicated that the provision of light industrial and business services uses in a "business park" and "flex space" complex provides a public benefit. Such business park and appropriate light industrial uses are encouraged by comprehensive plan economic development policy 1.1. In addition, the PD process allows control over the aesthetics of the development, and aesthetic benefits are provided. Such benefits include U.S. 1 facade architectural upgrades, increased buffers, and foundation plantings.

17. **Aesthetic Controls:** Through the PD rezoning process, the following aesthetic controls have been committed to for the project:

- a. **Architectural:** Through PD rezoning process, the staff has indicated to the applicant that it would support the request provided that the U.S. 1 building facade were architecturally enhanced to appear more like medical or retail buildings rather than manufacturing and wholesale buildings which are typically boxy with a metal exterior. The applicant is proposing an articulated building along with a "faux" brick exterior finish on the U.S. 1 frontage. The finish and design will have a campus complex look. It should be noted that the proposed building floor will be elevated to facilitate the loading docks in the rear.
- b. **Foundation Plantings:** Each individual tenant unit, which will range in width from 32' to 64', will have foundation plantings along the front (U.S. 1 frontage) of the unit. The foundation plantings will consist of ground cover, shrubs and one understory tree (oleander, crepe myrtle, cabbage palm) for each 30' of unit frontage excluding entrances. It should be noted that a Type "C" buffer with additional canopy trees (palm clusters) will be provided along the south building facade. Some of the materials will be incorporated in the foundation planting on the south facade.

The applicant has revised the landscape plan, as requested by the Planning and Zoning Commission, to provide additional landscaping on the north building facade. These additional foundation plantings include clusters of palms along the north facade.

18. **Preliminary Plat:** The applicant has submitted a preliminary plat, which essentially constitutes a boundary plat that proposes a stormwater tract and easements but no individual lots. The proposed plat meets all applicable regulations. The final plat must be approved by the Board prior to the issuance of a Certificate of Occupancy.
19. **Concurrency:** The applicant will obtain a conditional concurrency certificate prior to consideration by the Board. This will satisfy the concurrency requirement for preliminary PD approval and the rezoning request.
20. **Surrounding Land Use and Zoning:**

North: Groves/MED

South: Single Family Homes/RM-8

East: County Park/MED

West: U.S. 1, Patio Furniture Store/CG

RECOMMENDATION:

Based on the above analysis, staff recommends that the Board of County Commissioners approve the rezoning to PD commercial/light industrial and approve the conceptual PD plan, including the proposed side yard and rear yard setback waivers, with the following conditions:

1. Prior to the issuance of a land development permit or LDP waiver, the applicant

shall:

- (A) Submit construction plans, acceptable to Traffic Engineering, for a northbound right turn lane to serve the project's U.S. 1 entrance.
- (B) Submit construction plans, acceptable to Public Works, for the U.S. 1 sidewalk.
- 2. Prior to or via the final plat, the applicant shall dedicate 5' of right-of-way for 39th Street without compensation.
- 3. Prior to the issuance of a certificate of occupancy, the applicant shall:
 - (A) Obtain final plat approval.
 - (B) Construct or bond out for the U.S. 1 sidewalk improvements, the 39th Street sidewalk, and the driveway stub-out to the north property line.
 - (C) Construct a northbound right turn lane at the project's U.S. 1 entrance, in accordance with approved plans.
 - (D) Provide all landscape buffers and foundation plantings, including the additional plantings on the north and south sides of the building complex, as shown on the revised PD plans.

ATTACHMENTS:

- 1. Application
- 2. Location Map
- 3. Conceptual/Preliminary PD Plan
- 4. Landscape Plan
- 5. Architecturals
- 6. Planning and Zoning Commission Minutes
- 7. Ordinance

| Indian River Co. | Approved | Date |
|------------------|----------|---------|
| Admin. | | |
| Legal | | |
| Budget | | |
| Depl. | RMK | 6/27/11 |
| Risk Mgr. | | |

FOR:_____

BY:_____

PD-CI-C 13

MAJOR SITE PLAN
APPLICATION FORM
(SPMJ)

COMPUTER ASSIGNED PROJECT #: SPSE
ASSIGNED FILE #SPMJ: 99030142

PROJECT NAME (PRINT): WOODLAKE COMMONS

PROPOSED PROJECT USE: Retail/Medical/Professional Warehouse

CORRESPONDING PRE-APPLICATION CONFERENCE PROJECT
ASSIGNED FILE NUMBER (IF ANY): PREA-99030142-25387

OWNER: (PRINT)
3900 Group, LLC
NAME
1460 56th Square W.
ADDRESS
Vero Beach, FL
CITY STATE
32960 (561) 569-8943
ZIP PHONE
Mr. Alan Schommer
CONTACT PERSON

AGENT: (PRINT)
Mosby & Associates, Inc.
NAME
2455 14th Avenue
ADDRESS
Vero Beach, FL
CITY STATE
32960 (561) 569-0035
ZIP PHONE
Mr. Randy L. Mosby, P.E.
CONTACT PERSON

X
SIGNATURE OF OWNER OR AGENT

PROJECT ENGINEER: (PRINT)
Mosby & Associates, Inc.
NAME
2455 14th Avenue
ADDRESS
Vero Beach, FL
CITY STATE
32960 (561) 569-0035
ZIP PHONE
Mr. Randy L. Mosby, P.E.
CONTACT PERSON

PROJECT ARCHITECT: (PRINT)
To Be Determined
NAME
ADDRESS
CITY STATE
ZIP PHONE
CONTACT PERSON

• PROPOSED PROJECT USE FOR ZONING DISTRICT IS: (check one)

☒ PERMITTED

☐ ADMINISTRATIVE PERMIT

• AMOUNT OF NEW IMPERVIOUS SURFACE: (SQ.FT) 191,992

• SITE ADDRESS: 3229 US Hwy. 1

• SITE TAX ID#(S): 26-32-39-00000-7000-00014.0

• IS ALL OR A PORTION OF PROJECT IN ENVIRONMENTALLY SENSITIVE AREA
AS DESIGNATED ON THE COMPREHENSIVE PLAN OR ADDRESSED IN A PRE-APP
CONFERENCE? YES NO

• ZONING: MED Proposed PD

CLUP: CI

• TOTAL (GROSS) ACREAGE OF PARCEL: 6.09 ac.

• AREA OF DEVELOPMENT (NET) ACREAGE: 6.09 ac.

• PROPOSED CHANGES TO EXISTING DEVELOPMENT (IF APPLICABLE): N/A

A. NUMBER OF UNITS: FROM TO
B. DENSITY FROM UNITS PER ACRE TO UNITS PER ACRE

• USES BY SQUARE FEET GROSS BUILDING AREA RESULTING FROM
MODIFICATION (E.G. RETAIL; 5,000)

USE: Retail SQ. FT.: 15,112

USE: Office SQ. FT.: 11,392

USE: Contractor Trades SQ. FT.: 24,060

USE: Manufacturing SQ. FT.: 35,056

FOR OFFICE USE ONLY:

DATE RECEIVED: / /

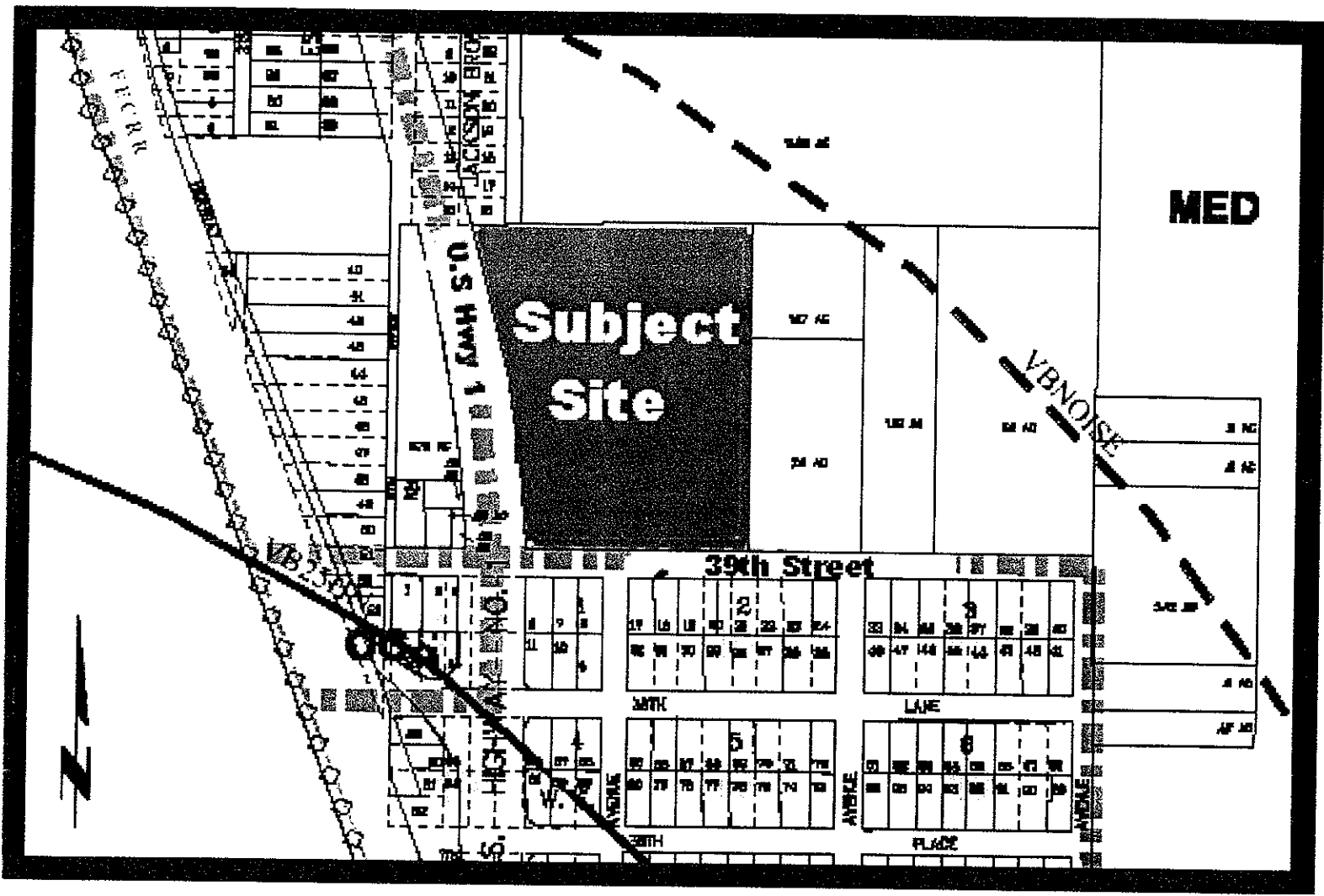
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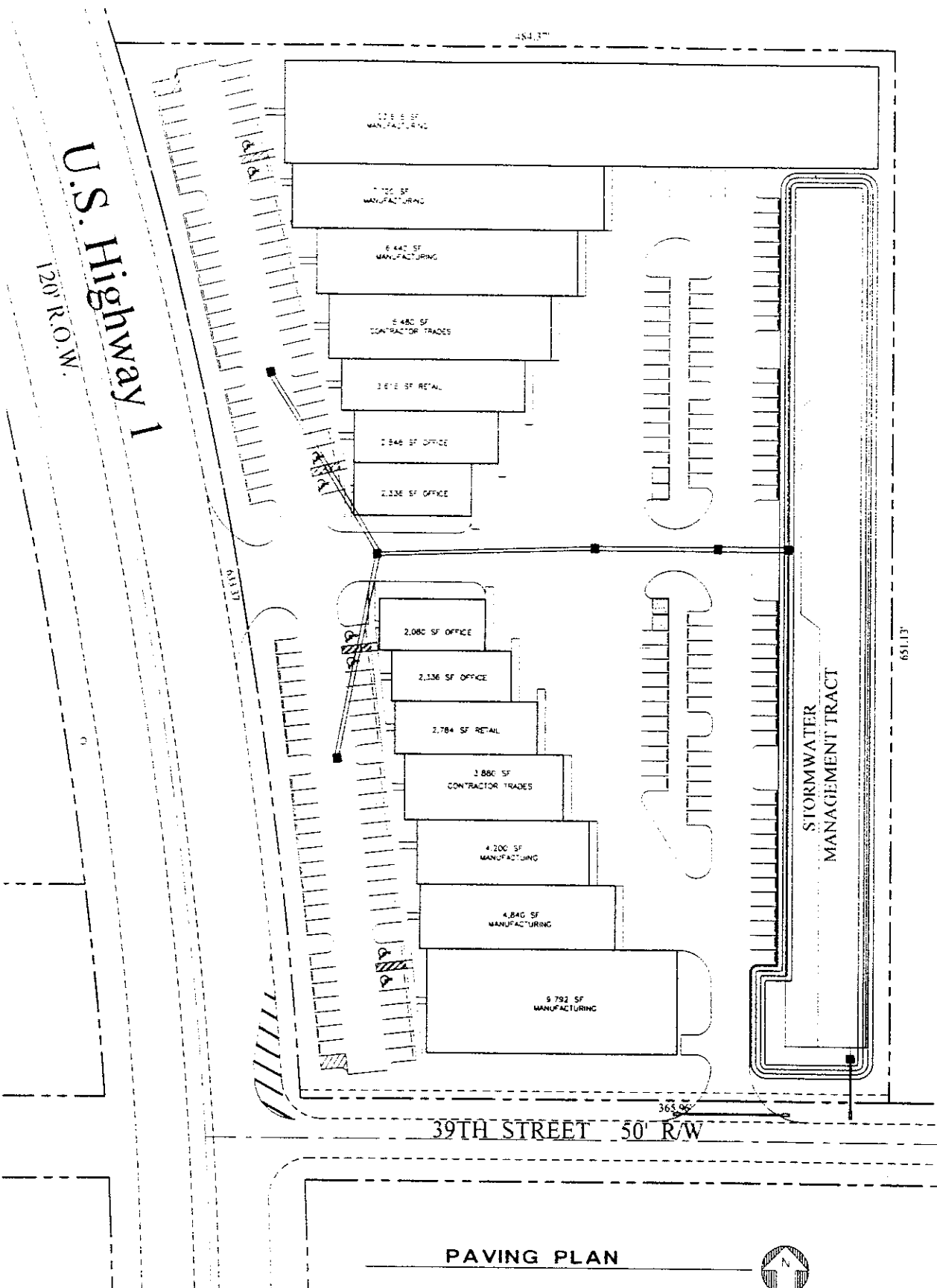
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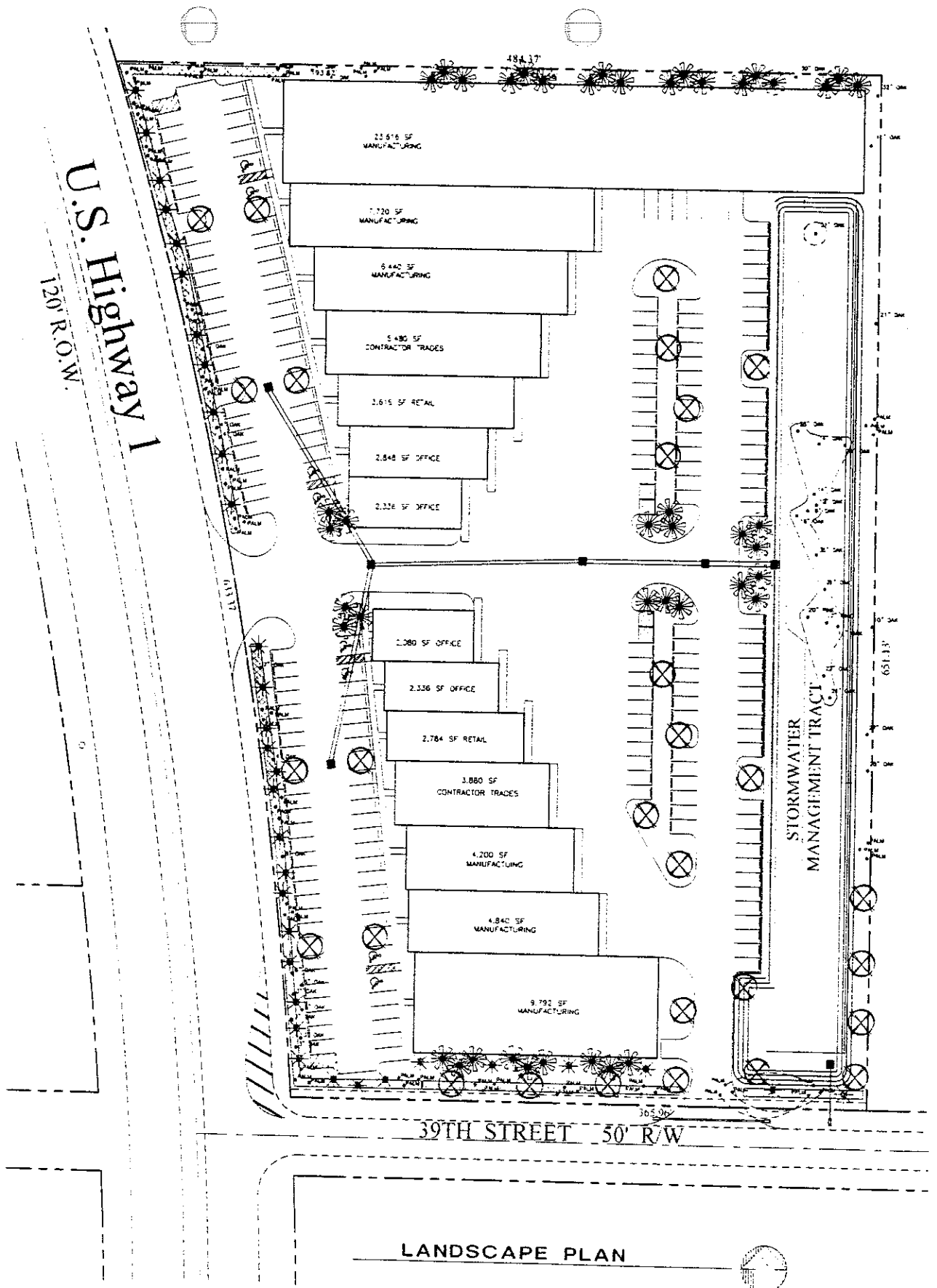
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REV:04/22/93







Chief Dietz referred to page 3 of the draft of the Ordinance referring to "Subdivision Access Standards" and mentioned there was going to be a point where the Department of Emergency Services and the Fire Division would be coming back before the P&Z in order to decide at what point it would it be mandatory for a secondary means of egress into a subdivision.

A discussion ensued concerning emergency access to vehicles.

Attorney Collins commented on page 7, item 10, "Fire Apparatus Access Requires" should be changed to "Fire Apparatus Access Requirements". He said the next page under subsection 2, where it stated there could be exceptions to the provisions of this section, it was unclear whether that exception was extended for subsection 2 only, or the entire section 952.17. Chief Dietz clarified the exception was intended to apply to subsection 2 only, and it was word for word out of the new Florida Fire Prevention Code. Attorney Collins suggested it would make more sense to change the wording from "the provisions of this section" to "the provisions of this subsection".

Chairman Hensick then opened the Public Hearing, and because there was no one in the audience, the Public Hearing was closed

ON MOTION by Dr. Cox, SECONDED by Mr. Hamner, the members voted unanimously (7-0) to recommend that the Board of County Commissioners (BCC) adopt the proposed Fire Protection LDR Amendments with the editorial changes suggested by Attorney Collins.

- B. 3900 Group L.L.C., Owner Mosby & Associates, Inc., Agent. To receive a recommendation to rezone approximately 6.09 acres from MED (Medical) to PD (Commercial/Light Industrial) and approve a conceptual/preliminary PD plan/Plat to construct an 81,968 square foot mixed use building complex. The subject site is located at the northeast corner of U.S. 1 and 39th Street at the western edge of the existing "medical node". Zoning Classification: Current: CG, General Commercial. Proposed: PD, Planned Development. Land Use Designation: C/I, Commercial/Industrial.

Mr. McCoy went over the information contained in his memorandum, which is on file in the Commission office.

Mr. Gibbs suggested the trees be staggered so that more space would be covered.

Dr. Cox asked if it was staff's evaluation that the mixed uses proposed in this development in and of themselves provided sufficient public benefit to warrant approval without any of the add-ons. Mr. McCoy replied the manufacturing uses were being targeted by the County under some of its economic development programs. Dr. Cox pointed out he could not be persuaded about the public benefit of the add-ons, but could be persuaded on the basis of the mixed uses.

Mr. Mosby commented on the technical issue as it pertained to the improvement of U.S. 1. He pointed out since it was a FDOT road, FDOT had all of the jurisdiction; however, they had been working with the County's traffic engineers to satisfy them also. He continued, the acceleration lane extended far south of 39th Street, and the FDOT wanted it removed because they did not want a three-lane situation past 39th Street.

Mr. Schommer gave a presentation of some of the buildings and showed a sample of the bricks. He stated the buildings would be virtually hurricane proof in that they would be made up of prestressed precast concrete.

Attorney Collins asked if the roofs of each of these independent buildings were to be flat or pitch roofs, and what would they look like from U.S. 1. Mr. Schommer informed him the roofing would not be seen at all, and there would be a 2 ft. parapet that would go up so that even if there was air conditioning equipment on the roof, it would generally not be seen.

Ms. Keys mentioned she read somewhere that the buildings were going to be raised because of loading docks in the rear. Mr. Schommer replied it was not the case, and that the problem was, U.S. 1 was 6 ft. above 39th Street.

Ms. Keys asked about the north building which appeared to be the size of a football field, with a long massive wall with absolutely no landscaping to break it up. Mr. Schommer informed her although it was not

required, they generally landscaped all around their buildings, and had already put at least 15 palm trees throughout the area.

Ms. Keys pointed out she had been told aesthetic design standards might be required under the PD rezoning process, but had not been shown any aesthetics such as an architect's rendering or something of that sort. Mr. Schommer stated a Planned Development (PD) did not usually require it, but they went quite a few steps further by doing the actual building designs and bringing in a full blown site plan to show what they intended to do.

Mr. Winne did not agree he had gone quite a bit further, and had a hard time finding the benefits to the community.

Mr. Schommer explained although it might start out with other uses, they expected as the medical district grows, the demand for this type of space would increase, and that it would transition into medical use. He added, the benefit was taking a blighted section of Indian River County and bringing in businesses, and possibly jobs.

Chairman Hensick then opened the Public Hearing, and because there was no one in the audience, the Public Hearing was closed.

A discussion ensued concerning landscaping to the north, and it was determined there were some oaks toward the back corner, and there would probably be a Type D buffer in a 10 ft. strip, and clusters of palms.

A MOTION was made by Dr. Cox, SECONDED by Mr. Gross, to recommend approval, with the addition of the landscaping requirement of a Type D buffer along the north side of the building.

UNDER DISCUSSION, Mr. Winne felt the benefits described were essentially aesthetic resulting from more planning and a different type of wall construction. He commented what was being given up was the long term intended purpose of space in the medical district, and compatibility with the residential area, as well as future medical services that might be located adjacent to or nearer to this property than those presented today. He went on to say, regulations, were very clear regarding compatibility with PDs relating to future plans and future projects adjacent or nearer to the

subject site, and he could not see turning it over to an unknown opportunity for light industrial development, because the Applicant could not be held to any particular specific industrial application.

Mr. Gross asked for clarification from staff as to the medical services permitted. Mr. Keating informed him it had been their informal policy to allow non-medical types of uses at the periphery along the major arterials. Mr. Boling said whenever they received medical node requests, the medical district not only allowed medical offices, but uses that supported it, such as hotels, gift shops and restaurants.

Dr. Cox indicated he was committed, in light of the recent reports that suggested Indian River County needed to do a little more to make itself attractive to the manufacturing sector of the economy. He recognized Mr. Winne's concerns were valid, but there was no way of establishing a requirement that it would be filled with medical related businesses.

A discussion continued insofar as restricting it to the medical industry, and it was determined it should not be too restrictive so as to hurt the potential of carrying out the development.

Attorney Collins stated the PD ordinance provided a mechanism for the developer to obtain waivers on a number of normal regulations imposed, in terms of setbacks and lot area. He explained a number of regulations could be waived, and the quid pro quo for that would be, the County would be allowed to impose conditions not expressly provided; however, it was really trying to come to terms with the development whereby concessions would be made by both sides.

Mr. Schommer pointed out the project consisted of light manufacturing assembly operations, which was quiet, clean, and it employed people.

Mr. Hamner stated what appealed to him was the same type of development was along U.S. 1 to the north, and this type of a project did not seem unreasonable.

THE CHAIRMAN CALLED FOR THE QUESTION,
and the Motion passed 6-1 in favor of the Motion.
Mr. Winne opposed.

ORDINANCE NO. 2001-__

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE ON THE ACCOMPANYING ZONING MAP FROM MED TO PD FOR THE PROPERTY LOCATED ON THE NORTHEAST CORNER OF U.S. 1 AND 39TH STREET AND DESCRIBED HEREIN AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, on May 24, 2001, the Planning and Zoning Commission, sitting as the local planning agency on such matters, held a public hearing and subsequently made a recommendation regarding this rezoning request; and

WHEREAS, the Board of County Commissioners of Indian River County, Florida, did publish its Notice of Intent to rezone the hereinafter described property; and

WHEREAS, the Board of County Commissioners has determined that this rezoning is in conformance with the Comprehensive Plan of Indian River County; and

WHEREAS, the Board of County Commissioners has held a public hearing pursuant to this rezoning request, at which parties in interest and citizens were heard;

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Indian River County, Florida, that the zoning of the following described property situated in Indian River County, Florida to-wit:

LEGAL DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF THE WEST ½ OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, RUN WESTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, 193.87 FEET TO THE EAST RIGHT OF WAY OF U.S. HIGHWAY NO. 1; THENCE WITH AN INTERIOR ANGLE OF 74°44'44", RUN SOUTHEASTERLY, ON SAID RIGHT OF WAY, 75.81 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2924.93 FEET; THENCE RUN SOUTHEASTERLY 588.93

FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11'32'11"; TO THE NORTH RIGHT OF WAY LINE OF 39TH STREET (50 FEET RIGHT OF WAY): THENCE RUN EASTERLY ALONG SAID RIGHT OF WAY 365.98 FEET; THENCE RUN NORTHERLY PARALLEL WITH THE EAST LINE OF R.B. SIMS LAND AS RECORDED IN DEED BOOK 1, PAGE 440, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, A DISTANCE OF 650.89 FEET TO THE NORTH LINE OF THE AFOREMENTIONED SOUTH HALF OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE WESTERLY 290.50 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.
ALL THE ABOVE SITUATE IN INDIAN RIVER COUNTY, FLORIDA.

Be changed from MED to PD. (Commercial/~~light industrial~~). A

All with meaning and intent as set forth and described in said land development regulations, and the attached approved conceptual PD plan and landscape plan.

The provisions of this ordinance shall become effective upon filing with the Department of State.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida on this _____ day of _____, 2001.

This ordinance was advertised in the Vero Beach Press Journal on the _____ day of _____, 2001, for public hearing to be held on the _____ day of _____, 2001 at which time at the final hearing it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote;

Chairman Caroline D. Ginn _____

Vice Chairman Ruth M. Stanbridge _____

Commissioner Fran B. Adams _____

Commissioner Kenneth R. Macht _____

Commissioner John W. Tippin _____

ATTEST _____
Jeffrey K. Barton
County of Indian River

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY _____
Caroline D. Ginn, Chairman
Board of County Commissioners

BY _____
Deputy Clerk

Effective Date: Filed with the Department of State on the ____ day of _____, 2001.

APPROVED AS TO LEGAL FORM

Wm Collins
William G. Collins, III
Deputy County Attorney

APPROVED AS TO PLANNING MATTERS

Robert M. Keating
Robert M. Keating, AICP
Community Development Director

F:\Community Development\Users\CurDev\JOHN\3900 GROUP ORDINANCE

