

UPDATED TIMELINE

Previous Uses and Actions at 1728 and 1730 24th Street

City of Vero Beach

1. **Prior to 1995:** four homes total existed on both adjacent parcels. Per old survey of the property; 3 single family homes of less than 1500 s.f. each and one single family home of more than 2500 s.f. were located on these 2 parcels.
2. **1995:** change of use to 19 bed ALF (Minor Change Application #95-MC-161 approved by the City). 2 single family homes remained on the site. In 1995, the property was purchased by Elderly Loving Care, Inc.). For that change of use no concurrency review was required since change of use reduced the intensity.
3. **2002:** Building on the west side of the site was changed from ALF to day care (site plan #02-SP-1064C approved by the City).
 - City did not require concurrency for or impact fee review ~~regarding~~ during change of use review and approval, although the change did increase development intensity.
 - City did instruct applicant to pick up approved City site plans and visit the Building Department “where you will be given further details on the required procedure for obtaining a building permit” (see Attachment 1).
 - Applicant/owner did not apply for Building Permit for change of use/change of occupancy as instructed.
4. **2004:** Change of use approved by City for building on east side of the site to change to day care (Minor Change Application #04-MC-037 approved by the City, total daycare buildings 6,461 s.f.).
 - City did not require concurrency for or impact fee review ~~regarding~~ during change of use review and approval, although the change did increase development intensity.
 - Applicant/owner did not apply to County Planning for a concurrency determination. City did instruct applicant to visit the Building Department for further details on permitting and the City also instructed the applicant to complete a concurrency determination application, have the application signed-off by City staff and brought to County Planning for processing (see Attachment 2).
 - Applicant/owner did not apply for Building Permit for change of use/change of occupancy.
 - Applicant/owner did not bring concurrency application to County Planning as instructed.
 - Applicant/owner (Dan Elliot) sold facility to Lisdén Enterprises in 2004.

Updated: 12/05/18

UPDATED TIMELINE (Cont'd.)

5. **2008:** Change of Ownership. After “due diligence”, Daycare purchased by Kiducation dba Oxford Academy to continue to operate daycare.
 - Zoning compliance request sent to County and to City by Oceanside Title as due diligence for buyer (Lisden Enterprises). County deferred to City since County has no zoning jurisdiction over the subject site/facility.
 - City responded to Oceanside Title, verifying site zoning and setbacks, referring to child daycare facility conditional use, and stating that “there are no outstanding violations on the property” (see Attachment 3).
 - Lisden Enterprises, Inc closes on property and operates child care facility.
6. **2018:** Owner (Kiducation represented by Kim Gilbert) applied for a building permit for a deck for a ~~day~~ childcare facility at 1728 24th Street.
 - Building Department became aware of unpermitted change of occupancy from ALF to child care facility. Reviewed building code and permit issues with owner/operator Kim Gilbert and await Ms. Gilbert’s response to confirm compliance.
 - County staff noticed that for previous change of use to child care facility no impact fees were paid.
 - County staff requested and the current owner applied for a City of Vero Beach Concurrency Determination Application (project #95120077).
7. **2018:** County staff coordinated with owner and city staff several times, determined “best case” impact fee credit (4 single family homes), and determined impact fees were reduced but still owed for child care change of use (fee calculation breakdown attached). Impact Fees due under “best case scenario”: \$7,930.78
8. **November 13, 2018:** BCC heard request from current owner Kim Gilbert to waive impact fees. Board directed staff to evaluate and present information to the Board at its December 11, 2018 meeting. Staff also directed to coordinate with Commissioner Solari on the impact fee waiver request issue.
9. **December 3, 2018:** County staff coordinated with City staff to discuss recommended practices, City procedures including checkpoints for ensuring impact fee compliance for projects within the City’s jurisdiction.
10. **December 4, 2018:** City staff provided updated City concurrency/impact fee procedures flowchart reflecting a concurrency verification step prior to City site plan approval.

Note: Fire Prevention staff have confirmed that it conducted periodic inspections of the ALF on the subject site from 1995 to 2003 and thereafter conducted periodic inspections of the child care facility on the subject site.

Updated: 12/05/18

Attachments:

1. Letter regarding approved site plan
2. Letter regarding change of use
3. Zoning Verification Letter from City Planning
4. Impact Fee Payment Slip

City of Vero Beach

02-1952

1053 - 20th PLACE - P.O. BOX 1389
VERO BEACH, FLORIDA - 32961-1389
Telephone: (561) 978-4550 • Fax: (561) 778-3856

OFFICE OF THE
PLANNING DIRECTOR

September 27, 2002

Mosby & Associates
P.O. Box 6368
Vero Beach, FL 32961-6368

RE: Site Plan Application #02-SP-1064C - Request for a Request to Add Adult Day Care
PID #02 33 39 00001 0110 00006.0 & 8.0 - Elderly Loving Care (1738 24th Street)

Dear Randy:

This is to notify you that at a meeting of the Planning and Zoning Board held on September 19, 2002, your application for site plan approval was granted (6-0), subject to memorandum #02- (attached).

Minutes setting forth the specifics of that approval are on file in the Planning Department for your review.

You may now pick up your plans from the Planning Department and visit the Building Department located at 1840 25th Street where you will be given further details on the required procedure for obtaining a building permit.

Sincerely yours,

Ralph T. King, Chairman
Planning and Zoning Board

DR:gkb
Attachment

XC: Wayne Russ, Building Department
Vanessa Gibson, IRC Community Development
Rob Bolton, Water & Sewer Department
Dennis Meliti, Fire Department
Cliff Suthard, PW & Eng I

City of Vero Beach

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OFFICE OF THE
PLANNING DIRECTOR

July 2, 2004

Dan Elliott
Elderly Loving Care
816 Hibiscus Lane
Vero Beach, FL 32963

RE: Minor Change Application #04-MC-037 – Site modifications and change use of Lots 6 & 7 from adult congregate living facility to child day care at 1728 24th Street – 02 33 39 00001 0110 00006.0 & 8.0

Dear Dan:

Your application for the above minor change has been approved. You may now pick up your plans from the Planning and Development Department and visit the Building Department, located at 1840 25th Street, where you will be given further details on the required procedure for obtaining a building permit.

Attached is an Indian River County Concurrency Determination Application that needs to be completed by you, signed off by City Planning and Development staff, and brought to the County Planning Department for processing.

Should you have any questions regarding this matter, do not hesitate to call this office.

Sincerely,



Tracy Fersch
Planning Specialist

tf

XC: Wayne Russ, w/atts
Monte Falls, w/atts

2-1-1-615.0

City of Vero Beach

1053 - 20th PLACE - P.O. BOX 1389
VERO BEACH, FLORIDA 32961-1389



OFFICE OF THE
PLANNING AND DEVELOPMENT DIRECTOR

08-996

August 7, 2008

Martha S. Eskuchen, President
Oceanside Title, Inc.
4442 Lafayette St.
Marianna, FL 32446

RE: 1728-1730 24th Street, Vero Beach, Florida 32960
Parcel ID No. 02 33 39 00001 0110 00006.0 & 8.0

Dear Ms. Eskuchen:

This letter is in response to your request for information concerning the property owned by Lisden Enterprises, Inc. located at 1728-1730 24th Street. The subject property is zoned RM-10/12, Multiple Family District. The required front and rear setbacks for a child day care facility (conditional use) are 25 feet. The side yards are required to have a building setback of 10 feet.

Records in the Property Appraiser's Office show this site was developed in 1940. According to a review of the site plan on file, the existing 19.36-foot and 24.43-foot front setbacks along 24th Street, the 3.8-foot and 3.79-foot rear setbacks along the alley, and the 2.93-foot north side setback are existing nonconformities that may remain, but may not be increased or intensified.

There are no outstanding violations on the property.

I trust this information to be helpful. If you have any questions, please do not hesitate to contact me.

Sincerely,

Maria Lewicka, AICP
Urban Designer

Application Request Payment Slip

CDPR5020 - Application Request Payment Slip

PAYMENT SLIP NBR: AR-81861

<u>REQUEST #</u> 81861	<u>APP. REQUEST TYPE</u> VBIF - CONCURRENCY, VERO BEACH INITIAL/FINAL COMBO	<u>REQUEST STATUS</u> PENDING
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<u>PROJECT #</u> 95120077	<u>PROJECT NAME</u> OXFORD ACADEMY PRESCHOOL FKA HELPING ANGELS	<u>PROJECT STATUS</u> ACTIVE
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<u>APPLICANT</u> KIM GILBERT 1730 24TH ST VERO BEACH, FL 32960	<u>OWNER</u> KIDUCATION INC 1730 24TH ST VERO BEACH, FL 32960
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<u>FEE CODE</u>	<u>DESCRIPTION</u>	<u>GL ACCOUNT</u>	<u>USER</u>	<u>WAIVED</u>	<u>AMOUNT DUE</u>
PBIFVB-C	PUBLIC BLDG IF VB - COM	103032-324721-71052	PL401	N	\$717.17
ADIFVB-C	ADM IF VB - COMMERCIAL	103032-324722-71052	PL401	N	\$749.48
FEIFVB-C	FIRE/EMS IF VB - COMMERCIAL	103032-324123-71052	PL401	N	\$1,156.52
TF106-C	TIF DISTRICT 2 VB - COMMERCIAL	102032-324320-85222	PL401	N	\$23,143.30
TF106-R	TIF DISTRICT 2 VB -RESIDENTIAL	102032-324310-65222	PL401	N	\$-15,222.00
SIFVB-R	SCHOOL IF VB - RESIDENTIAL	103-202103.52	PL401	N	\$0.00
PBIFVB-R	PUBLIC BLDG IF VB - RES	103032-324711-71052	PL401	N	\$-717.17
FEIFVB-R	FIRE/EMS IF VB - RESIDENTIAL	103032-324113-71052	PL401	N	\$-1,156.52
ADIFVB-R	ADM IF VB - RESIDENTIAL	103032-324712-71052	PL401	N	\$-740.00
TOTAL DUE:					\$7,930.78

Utility capacity charges are NOT included in the total due. Please contact the Utility Department for Utility Fees.