



Office of Attorney's Matters 02/07/2017
**INDIAN RIVER COUNTY
ATTORNEY**

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MEMORANDUM

TO: Board of County Commissioners

FROM: William K. DeBraal, Deputy County Attorney *WKS*

DATE: February 1, 2017

SUBJECT: 16th Street Ball Fields

The 16th Street Ball Fields are located north of 16th Street between 20th Avenue and 17th Avenue within the city limits of Vero Beach. An aerial photo of the Property is attached as Exhibit A. A December 2016 survey shows the property to be 11.57 acres in size. Property consists of three softball/little league/baseball diamonds with lights, fencing, parking, concession, press boxes and announcers' booths. In 2013, the property was under a ten year lease with Indian River Sports Complex, Inc. but that lease was terminated by the mutual consent of the parties. The property is currently being maintained by the County.

As the property lies within the City of Vero Beach, the Vero Beach zoning code applies to the parcel. The ball field property is zoned R1, residential, up to six units per acre. The 40 acre property to the south is Vero Beach High School and owned by the Indian River School District. It is also zoned R1. The 4.33 acre property to the east is the high school football stadium owned by the School District. It is zoned RM 10/12, residential, multifamily up to 10 to 12 units per acre. The 1.41 acre property to the northeast is owned by Sunshine Physical Therapy and is zoned H, hospital and institutional. The property due north of the ballfields is owned by Indian River County and leased to the Boys and Girls Club and St. Francis Manor. The 3.8 acres leased to the Boys and Girls Club is also zoned H, hospital and institutional. The 5.52 acres leased to St. Francis Manor is zoned RM 13, residential, multifamily up to 13 units per acre. To the east of the subject property is Little Acre Farms subdivision and the zoning in that subdivision is R1, residential, up to six units per acre. A zoning map and future land use map depicting the area are attached to this memorandum as Exhibit B.

Before a county can sell a parcel of property this size, it first must be declared surplus by

the governing body. In May 2016, the Board of County Commissioners decided to declare the property surplus. Since the property is bordered by the Vero Beach High School and the football stadium, a logical interested party would be the School District. Various discussions were held by the County Administrator and representatives from the School District in the last half of 2016. Initially, District staff expressed limited interest in the property citing a lack of available funds. Later discussions with District staff produced a list of District owned properties they would recommend for possible trade for the ball field parcel. A list of the parcels offered for trade by the School District is attached to this memorandum. County staff has reviewed the list of the properties offered for trade and the property cards for each parcel are attached to this memorandum as Exhibit C.

At the Board's meeting of December 20, 2016, the Board voted to obtain an appraisal of the ball field property. The Board tasked the appraiser with two values for the appraised property. First, the Board asked for a value of the property in its current state. Second, the Board asked for an appraised value of the property in a multifamily condition similar to the neighboring St. Francis Manor leased property that carries a density of 13 units per acre. County staff contacted Boyle and Drake to perform the requested appraisal. A copy of the appraisal is available for review in the County Attorney's Office.

The appraiser valued the ball field property based on recent sales of comparable parcels including the Willows subdivision at 16th Street and 74th Avenue and the Bridgehampton Subdivision on State Road 60 east of 50th Avenue. Both single and multifamily parcels were used as comparables. The appraisal valued the ball field property in the "as is" condition at \$500,000. If rezoned and the underlying land use is changed, the appraisal offered a value of \$725,000 for a 10/12 unit per acre multifamily density.

Two important factors should be brought to the Board's attention. First, the underlying land use designation of the ball field parcel is GU, Governmental/Institutional/Public Use. Even though the zoning category is R1, up to six units per acre, the underlying land use would have to be changed by a potential buyer to a single family residential designation in order to harmonize the zoning and the land use designation. This would require an amendment to the City of Vero Beach's Comprehensive Plan and may be a factor in any sale of the parcel. Similarly, if a higher 10 to 12 unit per acre zoning density is sought, both the GU land use designation and the R1 zoning classification would need to be changed, again requiring a City Comprehensive plan amendment. Since the ball field property is over 10 acres in size, requirements of a large scale plan amendment would be in effect requiring at least three public hearings on a local level and two reviews at the state level. Normally, this process takes 10-12 months.

Second, the City has a 200' x 200' utility easement (0.92 acres) on the northeast portion of the ball field parcel. This is the site of an existing City production well used for drinking water. Staff has confirmed this is an active well currently used daily by the City. While the

appraisal assumes the 0.92 acres to be developable, it appears that the Board should take into consideration the easement and access thereto would further reduce the development potential and value of the ball field parcel.

City planning staff has expressed a willingness to recommend residential development of the ball field parcel, including higher densities. The ball fields have been in existence at the same location for generations. Proposed changes to the zoning and future land use could bring about opposition at the three public hearings (one by the Planning and Zoning Board and two by the City Council, including two rounds of review by the State) especially if higher density zoning is sought. While County Community Development and Planning staff have participated in many comprehensive plan amendments, staff cannot recall an instance where the County acted as an applicant for an amendment in a neighboring municipality.

Funding. There are no County funds impacted by this matter.

Recommendation. Staff presents the following four options concerning the 16th Street Ball Fields. Staff recommends that the Board discuss the four options and direct staff accordingly:

1. Direct staff to offer the ball field parcel for sale in its current state via the sealed bid process, adding terms and conditions of the sale deemed acceptable to the Board.
2. Direct staff to petition the City for a zoning change and comprehensive plan amendment necessary for multifamily zoning and a higher density land use designation.
3. Direct staff to negotiate a property trade for one or more of the parcels on the list presented by the School District for the ball field parcel. One of the conditions of the trade could include a reverter clause, requiring the District to return the property to the County when the District's use of the property ends.
4. Just before the agenda deadline, staff has been contacted by a group interested in keeping the baseball fields intact and used for youth baseball. The group has asked for two weeks' time in order to formulate a business plan and present the plan to staff and ultimately the Board.