

Bruce D. Barkett⁵
Jonathan D. Barkett
Lisa Thompson Barnes^{3,6}
Gregg M. Casalino¹
Aaron V. Johnson
Taylor Kennedy Lubas^{2,7}
C. Douglas Vitunac

Jessica F. Hernstadt
Paul O'Neil
Megan N. Root

OF COUNSEL
George G. Collins, Jr.¹
Ralph L. Evans
Michael J. Garavaglia⁴
Steven L. Henderson¹
P. Todd Kennedy²

Calvin B. Brown (1968–2024)
William W. Caldwell (1964–2023)



ATTORNEYS AT LAW

756 Beachland Boulevard Vero Beach, Florida 32963
Post Office Box 643686 Vero Beach, Florida 32964-3686

1. Board Certified Real Estate
2. Master Of Laws Taxation
3. Master Of Laws Real Property Development
4. Master Of Laws Estate Planning & Elder Law
5. Certified Circuit Mediator
6. Also Admitted In The Commonwealth Of The Bahamas
7. Master Of Business Administration

December 3, 2024

VIA HAND DELIVERY

Chris Balter
Director of Community
Development
1801 27th Street
Vero Beach, FL 32960

Joe Flescher
Chairman of the Board of
County Commissioners
1801 27th Street
Vero Beach, FL 32960

Jonathan Day
Chairman of the County
Planning and Zoning
Commission
1801 27th Street
Vero Beach, FL 32960

Re: Red Jazmine Land Company, LLC

Dear Mr. Balter, Chairman Flescher, and Chairman Day:

Please be advised that Red Jazmine Land Company, LLC (“Red Jazmine”), hereby appeals the decision of the Planning and Zoning Commission to deny a rezoning application for the approximately 4.2 acre property which lies at the northwest corner of the intersection of US Highway 1 and 73rd Street. This decision was made at the regularly scheduled Planning and Zoning Commission meeting on November 14, 2024.

In support of this appeal, Red Jazmine asserts that the Planning and Zoning Commission misapprehended or overlooked the following facts and law:

1. Alleged incompatibility with a non-conforming use is a non sequitur, and cannot form the legal basis for denying otherwise lawful rezoning.
2. The US 1 corridor constitutes a valid, viable, more-than-adequate buffer between alleged incompatible uses.

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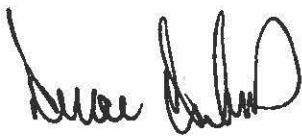
REAL PROPERTY LAW & REAL ESTATE CLOSINGS · PLANNING, ZONING, LAND USE LAW · WILLS, TRUSTS, & ESTATE PLANNING
CIVIL & BUSINESS TRIAL PRACTICE · CORPORATE & BUSINESS ORGANIZATION · CONSTRUCTION LAW · CONDOMINIUM & HOA LAW · GUARDIANSHIP
PERSONAL INJURY & WRONGFUL DEATH · PROBATE & TRUST ADMINISTRATION · DIVORCE & FAMILY LAW · TAX LAW

3. The decision below ignored the lawful existing and emerging zoning pattern developing in the area of the requested rezoning.
4. The proposed rezoning is consistent with the Indian River County Comprehensive Plan and the application complied with all procedural requirements of the zoning ordinance. The Planning and Zoning commission failed to demonstrate that maintaining the existing zoning classification accomplished a legitimate public purpose.

Accordingly, at a minimum, the Planning and Zoning Commission erred in its interpretation and application of Section 902.12 of the Land Development Code and of Future Land Use Element Policy 1.43 of the Indian River County Comprehensive Plan.

For these and other reasons to be demonstrated at a public hearing, Red Jazmine hereby requests that this appeal of the denial of this rezoning application be heard by the Board of County Commissioners in a de novo hearing in accordance with the Indian River County Code of Laws and Ordinances.

Best regards,

A handwritten signature in black ink, appearing to read "Bruce Barkett", written in a cursive style.

Bruce Barkett
For the Firm