

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, September 11, 2014 at 7:00 p.m. in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the meeting agenda, backup material and the minutes on the Indian River County website www.ircgov.com/Boards/PZC/2014.

Present were members: **Chairman Sam Zimmerman**, District 2 Appointee; **Charles Rednour**, District 1 Appointee; **Dr. Jonathan Day**, District 4 Appointee; **Brad Emmons**, District 5 Appointee; **Jordan Stewart**; **Todd Brognano**, Members-at-Large; and **Carol Johnson**, non-voting School Board Liaison.

Absent was **Maria Caldarone**, District 3 Appointee (excused).

Also present was IRC staff: Bill DeBaal, Deputy County Attorney; Stan Boling, Community Development Director; John McCoy, Chief, Current Development; and Reta Smith, Recording Secretary.

Call to Order and Pledge of Allegiance

The meeting was called to order at 7:00 p.m. and all stood for the Pledge of Allegiance.

Approval of Minutes

ON MOTION BY Mr. Brognano, SECONDED BY Dr. Day, the members voted unanimously (6-0) to approve the minutes of the meeting of August 28, 2014, as presented.

Items on Consent:

Chairman Zimmerman read the following into the record:

- A. The Reserve at Grand Harbor:** Request for modification of an approval condition for The Reserve at Grand Harbor development. GH Vero Beach Development, LLC, Owner. Carter Associates, Inc., Agent. Located immediately north of the intersection of Indian River Boulevard and 53rd Street, immediately west of the River Club Golf

course. Zoning Classification: RM-6 Residential Multi-Family (up to 6 units/acre). Land Use Designation: M-1 Medium Density 1 (up to 8 units/acre). (PD-13-10-03 / 2001020101-71163) **[Quasi-Judicial]**

Chairman Zimmerman asked if any members of the audience wished to be heard on this issue. No one came forth.

ON MOTION BY Mr. Brognano, SECONDED BY Mr. Rednour, the members voted unanimously (6-0) to approve the modified condition as stated in staff's report.

Public Hearing:

Chairman Zimmerman read the following into the record:

B. The Reserve at Vero Beach: Request to rezone approximately 19.99 acres from RM-8 (Residential Multi-family up to 8 units/acre) to PDMXD (Mixed Use Planned Development) and to obtain conceptual PD plan and concurrent preliminary PD plan approval for a project to be known as The Reserve of Vero Beach, consisting 159 multi-family residential units and 3 commercial out parcels along SR60 totaling approximately 4.60 acres of commercial area. Located between SR 60 on the north, College Lane on the south, Century Town Center/Olive Garden on the east, and Sixty Oaks on the west. SR 60 Vero, LLC, Owner. Kimley-Horn & Associates, Inc., Agent. Zoning: RM-8 (Residential Multi-family up to 8 units/acre). Land Use Designation: M-1, Medium Density 1 (up to 8 units/acre). Density: 8 units/acre. (PD-14-06-04 / 98010178-72229) **[Quasi-Judicial]**

Chairman Zimmerman asked the Commissioners to reveal any ex-parte communication with the applicant or any contact that would not allow them to make an unbiased decision. He revealed he had discussed this matter with Mr. Stan Boling, IRC Community Development Director, but was more than capable of rendering impartial judgment.

The secretary administered the testimonial oath to those present who wished to speak at tonight's meeting on this matter.

Mr. John McCoy, IRC Chief of Current Development, reviewed the information contained in his memorandum dated September 5, 2014 and gave a PowerPoint presentation, copies of which are on file in the Commission Office.

He concluded with staff's recommendation that the PZC approve the preliminary PD plan subject to BCC approval, and recommend that the BCC approve the proposed Planned Development Mixed Use District (PDMXD) rezoning and the conceptual PD plan with the conditions outlined in staff's report.

Dr. Day noted there was quite a large discrepancy between required and proposed parking for restaurant and retail property, and wondered if it could be more evenly balanced. Mr. McCoy explained typically within a commercial development there was a reciprocal easement so they could share parking back and forth. He indicated some of the national franchise restaurants users had their own standards that exceeded the County standards for parking, which he thought was likely the case in this instance.

Dr. Day thought it was good that the applicant was proposing to build off-site sidewalks on the north side of College Lane, and wondered if the road going through the development from Route 60 (SR 60) to College Lane would be a popular shortcut for students attending the college. He asked if there would be a left-hand turn light coming out onto SR 60.

Mr. Boling responded there would not be a left-hand turn lane and the development would not be gated. He observed it would be a circuitous route for students to use the development as a shortcut and a more direct route would be to use the driveway across the western perimeter of Century Town Center.

Chairman Zimmerman felt properties to the north and east of the subject property were appropriately zoned General Commercial (CG) because they were heavily retail; however he felt the current zoning of RM-8 was an appropriate zoning for the subject property and did not see any reason to rezone it to allow commercial on SR 60. He pointed out the current zoning allowed for 159 units of multi-family on the parcel and the developer was proposing to build the same number of units on a smaller portion of the site, plus 18,318 square feet of commercial.

Chairman Zimmerman added he did not know why the applicant wasn't asking for a simple rezoning to have commercial on part of the parcel rather than through a PD process, as he perceived this development being commercial on the front with multi-family on the back and he saw no public benefits. He took issue with the location of the proposed drive-up facilities, the density on the rear of the property, the common architectural theme for commercial and residential buildings, and did not believe the project met the spirit of what mixed-use PD was meant to be.

Chairman Zimmerman stated 58th Avenue and SR 60 was a very busy intersection and opined this project would add considerably to traffic in the area. Mr. Boling noted increase in traffic from the proposed development was not considered significant and IRC Traffic Engineering did not see any substantial impact to the current Level of Service.

Mr. Boling explained it was in the County's Comprehensive Plan to try to have an overall mix of residential and commercial uses along SR 60 from I-95 to 43rd Avenue because it enhanced commercial areas to have residents nearby providing there was good access, so he thought it was important for there to be multi-family residential development on the site. He stated the public benefit was to have an integration of commercial and residential uses with vehicular interconnections and shared north/south and east/west streets, along with pedestrian interconnections.

Discussion followed.

Attorney Bruce Barkett, representing the applicant, distributed a letter dated July 1, 2014 from Ms. Jody Owens, a representative of the neighboring 60 Oaks Homeowners Association, indicating they had no objections to the project, and a copy of this is on file in the County Commission Office. He mentioned one of the public benefits was the turn lane on College Lane, which was not a required project improvement.

Attorney Barkett advised this specific parcel was one of the properties staff had looked at when the PDMXD ordinance was drafted. He stressed the property would not be developed residentially at eight units per acre because it would not be economically viable and even if the density was doubled to 16 units per acre there would not be the absorption rate to make it economically viable; so the commercial use made the residential use possible. He related the applicant was ready to go forward and build the residences, but only with the commercial component, adding the applicant had been working with staff for over a year on this particular site plan.

Attorney Barkett said the applicant supported staff's recommendation 100% with the exception of the condition prohibiting drive-up restaurants on the western-most Parcel 1. He observed the County's drive-through window restrictions did not prohibit drive-through restaurants adjacent to residential properties because the ordinance read "drive-thru facilities shall be designed not to wrap around more than two sides of the restaurant" and they differentiate between a facility and a restaurant; and the prohibition said "drive-thru facilities shall not be located adjacent to an off-site property with an existing residential use". Attorney Barkett maintained the facility was the drive-up window itself but

properties adjacent to Lots 2 and 3 within the project were not off-site properties but were part of it, so the proximity to those lots was not relevant under the ordinance. He requested the PZC approved the project, but also requested they not put a restriction on prohibiting a drive-thru restaurant on Lot 1 in the event the Longhorn Steakhouse restaurant did not come in as a tenant on that site.

Mr. Emmons asked why staff recommended a drive-through be restricted on Lot 1. Mr. McCoy explained Lot 1 was on the western boundary immediately adjacent to the Sixty Oaks development, and agreed it went above and beyond the criteria.

Discussion ensued about the common architectural themes for the commercial and residential buildings and the traffic impact study that had been done by IRC staff.

Chairman Zimmerman opened the public hearing at 8:11 p.m.

Ms. Kit Shappie, 1936 60 Oaks Lane, Vero Beach, stated her property directed abutted the subject property and expressed concerns about whether or not the commercial area would abut her lot; safety of students due to traffic in the area; water run-off from the parking area and noise and fumes from the drive-thru restaurants late at night.

Mr. Boling confirmed Ms. Shappie's lot was south of the proposed commercial area and part of the conservation area and buffering should help muffle any sound. He pointed out concerns about drive-through windows was why staff was recommending not to have it on the parcel closest to the 60 Oaks development. Mr. Boling acknowledged students presently crossed at a crosswalk on College Lane and hopefully the sidewalks would be helpful.

Mr. Jim Vitter, Engineer for Kimley-Horn and Associates, Inc., stated the property was in a flood zone and all the run-off from the site would be routed into an on-site stormwater pond with none of the water going onto any adjacent properties.

Chairman Zimmerman closed the public hearing at 8:20 p.m.

Mr. Emmons felt the applicant had demonstrated and satisfied the requirements for a PD, but he expressed concerns about traffic at the 58th Avenue and SR 60 intersection and said he would like more of a level of confidence of proving the project would not have an impact.

Chairman Zimmerman asked if Mr. Emmons was proposing the request be tabled until he got further information. Mr. Emmons said he would not feel

comfortable making a decision without that specific issue being addressed by the applicant and County staff. Mr. Stewart and Dr. Day agreed with Mr. Emmons and observed there was no Traffic Engineer present. Dr. Day did not want to table this matter and suggested recommending the members' traffic concerns be presented to the BCC for their consideration.

Attorney Barkett asked the PZC not to table the request and said if the members wanted to have more testimony presented to the BCC, the applicant would provide it. He stressed the project was on a very tight schedule, adding everyone had been working on it for a long time and all of the traffic engineers connected with the project were in agreement.

ON MOTION BY Mr. Emmons, SECONDED BY Mr. Brognano, the members voted (5-1) to approve staff's recommendation with a further condition to have both the applicant's Traffic Engineer and the IRC Public Works Director provide more detail to the Board of County Commissioners to adequately address concerns related to traffic pertaining to the project. Chairman Zimmerman opposed.

Commissioners Matters

There were none.

Planning Matters

Mr. Boling announced a public hearing was scheduled for the next PZC meeting so there would be a meeting held on September 25, 2014.

Attorney's Matters

There were none.

Adjournment

There being no further business, the meeting adjourned at 8:32 p.m.

Chairman Sam Zimmerman

Date

Reta Smith, Recording Secretary

Date