

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, September 25, 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; **Maria Caldarone**, District 3 Appointee; **Dr. Jonathan Day**, District 4 Appointee; **Brad Emmons**, District 5 Appointee; **Todd Brognano**, Member-at-Large; and **Carol Johnson**, non-voting School Board Liaison.

Absent was **Jordan Stewart**, Member-at-Large (excused).

Also present was IRC staff: Bill DeBaal, Deputy County Attorney; Stan Boling, Community Development Director; John McCoy, Chief, Current Development; Ryan Sweeney, Senior Planner 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 Dr. Day, SECONDED BY Mr. Brognano, the members voted unanimously (6-0) to approve the minutes of the meeting of September 11, 2014, as presented.

Public Hearing:

Chairman Zimmerman read the following into the record:

- A. Full Gospel Assembly:** Request for special exception use approval for a fellowship hall addition. Located at 1305 Old Dixie Highway SW. Full Gospel Assembly, Inc., Owner. Randy Mosby, Agent. Zoning: RS-6 (Residential Single-family up to 6 units/acre). Land

Use Designation: L-2, Low Density 2 (up to 6 units/acre). (SP-SE-14-07-17/99100004-72376) **[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. All Commissioners replied they had not had any ex-parte communication.

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

Mr. Ryan Sweeney, IRC Senior Planner, reviewed the information contained in his memorandum dated September 11, 2014 and gave a PowerPoint presentation, copies of which are on file in the Commission Office.

Mr. Brognano asked what the addition would be used for.

Pastor Jean Baptiste, representing the applicant, said the fellowship hall would be used for a Sunday school.

Chairman Zimmerman opened the public hearing at 7:05 p.m.

Mr. David Troska, stated he owned the property at 218 13th Place, Vero Beach, which was the southeast corner house abutting the church. He expressed concern about parking because he felt the church membership would grow with the addition and the number of vehicles would also increase.

Mr. Kevin Crowe, 209 13th Place S.W., Vero Beach, related people got out of church on Sunday, Wednesday and Friday nights between 9:45 and 10:00 p.m. and created a lot of noise. He showed photographs he had taken of vehicles parked on the property and advised he was forced to put stumps in the front of his house because his yard and driveway was continually being used as a turnaround by the worshippers and he could also hear the music when it was played inside the building. Mr. Crowe added his mailbox had been hit by churchgoers in the past and he had to replace or repair it a few times.

Mr. Stan Boling, IRC Community Development Director, indicated this was the first staff had heard of noise concerns and said staff could take decibel readings to see if there was a noise violation.

Chairman Zimmerman wondered if there was a compelling reason why ingress and egress to the property was on residential streets as opposed to Old Dixie Highway.

Mr. Jeff Smith, 1485 24th Street S.W., Vero Beach, Engineer for the applicant, responded according to County code they were not allowed to access the property from Old Dixie Highway and ingress and egress had to come off a lesser road.

Mr. Boling observed there was only 220 feet of frontage on Old Dixie Highway and the driveway would be very close to the existing intersection if it was located off of Old Dixie Highway.

Discussion followed about parking on the site.

Chairman Zimmerman inquired if the site plan could be configured to relocate the stormwater management tract as a buffer to the south and still provide the minimum parking required.

Mr. Smith advised there would not be room to relocate the stormwater tract on that side.

Mr. Rednour observed even without the proposed building addition the parking would be the same because of the way it was set up originally.

Mr. Crowe came forward again and mentioned the church driveway was literally at his property line and the buffering would be ten feet from his living room wall so no matter how the parking was realigned the bumper of a parked car would almost be touching his house.

Mr. Smith agreed right now the driveway was just at Mr. Crowe's property line; however the church would be adding a 15 foot buffer consisting of a fence and trees which would move the driveway 15 feet away so cars would no longer park next to his house.

Mr. Boling recapped the applicant met the County's minimum requirement; however if there were opportunities for Mr. Smith to rework the plan to see if there was any way to get more than the proposed parking spaces and perhaps it would be possible for the church to enter into a parking agreement with adjacent commercial property owners. He felt the buffer would help with the sound issue and it might be better if the pastor and church members addressed hours of operation and what kind of activities could be held outside after certain times.

Ms. Pelletier, a member of the church, did not see how the addition would affect Mr. Crowe because the new construction would be in an L-shape and would be on the other side of his property and across the street. She advised the building was purchased as a church from the beginning and it was not a new use; adding the churchgoers did not drive through his driveway and this was the first time she had heard his complaints about the noise, etc. Ms. Pelletier said now that she had heard the neighbor's concern about noise the music could be toned down and the drums eliminated on Sunday night.

Chairman Zimmerman opined he was not convinced the site plan could not be reworked to take the ten parking spaces off of 13th Place S.W. and redistributed to some other place on the property at no additional cost to the church and that would work better for the neighborhood.

Chairman Zimmerman closed the public hearing at 7:42 p.m.

Mr. Boling felt before this matter went forward to the Board of County Commissioners (BCC) there should be a meeting between IRC staff, the applicant and his engineer and concerned neighbors to address the issues brought up at tonight's meeting.

Discussion ensued.

ON MOTION BY Dr. Day, SECONDED BY Mr. Emmons, the members voted (5-0) to recommend approval of the special exception use on the condition that the request not be moved forward to the Board of County Commissioners until a meeting or meetings were held between all of the parties involved to address the neighbors' concerns about parking and noise. Ms. Caldarone abstained.

Ms. Caldarone stated she abstained because she did not fully understand the motion.

Mr. Boling confirmed the applicant's engineer had agreed to the condition to hold a meeting with all the concerned parties and the meeting would be hosted by IRC staff.

Commissioner's Matters

There were none.

Planning Matters

Mr. Boling updated the members on recent action taken by the BCC on planning matters that had been before the PZC. He advised it was not likely there would be a PZC meeting on October 9, 2014; however it was likely one would be held on October 23, 2014.

Attorney's Matters

There were none.

Adjournment

There being no further business, the meeting adjourned at 7:52 p.m.

Chairman Sam Zimmerman

Date

Reta Smith, Recording Secretary

Date