

## PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, November 13, 2014 at 7:00 p.m. in the Commission Chambers of the County Administration Building, 1801 27<sup>th</sup> 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](http://www.ircgov.com/Boards/PZC/2014).

Present were members: **Chairman Sam Zimmerman**, District 2 Appointee; **Dr. Jonathan Day**, District 4 Appointee; **Brad Emmons**, District 5 Appointee; **Jordan Stewart** and **Todd Brognano**, Members-at-Large.

Absent were **Charles Rednour**, District 1 Appointee and **Maria Caldarone**, District 3 Appointee (both excused).

Also present was IRC staff: Bill DeBaal, Deputy County Attorney; Stan Boling, Community Development Director; John McCoy, Chief, Current Development; Chris Mora, Public Works Director; 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. Stewart, the members voted unanimously (5-0) to approve the minutes of the meeting of October 23, 2014, as presented.**

### Items on Consent:

Chairman Zimmerman read the following into the record:

- A. Frye Accessory Single-Family Dwelling:** Request for administrative permit use approval for an accessory single-family dwelling unit. Douglas & Cynthia Frye, Owner/Agent. Located at 1025 74<sup>th</sup> Avenue. Zoning: A-1, Agricultural-1 (up to 1 unit per 5 acres). Land Use Designation: AG-1, Agricultural-1 (up to 1 unit per 5

acres). (AA-14-12-151 / 2014080132-73349) **[Quasi-Judicial]**

Chairman Zimmerman asked if anyone in the audience wished to speak on this item. Nobody came forth.

**ON MOTION BY Mr. Emmons, SECONDED BY Mr. Brognano, the members voted unanimously (5-0) to grant administrative permit use approval for the requested accessory dwelling unit as per staff's recommendation.**

Chairman Zimmerman asked the Commissioners to reveal any ex-parte communication with any of the applicants connected with the items on tonight's agenda or any contact that would not allow them to make an unbiased decision. All Commissioners replied they had not had any ex-parte communication.

**Items Not on Consent:**

- A. Harmony Reserve:** Request preliminary PD plan/plat approval for a 55+ residential project to be known as Harmony Reserve, consisting of 301 single-family lots and 96 multi-family villa units. Located west of 58<sup>th</sup> Avenue, between 37<sup>th</sup> Street on the north and 33<sup>rd</sup> Street on the south. Harmony Reserve, LLC, Owner. Schulke, Bittle & Stoddard, LLC, Agent. Zoning: PD, Planned Development. Land Use Designation: L-2, Low Density 2 (up to 6 units/acre). Density: 397 units on 122.06 acres; 3.26 units/gross acre. (PD-14-10-12 / 97080101-72910) **[Quasi-Judicial]**

Mr. John McCoy, IRC Chief of Current Development, reviewed the information contained in his memorandum dated November 7, 2014 and gave a PowerPoint presentation, copies of which are on file in the Commission Office. .

Chairman Zimmerman asked if the applicant or anyone from the audience wanted to speak on this issue. No one came forth.

**ON MOTION BY Mr. Brognano, SECONDED BY Dr. Day, the members voted unanimously (5-0) to grant preliminary PD plan/plan approval to the Harmony Reserve with the conditions outlined by staff.**

Chairman Zimmerman read the following into the record:

- B. Family Dollar – Gifford:** Request for preliminary PD plan/plat

approval for the Family Dollar-Gifford Mixed Use. Located at the southeast corner of 45<sup>th</sup> Street and 43<sup>rd</sup> Avenue. Hutton Growth One, LLC, Owner. Campo Engineering, Inc., Agent. Zoning: PDMXD, Planned Development Mixed Use District. Land Use Designation: M-2, Medium Density 2-Residential (up to 10 units per acre). Density: 10 units/acre. (PD-14-10-13 / 2005080302-73011)  
**[Quasi-Judicial]**

Mr. McCoy reviewed the information contained in his memorandum dated November 7, 2014 and gave a PowerPoint presentation, copies of which are on file in the Commission Office.

Mr. Emmons noted the applicant had not supplied any renderings on the residential component. Mr. McCoy explained at this point the project was still very conceptual and the residential component would be looked at when the applicant came in for preliminary PD approval for that component.

Dr. Day wondered why a bus shelter would not be installed. Mr. McCoy related a transit stop was required; however the IRC Metropolitan Planning Organization had indicated a shelter would not be required at this time based on the scale of the development; but once the stop was installed usage would be looked at and a shelter could be provided at a later date if necessary.

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

Ms. Helene Caseltine, Economic Development Director, IRC Chamber of Commerce, observed this project was located within the IRC Enterprise Zone and she was thrilled and excited to see new development being located in this area. She mentioned she had spoken to the applicant about certain benefits that may be available to them once the development came to fruition.

**ON MOTION BY Mr. Brognano, SECONDED BY Dr. Day, the members voted unanimously (5-0) to grant the applicant preliminary PD plan/plat approval with the conditions outlined by staff.**

**Public Discussion:**

Chairman Zimmerman read the following into the record:

- A. Somerset Bay/Bermuda Club Appeal:** Appeal of a decision by the Community Development Director to deny an administrative

approval to convert the project's construction driveway to Jungle Trail to allow daily use by large service vehicles including utility, sanitation, landscape vehicles, and other oversized vehicles. Somerset Bay Condo Association, Inc. and Bermuda Club Homeowners Association, Owners. Greg Casalino, Agent. (AA-14-10-121 / 98100141-72934) **[Quasi-Judicial]**

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

Attorney Bill DeBraal, IRC Deputy County Attorney, advised any action taken tonight would need to be approved by four affirmative votes. He explained this was an appeal de novo, which meant the PZC did not have to consider the past record and what the members heard presented before them tonight should form the basis of their decision.

Mr. McCoy brought the member's attention to a correction substituting "**south**" for "north" on page one of the staff report that he had earlier handed out, and this has been added to the backup on file in the Commission Office. He related as part of the appeals process staff had notified adjacent property owners and read into the record and submitted as evidence an e-mail received from Mr. Thomas Collins, 2755 Earring Point Drive, stating Mr. Collins' opposition to allowing the appellant's request.

Mr. McCoy reviewed the information contained in his memorandum dated November 7, 2014 and gave a PowerPoint presentation, copies of which are on file in the Commission Office. He clarified this was an appeal of a site plan modification request to allow large service vehicles everyday use of a construction driveway, which was subsequently denied by the IRC Community Development Director (the Director), and concluded with staff's recommendation that the PZC uphold the Director's decision to deny the application.

Dr. Day asked if there needed to be any changes made at the SR A-1-A entrance with regard to safety. Attorney DeBraal wondered if there were any restrictions as far as the size or type of vehicles allowed on Jungle Trail.

Mr. Chris Mora, IRC Public Works Director, did not believe there were any restrictions for truck traffic per se; but noted there were speed restrictions because of the narrowness of the road in some areas.

Discussion followed.

Chairman Zimmerman inquired what typically happened to construction entrances when a development was completed.

Mr. Stan Boling, IRC Community Development Director, responded an entrance could be converted to an emergency access or used as a pedestrian access, or in the case of major renovations being made to a multi-family project the access could be opened back up if necessary.

Attorney Gregg Casalino, 3111 Cardinal Drive, representing Somerset Bay Condominium Association, pointed out he did not represent the Bermuda Club Homeowners Association (HOA) because when the Bermuda Club was developed the Somerset Bay parcel was not part of the initial development and came by through an administrative approval by the County. He stated the a document for Somerset Bay Condominium (Somerset) designated the access as a "designated construction entrance" and not as a "designated initial construction entrance" or "designated construction entrance only" and there was no other restriction or prohibition that staff could show him on this issue in the entire development file.

Attorney Casalino noted this issue had started with an IRC Code Enforcement violation. He stressed in no way did Somerset want everyday use of the access for a western ingress/egress point and only wanted the use restriction be changed to permit utility, sanitation, moving and other such oversized vehicles to use the entrance in order to avoid damage to the oak tree canopy and reduce an ongoing traffic hazard. Attorney Casalino clarified if a vehicle could get in and out of the site using SR A-1-A there would be no argument and it would strictly be used if there was no alternate access.

Discussion ensued.

Mr. Charlie Hackett, 9037 Somerset Bay Lane, testified he had observed on several occasions major moving vans not being able to get through the canopies on SR A-1-A and having to offload or load goods into another smaller vehicle, which meant the nose of a truck would be across the bicycle path and its rear end would jut out onto SR A-1-A. He noted the trucks would have to leave room for people to get in and out through the gate and when a vehicle pulled out there was no vision to the north so it was very dangerous to access onto the main road. Mr. Hackett maintained if a truck was allowed to get into the property using the construction entrance it would not hinder ingress and egress onto SR A-1-A.

Chairman Zimmerman questioned if a large moving van requiring a large turning radius would be able to make the angle off of Jungle Trail onto the almost

perpendicular road that entered Somerset, and asked how the vehicle would get out without using the SR A-1-A entrance and hitting the oak tree canopy.

Mr. Hackett responded the truck could make it in and would back out.

Discussion followed about the need for sanitation trucks and recycling to use the construction entrance.

Ms. Maureen O'Malley Baus, 9055 Somerset Bay Lane, Unit #401, President of the Association, related the road into the community off of SR A-1-A was very narrow and the oak canopy had been raised to 14 feet. She advised since receiving the Code Enforcement citations landscape maintenance workers had to use the Jungle Trail entrance off of SR 510 and park their trailers and off-load their equipment to do the necessary work; whereas in the past they would park and leave the vehicles inside the fence on Somerset property.

Mr. Mora indicated the maximum height in Florida for all vehicles was 13.5 feet.

Mr. David Snyder, 9066 Castle Harbour Circle, President of the Bermuda Club HOA, said Bermuda Club was responsible for maintenance of the front entrance on SR A-1-A all the way down to the Somerset entrance and this year had spent \$9,900 trimming oak trees on the route. He showed six photographs on the overhead projector and observed the road twisted and turned and maintained moving vans could not access Somerset from SR A-1-A; however they could get in and out from Jungle Trail.

Mr. Boling referred to the backup and noted the Jungle Trail Management Plan (the Plan) said none of the developments bordering the Trail would use the roadway for access when alternate roadway access was available. He added it was staff's position construction was not complete on the Somerset project because there were still two buildable pods and it made sense to keep the access available for construction and for the use of maintenance trailers for the wetlands.

Chairman Zimmerman observed Jungle Trail was a very special gem in IRC and he was not inclined to expand the use for any reason that was not totally necessary and compelling.

Ms. Ruth Stanbridge, 4835 66<sup>th</sup> Avenue, County Historian, gave a brief history of the Jungle Trail and distributed a brochure put out by the IRC Historical Society, which is on file in the Commission Office. She was not in favor of allowing large service vehicles to use any construction entrance on Jungle Trail.

Attorney Casalino felt this issue could be crystallized in the one sentence in the Plan that said “no access when alternate roadway access was available”. He maintained there had been uncontroverted testimony that there was no alternate access for certain moving vehicles; however he agreed to withdraw the request for utility/sanitation vehicles to use the access.

Chairman Zimmerman, Mr. Emmons and Dr. Day opined the Director did not fail in the three appeal criterion and was correct in his ruling.

Mr. Boling stressed staff’s position was any and every type of vehicle should not be able to access Somerset through Jungle Trail; however construction vehicles or vehicles needed for maintenance of the west side of the Trail and for certain emergency services would be allowed with staff’s approval.

**ON MOTION BY Dr. Day, SECONDED BY Mr. Emmons, the members voted unanimously (5-0) to uphold the Community Development Director’s decision to deny the application.**

### **Commissioner’s Matters**

There were none.

### **Planning Matters**

Mr. Boling gave an update on the Full Gospel Assembly issue that had previously been before the PZC. He advised a PZC meeting would be held on December 11, 2014.

### **Attorney’s Matters**

Attorney DeBraal advised if anybody wanted to continue or cease their service on the PZC there was an opportunity to do so by contacting the clerk or the Commissioner who had appointed them to the Board.

### **Adjournment**

There being no further business, the meeting adjourned at 8:56 p.m.

---

Chairman Sam Zimmerman

---

Date

---

Reta Smith, Recording Secretary

---

Date