

## PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, April 28, 2022 at 7:00 PM in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may view a video of the meeting and/or review the meeting agenda, backup material and minutes on the Indian River County website [www.ircgov.com/Boards/PZC/2022](http://www.ircgov.com/Boards/PZC/2022).

Present were the following members: Chairman **Dr. Jonathan Day**, District 4 Appointee; Vice Chairman **Mr. Todd Brognano**, Member-at-Large; **Ms. Beth Mitchell**, District 1 Appointee; **Mr. Alan Polackwich, Sr.**, District 2 Appointee; **Mr. Mark Mucher**, District 5 Appointee; **Mr. Jordan Stewart**, Member-at-Large; **Mr. Chip Landers**, Alternate Member; and **Ms. Teri Barenborg**, non-voting School Board Liaison were present.

**Mr. Curtis Carpenter, Jr.**, District 3 Appointee was absent.

Also present were IRC staff members: Mr. William DeBraal, Deputy County Attorney; Mr. Phil Matson, Community Development Director; Mr. Ryan Sweeney, Chief of Current Development; Mr. Brandon Creagan, Senior Planner; Mr. John Stoll, Chief of Long Range Planning; Mr. Chris Balter, Senior Planner; and Recording Secretary, Ms. Lisa Plesnarski, Commissioner Assistant.

### **Call to Order and Pledge of Allegiance**

Chairman Day called the meeting to order at 7:35pm and all stood for the Pledge of Allegiance.

### **Approval of Minutes**

Approval of the April 14, 2022 meeting minutes was continued to the next meeting.

### **Additions and Deletions to the Agenda**

There were none.

### **Items Not on Consent**

Chairman Day read the following into record:

**A. RaceTrac #1422 Vero Beach:** Request for major site plan approval to construct a new 8,100 square foot (SF) convenience store with 16 automotive fueling positions, 6 tractor-trailer fueling positions, and associated site improvements. RaceTrac Petroleum, Inc, Owner. Tannath Design, Inc, Agent. Located northeast corner of State Road (SR) 60 (20th Street) and 90th Avenue. Zoning: CG, General Commercial. Land Use Designation: C/I, Commercial/Industrial. [SP-MA-20-06-25 / 99100053-86880] **(Quasi-Judicial)**

Chairman Day asked if any members had any ex-parte communication or conflict that would not allow them to make an unbiased decision. There were none.

*The secretary administered the testimonial oath to those present who wished to speak.*

IRC Chief of Current Development Mr. Ryan Sweeney reviewed information about the request for major site plan approval to construct a new 8,100 square foot convenience store with 16 automotive fueling positions, 6 tractor-trailer fueling positions, and associated site improvements and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office.

Mr. Sweeney showed an aerial map of the site located at the northeast corner of State Road (SR) 60 and 90<sup>th</sup> Avenue. and explained there is currently a vacant convenience store (Duffy's Mobil) that will be demolished prior to site construction. Mr. Sweeney described the site plan which includes an 8,100 square foot convenience store in the middle of the site with automotive fueling and parking in proximity to the store. Mr. Sweeney explained there will be tractor trailer fueling north of the store as well as some tractor trailer parking spaces along the east side of the site.

Mr. Sweeney explained details of the proposed traffic circulation plan and described some planned intersection improvements. Mr. Sweeney also described the stormwater and landscape plans for the proposed site. Mr. Sweeney reviewed required improvements including a new sidewalk on 90<sup>th</sup> Avenue, sidewalk improvement for a portion of SR 60 as well as internal sidewalks and pedestrian connections. Mr. Sweeney ended his presentation by recommending approval of the proposed plan with its associated conditions.

Chairman Day asked if there were any commissioner questions. There were none.

Chairman Day opened the item for public comment.

Mr. Brian Potts with Tannath Design, Inc. and Mr. Alan Bell with RaceTrac were present and offered to answer any questions. Both men thanked staff for their work on the project. Mr. Bell responded to a commissioner question about the size of the facility in comparison to the one in Fellsmere. Mr. Bell explained this is a larger facility that can cater to truck traffic and that there will be high flow diesel pumps in the back area for tractor trailers and larger vehicles. Mr. Bell noted the site will cater to professional drivers but will not have features found at a truck stop such as showers and a sit down restaurant.

There being no further questions, Chairman Day closed the item for public comment.

Chairman Day called for a Motion.

**ON MOTION BY Todd Brognano, SECONDED BY Beth Mitchell, the members voted unanimously (7-0) to approve staff recommendations with its associated conditions on this Quasi-Judicial matter.**

Chairman Day read the following into record:

**B. Harbor Bluffs PD Phase 2:** Request for preliminary PD plan/plat approval for a 142-unit single-family residential development to be known as Harbor Bluffs PD Phase 2. Pulte Home Company, LLC, Owner. Cotleur & Hearing, LLC, Agent. Located on the west side of a future County road, 11th Drive, south of 41st Street. Zoning: PD, Planned Development. Land Use Designation: C/I, Commercial/Industrial. Density: 3.33 units/acre. [PD-21-06-07 / 99040218-89431] **(Quasi-Judicial)**

Chairman Day asked if any members had any ex-parte communication or conflict that would not allow them to make an unbiased decision. There were none.

IRC Chief of Current Development Mr. Ryan Sweeney reviewed information regarding Pulte Home Company, LLC's request for preliminary PD approval for Harbor Bluffs Phase 2 and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office.

Mr. Sweeney reviewed the history of Phase 1, referred to as Saxon Harbor Bluffs, which is the multi-family portion east of 11<sup>th</sup> Drive and explained today's request is for Phase 2 which is to be single family homes on the west side of 11<sup>th</sup> Drive. Mr. Sweeney gave some history of approvals and showed a map of the project. Mr. Sweeney explained the preliminary plan proposes 142 single family homes sub phased into two phases that can be built per phase or all at once depending upon market demand.

Mr. Sweeney reviewed the proposed traffic circulation plan including the proposed interconnection to future Harbor Bluffs Phases 3 and 4. Mr. Sweeney explained the plan proposes two stormwater management ponds on site and a third at the corner of the property. Mr. Sweeney showed a map of the proposed landscape plan which includes plantings around the entire perimeter and explained there will be passive recreation areas at the southern portion of the project site as well as an amenity center. Mr. Sweeney reviewed the required dedications and improvements and concluded his presentation by recommending approval of the proposed plan with its associated conditions.

Chairman Day asked if there were any commissioner questions.

Mr. Landers asked if the exit from 11<sup>th</sup> Drive on to 41<sup>st</sup> Street would be right turn only. Mr. Sweeney responded there would be a dual turn on to 41<sup>st</sup> Street and that it did not meet signalization requirements at this time. Mr. Polackwich asked about the history of the project and revisions made to the number of approved units. Mr. Sweeney further explained the history of approvals for Harbor Bluffs, that it was originally approved as a multi-family site plan project at 624 units that did not include single family or duplex housing. Mr. Sweeney said there have been some revisions and that today's request is for fewer units than originally approved.

Mr. Polackwich asked who was responsible for the build out of 11<sup>th</sup> Drive to 37<sup>th</sup> Avenue. Mr. Sweeney responded the County has purchased the section where the project ends

and explained it is on schedule to build. Mr. Sweeney said that in regard to the build out of 11<sup>th</sup> Drive, the work will ideally be done simultaneously between the developer and the County. There was further discussion about traffic circulation. Mr. Phil Matson gave some further information about the traffic plan and approximated some timelines for future traffic projects. Mr. Matson said that FDOT will be conducting an Aviation Blvd./US 1 intersection study to look at options for the Aviation Blvd. extension project.

Chairman Day opened the item for public comment.

Mr. Dan Sorrow of Cotleur & Hearing was present and said that Mr. Garret Densmore with Pulte and utility and drainage engineer Mr. Jacob Lawson of Kimley Horn were also present to answer any questions. Mr. Sorrow explained this is Pulte's fourth development in Indian River County and showed an aerial map of the Pulte communities. Mr. Sorrow explained that Harbor Bluffs will have an upscale amenity center and highlighted the upscale amenities available at each of the Pulte communities. Mr. Sorrow showed a traffic circulation map and talked about the extension of 11<sup>th</sup> Drive. Mr. Sorrow clarified there are 142 single family units proposed in this plan which is a significant reduction in density from the original approval and noted this will reduce traffic impacts. Mr. Sorrow showed Pulte's master site plan and highlighted the primary access from 11<sup>th</sup> Drive. and secondary access that will eventually connect to Phases 3 and 4 (the villas). Mr. Sorrow also showed the recreational spaces that include the amenity center and open space for active and passive recreation. Mr. Sorrow explained there are no back to back lots and that there will be three different types of lot distribution at 65 foot, 50 foot, and 40 foot. Mr. Sorrow clarified that Phases 3 and 4 will have 60 units, noting that is a significant reduction from the original approval. Mr. Sorrow concluded by noting the positive economic benefit to the County and the project's consistency with the county's comprehensive plan.

In response to a question about the total number of units for the four phases, Mr. Sorrow clarified that there are a total of 487 units proposed. Mr. Sweeney clarified the locations of each phase on the aerial map.

Chairman Day called for a Motion.

**ON MOTION BY Beth Mitchell, SECONDED BY Todd Brognano, the members voted unanimously (7-0) to approve staff recommendations with its associated conditions on this Quasi-Judicial matter.**

### **Public Hearings**

Chairman Day read the following into record:

**A.** Indian River County Board of County Commissioners, and Kelly Stanton of Supermix request to Rezone Approximately ±9.24 Acres from A-1, Agricultural-1 District (up to 1

unit/5 acres) to IG, General Industrial District [RZON2021090086-90882] (**Quasi-Judicial**)

Chairman Day asked if any members had any ex-parte communication or conflict that would not allow them to make an unbiased decision. There were none.

*The secretary administered the testimonial oath to those present who wished to speak.*

Mr. Chris Balter, IRC Senior Long Range Planner reviewed information regarding the applicants rezoning request and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr. Balter showed an aerial map of the project location and explained the existing use of the two subject parcels. Mr. Balter explained that today's request is to rezone from A-1, Agricultural to IG, General Industrial District in order to develop the site with uses allowed under the IG zoning district. Mr. Balter discussed the current zoning and the stipulations of land use and intent. Mr. Balter also showed a future land use map and discussed the existing and adjacent zoning. Mr. Balter spoke about future land use policies and criteria, and noted the project's consistency with the comprehensive plan. Mr. Balter concluded by saying the request meets the applicable criteria and recommended that the PZC recommend that the BCC approve the rezoning request.

Mr. Balter answered a commissioner question about the separation of the site from residential zoning and clarified the requirement is ¼ mile.

Chairman Day opened the item for public comment. There were none.

Chairman Day closed the item for public comment.

Chairman Day called for a Motion.

**ON MOTION BY Jordan Stewart, SECONDED BY Todd Brognano, the members voted unanimously (7-0) to approve staff recommendations with its associated conditions on this Quasi-Judicial matter.**

Chairman Day read the following into record:

**B. Bhakta Farms:** Request for major site plan and special exception use approval for a farm based rum distillery (agricultural industry) with associated accessory residential units. Bhakta Farms, LLC, Owner. Mills, Short & Associates, LLC, Agent. Zoning: A-2, Agricultural-2 (up to 1 unit per 10 acres). Land Use Designation: AG-2, Agriculture-2 (up to 1 unit per 10 acres). [SP-SE-20-07-26 / 2004020221-86955] (**Quasi-Judicial**)

Chairman Day asked if any members had any ex-parte communication or conflict that would not allow them to make an unbiased decision. There were none.

Mr. Brandon Creagan, IRC Senior Planner, reviewed information regarding Bhakta Farms, LLC's request for major site plan and special exception use approval for a farm based rum distillery with associated residential units and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr. Creagan described the special exception process and said that staff has determined the project is appropriate and meets the land use criteria. Mr. Creagan noted there are two public hearings scheduled; one taking place tonight and one at the BCC at a later date. Mr. Creagan explained that tonight the Planning and Zoning Commission is asked to make their recommendation to the BCC for an approval request, an approval request with conditions, or a denial request for the plan.

Mr. Creagan showed an aerial map and described the site location is a 900 acre farm located in the A-2 zoning district west of Interstate 95, north of the intersection of Route 60 and 130<sup>th</sup> Avenue. Mr. Creagan ended his presentation by recommending the Planning and Zoning Commission recommend the BCC grant major site plan and special exception approval for the proposed Bhakta Farms, LLC distillery with conditions listed in the staff report.

The commissioners inquired about the necessity of the proposed residential housing units. Mr. Sweeney responded by explaining there is not a change in zoning, but that a special exception approval is being granted for the distillery portion of the agricultural industry and that the residential units are considered a related use or accessory. Mr. Sweeney said that the 3 employee housing units and 4 guest cottages planned are not intended for rental or vacation purposes, and noted that A-2 zoning allows 1 unit per 10 acres. When asked if the expansion of housing would be possible, Mr. Sweeney responded it would not be allowed without a revision of the site plan.

Chairman Day asked if the distillery operation would be similar to a winery and whether or not tours, tastings, or a gift shop ...etc. would be allowed. Deputy County Attorney Mr. William DeBaal clarified that any business taking place on site would have to be directly related to the distillery activities.

Mr. Mucher asked about the number of employees and if there would be seasonal workers for the sugar cane farm mentioned. Mr. Sweeney said the applicant has grown some test crops but it is still unknown. Mr. Polackwich asked if the definition of "agricultural component" is being expanded for agricultural industry, noting the rationale in the memorandum is that the components of sugar cane and fruit fields are being implemented into the project but that it seems far beyond components such as packing houses and stockyards. Mr. Sweeney responded by saying he doesn't feel the allowance is being expanded, noting the scale of the project being a 900 acre farm that is devoting 180 acres to the distillery and production operation. Mr. Polackwich asked if alcohol could be served on the site. Mr. Sweeney said he was unsure and that the issue of whether or not spirits can be served on site is determined by State law. Mr. Sweeney noted that if the site were to try to operate as a bar it would be considered a completely different use and would no longer be considered an agricultural industry as it is under the current proposal. The condition of whether or not to allow served alcohol was discussed.

Mr. Phil Matson clarified the proposal before the commission is not for a bar but for an agritourism type industry. Mr. DeBraal reiterated that any activity taking place on site would have to be related to the approved industry and pointed out that a bar is a commercial business with specific zoning regulations that would not be allowed in an agriculturally zoned area. In response to concern about the planned guest and entertainment areas, Mr. Sweeney explained the intent is to entertain guests and clients of the distillery business.

Chairman Day opened the item for public comment.

Mr. Leo Gibson spoke and explained he has worked for Mr. Bhakta for ten years. Mr. Gibson said they currently have a similar farm based distillery in Vermont and explained the business is a processed food crop. In regard to the housing proposed, Mr. Gibson explained it would be for marketing associates and stockholders to show them the product and operation of the farm. Mr. Gibson said their product will be at an ultra-high price point and described the distillery as a smaller farm-based distillation operation that will have an onsite tasting room. Mr. Gibson explained they have a small scale vision of preserving the farm and catering to an upscale clientele. Mr. Gibson said that the operation doesn't require a large number of employees and that in terms of the residential units planned, expansion is not anticipated. Mr. Gibson encouraged the commissioners to visit the Whistle Pig Farm in Shoreham, Vermont to see their farm in operation.

Mr. Mucher asked about the existing use of the property. Mr. Gibson responded that they currently have some cattle and gave some history of the lands use and previous owners. Mr. Polackwich asked if the distilling process produces any odor. Mr. Gibson said very little, and that would probably not be detectible outside of the boundaries of the farm.

Resident Lex Kromhout spoke and said that he is not opposed to what is planned but that he shares some of the concerns expressed by the commissioners. Mr. Kromhout asked what would happen with the special exception if the crop could not meet the needs of the distillery, for example, if the sugar cane crop froze. Mr. Kromhout also expressed concern about odors asked if constraints should be set in place if it were to become a problem. In regard to the guest houses, Mr. Kromhout noted they would be about ¼ mile from his property. Mr. Kromhout expressed concern about his continued peaceful enjoyment of the privacy and quiet of his land. Mr. Kromhout said he has concerns about noise from parties and that he would like the agricultural area preserved. Mr. Kromhout asked if the cottages planned are being treated as single-family units and noted there is potential for more with the 1-10 units allowed in the existing zoning. Mr. Kromhout again expressed that he enjoys his privacy and doesn't want noise from parties or odors nearby. Mr. Kromhout also commented on the high speed of traffic on SR 60 west of I-95 with there being little patrolling for speed enforcement.

Mrs. Malinda Kromhout spoke and said that she can see the proposed site from her barn apartment kitchen window. Mrs. Kromhout said that, like her husband, she was curious to know if there would be any odor emitted from the distillery and also asked about the

height of the buildings. Mr. Sweeney responded that the 35 height limitation applies and the architecture of the office component is approximately 25 feet and that the residential units proposed are single story. Mrs. Kromhout asked if the cottages are going to be classified as single-family residences. Mr. DeBraal responded they would be permitted as a single-family residence and noted that IRC does not have a code designation for a cottage, nor any requirement about how many people can live in a single-family house. Mr. Stewart pointed out the cottages planned are ancillary structures to the distillery operation.

Ms. Melissa St. Anne Mittag asked about the square footage of the planned distillery and questioned if there should be a one-time restriction on the square footage. Mr. Sweeney responded that the distillery building planned will be 5,625 square feet and that the larger structures are for barrel storage. Mr. Sweeney explained that the site plan itself is controlling, meaning that if they wanted to expand the distillery or barrel storage by more than 10% the applicant would have to go through the entire approval process again including more public hearings.

Chairman Day closed the item for public comment.

There was discussion among the commissioners expressing concern the project operation will be as described and whether or not there should be some conditions being that it is a special exception application. Mr. DeBraal commented that Code Enforcement would be responsible for any site plan or noise violations. Mr. Polackwich said that he thinks it would be appropriate to put some conditions in place being the special exception use ordinance speaks to that point. Mr. Sweeney noted the agricultural district has existing noise and odor restrictions. Mr. Sweeney also explained that once the site plan and use is set it cannot be arbitrarily altered and that operational characteristics are controlled by existing code.

Mr. Gibson commented that in regard to their existing distillery in Vermont, they have not had any code enforcement action or neighbor complaints. In response to a question about number of employees, Mr. Gibson said he anticipates it will scale based upon the success of the business but that it is not initially labor intensive.

Mr. Landers asked about where the sugar cane will be grown and if there would potentially be burning. Mr. Sweeney said that he does not believe the scale of growth requires burning. Mr. Sweeney said that they have grown test crops and the applicant feels confident they can yield needed amounts to produce their product.

Chairman Day called for a Motion.

**ON MOTION BY Todd Brognano, SECONDED BY Jordan Stewart. Alan Polackwich OPPOSED. The members voted (6-1) to approve staff recommendations with its associated conditions on this Quasi-Judicial matter.**



### **Commissioners Matters**

There were none.

### **Planning Matters**

Mr. Sweeney said he will update the commissioners on the Board's ruling on this matter. Mr. Sweeney said we will probably not hold the first meeting in May but there should be one on May 26<sup>th</sup>.

### **Attorney's Matters**

There were none.

### **Adjournment**

There being no further business, the meeting was adjourned at 9:35pm.