PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, October 26, 2023 at 6:00 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.

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. Calvin Reams,** District 3 Appointee; **Mr. Robert Votaw**, District 2 Appointee; **Mr. Mark Mucher**, District 5 Appointee; **Mr. Jordan Stewart**, Member-at-Large; and **Mr. Chip Landers**, Alternate Member.

Ms. Teri Barenborg, non-voting School Board Liaison were absent.

Also present were IRC staff members: Mr. Bill DeBraal, County Attorney; Mr. Andy Sobczak, Planning and Development Services Director; Mr. Ryan Sweeney, Assistant Planning and Development Services Director; Mr. Brandon Creagan, Senior Planner; Mr. Patrick Murphy, Senior Planner; and Recording Secretary, Ms. Lisa Plesnarski, Commissioner Assistant.

Call to Order and Pledge of Allegiance

Chairman Jonathan Day called the meeting to order at 6:00pm and all stood for the Pledge of Allegiance.

Additions and Deletions to the Agenda

There were none.

Approval of Meeting Minutes

ON MOTION BY Todd Brognano, SECONDED BY Jonathan Day, the members voted unanimously (7-0) to approve the September 28, 2023 meeting minutes as presented.

Item On Consent

Chairman Day read the following:

4A. Pawprints of Vero Beach: Request to Change an Administrative Permit Condition for the Pawprints Dog Grooming/Training Establishment to Increase the Number of Permitted Overnight Animals from 85 to 125. Pawprints of Vero Beach Inc., Owner. C. Douglas Vitunac, Esquire, Agent. The project site is located at 7900 12th Street. [AA-23-12-100 / 2005120059-95625] **[Quasi-Judicial]**

Chairman Day asked if there was a motion to pull the item off the consent agenda. Ms. Beth Mitchell moved to approve the consent agenda. Chairman Day asked if anyone from the public wished to pull the item off the agenda. There were none.

ON MOTION BY Beth Mitchell, SECONDED BY Todd Brognano, the members voted unanimously (7-0) to approve the consent agenda as presented.

<u>Items Not on Consent</u>

Chairman Day read the following:

5A. Cube Smart 19th Lane: Request for Major Site Plan and Administrative Permit Use Approval for a Self-Storage Facility. TSO Vero Beach Self Storage, LP, Owner. Mills, Short & Associates, Agent. The project site is located on the south side of 19th Lane, immediately north of the Vero Beach Outlets. Zoning: CG, General Commercial. Land Use Designation: C/I, Commercial/Industrial. [SP-MA-23-07-16 / 99110105-94612] **[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 Senior Planner Mr. Patrick Murphy gave an analysis of the request for major site plan and administrative permit use approval for a self-storage facility to be known as Cube Smart. Mr. Murphy gave an analysis and PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr. Murphy gave a brief summary of the proposed storage facility and showed a map of the project location on the south side of 19th Lane, north of the Vero Beach Outlets. Mr. Murphy showed an aerial map for reference with the site plan overlaid. Mr. Murphy explained that the project is a proposed three-story building with 42 outdoor covered RV storage spaces. Mr. Murphy noted the wide drive aisle designed for vehicle maneuverability. Mr. Murphy showed the traffic circulation plan and explained there will be a full access driveway on the north side and an exit only drive to the east side of the site. Mr. Murphy showed a stormwater plan map and the location of the one planned dry stormwater pond on the west side of the building. Mr. Murphy reviewed the landscape plan and explained there is a proposed 25 foot wide Type “B” buffer along 19th Lane with a 20 foot Type “C” buffer along the south side. Mr. Murphy showed the landscape plan map for reference and noted the location of preserved existing trees and foundation plantings.

Mr. Murphy briefly summarized the required improvements and other conditions listed in the staff report. Mr. Murphy said staff has approved that design requirements meet the requirements of the State Road 60 Corridor District. Mr. Murphy also noted the project meets all of the specific land use criteria for self-storage facilities. Mr. Murphy ended his presentation by recommending the PZC grant major site plan and administrative permit use approval with the conditions listed in the staff report.

Chairman Day asked if there were any Commissioner questions.

Ms. Mitchell spoke about how a traffic impact study is not required because there are under 400 average daily trips and asked how existing traffic is integrated into calculating this number. Mr. Murphy explained that the size and type of building, as well as specific uses, are factored into determining the amount of trips. Mr. Murphy said that self-storage facilities are typically low traffic generators. In response to a question from Mr. Votaw, Mr. Murphy explained that the area dedicated to the Outlets has been fully deeded.

Chairman Day opened the floor for public comment. There was none.

Chairman Day asked if there were any other Commissioner questions. Mr. Mucher asked if the planned RV facility was just for storage. Mr. Murphy responded that there is a provision prohibiting living, using, or camping in the RV vehicles stored onsite. Chairman Day asked for a motion.

> **ON MOTION BY Robert Votaw, SECONDED BY Beth Mitchell, the members voted unanimously (7-0) to approve the major site plan and administrative permit use with the conditions listed in the staff report on this Quasi-Judicial matter.**

Chairman Day read the following:

5B. Supermix – Ready Mix Concrete Plant: Request for Major Site Plan Approval for Supermix – Ready Mix Concrete Plant, 2980 Industrial Boulevard LLC, Owner. Mills, Short & Associates, LLC Agent. Located on the south side of 53rd Street, immediately west of 29th Court. Zoning: IG, General Industrial. Land Use Designation: C/I, Commercial/Industrial. [SP-MA-23-04-10 / 2021090086 -94067] **[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 Senior planner Mr. Brandon Creagan spoke regarding the request for major site plan approval to construct a ready mix concrete plant. Mr. Creagan gave an analysis of the request and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr. Creagan showed a location map and explained the project is located south of 53rd St. and west of 29th Ct. Mr. Creagan showed an aerial map with the site plan overlaid. Mr. Creagan explained that the majority of the site will be the proposed processing plant along with the proposed material storage on the South and West portions of the site. Mr. Creagan said the project is to be completed in two phases with the plant and everything north being phase one, and everything south of the plant being phase 2. Mr. Creagan showed a traffic circulation plan and explained there will be a connection to 29th Court as well as a connection to the parking and processing areas.

Mr. Creagan showed the stormwater plan map for reference and explained there will be one master stormwater pond in the northwest corner. Mr. Creagan showed the conceptual landscape plan and explained there will be a 20 foot thoroughfare plan roadway buffer along the 53rd Street frontage of the project which will transition into a 15 foot local roadway buffer along 29th Court. Mr. Creagan summarized the required conditions listed in the staff report and recommended the PZC approve the major site plan with the associated conditions.

Chairman Day asked if there were any Commissioner questions. County Attorney Mr. Bill DeBraal asked if the only egress would be onto 53rd Street and if there would be access to Industrial Blvd. Assistant Planning and Development Services Director Mr. Ryan Sweeney responded that the use of Industrial Blvd. is possible but the majority of the traffic will use 53rd Street.

Chairman Day opened the floor for public comment. There was none.

There being no further commissioner comments, Chairman Day called for a motion.

> **ON MOTION BY Jordan Stewart, SECONDED BY Beth Mitchell, the members voted unanimously (7-0) to approve staff's recommendation for major site plan approval to construct a ready mix concrete plant on this Quasi-Judicial matter.**

<u>Public Hearing</u>

Chairman Day read the following:

6A. Windsor North Village PD: Request to Rezone Approximately 52.96 Acres from A¬1, Agriculture-1 and RS-3, Residential Single-Family to PD, Planned Development and to Obtain Concurrent Conceptual PD Plan and Preliminary PD Plan/Plat Approval for a Project to be known as Windsor North Village PD. The purpose of this request is to secure a development approval which allows construction of a maximum of 40 single-family units, 6 multi-family units, a fitness center, and a staff parking area. Windsor Properties, Inc., Owner. MBV Engineering, Inc., Agent. Located between Highway A1A and Jungle Trail, immediately north of the existing Windsor PD development. Zoning Designations: A-1, Agriculture-1 and RS-3, Residential Single-Family. Land Use Designation: L-1, Low-Density Residential-1. Density: .87 units/acre [PD-23-0101/ 2001080111-93560] **[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.

Assistant Planning and Development Services Director Mr. Ryan Sweeney reviewed information regarding Windsor North Village Planned Development PD Rezoning, Conceptual PD Plan, and Preliminary PD Plan/Plat and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr.

Sweeney briefly reviewed the Planned Development (PD) rezoning process. Mr. Sweeney showed a location map and described the project location between Highway A1A and Jungle Trail, north of the existing Windsor development. Mr. Sweeney showed an aerial map with the proposed development layout overlaid. Mr. Sweeney gave a brief history of the existing Windsor project and explained this is an expansion of the existing development. Mr. Sweeney explained this will be a part of the master Windsor HOA and subject to the Windsor covenants. Mr. Sweeney described the project site as 52.96 acres with 40 single family lots and 6 multi-family units. Mr. Sweeney said there is a proposed fitness center which will be shared with Windsor North and Windsor proper. Mr. Sweeney showed the conceptual PD plan map and noted that this project has had several different design proposals and iterations over a span of time. Mr. Sweeney showed the location of the proposed single family lots, mutli-family homes, and fitness center for reference. Mr. Sweeney reviewed the proposed PD waivers. Mr. Sweeney spoke about the comprehensive "Windsor Code", and described it as unique from conventional development.

Mr. Sweeney showed a traffic circulation plan map and explained the main entrance will be an existing gated service entrance on Ocean Run Lane which will be repaved and reconfigured. Mr. Sweeney said there is also a proposed new private gated resident only driveway at the north end of the property, served by both southbound right and northbound left turn lanes, also extending to serve the Wabasso Estates Subdivision. Mr. Sweeney also showed the location of new and existing internal roadway connections. Mr. Sweeney showed the conceptual stormwater plan map for reference and described the two-stage system which includes a freshwater pond and secondary saltwater treatment estuary. Mr. Sweeney showed the conceptual landscape and buffer plan and noted the locations of landscape buffers, plantings, and preservation areas. Mr. Sweeney reviewed the environmental and archeological considerations and noted the project is subject to the Jungle Trail Management Plan. Mr. Sweeney also noted the projects partnership with Pelican Island National Wildlife Refuge. Mr. Sweeney reviewed the required improvements and other conditions as listed on the staff report and briefly reviewed the public benefits. Mr. Sweeney concluded by recommending that the PZC recommend that the BCC approve the Windsor North Village Planned Development PD Rezoning, Conceptual PD Plan, and Preliminary PD Plan/Plat with associated conditions.

Chairman Day asked if there were any Commissioner questions.

Mr. Mucher asked about the meaning of zero setbacks. Mr. Sweeney explained it is not exactly literal and explained the flexibility is in the location building placement. Mr. Sweeney showed a zoomed aerial map with the plat plan overlaid for reference. Ms. Mitchell asked for more detail about the manmade estuary. Mr. Sweeney deferred to the applicant. Ms. Mitchell asked about the archeological reviews. Mr. Sweeney explained that there is nothing specific at this location but the general site has been deemed as more likely to be archeologically significant. Mr. Sweeney noted that nothing of archeological significance has been found at the site thus far. Mr. Sweeney explained there would be additional permitting requirements for any proposed dock or kayak launch. Ms. Mitchell commented that she appreciated the developers partnership with Pelican

Island National Wildlife Refuge. Mr. Votaw asked if St. Johns' had completed their study. Mr. Sweeney responded no, and explained there would only be preliminary discussion at this phase of the project. There was brief discussion about the ownership history and different iterations of the project regarding the subject property. In response to a question from Chairman Day, Mr. Sweeney explained that an archeological finding could potentially halt the project depending on the nature and extent of the find.

Bruce Barkett of 756 Beachland Blvd. spoke and said that Mark Justice, VP of Windsor Properties is present to answer any questions. Mr. Justice responded to the question about zero setbacks, explaining the architecture of the Windsor Code is unique and that building placement standards are in place for visual interest. Mr. Justice said the actual building coverage is about 30 -40 percent of the lot. Mr. Justice spoke about the estuary and the native landscape concept and explained that native materials and trees are being used throughout the project. Mr. Justice added that there were no significant archeological findings after the completion of the Phase 1 and Phase 2 studies and that the site has been cleared by the State of Florida to move forward. Mr. Justice said that to the best of his knowledge, no archeological resources were found during the initial phase of development. Mr. Votaw noted the land's prior use as a citrus grove and that the land would have been disturbed previously when it was farmed.

Chairman Day opened the Public Hearing.

Mr. Ron Celli of 3485 Mariners Way, and President of the Turtle Cove Homeowners Association, spoke and expressed his objection to the rezoning of Ocean Run Way. Mr. Celli spoke about an objection to a commercial parking lot located 50 feet from their homes. Mr. Celli said it is the position of the north beach island residents that Windsor has failed to produce a plan that adheres to the north barrier island corridor ordinance. Mr. Celli said they oppose any rezoning or concept that includes storage of equipment, commercial parking lot, Airbnb, and fitness center. Mr. Celli showed a map of the Turtle Cove subdivision for reference and noted the location of the proposed equipment storage, maintenance staff parking, townhomes, and fitness center parking. Mr. Celli briefly summarized the HOA's issues with the Ocean Way proposal and gave the opinion that the proposed use is inconsistent with the IRC ordinances and comprehensive plan. Mr. Celli noted the preferential tax treatment of the agricultural zoned land. Mr. Celli spoke about the residential beachfront home owned by Windsor Properties located just north of the subject project which was sold in 2020. Mr. Celli said this home was used to house temporary guests and suggested the townhomes proposed for Ocean Run Way would be used for a similar purpose. Mr. Celli said he thought the proposed fitness center parking was also not consistent with the surrounding area and noted that any changes to the PD would be approved at the staff level and not need any Board or Public Hearing approvals. Mr. Celli spoke about Windsor's Code Enforcement and Temporary Use Permit (T.U.P.) violations and showed aerial photos for reference. Mr. Celli gave the opinion that Windsor is misleading regarding "staff parking and maintenance" and spoke about land use and environmental concerns regarding dumping of trash and debris. Mr. Celli spoke about the subject of insurability being within close proximity of a commercial parking lot and commercial activity. Mr. Celli concluded by asking the Board to consider the surrounding neighbors and protect their quiet enjoyment by not supporting the approval of the Ocean Run Way portion of the proposal.

Mr. Reams asked Mr. Celli about his concern for commercial activity and asked him what kind of commercial activity he anticipated after construction was complete. Mr. Celli responded that various companies run their landscaping and maintenance from the subject area and activity in that area has been nonstop for many years. Mr. Celli said that Windsor doesn’t want to disturb their members and they don’t want work trucks on their narrow roads so they put everything onto golf carts with utility trailers which are staged in that area. Mr. Celli also said there are equestrian events that bring a lot of traffic and horse trailers.

Mr. Votaw asked about the design of the parking lot, and whether or not truck and RV parking areas are proposed. Mr. Votaw asked if there could be some provisions to prohibit any vehicular traffic other than residential vehicles as a potential solution. Mr. Sweeney said the planned lot is designed for commuter cars, but a truck and landscape trailer could essentially double park. Mr. Sweeney said based on the design, he did not foresee there being tractor trailer parking. Mr. Sweeney showed the 6,000 square foot storage facility on the map for reference. Chairman Day asked about Airbnb’s in Windsor and Mr. DeBraal asked Mr. Justice if there were any associated deed restrictions. Mr. Justice said there are rules in place in Windsor to prevent short-term rentals and seasonal rentals are subject to approval by club management. Ms. Mitchell asked about the photos shown, and asked if this project would be providing accommodation to eliminate the dumpsters and refuse seen in the photos. Mr. Justice said the contractors using the area under the T.U.P. will be vacating the premises within 30 days, and that the proposed parking lot is not intended for use as a contractor staging area. Mr. Justice said that no 18 wheelers would be parking in this location and explained that there is a separate equestrian center with an area for parking and horse trailers during polo events. Mr. Justice briefly discussed the history of some cited Code Enforcement violations and said the issues were remedied as soon as they were brought to their attention.

Mr. Votaw asked if residents along the entrance area have expressed concern about the location of the parking lot. Mr. Justice said that he has discussed the plans and the landscape buffer with residents who live on N. Savannah Place and that there are no major complaints about the project. Mr. Sweeney explained the notification process and said that he has not heard from any Windsor residents after they received Notice.

Mr. William Ferrell of 10890 Hwy. A1A was present. Mr. Ferrell explained he is a homeowner and President of the North Beach Civic Association. Mr. Ferrell said that he did not receive notice of the public hearing. Mr. Ferrell gave the opinion that the project is not in character with the existing neighborhood and said that Ocean Run Lane is being used as a service area. Mr. Ferrell expressed concern the area would become a commercial parking lot. Mr. Ferrell talked about land use for the north beach area and said he objects because he feels it is inconsistent. Mr. Ferrell spoke about the adjacent beachfront home that was purchased by Windsor and said it was used as a hotel to house employees. Mr. Ferrell expressed concern about the potential of fuel storage at the site.

Mr. Ferrell also spoke about insurability and expressed concern about homeowners obtaining insurance with the proximity of the parking lot. Mr. Ferrell concluded his remarks by asking for the Board to reconsider the project.

Mr. DeBraal asked Mr. Sweeney to explain the noticing procedures. Mr. Sweeney explained that Notice is sent out in accordance with mandatory requirements and that Notice is sent to the property owner of record with the County Property Appraisers Office. Mr. Sweeney said approximately 104 Notices were sent to neighboring property owners within a computer generated radius. Mr. Sweeney also explained that, in addition, there is an email group that has existed since the beginning of the project that also received Notice. Mr. Justice explained there is no fuel storage planned and added that landscape contractors have been mandated to use electric vehicles in the development. Mr. DeBraal read the definition of "commercial use" from the County Code to provide clarification. Mr. Sweeney briefly defined the parameters of the underlying land use designation.

Mr. Brian Elliott of 3290 Mariners Way spoke and expressed that he objects to the proposed parking lot because he feels it is too close to the homes. Mr. Elliott said that he routinely observes a line of trucks and cars waiting to get into the development at 7:30am in the morning. Mr. Elliott said that Windsor discourages contractors from parking on the roadside, so they currently use the proposed parking area to transfer tools and workers to golf carts.

Mr. Greg Vanwormer of 3385 Mariners Way spoke and explained he lives directly behind the subject parking lot and is a new resident, having lived there for only six months. Mr. Vanwormer asked about the space between 109 and 110, the US Fish and Wildlife Turtle Sanctuary path between the two parcels. Mr. Vanwormer spoke about the unique habitat and expressed concern for the wildlife that travel from the ocean to the lagoon through that corridor. Mr. Sweeney showed the location on the conceptual PD map, and explained it is part of the Archie Carr Sea Turtle Refuge. Mr. Vanwormer asked about where the construction equipment and materials would be stored during the construction of the planned 40 new homes. Mr. Sweeney spoke about the expansion of A1A as mentioned in the staff report and said it referred to a slight widening to accommodate the addition of turn lanes. Mr. Vanwormer concluded by reading an excerpt from Windsor North Village's website which states the master plan was designed with the principles of sustainability, walkability, healthy living, and community values. Mr. Vanwormer said these are the reasons he moved here and that he hopes the existing community is thought of as part of the equation.

Mr. Paul Reinecke of 3480 110th Place was present. Mr. Reinecke noted he is a 4th generation Floridian and that he has a great appreciation for the areas natural resources. Mr. Reinecke spoke about the subject parking lot and said the issue is not the residential parking, but the potential for commercial activity. Mr. Reinecke asked about Mangrove Lane which is proposed to be a resident only gated access road, and asked if it was going to be a construction entrance. Mr. Sweeney responded that the plans list it as a resident only gated entrance and that it may be utilized as a construction entrance during construction. Mr. Sweeney noted it is the northern driveway and once developed, will be a residential driveway. Mr. Reinecke expressed that he did not like the idea of the concrete wall from A1A down the length of the road to the Windsor development. Mr. Reinecke said he feels it is an unnatural barrier in a natural setting and that he thinks a landscaping buffer is preferable. Mr. Sweeney said the wall is proposed to be set 10 feet into the landscape buffer with other plantings and canopy trees outside the wall to soften the appearance. Mr. Sweeney said that he received some feedback from residents who prefer the wall. Mr. Reinecke said that he and his wife are the residents who live directly across from the area and they oppose the proposed wall. Mr. Reinecke expressed concern about the wall hindering the path of moving wildlife. There was discussion about the mixed feedback from residents regarding the proposed northern wall. Mr. Reinecke expressed that he has mixed feelings depending on whether or not the entrance is a construction entrance, or a residential entrance. Mr. Reinecke asked about the drainage and freshwater pond shown on the conceptual stormwater plan and noted the proximity to the boundary of the Pelican Island National Wildlife Refuge. Mr. Aaron Bowles of MVB Engineering was present and gave a brief explanation of the planned drainage swales and stormwater flow.

Ms. Adele Celli was present and explained that Windsor's landscaping workers use the subject parking lot and said the noise is not the same as that generated by residents and residential vehicles. Mrs. Celli asked for consideration that the activity will take away from their peaceful enjoyment of their property. Mr. Justice clarified that the proposed 67 space parking area would be used by maintenance staff, landscaping workers, contractors, and Windsor employees, and that it is for light vehicles, not heavy commercial vehicles and 18 wheelers. County Attorney Bill DeBraal read the definition of "commercial vehicle" from the County Code for clarification. Mr. Votaw acknowledged the concern of the residents and expressed the opinion that the development of the PD may possibly remedy some of the issues. Mr. Andy Sobczak, Director of Planning and Development Services, explained that Code Enforcement currently has a Continuing Order on the property which means if any violations are found, immediate action will be taken and the Respondent fined beginning from the first day of violation. Mr. Sweeney briefly explained the approval process and the next steps after the recommendation is given to the Board of County Commissioners.

There being no further comments, Chairman Day closed the Public Hearing.

Mr. Sweeney said that he would like to further review the issue of the proposed northern wall before staff makes a final recommendation. Mr. Sweeney said if the PZC recommends the request with staff conditions, staff may leave it as planned, or make revisions, and that any revisions will be noted in the staff report to the BOCC. Mr. DeBraal added that he read Section 911.20 North Barrier Island Corridor Special Development Regulation and that he found nothing regarding minimum lot size.

Chairman Day asked if there were any other Commissioner questions. There being none, Chairman Day asked for a motion.

ON MOTION BY Todd Brognano, SECONDED BY Calvin Reams, the members voted unanimously (7-0) to approve the request to rezone approximately 52.96 Acres from A¬1, Agriculture-1 and RS-3, Residential Single-Family to PD, Planned Development and to Obtain Concurrent Conceptual PD Plan and Preliminary PD Plan/Plat Approval for a Project to be known as Windsor North Village with staff recommendations and the allowance for staff to modify their recommendations for the subject property on this Quasi-Judicial matter.

Commissioners Matters

There were none.

Planning Matters

Mr. Sweeney said there will most likely not be a November meeting.

Attorney's Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 8:15pm.