

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, March 14, 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; **Mr. Robert Votaw**, District 2 Appointee; **Mr. Mark Mucher**, District 5 Appointee; **Ms. Beth Mitchell**, District 1 Appointee; **Mr. Calvin Reams**, District 3 Appointee; and **Mr. Jordan Stewart**, Member-at-Large were present.

Mr. Chip Landers, Alternate Member; and **Ms. Teri Barenborg**, non-voting School Board Liaison were absent.

Also present were IRC staff members: Ms. Susan Prado, Deputy County Attorney; Mr. Ryan Sweeney, Assistant Planning and Development Services Director; Mr. Chris Balter, Chief of Long Range Planning; Ms. Cindy Thurman, Senior Planner of Long Range Planning; 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. All stood for the Pledge of Allegiance.

Additions and Deletions to the Agenda

There were none.

Approval of Meeting Minutes

ON MOTION BY Beth Mitchell, SECONDED BY Todd Brognano, the members voted unanimously (7-0) to approve the December 14, 2023 meeting minutes as presented.

ON MOTION BY Jordan Stewart, SECONDED BY Todd Brognano, the members voted unanimously (7-0) to approve the January 11, 2024 meeting minutes as presented.

Public Hearing

Chairman Day read the following:

4A. Island Manor Development LLC's Request to Rezone +19.6 Acres from A-1, Agricultural District to RS-3, Single-Family Home Residential District (RZON2002030112-96026) [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.

Mr. Mark Mucher said he was contacted by a constituent and had brief correspondence regarding this hearing. Mr. Mucher affirmed he is of an open mind and without prejudice.

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

IRC Senior Planner of Long Range Planning Cindy Thurman gave an analysis of the request for rezoning and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Ms. Thurman described the size and location of the subject property and noted this portion of the barrier island contains the Captain Forster Hammock Preserve, a State owned land that the County has a long-term lease to manage as a conservation area, as well as the RS-6 zoned single-family Island Club Riverside subdivision located to the South. Ms. Thurman explained the property is currently zoned A-1 Agricultural which permits one unit per five acres and that the purpose of the request is for the applicant to secure the necessary zoning in order to develop the site with uses permitted in the RS-3 zoning district. Ms. Thurman described some of the surrounding land uses and noted there are two individually owned parcels zoned RM-6 at the northwest corner of the subject property. Ms. Thurman briefly reviewed the rezoning request's consistency with the L-2 future land use designation as well as the differences between A-1 and RS-3 zoning designations. Ms. Thurman spoke about the proximity of conservation lands, the Captain Forster Hammock Preserve, and Jungle Trail and said coordination will be required to minimize development impacts. Ms. Thurman discussed the concurrency review done in relation to this request and explained the criteria is consistent with the comprehensive plan, land development regulations, County thoroughfare plan, and existing and proposed land uses. Ms. Thurman said no adverse impacts to the environment are anticipated and that a detailed analysis would be conducted during the development review process.

Ms. Thurman ended her presentation by recommending the PZC recommend that the BCC approve the request to rezone from A-1 Agricultural to RS-3 Single-Family Home Residential District.

Chairman Day asked if there were any commissioner questions.

Ms. Beth Mitchell asked if there were any special considerations due to the proximity to the Jungle Trail. Mr. Balter said the Jungle Trail Management Plan consists of special requirements that the applicant would have to abide by during a site development process.

In response to a question from Mr. Mucher, Chief of Long Range Planning Mr. Chris Balter explained that an accessory dwelling unit is allowed in any single-family district. Mr. Balter said if the proposed development has an HOA, the HOA could choose to prohibit this according to their bylaws and covenants. Mr. Mucher asked how traffic would be affected. Mr. Balter explained that an accessory dwelling unit is small in size to accommodate one to two people and that the impact would be minimal. Mr. Brognano noted that, if developed, a large portion of this property would be used for stormwater and recreation which will limit the number of homes.

Mr. Votaw asked if the access off A1A was public or deeded access, or an agreement with Indian River Club. Assistant Planning and Development Services Director Mr. Ryan Sweeney said it is a private right-of-way and access needs to be formalized if the project moves to development. Mr. Sweeney stated there will not be primary access off Jungle Trail and that primary access will be through Island Club Manor. Mr. Sweeney added that there may be passive, recreational access to Jungle Trail but not vehicular access. Mr. Sweeney said that proof of the applicant's ability to use Island Club Manor for access would be required before granting subdivision approval. Deputy County Attorney Ms. Susan Prado affirmed the property can be re-zoned but development would not be approved unless the applicant secures access.

Chairman Day opened the public hearing.

Mr. Ryan McLean with MBV Engineering was present representing the applicant Island Manor Development, LLC. Mr. McLean explained that primary access would be off A1A and that the developer is currently in the process of finalizing an agreement associated with Island Club Manor's access. Mr. McLean said the Jungle Trail Management Plan has substantial restrictions and that passive access such as a walking trail is most likely the only possibility regarding access to the Jungle Trail. In response to a question from Mr. Votaw, Mr. McLean said the access from A1A is privately owned by Island Club Manor and controlled by their HOA. Mr. McLean clarified that Island Manor Development, LLC is not a part of Island Club.

Chairman Day asked if an archeological report would be required. Mr. McLean said it would most likely be a requirement during pre-application for preliminary plat and site development. Mr. Votaw asked if there were any plans addressing the flood plain. Mr. McLean said the preliminary intention would be to bring in some fill material while being mindful of fill requirements. Mr. Votaw asked about the approximate number of lots that could potentially be developed if the property is rezoned. Mr. McLean approximated twenty to twenty four lots.

Mr. Peter Dubé of 8520 Seacrest Drive was present and explained he lives directly across the river from the proposed development. Mr. Dubé expressed appreciation for his opportunity to speak. Mr. Dubé said there is a very limited amount of undeveloped land and that he enjoys the peaceful nature of this parcel from his home. Mr. Dubé said the owner purchased the parcel as agriculturally zoned and questioned the need for zoning change. Mr. Dubé noted the close proximity to conservation lands and the

environmentally sensitive Indian River Lagoon. Mr. Dubé said he has submitted two of the surrounding parcels to the County for consideration to purchase as conservation land with recently acquired grant money. Mr. Dubé said if the land is developed, one of his concerns is light pollution and he hopes the developer would consider environmentally sensitive lighting.

Ms. Prado explained that the land owner has a right to request a change of zoning and unless staff finds they don't meet all the necessary criteria, the request for re-zoning cannot be denied. Vice Chairman Todd Brognano explained the purview of the PZC is to follow the County Land Development Regulations and to vote based on the laws and regulations, and that the Board cannot approve or disapprove items based upon personal feeling and opinion.

Mr. Edward Pillard of 8855 West Orchid Island Circle was present and explained he lives in Sea Oaks which is just north of the subject property. Mr. Pillard said he wishes to speak about quality of life. Mr. Pillard said he walks the Jungle Trail and recently saw dolphins and noted they used to be seen more regularly. Mr. Pillard spoke about the reasons for the historical decision by the IRC Board of County Commissioners to restrict building height. Mr. Pillard said this was done because Indian River County wanted to preserve the quality of life and be different from surrounding counties in regard to ambiance and population density. Mr. Pillard spoke about increased traffic volume due to development and that it now takes 20 minutes to cross the 510 Causeway. Mr. Brognano explained the PZC does not have the ability to change law and Land Development Regulations. Mr. Pillard told the PZC they can tell their grandchildren they did what they had to do and sacrificed the quality of life and being different from the counties above and below Indian River.

Mr. Gabriel Walker was present and explained he lives in Island Club facing the subject parcel. Mr. Walker said he supported the previous speaker's sentiments and added that he thinks rezoning from agricultural to residential is a regressive step. Mr. Walker said he feels this land is an obvious acquisition for conservation land.

Mr. Darrell Root of 831 Island Club Square was present. Mr. Root said the construction process will create dust, traffic, and will impede the peaceful enjoyment of his and neighboring homes. Mr. Root questioned if greed is the reason for the rezoning request, and noted he feels like the twenty acre subject parcel is part of the adjacent preserve. Mr. Root expressed concern that there would be a lengthy and disruptive construction process if the land is developed. Chairman Day asked Mr. Root if Island Club's HOA ever considered buying the subject parcel. Mr. Root was unsure. Mr. Root commented that there is a minimum of conserved land. Mr. Votaw explained property owners have personal property rights and that the Commissioners cannot impede a property owners rights as long as they are working within the County's Code and requirements. In response to a question from Mr. Mucher, Mr. Root said that Island Club is fully built.

Mr. Rick Huot of 8776 West Orchid Island Cr. in the Sea Oaks development was present. Mr. Huot asked for some clarification about the allowable footprint for each unit. There

was some brief discussion about the type of plans possible, the LDR requirement for passive recreation space, and required stormwater and landscape buffer restrictions. Mr. Huot asked what the next steps would be if the request for rezoning is approved and if the PZC would have oversight over the number of allowable units. Mr. Sweeney reminded the PZC that this is strictly a hearing for the request for rezoning.

Mr. Sweeney explained the subdivision process is a separate process that would involve preliminary plat, LDP, and final plat approvals. Mr. Sweeney noted that staff does have the ability to approve up to 24 units at the staff level without requiring approval from the PZC. Mr. Sweeney also noted that the surrounding Island Club parcels are zoned RS-6 and have been developed at a higher density than what would be allowed for RS-3 conventional designated land. Chairman Day explained that the PZC will make a recommendation to the BOCC and they will make the final decision about the request for rezoning. Mr. Huot asked about the location of access and if the Indian River Club front entrance on A1A will be used for entrance and exit. Ms. Prado responded that the applicant has indicated they are negotiating an access agreement with Indian River Club. Mr. Sweeney showed the potential location on a map for reference.

Ms. Mitchell asked about the Jungle Trail Management restrictions and if there are any similar controlling restrictions pertaining to the surrounding conservation lands. Mr. Sweeney said there are additional buffering and compatibility requirements pertaining to the Jungle Trail as well as additional buffering requirements of the surrounding area. Ms. Mitchell asked if there was an opportunity for access to be acquired along the boundary of any of the conservation areas. Mr. Sweeney responded no, and said it would be buffered. In response to an earlier comment, Mr. Sweeney added that a review of proposed outdoor lighting would be done during the development review process.

Mr. Sweeney explained that a notice will be posted and sent to neighbors when the request is heard by the BOCC and asked for people to give their name and contact information if they want to be added to an email distribution list. Mr. Huot asked if a buffer along the Jungle Trail would be required south of the RM-6 zone similar to the buffer at The Strand development. Ms. Prado said that Island Club was developed before the requirements were put into place but that extra buffering is now required for future development. Mr. Sweeney noted The Strand development is located in the Town of Indian River Shores, and was not reviewed or approved by the County, but noted all development would be required to meet the specifications outlined in the Jungle Trail Management Plan. Chairman Day explained to Mr. Huot that he can speak to Mr. Sweeney or request to meet with staff any time to express concerns. Ms. Prado reiterated that the scope and purpose of today's meeting is to hear the request for rezoning.

Mr. Walker asked if the PZC was able to recommend the request for rezoning if an access agreement is not in place. Ms. Prado responded yes. Mr. Reams pointed out that development would not be allowed without access. Mr. Balter explained that even if the property is re-zoned, it could still be purchased for conservation land. Mr. Sweeney noted that the underlying L-2 land use designation of the parcel allows for a multitude of uses and said if the applicant requested zoning for density higher than RS-3 they would

probably fail to meet all the criteria. Mr. Mucher noted that this is probably the most conservative residential zoning possible.

Mr. Tom Rowe of Island Club Square was present and said he has lived across from the subject parcel for twenty years. Mr. Rowe spoke about the Island Club access agreement which gives them access to Highway A1A through Island Club Manor and noted it is their main access point to Highway A1A. Mr. Rowe said before they had a homeowner's association, an easement agreement was reached to provide access to the road. Mr. Rowe said there are conditions in the easement agreement that limit the type of allowable housing development on the property. Mr. Rowe said the access agreement is part of their covenants and stated the agreement contains some stipulations such as stipulating the houses must be similar to what already exists at Island Club.

Mr. Reams stated that his family settled the subject area in 1890 and that he understands the feeling and concerns expressed by the public. Mr. Reams explained that the PZC does not decide on things such as buffers and access, but solely whether or not the property owner's plans meet the long term criteria for Indian River County. Mr. Reams encouraged the public to express their concerns to the Board of County Commissioners.

There being no further comments, Chairman Day closed the public hearing.

Chairman Day asked if there were any further commissioner questions. Mr. Mucher asked if it would be possible for the developer to negotiate temporary construction access. Mr. Sweeney said that would not be likely and reiterated that any design specifications would be looked at in the future during the development review process.

ON MOTION BY Todd Brognano, SECONDED BY Robert Votaw, the members voted unanimously (7-0) to approve the request to Rezone +19.6 Acres from A-1, Agricultural District to RS-3, Single-Family Home Residential District on this Quasi-Judicial matter.

Commissioners Matters

Chairman Day asked about quasi-judicial weekly updates and why some items aren't listed. Mr. Sweeney said the list Dr. Day is referring to is a list of current development and does not include rezoning requests.

Planning Matters

Mr. Sweeney said a public hearing has been noticed for a March 28th meeting. Mr. Sweeney said that Lisa will poll members early to ensure there are no issues with a quorum due to spring break. Mr. Sweeney said the department has a new staff assistant, Dallas Raynor. Mr. Sweeney said there will probably only be a second meeting in April held on April 25th.

Attorney's Matters

Ms. Prado said that County Attorney Bill DeBraal will be calling in to provide counsel at the next meeting.

Adjournment

There being no further business, the meeting was adjourned at 7:15pm.