

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, January 23, 2020 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/2019.

Present were members: Chairperson Todd Brognano, Member-at-Large; Vice Chairperson Dr. Jonathan Day, District 4 Appointee; Ms. Beth Mitchell, District 1 Appointee; Mr. Chip Landers, District 3 Appointee; and Mr. Jordan Stewart, Member-at-Large.

Mr. Alan Polackwich Sr., District 2 Appointee, and Ms. Teri Barenborg, non-voting School Board Liaison; were absent.

Also, present were IRC staff: Mr. Bill DeBraal, Deputy County Attorney; Mr. Roland DeBlois, Interim Community Development Director; Mr. John McCoy, Chief of Current Development; Mr. Ryan Sweeney, Senior Planner of Current Development; and Ms. Lisa Carlson, Recording Secretary.

Call to Order and Pledge of Allegiance

Chairperson Todd Brognano called the meeting to order at 7:00 p.m. and all stood for the Pledge of Allegiance.

Election of Chairman and Vice Chairman

Deputy County Attorney Mr. Bill DeBraal introduced District 1 representative, Ms. Beth Mitchell to the board and proceeded to explain that a Chairperson and Vice Chairperson are elected at the first meeting of every year. He opened the floor for nominations.

ON MOTION BY Dr. Jonathan Day, SECONDED BY Mr. Jordan Stewart, to re-elect Mr. Todd Brognano as Chairperson.

ON MOTION BY Mr. Chip Landers to elect Dr. Jonathan Day as Chairperson. There was no second to this motion.

Members voted unanimously (5-0) to re-elect Mr. Todd Brognano as Chairperson.

ON MOTION BY Mr. Chip Landers, SECONDED BY Mr. Todd Brognano to re-elect Dr. Jonathan Day as Vice Chairperson.

ON MOTION BY Mr. Todd Brognano, SECONDED BY Dr. Jonathan Day to elect Mr. Chip Landers as Vice Chairperson.

Members voted (4-1) to re-elect Dr. Jonathan Day as Chairperson. Mr. Todd Brognano was the opposing vote.

Additions and Deletions to the Agenda

There were none

Approval of Minutes

ON MOTION BY Mr. Jordan Stewart, SECONDED BY Mr. Chip Landers, the members voted unanimously (5-0) to approve the minutes of the December 12, 2019 meeting as presented.

Public Hearings

Chairperson Todd Brognano read the following into the record:

A. Consideration of Alternative Land Development Regulation (LDR) Amendment Proposals to Define, Regulate and Establish Criteria for Off-Site Accessory Landscaping Services in Agricultural Zoning Districts. [Legislative]

Chairperson Mr. Todd Brognano asked the Commissioners to reveal any ex-parte communication or conflict that would not allow them to make an unbiased decision. The members stated that 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. Roland DeBlois, Interim Community Development Director, reviewed the proposed LDR amendment that is detailed in the PZC Agenda Packet and recommended by the Agriculture Advisory Committee (AAC). He gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) office and recommended that the Commissioners recommend that the BCC adopt staff's proposed alternative LDR amendment,

requiring that off-site accessory landscaping services in agricultural zoning districts be subject to specified criteria and be subject to PZC approval as an administrative permit use (as recommended by the AAC). He proceeded to answer questions from the Commissioners regarding the proposed amendment.

Chairperson Mr. Todd Brognano opened the public hearing.

Mr. Ken Hendrix, who lives adjacent to Tropical Property Management, reviewed details of his LDR Amendment Application which was intended to address expansion of existing legally grandfathered commercial landscaping operations. He voiced his opposition to offsite accessory landscaping services operating in agriculture zoned districts.

Mr. Spencer Simmons, neighbor to Caribbean Lawn and Landscaping, reviewed details of his LDR Amendment Application that seeks to strike “offsite landscaping services” from section 911.06(4)(d). He expressed his disapproval of lawn maintenance businesses being allowed to operate in agricultural zoned districts rather than heavy commercial or industrial zones that he felt are more compatible.

Deputy County Attorney Mr. Bill DeBaal and Chairperson Mr. Todd Brognano urged speakers to focus their attention on the proposed ordinance amendment and the information submitted in LDR amendment applications rather than code enforcement proceedings.

Mr. Tim Campbell, neighbor to Caribbean Lawn and Landscaping, discussed further details of the LDR Amendment Application that he and his co-applicant, Mr. Spencer Simmons submitted that eliminates landscaping businesses operating in agricultural zones as accessory to tree farms.

Ms. Jodi Velde, co-owner of Tropical Property Management, contended that most neighboring homeowners had no complaints about her business and that she and her husband do make their living off of the nursery with the property management company being an accessory to the business. She voiced her support of staff’s proposed ordinance amendment with the exception of landscape debris not being allowed on the premises. She asserted that landscape debris is recognized by the state of Florida as an “agricultural product”.

The secretary administered the testimonial oath Ms. Kelly Stolze who wished to speak at tonight’s meeting on this matter.

Ms. Kelly Stolze, co-owner of Caribbean Lawn and Landscaping, clarified that she and her husband did their due diligence with the county before they

purchased the subject property and that when they were made aware that the tree farm was supposed to exist before the landscaping business moved in, they immediately came into compliance and were never assessed a fine from code enforcement. She pointed out that some of the previous testimony was inaccurate and concluded that she and her husband take pride in their business while being respectful to their neighbors.

Several disruptions from members of the audience prompted Deputy County Attorney Mr. Bill DeBaal to ask them to be respectful.

Chairperson Mr. Todd Brognano called a five-minute recess at 8:25 p.m.

Mr. John Terry, neighbor to Caribbean Lawn and Landscaping, discussed his concerns about the road quality and number of vehicles on the road due to the business. Mr. Bill DeBaal pointed out that there are no traffic restrictions on agricultural property. Mr. Terry also noted his concerns about his home's depreciation due to the neighboring business.

Mr. Brian Quant, neighbor to Caribbean Lawn and Landscaping, communicated his frustrations that landscape business grandfathering in agriculture zoning districts may occur despite ongoing discussions with the county, concluding that he didn't feel that a business such as this should be allowed in a agricultural zoned district.

Ms. Brian Stolze, co-owner of Caribbean Lawn and Landscaping, pointed out his good intentions regarding the tree farm and that he wants to be a good neighbor. He asked for clarification regarding the grandfathering part of the ordinance as his family's livelihood depends on it.

Ms. Amy Simmons, neighbor to Caribbean Lawn and Landscaping, stated her objection to the proposed ordinance amendment that she felt does not reflect any negotiations that have been occurring between homeowners and the county.

Deputy County Attorney Mr. Bill DeBaal and Chairperson Mr. Todd Brognano urged speakers to focus their comments on the proposed ordinance amendment.

Ms. Marilyn Crossford Ingram, neighbor to Caribbean Lawn and Landscaping, stated that her family has owned their parcel since 1915 and that she wants to be sure that there will be no additional commercial businesses on the road following the amended ordinance.

Mr. Kenneth Peterson, neighbor to Caribbean Lawn and Landscaping and owner of Peterson Groves, stated that he doesn't want to see more commercial businesses on that road.

Chairperson Mr. Todd Brognano closed the public hearing and the commissioners discussed the review process and Florida's Right to Farm Act.

Commissioner Landers motioned to approve staff's recommendation. Deputy County Attorney DeBraal asked for clarification as to whether that included the criteria set forth on page 2 of staff's report, as modified by criteria listed on page 4 of the report, which Mr. Landers confirmed.

ON MOTION BY Mr. Chip Landers, SECONDED BY Ms. Beth Mitchell, the members voted unanimously (5-0) to approve staff's proposed LDR amendment, requiring that the off-site accessory landscaping services in agricultural districts be subject to criteria specified in the alternative amendment, and be subject to PZC approval as an Administrative Permit use, as recommended by the AAC.

Commissioner's Matters

There were none.

Planning Matters

Mr. Roland DeBlois stated that effective January 31, 2020, former Metropolitan Planning Organization (MPO) director Mr. Phil Matson will become the new Community Development Director at which time he would become the Planning Director until his retirement in June 2020. He went on to say that the next scheduled meeting on February 13, 2020 will likely occur.

Attorney's Matters

There were none.

Adjournment

There being no further business, the meeting adjourned at 9:04 p.m.