

## PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, May 9, 2024 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; and **Ms. Teri Barenborg**, non-voting School Board Liaison.

Also present were IRC staff members: Ms. Susan Prado, Deputy County Attorney; Mr. Andy Sobczak, Planning and Development Services Director; Mr. Brandon Creagan, Chief of Current Development; Mr. Patrick Murphy, Senior Planner of Current Development; 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

Mr. Brandon Creagan, Chief of Current Development, said that Item #4B review and consideration of the Draft Comprehensive Plan Evaluation and Appraisal Report was advertised for a public hearing to be held at tonight's meeting, but was withdrawn from the agenda and will be readvertised and rescheduled.

### Approval of Meeting Minutes

Approval of the March 28, 2024 meeting minutes.

**ON MOTION BY Todd Brognano, SECONDED BY Robert Votaw, the members voted unanimously (7-0) to approve the March 28, 2024 meeting minutes as presented.**

### **Public Hearing**

Chairman Day read the following:

**4A. Community Baptist Church K-12 Private School: Request for special exception use and site plan approval to convert an existing 4,000 square foot accessory building into a private K-12 school. Community Baptist Church, Inc., Owner. One 16 Engineering & Consulting LLC, Agent. Located at 12534 Roseland Road. Zoning: RS-3, Residential**

Single-Family (up to 3 units/acre). Land Use Designation: L-2, Low-Density Residential-2 (up to 6 units/acre). [SP-SE-24-03-10 / 96010103-95990] **[Quasi-Judicial]**

Chairman Day asked if there had been any ex-parte communication. Mr. Brognano said a church member had contacted him with some questions about the process for converting the building into a school. Mr. Brognano said he gave a brief response and referred them to the Planning Department to obtain information about what was needed. Mr. Brognano said there was no further discussion and he feels he can make a fair and impartial decision.

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

Mr. Patrick Murphy, Senior Planner of Current Development, gave an analysis of the request for special exception use and site plan approval and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office.

Mr. Murphy showed the subject property on a location map for reference and described the property's location on the south side of Roseland Road. Mr. Murphy also showed the location of adjacent single-family homes and wetland upland preserve land located further south. Mr. Murphy showed an aerial map with the site plan overlaid and noted the location of the existing multi-purpose building proposed to be converted into the K-12 school. Mr. Murphy showed the existing site plan and location of the existing 99 parking spaces and explained there is also additional gravel overflow parking behind the church. Mr. Murphy explained that the church operates on Sunday morning and Wednesday evening. Mr. Murphy said the school is proposed to operate from 8:30 am to 3:30 pm Monday through Friday and explained the uses will not overlap. Mr. Murphy showed the traffic circulation plan for reference and the location of the existing full access driveway to Roseland Road. Mr. Murphy noted that turn flairs with additional paving will increase the driveway radius. Mr. Murphy showed the internal driveway loop through the property and explained that vehicles will park and children will be walked into the school to avoid any queuing of cars. Mr. Murphy showed the stormwater plan map and noted that because there is no additional parking required, no change to the existing building, and no addition of impervious areas, there are no changes proposed to the existing stormwater plan. Mr. Murphy showed a landscape plan map and explained a Type C landscaping buffer is required along all property lines, and will consist of existing and additional plantings. Mr. Murphy noted the location of large oak trees and specimen oaks which will remain in place and said the existing densely wooded area to the south will be kept intact to act as an enlarged buffer. Mr. Murphy explained the applicant has asked for a waiver of the required Type C buffer on the eastern side of the property which consists of wetlands and upland preserve jointly owned by the County and St. John's River Management.

Mr. Murphy briefly outlined the conditions listed in the staff report and ended his presentation by recommending the PZC recommend that the BCC grant special exception

use approval for the Community Baptist Church K-12 School with the conditions listed in the staff report.

Chairman Day asked if there were any commissioner questions.

Chair of the Indian River County School Board and non-voting liaison to the Planning and Zoning Commission, Ms. Teri Barenborg, asked about the life safety plan referenced in the staff report. Mr. Murphy said this refers to the interior building design meeting Florida Building Code for the expected occupancy of the building and explained if the project is approved, this will be reviewed by County Building Plan Examiners. In response to a question from Mr. Mucher, Mr. Murphy showed a photo of the existing building for reference and submitted a copy to the recording secretary.

The President of the proposed school, applicant Pastor John Stevens, was present. Ms. Barenborg suggested Mr. Stevens contact Mr. John Teske in the Security Department at the School District Office to discuss safety protocol. Ms. Barenborg asked some questions about proposed fencing and if there is a security plan. Mr. Stevens said they will comply with any requirements of the Building Department and that creating a safe environment is a main concern. Mr. Stevens explained they do not have a safety plan at this time but are committed to creating one and meeting all requirements and will have volunteers or hired personnel on campus for the specific purpose of student safety. Mr. Stevens explained the maximum occupancy of the school is 90 students and he expects it will not begin with the maximum but will increase over time. In response to a question from Ms. Barenborg, there was discussion about parking lot safety and the plan for parking and Mr. Stevens said they will have a system in place for children to get safely into the school.

Chairman Day opened the Public Hearing.

Mr. Jeff Klein of 12525 Roseland Road was present. Mr. Klein said he spoke to Mr. Murphy yesterday in regard to some of his questions. Mr. Klein said he received a Notice of the Public Hearing in the mail but that some of his neighbors did not receive the Notice. Mr. Klein said the Public Hearing Notice posted at the church is placed perpendicular to the road and he gave the opinion that it is not legible from the road. Mr. Klein asked if there is a minimum sign size. Mr. Klein stated that he didn't think a maximum number of people were contacted and that he feels the proposed school will greatly impact traffic in the immediate area. Mr. Klein suggested the church have a bus to pick up students, or use volunteers for traffic control.

Mr. Murphy spoke about LDR 902.12(4)(b)2. which pertains to required notice, and said that all residents within a 300 foot radius from the center of the subject property were notified. There were approximately 24 property owners that were notified of today's hearing by mail. Regarding the size of the posted sign, Mr. Murphy explained the typical sign size is 11 x 17 and that this sign was posted within the timeframe required by the Code Enforcement Department. Chairman Day explained to Mr. Klein that this matter will be heard again before the Board of County Commissioners.

Mr. Scott Hausheer of 8275 125<sup>th</sup> Place in the Sunnyfield development was present. Mr. Hausheer described the location as the first street next to the church on Roseland Road and explained it is a private road which accesses 4 houses. Mr. Hausheer said he felt slighted that he did not receive notice of today's hearing. Mr. Hausheer said he is against the school because there is no infrastructure to support the school and that he feels this will negatively impact many residents.

Mr. Jeff Riehl of 8265 125<sup>th</sup> Place in the Sunnyfield development was present. Mr. Riehl asked if a traffic study was warranted or done. Mr. Riehl also informed the Commissioners that there was an incident of a vehicular death in front of the church and numerous minor accidents. Mr. Murphy explained the project did not meet the criteria to legally require a traffic impact analysis. Mr. Murphy said a County Traffic Engineer has looked at the site and did not indicate any traffic improvements were needed. Mr. Riehl asked if the speed limit on Roseland Road would be lowered as seen in school zones and if there would be a traffic light. Vice Chairman Brognano explained there was not enough traffic to require a traffic light. Mr. Murphy said a lowered speed limit as seen by public schools was not recommended but that he can ask Traffic Engineers in Public Works if this is warranted.

Mr. Steve McCue of 12523 Roseland Road was present. Mr. McCue described his property location as across from the school and explained that the driveway which serves his home is shared by 4 parcels. Mr. McCue said that currently when cars line up to turn into the church on Sunday it is very hard to pull out to turn left or right from the driveway. Mr. McCue said he is not opposed to the school but at 45 mph it is going to be hard to get in and out of the driveway. Mr. McCue asked for staff to look at the traffic on Roseland Road and consider how many cars will be in queue to turn at one time. Deputy County Attorney Ms. Susan Prado noted that the County cannot require the applicant to do anything not legally required and explained that what needs to be met is the criteria for the special exception. Mr. McCue expressed concern that the other property owners will not be able to have individual driveways permitted in the future. Ms. Prado suggested the question about additional driveways be asked of the Public Works Department.

Mr. McCue said the north swale drains directly to his property and he expressed concern about increased vehicular traffic leading to an increase in discharged pollutants into the County drainage system. Mr. Brandon Creagan, Chief of Current Development, explained that the Engineering Department conducts a site review as part of the planning process and that if the site is further developed, Engineering will continue to look at potential drainage impacts. Mr. Creagan said Engineering determined the drainage did not need to be addressed at this time.

Mr. Cliff McCue of 12519 Roseland Road was present and asked when the last traffic study was conducted for Roseland Road. Mr. Andy Sobczak, Director of Planning and Development Services, explained the County Engineering Department does periodic traffic counts on all County roads approximately twice per year. Mr. Sobczak said this information is used to determine the need for road improvements in relation to functional capacity. Mr. Sobczak said that Roseland Road is under capacity and on the long range plan for improvements. Mr. McCue spoke about traffic fluctuations at different seasons

and various times of day and asked about the timing of the traffic study. Mr. Sobczak explained that a correction factor is added to traffic counts to ensure they are measured at their highest potential volume. Mr. Sobczak briefly explained the grading system for roadway capacity and the standard required of the comprehensive plan.

Mr. Tim Borden of 12885 Indian River Drive was present. Mr. Borden said he is a member of the church and expressed that he is grateful that the north side of the County will have an option for Christian education. Mr. Borden noted the school will have a maximum capacity of 90 students and that he is not sure if they will reach full capacity. Mr. Borden said there are about 300 people in attendance between the 2 church services on Sunday. Mr. Borden noted the school will be operating with a much smaller number in attendance and, therefore, he does not anticipate a traffic flow problem. Mr. Borden said he likes the idea of parents parking and walking students into the school and that he would feel safe walking his child into the school from the parking lot. Mr. Borden said that the nearby Roseland Christian School has a similar drop off arrangement for their students. Mr. Borden said he also speaks on behalf of other supporters and the church community and that they are very excited to have a Christian alternative school.

Mr. Stevens thanked County staff for their assistance and expressed gratitude to the County for their support and helping him to navigate the process. Mr. Calvin Reams commented that he understands the traffic concerns but that there is a much larger number of people coming to the church on Sundays and the traffic is not a problem. Mr. Reams noted it is not likely to anticipate one car per student because of families and carpooling.

Ms. Teri Barenborg spoke about parking lot safety and general safety and said she would be glad to have further discussion with Mr. Stevens. Ms. Barenborg noted the differences between public and private schools regarding their requirements and the presence of lighting, crossing guards and reduced speed school zones. Ms. Barenborg said that private schools have fewer requirements for safety procedures but share the same concerns as public schools and suggested Mr. Stevens have a conversation with Mr. Teske for further ideas regarding security.

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

Chairman Day asked if there were any further commissioner questions or comments. Mr. Votaw thanked Ms. Barenborg for her input and for providing resources. Ms. Barenborg further commented on the importance of sidewalks for safety.

**ON MOTION BY Calvin Reams, SECONDED BY Todd Brognano, the members voted unanimously (7-0) to approve the Request for Special Exception Use and Site Plan Approval on this Quasi-Judicial matter.**

### Commissioners Matters