



MINUTES
THE TOWN OF INDIAN RIVER SHORES
6001 North Highway A1A, Indian River Shores, FL 32963

PUBLIC HEARING
SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT
Wednesday, November 19, 2014
1:00 p.m.

PRESENT: Brian M. Barefoot, Mayor
Gerard A. Weick, Vice Mayor
Richard M. Haverland, Councilman
Thomas F. Slater, Councilman

ABSENT: Thomas W. Cadden, Councilman (*excused*)

STAFF PRESENT: Robert Stabe, Town Manager Laura Aldrich, Town Clerk
Chester Clem, Town Attorney
Lt. Tony Dudley, Acting Public Safety Director
Jose Guanch, Building Official

RESIDENTS: John Porta & Jerry Solin, Finance Committee; Jerry Burr & Jim Moller, John's Island Security & JIPOA

GUESTS: **PROFESSIONAL:** Christopher Marine, Legal Representative for 6000 A1A, Inc.; Messers Bob Gibb and Bob Ritter, Applicants/6000 A1A, Inc.; Scott McGuire, Civil Engineer/Land Use; Peter Moore, Architect; Woody Coley, Project Supervisor; Ralf Brookes, Attorney for Complainants;
RESIDENTS (Approximately 30) Bill Beardslee (PZV), Dale Stump, J. Lee Etheridge, Joe Hilt, Jerry Jones, Nancy Shaver, Doris Brandi, Bernice Johnson, Richard Johnson, Dorothy Kay Chasewood, John Porta (Finance), Paul Zimmerle, Elizabeth Zimmerle, Joan Rathke, Frank Rathke, Barbara Tilney, Charlotte Terry, John Hilton, David Becker, Judy Bramson, Terry Crowley, Bill Baker, John McCord, John Lowenburg, Bruce Worth, David Gruber, David Bottomley, William Smith, Scott Sterner

1. **Call to Order**

- a. Pledge of Allegiance
- b. Invocation (Councilman Slater)
- c. Roll Call

Mayor Barefoot called the meeting to order at 1:02 p.m. with the Pledge of Allegiance and Invocation repeated. Town Clerk Aldrich called the Council role as shown above.

2. **Open Public Hearing to Receive Public Input**

Mayor Barefoot welcomed everyone, and announced that Councilman Tom Cadden had resigned from the Council for personal reasons. He has served 10 years as Mayor and a few months shy of 2 years on the Council.

Rules of the meeting were briefly reviewed by the Mayor, who asked that everyone be respectful, brief and not redundant. Town Attorney Clem asked those who would be giving testimony to stand and be sworn in, which was done by Mr. Marine, Mr. McGuire, Mr. Gibb, Mr. Ritter, Mr. Moore, and Mr. Coley.

a. Applicant Presentation

Mr. Marine stated that following four hours of testimony on October 13, the PZ&V Board unanimously approved project for consideration by the Town Council to rezone Lot 1 on Beachcomber

Please Note: The Town of Indian River Shores does not routinely keep verbatim minutes. Any party interested in such an appeal relating to any decision made by the Council with respect to any matter considered at this meeting is responsible to record the meeting and include the testimony and evidence upon which the appeal is to be based.

Lane from R1A to C1A with a corresponding Small Scale Comprehensive Plan amendment. He felt that they had reached out to the residents and addressed their concerns with compromises, including moving the project entryway on Sunrise Terrace towards A1A and aligned with the Village Shops. There have been decorative concrete wall, excessive landscaping, project lighting, and parking considerations as well.

Exhibits were distributed by Mr. Maguire that showed the details of the project, and he mentioned that Lots 8 & 9 were zoned residential initially and rezoned to commercial in 1968. He discussed Lot 1 on Beachcomber Lane, which has always been vacant, stating it is in the commercial and institutionally situated area across from Town Hall. The Site Plan approval for the bank was in 1976 on Lots 8 & 9, changing to Spectrum Designs years later. There is a deceleration lane independent of A1A, not part of Village Shops that accompanies the Spectrum building, which along with other area features do not lend themselves to residential construction. He reviewed the Town's Land Development Code regarding 160.05A, Commercial development, which must be on A1A. There is a very limited scope for uses, not like the County or the City of Vero Beach. Town Code calls for local in scope, serving the community. Fast food, carryout, and drive through services are prohibited. The Code also mandates an especially large setback of 60' on A1A.

They are also asking to amend the land use element of the Town's Comprehensive Plan. It was designed to be an instrument to be modified periodically, Mr. McGuire added, concluding that C1A is appropriate zoning for this lot, which is ideal for commercial development.

SITE PLAN. This was unanimously approved in October by the PZV Board, with all elements properly and sufficiently addressed. Many project modifications have been made, and special considerations were given to the concrete wall and the dumpster or refuse receptacle. Significant landscaping, extensive and expensive modifications will be made to the site to address concerns.

Although conditions imposed by the PZ&V Board excluded any form of retail space, with all the concessions made they are requesting no more than 3000 SF retail on first floor. There are no tenants or leases at present, but at first there was a party that wanted to lease the whole building, which did not materialize. They feel it is fair and will not create excessive traffic congestion.

Scott Maguire, the Civil Engineer who designed the site plan elements of the project, said by Town Code up to 30% of the lot is allowed to be covered with building for residential, but it is silent on commercial coverage, which is 14% building coverage on this lot. The green space requirement is 25%, and this property has 33%. There are no septic issues, as the full underground drainage has great percolation, and there is no stormwater discharge in a 25 year event. After an exhaustive review for PSD fire accessibility, everything meets with their approval. Lighting will be shielded with no residential intrusion. Additional plantings, an 85' setback rather than 15' on A1A is planned, with a setback of more than 25' on the north. There are no barking dogs, loud music or noise issues. The wall on the east will shield those neighbors from noises. The entrance was moved to the north, which cost a couple of parking spaces. The dumpster location will be on the East wall, which since there will not be any food service it will not be smelly. No major traffic analysis was required, and A1A is operating adequately, according to the Indian River County traffic department.

Parking spaces were discussed, as two (2) compact were requested and the Town Code is silent on this issue. Usually 20-30% allowable, it this is only a request for 5%. Still the project is four (4) spaces short according to Code, which calls for 47, where Vero Beach requires 34 spaces and the County 39.

The PZV Board recommended approval of the site plan because it met all requirements.

Peter Moore of Moore Associates Architects, discussed the responsibility to the neighborhood to be esthetically pleasing, and it has been thought about carefully. He showed an aerial photo with footprints of the building, showing it is not out of line with others. Having goods and services near the residents is contemporary with current planning. There will be oak trees along the eastern edge with a buffer of 25' landscaping on Beachcomber. The long part of the building is viewed from A1A, with the main door on the northwest corner, furthest away from homes. Renderings of the building with elevations from different angles were shown. It is a North Indies building, white concrete with a tile roof.

b. Public Comments

Two of the four principles of the project, Bob Ritter, 151 Coquille Way and Bob Gibb, 157 Island Creek Drive, are resident neighbors and investors **who spoke in favor of the project**. Mr. Ritter has lived here for 28 years and made trips to the area for more than 35 years. Mr. Ritter has two grandchildren now living in Bermuda Bay. When the Spectrum Building came for sale, the group discussed potential problems and the potential liability. It was already zoned commercial, and some unknown developer could seek to do something against the character of Indian River Shores. They decided to all invest in this to protect our community's specialness. They feel that this design is if a casually elegant, notable building, even a landmark, and may be the most special project built here in a long time. Two thirds of this property is currently retail, and they believe asking for limited retail is not a deviation. The architectural prominence and class "A" finish and interiors will be at the very top end of the commercial and retail market. Mr. Ritter asked the Council to approve the limited retail request and the site plan as submitted.

Bob Gibb said he has lived here more than 30 years, and is Chairman of the John's Island Real Estate Company. This property has been going downhill since Susan Miller moved out. He researched the building with limited retail space on two lots, and was able to purchase the other piece of property on the south. He said their plans are to build a legacy building, and he has hired top professionals in town to accomplish that. There has been some confusion about who will be developing the property, and he wanted to emphasize that this is something they want to do to keep it local.

Jerry Jones, Sunrise Terrace, questioned the need for the project, and seemed to be **against** it.

Michael Jones, 916 Beachcomber Lane, mentioned concerns about types of retail and foot traffic to the beach, seemed to be against it.

Charlotte Terry, 965 Beachcomber Lane, spoke at length **against** it for retail concerns and traffic.

Dave Stump, 407 Sable Oak, said he has lived here since 1998 first in John's Island and then Bermuda Bay, spoke with trust in Mr. Gibb's judgment and **in favor** of the project.

Dorothy Kay, 926 Sunrise Terrace, spoke **against** the project citing Ocean Drive as our main street, and expressed concern with the proximity of the project to her home, it's dumpster, potential overflow of parking, and the possibility of vehicle headlights shining in her home.

Greg Gandolfo, 925 Sunrise Terrace, spoke at length **against** the project with concerns regarding the dumpster and 56 cars for 14 offices parking in 43 spaces. He also believed the lot on Beachcomber Lane could easily have a residence with a variance for a front-loading garage. Councilman Slater inquired how long the lot had been for sale, and was told by the Realtor who lived down the street 20 years off and on. Councilman Haverland noted that the old driveway for the bank was clearly visible when Mr. Gandolfo built his house on the adjacent property in 2011-2012.

John McCord, 700 Manatee Cove, spoke **in favor** of the project as an improvement over the current structure by people who have a vested interest.

Nancy Lynch, 40 Gem Island Drive, spoke **in favor** of the project agreeing that those who are behind it have vested interest, and want what is best for the community as an improvement.

Joan Rathke, 936 Beachcomber Lane, spoke **against** the project for potential increase in vehicular traffic yielding a danger to cyclists and pedestrians.

Harry & Eva Krause of Sunrise Terrace had their lengthy letter **against** the project read by Mrs. Rathke, expressing concerns of unnecessary commercialization of the two streets.

William Theobald, 105 Hidden Oak Drive, spoke about the amenities of the building being available to all residents of the Town, its proposed retail usage, and what the benefit of this rezoning is to the residents of the Town. **Neutral**.

Caroline Ervin, 80 Cowry Lane, spoke wholly **in favor** of the project.

Carolyn Stutt, 455 Coconut Palm Road, spoke **in favor** of the project, saying she and her husband's names are on the petition three times and wanted to clear up the mistake. They signed once not recognizing the name of the developer, and now fully understand that the quality will be as an extension of the Village Shops and a welcome addition.

Dave Gruber, Bermuda Bay, was concerned about future possible changes to the zoning and use that would be negative for the Town, therefore was **against** the project.

Frank Rathke, 936 Beachcomber Lane, spoke **against** the project, having owned land here for 30 years and lived on it for 18. He was concerned with the size of the building, suggesting one story would be fine, and the vehicle/pedestrian traffic safety.

John Hilton, 956 Beachcomber Lane, spoke **against** the project for the traffic concerns.

David Bottomley, 220 Park Shores, spoke **against** it for environmental concerns, suggesting it should be as beautiful as what the Town buildings are and asked that the lot be made a park instead.

Paul Zimmerle, 196 Pebble Lane, spoke **against** the rezoning.

Ralf Brookes, attorney representing residents of Sunrise Terrace including Dorothy Kay and the Gandolfos, spoke at length **against** the rezoning, citing references to procedural issues the rezoning statutes, the Town's comprehensive plan and the land development code. He expressed concerns on their behalf regarding wall on the north side and placement of the dumpster.

Martha Sasson, 107 Park Shores, spoke **against** with concerns for others using the beach.

Mr. Marine concluded that there are no tenants and they are not aggressively pursuing them because there is no certainty of the project at this time. He also discussed what a limited retail permit for the retail element would be: it is for no food, no drinks, no drug store, and no convenience store, just stores along the line of specialty goods like clothing, shoes or jewelry. He said even though our Comprehensive Plan and LDC are not perfect, we can take action. Everything was properly advertised and procedurally correct. It's been before the public several times already.

3. **Comprehensive Plan Amendment**

- a. Request to Change Land Use Designation for Lot 1 Beachcomber Lane from Residential to Commercial
- b. Request to Change Zoning of Lot 1 Beachcomber Lane R1A Residential to C1A Limited Commercial

The Council discussed that the driveway on the north is currently limited to left turn only, and they could certainly entertain making the south exit right turn only to prohibit turns onto the neighboring streets.

Mr. Marine and Mr. Clem agreed that the Town had substantially followed the correct notice and procedure requirements for this rezoning.

Also a comment of someone taking advantage of rezoning the property was clarified as any change would have to come before the PZV Board and Council again. The location of the new building is about the same distance as the old, but further away than the bank drive-through was. The new building will be closer than the current Spectrum building is.

Original plans for the building were for limited retail, with mainly office space. Addressing the retail element of the Spectrum Building was discussed, which did not have a cash register but definitely sold goods. The Planning, Zoning and Variance Board had defined retail sales as having a cash register.

The possibility of restricting the number of units and the smallest size dumpster were mentioned. Restrictions travel with the building if it is sold, if it is a condition of the site plan approval Mr. Clem clarified. Any changes would have to come before the PZV Board and then the Council.

4. **Site Plan – Proposed Building Between Beachcomber Lane and Sunrise Terrace A1A**

- a. Presentations
- b. Determination of the Council
(Heard above)

5. **Adjournment**

Hearing no further comments, the Mayor adjourned the meeting at 3:45 p.m.

Respectfully submitted,

/s _____
Laura Aldrich, Town Clerk

(Approved by the Town Council at the December 18, 2014 meeting)