

JEFFREY R. SMITH

Clerk to the Board



INDEX TO MINUTES OF SPECIAL CALL MEETING

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 5, 2013

1.	CALL TO ORDER.....	2
2.	INVOCATION.....	2
3.	PLEDGE OF ALLEGIANCE	2
4.	PUBLIC ITEMS.....	2
4.A.	PUBLIC HEARINGS	2
4.A.1.	CONSIDERATION OF AMENDMENTS TO LAND DEVELOPMENT REGULATIONS (LDRS) CHAPTERS 911, 912, AND 971 TO ALLOW OUTDOOR VEHICLE STORAGE USE IN THE CL (LIMITED COMMERCIAL) AND CG (GENERAL COMMERCIAL) ZONING DISTRICTS AND TO ELIMINATE LIMITATIONS ON LENGTH OF RECREATIONAL VEHICLES STORED OUTSIDE ON RESIDENTIAL PROPERTIES (PUBLIC HEARING No. 2) (LEGISLATIVE)	2
5.	ADJOURNMENT.....	6

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February 5, 2013

**SPECIAL CALL MEETING OF THE INDIAN RIVER COUNTY BOARD
OF COUNTY COMMISSIONERS**

**PUBLIC HEARING: CONSIDERATION OF AMENDMENTS TO LAND
DEVELOPMENT REGULATIONS (LDRs) CHAPTERS 911, 912, AND 971
TO ALLOW OUTDOOR VEHICLE STORAGE USE IN THE CL (LIMITED
COMMERCIAL) AND CG (GENERAL COMMERCIAL) ZONING
DISTRICTS AND TO ELIMINATE LIMITATIONS ON LENGTH OF
RECREATIONAL VEHICLES STORED OUTSIDE ON RESIDENTIAL
PROPERTIES (PUBLIC HEARING NO. 2)**

The Board of County Commissioners of Indian River County, Florida, met in a Special Session at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, February 5, 2013, to consider proposed amendments to Land Development Regulations (LDRs). Present were Chairman Joseph E. Flescher, Vice Chairman Wesley S. Davis, and Commissioners Peter D. O'Bryan, Bob Solari, and Tim Zorc. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

Chairman Flescher called the meeting to order at 5:01 p.m.

2. INVOCATION

Reverend J. David Phillips, Community Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Attorney Polackwich led the Pledge of Allegiance to the Flag.

4. PUBLIC ITEMS

4.A. PUBLIC HEARINGS

4.A.1. CONSIDERATION OF AMENDMENTS TO LAND DEVELOPMENT REGULATIONS (LDRS) CHAPTERS 911, 912, AND 971 TO ALLOW OUTDOOR VEHICLE STORAGE USE IN THE CL (LIMITED COMMERCIAL) AND CG (GENERAL COMMERCIAL) ZONING DISTRICTS AND TO ELIMINATE LIMITATIONS ON LENGTH OF RECREATIONAL VEHICLES STORED OUTSIDE ON RESIDENTIAL PROPERTIES (PUBLIC HEARING NO. 2) (LEGISLATIVE)

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

Planning Director Stan Boling, using a PowerPoint presentation (on file), reported that this is the second and final hearing, the first being held on January 22, 2013, to consider two proposed amendments to the Land Development Regulations (LDRs). The one amendment is to consider the length of recreational vehicles (RVs) allowed to be parked in residential areas, and the other is a proposal to allow a special exception use for outdoor vehicle storage facilities in Limited Commercial (CL) and General Commercial (CG) zoning districts. He recalled the concerns that were expressed by the residents of Ercildoune Heights and Roseland at the first

Public Hearing, regarding their objections to outdoor vehicle storage in the Limited Commercial (CL) zoning district. He also recollected that George Sigler, owner of CL zoned property located on 27th Avenue SW, requested an amendment to the County's LDRs that would allow outside storage in the CL zoning district. Director Boling explained that the purpose of the proposed amendments is to allow the outdoor storage of personal vehicles in residential areas with criteria that ensures compatibility with adjacent residential uses. He thereafter reviewed the three alternatives for the Board to consider: (1) adding specific locational criteria to the proposed amendments; (2) limiting the proposed amendment to the CG district and rezoning the Sigler properties to CG; or (3) denying the proposed amendments. He recommended the Board either adopt the proposed Ordinance with specific locational criteria prohibiting vehicle storage lot locations at County entrances, or deny the proposed Ordinance to eliminate potential conflicts with single-family neighbors.

Discussion ensued regarding CL zoning districts fronting arterial or major roadways, and car sales lots not being allowed in CL zoning districts.

The Chairman opened the Public Hearing.

George Sigler, 155 31st Avenue SW, revealed that when he had brought this to the Board on September 11, 2012, he was requesting a special exception for an outdoor self-storage facility for vehicles on his CL zoned lot, located on 27th Avenue, not throughout the County. He believed his lot was unique and wanted the County to amend its LDRs to allow the outdoor storage of vehicles. He emphasized that the residents should be careful what they wish for - a developer could come in and build something that is allowed in the CL, and it could be more intrusive and create more traffic than a RV storage facility.

The following individuals **opposed** the proposed amendments to the Land Development Regulations:

Cy Carlson, Bay Street, Roseland

Jim Applegate, 14445 80th Avenue, Sebastian

Ron Gabor, 14465 80th Avenue, Sebastian

Cindy Weddington, 14300 80th Avenue, Sebastian

Dave Stewart, 14425 80th Avenue, Sebastian

Bonnie Heck, 8035 142nd Street, Sebastian

Melinda Merrick, 8005 142nd Street, Sebastian

Albert (surname inaudible), 14365 78th Avenue, Roseland

Director Boling, with input from Director Keating, clarified that the County cannot give a variance because the Code does not allow for use variances. He said that staff can only use the categories that are allowed in the zoning districts, and variances can be given only under certain circumstances.

Discussion ensued among the Board and staff pertaining to the purpose of the proposed amendments; the negative impacts cited by residents regarding outdoor vehicle storage lots adjacent to single-family homes and high profile commercial corridors; general compatibility criteria that applies to surrounding land uses and special exception applications; the criteria for outdoor vehicle storage lots; and the three basic alternatives.

There being no additional speakers, the Chairman closed the Public Hearing.

Vice Chairman Davis understood Mr. Sigler's position, but was not in favor of the Ordinance as it was originally written.

Chairman Flescher did not support the proposed amendments to the Land Development Regulations.

Commissioner O'Bryan believed the Roseland area would be negatively impacted. He did not think RV and/or boat trailers would be incompatible in residential areas.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, to adopt the proposed Ordinance, and add specific land use criteria to prohibit outdoor vehicle storage lots on CL-zoned properties within one mile of the entrances to the County.

Vice Chairman Davis confirmed with staff that this would address the concerns of the Roseland community, that it would prohibit outdoor vehicle storage lots within one mile of the major County entrances, and this would be delimited as the major entrances into the community.

Commissioner Solari did not support the motion. He felt that staff is nudging the Board in the right direction regarding the zoning laws, and he wanted to support the alternative - to eliminate all potential conflicts within single-family uses by denying the proposed Ordinance.

Commissioner Zorc sought and received additional information regarding the one-mile entrance rule.

The Chairman CALLED THE QUESTION and by a 2-3 vote (Commissioners Flescher, Solari, and Zorc opposed), the MOTION FAILED.

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board by a 4-1 vote (Commissioner O'Bryan opposed), denied the proposed Ordinance to amend the Land Development Regulations.

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE
OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

5. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at
6:05 p.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____