

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, April 12, 2007 at 7:00 p.m. in the Commission Chambers of the County Administration Building, 1840 25th Street, Vero Beach, Florida.

Present were members: Chairman Bob Bruce, District 2 Appointee; Donna Keys, District 1 Appointee; Greg Smith, District 4 Appointee; George Christopher, District 5 Appointee; Dr. Richard Baker, Member-at-Large; and Craig Fletcher, District 3 Appointee.

Absent were members: George Hamner, Member-at-Large and Ann Reuter, non-voting School Board Liaison (both excused).

Also present were IRC staff: William K. DeBaal, Assistant County Attorney; Bob Keating, Community Development Director; Chris Mora, Assistant Public Works Director; Stan Boling, Planning Director; Phil Matson, Metropolitan Planning Organization (MPO) Staff Director; John McCoy and Steven Deardeuff, Senior Planners, Current Development; Bill Schutt, Senior Planner and Sasan Rohani, Chief, Long Range Planning; and Terri Collins-Lister, Staff Assistant IV.

Call to Order and Pledge of Allegiance

Chairman Bruce called the meeting to order and led all in the Pledge of Allegiance.

Approval of the Minutes

Chairman Bruce recommended the following changes:

On Page 7, *outdoor/indoor noise level reduction of at least 25 **decimals** should read **decibels*** and the minutes should reflect the opening of the public hearing.

Mr. Christopher asked Mr. William K. DeBaal, Assistant County Attorney, for the amendment on the approval of the landscape ordinance, if the P&Z approval was to become effective as of 90 days after the effective date of the adoption. He continued the condition was embodied in the Board of County Commissioners (BCC) motion of approval. He wondered if the BCC was correct, then would the motion on Page 11 need to be corrected to read:

*Ms. Keys AMENDED HER MOTION, Dr. Baker AMENDED HIS SECOND, and the members voted unanimously (6-0) to approve the proposed changes to the County's landscape and buffer requirements with the stipulation that 90 days after the effective date of the ordinance, **any preliminary plat or site plan approval must meet the new ordinance requirements.***

ON MOTION by Mr. Fletcher, SECONDED BY Mr. Smith, the members voted unanimously (6-0) to approve the February 22, 2007 meeting minutes as amended.

Item on Consent

Chairman Bruce read the following into record.

- A. Robynwood:** Request for preliminary plat approval for a 14-lot conventional subdivision to be known as Robynwood. Robynwood Vero, LLC, Owner. James W. Young & Associates, Inc., Agent. Located at the northeast corner of 14th Street SW and 16th Court SW. Zoning Classification: RS-6, Residential Single-Family (up to 6 units/acre). Land Use Designation: L-2, Low Density Residential (up to 6 units/acre). Density: 2.33 units/acre. (SD-06-03-08/97060102-52234) **[Quasi-Judicial]**

ON MOTION BY Ms. Keys, SECONDED BY Mr. Smith, the members voted unanimously (6-0) to approve staff recommendation for preliminary plat approval including the conditions.

Public Hearings

Chairman Bruce read the following into record.

- A. Rockridge Pumping Facility:** Request for special exception use approval for a limited public utilities to be known as Rockridge Pumping Facility "Residence". Indian River County, Owner. Eckler Engineering, Inc., Agent. Located at 560 16th Street. Zoning Classification: RM-10, Residential Multi-Family (up to 10 units/acre). Land Use Designation: M-2, Medium Density 2 (up to 10 units/acre). (SP-MI-07-05-26/2007010083-57874) **[Quasi-Judicial]**

Mr. Steve Deardeuff, IRC Senior Planner, Current Development, reviewed the information contained in his memorandum, a copy of which is on file in the Commission Office.

Mr. Christopher indicated it was two years ago when the sewage had overflowed and asked when was the estimated date for the pumping facility to be in place. Mr. Deardeuff replied it was scheduled to be completed in December 2008.

Mr. Christopher pointed out the County appeared before the City of Vero Beach to ask for permission to put in a pumping station on the post office site and wondered if these projects were related.

Mr. Keating confirmed they were two different projects and the project on the post office site was a stormwater project and was related in the sense that the County got a Community Development Block Grant Disaster Relief Initiative in the amount of \$7.5 million and were doing several projects with the funds.

Mr. Christopher emphasized it would be two more hurricane seasons before the project was completed and wondered if there was a way to accelerate the project. Mr. Keating explained it had to be accelerated based on the grant and the IRC Utilities was purchasing equipment for the project.

Mr. Larry Brown, IRC Utilities, Project Manager for the Rockridge Pumping Facility, stated the delivery time was approximately six months with a 365 day construction period for the final job and closeout which would include the construction of the pump house and line installation. He continued the 365 days included the total job and there would be individual homes and sections connected prior to the 365 days.

Mr. Fletcher stated Rockridge was built out, and inquired if there was additional sewage capacity other than what was connected. Mr. Brown replied the County was prohibited by the grants to obtain any connection services other than what was present. He did mention the pumping facility system was sized above the theoretical.

Mr. Christopher indicated it was a shame the project could not be completed soon and assumed Mr. Brown would move as quickly as he could.

Mr. Brown responded the project had been expedited and noted one of the problems involved both the Department of Community Affairs and Federal Emergency Management Agency (FEMA) Grants in which the process was slow.

He continued it was a complicated project because there was a lot of pipe to run and the delivery time for equipment.

Mr. Keating asked Mr. Brown if the County had generators for the individual pumps. Mr. Brown replied the generators were portable and there were 43 sub-panels that feed the 413 panels and connected individually.

Ms. Keys commended Mr. Brown's department for going above and beyond and for being so sensitive to the aesthetics of this facility.

Mr. Smith asked as a point of interest, what was the time frame for the stormwater solution. Mr. Keating mentioned the County would receive a FEMA Grant for the project which would take extra time and was pretty much already designed, but decided to take the funds allocated for the storm surge project in the Community Development Block Grant Disaster Relief Initiative and put most of it in the sewage project and fund it from another source in the FEMA grant. He continued it was lagging behind and did not know when the actual completion date would be.

A discussion ensued on the discharge of the stormwater and the pumping station.

Chairman Bruce opened the public hearing at 7:19 p.m.

Mr. Phil Carpenter, President of Rockridge Home Owners Association, 326 16th Street, Vero Beach, appreciated P&Z and IRC staff for their assistance in the matter and anything they could do to help Rockridge.

Chairman Bruce closed the public hearing at 7:23 p.m.

ON MOTION BY Mr. Christopher, SECONDED BY Mr. Smith to approve staff's recommendation to grant special exception for the proposed limited public utility facility with the condition the facility was maintained with the appearance of a "residence" as shown of the approved site plan.

Chairman Bruce read the following into record and asked staff if they would want to combine Items B and C at the same time:

- B. County Initiated Request to Amend the text of the Comprehensive Plan's Future Land Use Element by Creating a New MHRP, Mobile Home Rental**

Park (up to 8 units/acre), Land Use Designation for Mobile Home Rental Parks (CPTA 2007010078-57475) **[Legislative]**

- C.** County Initiated Request to Amend the County's Comprehensive Plan to Redesignate ±806.23 Acres From M-1, Medium Density 1 (up to 8 units/acre) L-2, Low Density 2 (up to 6 units/acre) and C/I, Commercial/Industrial to MHRP, Mobile Home Rental Park (LUDA 2007010078-57475) **[Legislative]**

Mr. Gale Carmoney, IRC Senior Planner, Long Range Planning, reviewed the Comprehensive Plan Amendment Process as a refresher for the P&Z and to inform the public. He explained there was no limit to the number of Comprehensive Plan Amendments that were submitted, but was limited to the frequency of the Comprehensive Plan Amendments in which the Florida Statute Section 163.3177(2) dictates there were only two Comprehensive Plan Amendments per year for each local government. He continued in the County's case, Comprehensive Plan Amendments were submitted during the months of January and July and submitted to the IRC Community Development Department to be reviewed by staff for completion and then would establish a date for a public hearing and where the staff report was submitted to P&Z. He mentioned there were three public hearings, the first hearing would be before the P&Z in which the Commission makes a recommendation to the BCC whether to adopt or deny each of the Comprehensive Plan Amendments. The second hearing would be before the BCC in which if approved would be submitted to the State's Department of Community Affairs (DCA) and seven other agencies for review. He noted the DCA has up to 60 days to write objectives, recommendations, and comments to the County, if there were issues, IRC staff would then need address those issues and write another staff report to the Board to explain that. He explained the third public hearing was where the Board would either adopt or deny the amendments sent back to DCA for review, then the DCA has 45 days to send a notice on whether it was approved to the County.

Mr. Carmoney reviewed the information contained in his memorandum, a copy of which is on file in the Commission Office and noted all parks mentioned were 10 acres or more in size. He stated the intent of the land use designation to provide more protection for the renters in the Mobile Home Rental Parks (MHRP) from conversion to other residential uses. He mentioned MHRP had always been a really popular affordable housing option particularly in Florida and there were two types of parks which were either platted or un-platted. He indicated in the platted MHRP the individuals actually own the lots and the un-platted lots were rented out, therefore if the owner of the MHRP decided to change the zoning, the individuals renting had very little say on the process.

Mr. Carmoney pointed out typically a re-zoning application could be completed in three to four months, if there were no concurrency issues and with the new land use designation the MHRP owner would go through the entire comprehensive plan amendment process in order to change the land use designation from the MHRP to another land use designation in which the process could take up to nine or ten months, this would give the renters more time to find alternative housing options and also an opportunity to participate in the Comprehensive Plan Amendment process.

Mr. Fletcher questioned the land use designation for MHRP was for rentals only. Mr. Carmoney stated staff selected only the MHRP's over ten acres in size and all of those were un-platted MHRP's. Mr. Fletcher clarified it would not be a mix of owner/rental.

Mr. Christopher wanted to know if there would be a change of certain designations from six to eight units per acre and others from ten to eight units per acre. Mr. Carmoney indicated the zoning would change allowing a new land use designation with a maximum of eight units per acre.

Mr. Keating mentioned two MHRP in the L-2 area which was a land use designation that allows up to six units per acres, but one of those was zoned at eight units per acre. He concluded this was not giving any additional entitlements, just reflecting what the zoning was and some of those parks were non-conforming with the existing land use designation.

Ms. Keys questioned why the parks were limited to ten acres or more. Mr. Carmoney stated those parks with less than ten acre could be done with a small amendment, which would only take three or four months because small scale land use amendments were for those parcels of properties less than ten acres in size.

Chairman Bruce needed more clarification on the small scale land use amendment. Mr. Keating related the time involved really gives the protection to the renters, and if a property was under ten acres a small scale land use amendment would take the same amount of time as a rezoning change. He pointed out the small scale land use amendment was not limited to twice a year and could be done at anytime with fewer procedural requirements.

Chairman Bruce opined it was really not protecting those renters in smaller parks. Mr. Keating stated the reason was it would become an administrative nightmare if there were very small areas on a land use map trying to designate it as a different color. Mr. Keating told the P&Z, staff had discussed this with the

BCC Chairman who was the initiator, and he agreed it would still meet his intent to leave off the smaller mobile home parks.

Ms. Keys noted the BCC Chairman's intent was the motion that the BCC made was to direct staff to change land use designation of all existing MHRP. She detailed the parks under ten acres actually comprise 478 units and the state statute for Mobile Home Act applies to parks ten units or more. She opined it would be better to follow suit with the state and include those parks which had ten units or more instead of going in and doing an individual change.

Mr. Keating explained doing that would provide no additional protection because it was a small scale amendment and it could be changed in the time it would take to do a rezoning. Ms. Keys felt maybe it should be looked at differently if it would not protect the people and if P&Z was making the change just to give people more notice that their MHRP land use was being changed.

Ms. Keys asked how much notice of eviction the renter would get if the owner sells the MHRP. Attorney DeBraal responded the renter would get six months notice by Florida Statute.

Ms. Keys was concerned about the renters of a MHRP on pins and needles waiting for the owner to go through the Comprehensive Plan Amendment change for 18 months then still has six months notice to evict. She wondered if P&Z could make a law in the unincorporated area so that any eviction due to land use change has a mandatory 24 months notice.

Attorney DeBraal replied as it stands today, if a MHRP owner wants to change the park and evict the residents, all the owner had to do was file notice with the renters and proceed with the zoning change, if necessary. He remarked in some instances, the zoning changing might not be necessary and those were the easy ones for the owners to do.

Mr. Keating mentioned there was legislation being discussed in Tallahassee to require local governments if they change the land uses zoning for MHRP, to provide a significant amount of money to each tenant so they recoup all of the costs of moving. He also stated every land owner in the County has rights and the right to petition to change its land use.

Mr. Christopher asked if the small scale amendment was a State Law or County Ordinance. Mr. Keating replied it was a State Law.

Chairman Bruce opened the public hearing at 7:45 p.m.

Mr. Robert Nece, 7000 20th Street, Vero Beach, addressed Ms. Keys that if this was approved it would give a little more time and would go through the same process again to be changed. His belief was if it comes up again in the future and a developer wants to change the zoning it would go back through the same process. Ms. Keys asked Mr. Nece if he understood if the developer does get the approval to change, he would only get a six months notice. Mr. Nece replied in the affirmative and also noted the developer could go through the process and be denied.

Mr. Nece detailed a lot of people were losing their lifestyles because developers were coming in and buying MHRP to put in housing or condominiums to make a lot more money. He indicated a group of residents from different MHRP got together to see if they could preserve their lifestyles and the P&Z meeting was a product of those meetings. He appreciated everybody's assistance, support and approval for these proposed amendments by the BCC.

Mr. Ralph Mutchnik, Ranchland Mobile Home Park Owner, stated he had been in the Mobile Home business for 40 years and noted there had been a big change in the business because homes were deteriorated and was impossible to sell some of the homes over the past two years. He felt if there was to be a change to mobile home rental, modular homes should be next to it, so when owners had to put in a new home there would be no problem.

Mr. Keating stated it had been discussed and could be looked into. He said the difference was a mobile home was certified by the Department of Housing Urban Development (HUD) at the federal level and built in a factory. He further explained a modular home was certified by the DCA and built to the Florida Building Code. He indicated modular homes had been treated as stick built housing and kept modular homes separated from mobile homes. He proposed maybe looking at allowing modular homes in mobile home parks.

A discussion ensued on Mobile Homes and Modular Homes.

Mr. Robert Hundle, Resident of Village Green, stated there were 6,000 people would be at risk if their property was purchased by a developer and their homes regardless of the cost, has had tremendous amounts of improvements done to them. He felt this would just be a bandage for what the residents were trying to do to save their homes for right now.

Ms. Claire Ranahan, Resident of Shady Rest Mobile Home Park, Sebastian, indicated approximately one year ago the residents were notified the Shady Rest Mobile Home Park went up for sale and was finally taken off the market in November 2006. She stated if the mobile home was 20 years of age or

older there was no company willing to risk moving it and the moving expenses were very high. She was happy to hear when Village Green Mobile Home Park had a coalition gathering of mobile home residents to find a way to give renters some protection.

Ms. Keys asked how many units were in the Shady Rest Mobile Home Park. Ms. Ranahan indicated there were 117 units.

Mr. Clay Price, 1405 46th Avenue, Vero Beach, spoke on behalf of the owner of Shady Rest Mobile Home Park, and questioned the purpose of the amendment. He wondered if this would limit what the mobile home park owner could do in as much as changing the use from a mobile home park to a condominium association or something in a residential use that does not change the use as it related to rezoning for sale into some kind of commercial development.

Mr. Keating detailed it would impede the change to a commercial use also and basically was establishing a new land use designation that essentially allows only one type of use as MHRP, where currently it was zoned general RMH-8 and in the medium density residential land use designation. He concluded this would create a land use designation unique to mobile home parks and make it more difficult for a mobile home park owner to change to another use.

A lengthy discussion ensued by Mr. Price on several mobile home parks and if the MHRP wanted to change to commercial use how would the proposal change what they currently needed to go through. Mr. Keating stated it would not change at all. Mr. Price reiterated it does not offer any further protection to the mobile home resident if they, meaning the owner, wanted to change the use to conform with the surrounding land use.

Mr. Price wondered if there was anywhere else in the state that had this land use designation for mobile home parks. Attorney DeBraal stated there were none to his knowledge, however St. Lucie County had expressed interest in watching this as well as other counties. Mr. Price opined IRC was proposing something not out there for any other mobile home community within the State of Florida.

Mr. Keating felt there were jurisdictions in the state that had land use categories oriented for just mobile homes and what IRC was doing was not unique.

Mr. Price concluded as a taxpayer and resident of IRC, he questioned the change of zoning on two of the MHRP properties from their current zoning which

allowed commercial and industrial, in which one park was already zoned commercial. He wondered if there was a potential of being sued for a loss of rights on land use and property rights by doing that and what would be the status if it does happen.

Attorney DeBaal explained the action would be it was a vested right to a specific and existing use with the existing use being mobile home parks. He opined if the County was to be sued, it would need to be shown that it was an existing use and the use of the real property was a vested right to a specific use with respect to the real property as a whole because the property was not being used as commercial or industrial.

Ms. Keys was concerned about the six month notice and felt it was not enough time to sell a home. Attorney DeBaal said this was a creature of the statute and at a local level it would be difficult to fix. He noted the legislature has stated it was the law.

Ms. Keys asked if the state says that P&Z could not force a MHRP owner to give more than six months notice and gave the example of a judge in West Palm Beach, Florida who gave 18 months. She felt it should be looked into a little bit further because this "bandage" would not do much.

Mr. Fletcher referred to the City of Vero Beach with Dodgertown when the Dodgers decided to sell it to a developer; the residents in that mobile home park were given six months and it took a year to settle. He pointed out the state would give the property owner the option to sell the property above the rights of a renter.

A discussion ensued on the amount of notice given to a renter in the MHRP and the change in zoning.

Attorney DeBaal mentioned it was up to the MHRP owner to recognize that this process of rezoning would take a long time and be generous with the residents and allow them to stay past six months, but was not required.

Mr. Price said it was in the economic interest of a property owner to seek the highest best use and the owner or developer would always try to maximize their income or cash flow.

A.J. Walden, Southgate Mobile Home Park owner, made it clear that he had no intentions of selling or changing the zoning. He did not like the fact that in 20 years, if he decided to sell Southgate Mobile Home Park, then he would need to try to get the original zoning back.

Mr. Nece discussed the time frame and stated residents at a mobile home park had no say when it comes to a sale. He expressed if there was a unsolicited or solicited offer to the MHRP owner, the residents would need to react almost immediately in trying to get as many people as possible to put up thousands of dollars to purchase the park. He felt at least if this amendment was passed would give the residents more time and a say.

Ms. Bobbie Cersare, Village Green Resident, commented there was not a home for sale in Village Green that was \$150,000; however an individual may have ordered a home with special perks of their own choosing. She recalled the purchase of Dodger Pines Country Club property and the residents of Safari Pines were evicted while the land was still vacant and an eyesore.

Chairman Bruce closed the public hearing at 8:42 p.m.

Ms. Keys reiterated according to the state there must be a six month notice of eviction and the state statute says that tenants affected were given at least six months notice of the projected change of use. She pointed out it does not keep P&Z from giving a 12 or 24 month requirement, therefore giving the tenants more protection than a Comprehensive Plan change.

Mr. Christopher asked Attorney DeBraal if there were any cases on this and asked him to look into the matter before this would go before the BCC.

ON MOTION BY Mr. Christopher, SECONDED BY Mr. Fletcher, the members voted (5-1) to recommend the Board of County Commissioners adopt Item B of staff's recommendation to change land use designation to Mobile Home Rental Parks. Ms. Keys opposed.

ON MOTION BY Mr. Christopher, SECONDED BY Mr. Fletcher, the members voted (5-1) to recommend the Board of County Commissioners adopt Item C of staff's recommendation to change land use designation to Mobile Home Rental Parks. Ms. Keys opposed.

Chairman Bruce called for a break at 8:47 p.m. and resumed the meeting at 8:55 p.m.

MOTION BY Ms. Keys, SECONDED BY Mr. Christopher, the members voted unanimously (6-0) to recommend the Board of County Commissioners consider extending the six month notification period to 24 months in lieu of, or in addition to, the Comprehensive Plan Amendment change.

Chairman Bruce read the following into record.

- D. County Initiated Request to Amend the text of the Comprehensive Plan's Future Land Use Element by Eliminating New Town Policies 1.34 and 1.35 (CPTA 2007010079-57477) [Legislative]**

Mr. Carmoney reviewed the information contained in his memorandum, a copy of which is on file in the Commission Office.

Chairman Bruce opened the public hearing at 9:02 p.m.

Mr. Mike Gray, 440 Graystone Court SW, questioned if the justification basically for doing this was because of an oversight for a potential tenfold increase in density in agriculture land.

Mr. Carmoney replied in the affirmative and noted the density bonus, which was allowed under the New Town Policies, does not really fit with the Vision Statement that came from the process a couple of years ago, so the density would be ten times what was currently allowed.

Mr. Gray asked if there was any consideration as to what might be an accepted density increase if tenfold was too much. Chairman Bruce noted it was considered in the revision process and did not know if any consensus came out of it.

Mr. Keating explained the density increase issue was one of the reasons for elimination of the New Town Policies because there had been several attempts to modify those policies but there had not been an acceptable amount of increase in which everyone could agree.

Chairman Bruce said there was also an economic formula that would never make sense on the low end with the developer going in and they just would not do it. Mr. Carmoney felt it was one of the reasons there were no takers in 16 years because of the criteria for the mixed and commercial uses.

A discussion ensued on new towns. Mr. Gray was concerned the math was very misleading and unrealistic. He asked perhaps staff could come up with a more realistic approach on how one, three, four and fivefold increases in density could effectively be implemented and maybe look at those figures.

Chairman Bruce closed the public hearing at 9:15 a.m.

ON MOTION BY Mr. Fletcher, SECONDED BY Ms. Keys, the members voted unanimously (6-0) to recommend the Board of County Commissioners to adopt the amendment to eliminate Future Land Use Element Policies 1.34 and 1.35 as presented.

Chairman read the following into record.

- E. County Initiated Request to Adopt a New Public School Facilities Element and to Amend the Capital Improvements Element and The Intergovernmental Coordination Element of the Comprehensive Plan (CPTA 2007010088-57495) [Legislative]**

Mr. Bill Schutt, IRC Senior Planner, Long Range Planning, reviewed the information contained in his memorandum, a copy of which is on file in the Commission Office.

A lengthy discussion ensued on school concurrency. Mr. Keating explained if you had a school concurrency service area and it was adjacent to, or bordered three other school concurrency service areas and there was not enough capacity available to serve a development project in the school concurrency service area, then the School Board and County staff would need to see if there was available capacity in any adjacent areas. He stated it was very complex.

Ms. Keys left at 9:35 p.m.

Chairman Bruce asked if the school concurrency service area was divided according to demographics based on whether households had one child in elementary, one in middle school or one in high school.

Mr. Keating related staff does averages and has no idea when a development project comes in what the socio-economic mix would be like, so for the planning level and the concurrency regulations level, school generation rates established were used.

Mr. Smith pointed out even if the school district had met all of the responsibilities of a school service area boundary and needed capacity within any one of the elements, a municipality might be able to deny them the ability to build a school in that area.

Mr. Keating mentioned there were several ways to measure capacity and that the School District used the Florida Inventory School Housing (FISH) calculation method. He stated if a development project would come in a certain concurrency service area which was at capacity and there was no capacity at the adjacent school concurrency service areas, then the development project could not be approved unless there was a provision for additional capacity to be provided. However, if a service area had more core capacity than it had actual building capacity, a developer could come in and build a wing on the school which would be proportionate share mitigation. He gave another example of if a new school was needed and there was no land available the school could be built in another area. A discussion followed on the school service area boundaries.

Mr. Christopher asked if there was an issue of the School Board picking where it would build a school driving growth issues. Mr. Smith explained it should not but the generation for a new school was based on where kids were at in a geographic area within a school service boundary.

Mr. Keating explained several different scenarios to the P&Z.

Mr. Christopher commended staff for a great job and stated they had obviously put in a lot of effort.

Mr. Keating came forward and told P&Z that IRC was asked to be a pilot community in which the state gave \$200,000 between the County and School Board.

Mr. Christopher referred to the population table on page 3 of the Comprehensive Plan and wondered which of the numbers were estimates and real numbers. Mr. Keating stated the numbers were real and table 12.2 was projections. A discussion followed regarding the population and permit data.

Mr. Christopher added page 18 of the Comprehensive Plan showed projections of capacity usage and questioned what the data consisted of. Mr. Keating explained several ways the data was gathered.

Mr. Christopher noted there were deficiencies in certain areas and the conclusion was projected with new schools the deficiency would be eliminated.

He questioned whether the new schools were being put in locations where the projects were coming in. Mr. Keating replied in the affirmative and explained the School District's inventory of school sites.

Mr. Christopher felt going forward it would be useful to see the numbers where the projects seem to be requiring schools and some tables or an analysis to show where the schools were going and where the demand was, rather than showing it on an entire County-wide basis and not trying to break it down by Districts.

Mr. Stan Boling, IRC Planning Director, referred to page 18 and pointed out the future elementary schools being built were in the three growth areas of the County. He stated there was no point map of all of the development areas, however there was a geographical break out in the elementary school table.

Mr. Smith said it was unbelievably complex and far beyond numbers in that the School District makes a decision about a facilities list and gave an example. He emphasized the reality was the intent was to put schools as close as possible to where kids were at because nobody wanted to put them on a bus and travel fifty miles.

Mr. Christopher said now with a concurrency test and developers coming in to build houses, there must be capacity available for those students located in that district. He opined it changes what the School Board has done in the past and required an overlay of the demands created by specific development projects.

Mr. Smith briefed when it came down to the point of building a school, once the capacity was filled within the service boundary, it was based on the developer causing more kids to come into an area a new school would be built.

A discussion ensued on proportionate share and would it create a commitment to build a school. Mr. Keating pointed out there was a commitment when a project was vested or proportionate share money was accepted.

Chairman Bruce called for a break at 10:00 p.m. and resumed the meeting at 10:06 p.m.

Mr. Christopher asked when the Comprehensive Plan would go into effect. Mr. Keating stated it had to go into effect by March 1, 2008. Mr. Christopher asked if this was when concurrency would need to be met for each development project that came along and was there a grandfathered period if the project was determined to be out of concurrency.

Mr. Keating explained the way it was structured in the Comprehensive Plan and in the Interlocal Agreement was any project that already has preliminary plat approval does not need a concurrency test.

Mr. Christopher inquired if a development was approved they would get a Certificate of Concurrency issued by the School Board, and would staff be reviewing the backup. Mr. Keating stated it was detailed out in the Interlocal Agreement and gave a brief overview of the process.

Mr. Christopher referred to page 47 of the Comprehensive Plan and noted it discusses that IRC Planning Department's staff would be responsible for monitoring and evaluating the public schools facility element. He wondered if there would be a periodic report of the monitoring. Mr. Keating replied the monitoring and evaluation would be done in the Evaluation Appraisal Report of the Comprehensive Plan after seven years. A discussion followed.

Mr. Christopher pointed out on page 51 of the Comprehensive Plan and noted the change of the year 2010 to the year 2015 and wondered if that covered everything. Mr. Keating opined 2015 was a little far out and would check on it.

Chairman Bruce opened the public hearing at 10:16 p.m. and with since no one cared to speak, the public hearing was closed.

ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Smith, the members voted unanimously (5-0) to recommend the Board of County Commissioners to adopt as presented with the stipulation to look at date of year 2015.

UNDER DISCUSSION, Mr. Fletcher commended staff and told them they had done an unbelievably good job.

Chairman Bruce read the following into the record.

F. County Initiated Request to Amend the Transportation Element of the Comprehensive Plan (Plan Amendment Number CPTA 2007070047-57388) [Legislative]

Mr. Phil Matson, IRC MPO Staff Director, handed out an additional change to Policy 1.4 of the Comprehensive Plan Transportation Element and reviewed the information contained in his memorandum, a copy of which is on file in the Commission Office.

Mr. Christopher referred to page 104 of the Comprehensive Plan Transportation Element, third bullet, and wanted to know what did the average travel speeds of a link mean. Mr. Matson explained the two ways to calculate level of service.

Mr. Smith questioned going to 100 feet of roadway in the easement on Old Dixie Highway, South of 12th Street, and if it would cause a lot of buildings to be moved. Mr. Keating explained staff does a site specific case-by-case analysis when at the project level. He continued when looking at it globally, it was looked at what a standard right-of-way width was for a four lane divided road and use it as a basis for right-of-way.

Chairman Bruce opened the public hearing at 10:34 p.m. and since no one cared to speak, the public hearing closed.

ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Christopher, the members voted unanimously (5-0) to recommend the Board of County Commissioners to amend the Transportation Element of the Comprehensive Plan as presented

Commissioner Matters

Mr. Fletcher asked staff if there were developers walking away from large developments and had the permits, how does the property owner get the permits to develop the home. Mr. Keating referred to the Bristol Bay Development; however, it never got to that point.

Mr. Smith wondered if when a developer cleared out land would they be required to stabilize the soil. Mr. Keating stated there had been complaints and staff had been making recommendations to the developers such as certain products used to stabilize soil as well as mulching, seeding or silt fences.

Mr. Christopher mentioned the Workshop on Improving the Quality of Developments scheduled for Wednesday, April 25, 2007, from 1 p.m. to 5 p.m. being held in the Commission Chambers. Mr. Boling told P&Z the panels had been meeting and if any material was given to staff, a packet would be mailed out.

Planning Matters

Mr. Boling reported at the March 20, 2007 BCC Meeting, the BCC adopted the changes to the Landscape Ordinance and P&Z recommendation.

Mr. Boling mentioned briefly the Top Hat N' Tails Pet Ranch was appealed at the April 3, 2007 BCC Meeting. He continued staff made it clear in the report and in the presentation that additional conditions of mitigation were proposed, however, the BCC on a (3-2) vote denied the appeal.

Mr. Boling noted the BCC was scheduled to hear the Source Appeal on April 18, 2007 and was cancelled due to a ruling by Judge Hawley.

Adjournment

The meeting adjourned at 10:46 p.m.

Bob Bruce, Chairman

Date

Terri Collins-Lister, Staff Assistant IV

Date