

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, May 24, 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; Craig Fletcher, District 3 Appointee; Greg Smith, District 4 Appointee; George Christopher, District 5 Appointee; George Hamner and Dr. Richard Baker, Members-at-Large; and Ann Reuter, non-voting School Board Liaison.

Also present were IRC staff: William G. Collins, County Attorney; Bob Keating, Community Development Director; Chris Mora, Assistant Director, Public Works; Stan Boling, Planning Director; Bill Schutt, Senior Planner and Rachel Clyne, Planner, Long Range Planning; Brian Freeman, Steven Deardeuff and John McCoy Senior Planner, Current Development; 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.

Chairman Bruce announced Item 3.A was pulled from the Item on Consent for discussion and Item 4.A was pulled from the agenda until further notice.

Approval of the Minutes

ON MOTION by Mr. Fletcher, SECONDED BY Ms. Keys, the members voted unanimously (7-0) to approve the May 10, 2007 meeting minutes as presented.

Item on Consent

Chairman Bruce read the following into record.

A. Pine Valley: Request for preliminary plat approval for a 19-lot affidavit of exemption project to be known as Pine Valley. Pellegrino & Michelle Barone, Owners, W. F. McCain & Associates, Inc., Agent. Located on the north side of 5th Street SW, between 74th Avenue and 82nd Avenue.

Zoning Classification: A-1, Agricultural 1 (1 unit per 5 acres). Land Use Designation: AG-1, Agricultural 1 (1 unit per 5 acres). Density: 1 unit per 5 acres. (SD-07-01-02/2006060255-56768) **[Quasi-Judicial]**

Mr. Stan Boling, IRC Planning Director briefly went over the information contained in Mark Zans', IRC Senior Planner, Current Development, memorandum, a copy of which is on file in the Commission Office.

Mr. Bill McCain, McCain & Associates, Inc., on behalf of Pellegrino and Michelle Baron, wanted to see what the discussions were with regard to any concerns before commitment on the project.

Mrs. Collins-Lister administered the testimonial oath to all those present wishing to speak on any quasi-judicial items.

Chairman Bruce opened the public hearing at 7:10 p.m.

Mr. Benton J. McClure, Attorney, 395 Nieuport Drive, Vero Beach, applauded the developer and land owner for complying with the existing land use requirements; however felt the property was within the noise footprint of the airport and could be resolved by an Aviation Easement. He mentioned the Aviation Easement would benefit all parties concerned and explained the benefits. A discussion followed.

Ms. Margo Sudnykovich, 7575 1st Street Southwest, Vero Beach, referred to the map and suggested adding the noise from the race track should be included along with the airport noise.

Chairman Bruce closed the public hearing at 7:14 p.m.

ON MOTION BY Mr. Hamner, SECONDED BY Ms. Keys, the members voted unanimously (7-0) to approve as presented with the addition of a recommendation that the applicant seeks actual notice about the race track and airport in documentation.

UNDER DISCUSSION, Mr. Boling told the committee as a follow-up he would ask the individuals from the Aerodome to give an area where any future residential proposals could be mailed as a courtesy to notify the residents.

Items Not On Consent

Chairman Bruce read the following into record.

B. Vero Estates: Request for major site plan and preliminary plat approval for a 58-unit multi-family residential development to be known as Vero Estates. Vero Estates, LLC, Owner. Schulke, Bittle & Stoddard, LLC, Agent. Located at the northeast corner of the CR510/66th Avenue intersection. Zoning Classification: RM-6, Residential Multi-Family (up to 6 units/acre). Land Use Designation: L-2, Low Density Residential (up to 6 units/acre). Density: 5.91 units/acre. (SP-MA-06-08-43/SD-06-08-26/2005090329-54808)
[Quasi-Judicial]

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

A lengthy discussion ensued on the traffic on the corner of County Road 510 and 66th Avenue and a southbound left turn lane. Mr. William G. Collins, IRC County Attorney, noted the County adopted requirements about one or two years ago which lowered the threshold for left turn lanes. Mr. Chris Mora, IRC Assistant Public Works Director, stated the site plan did not meet the criteria for a left turn lane.

Ms. Keys asked what the County's plans for the road were and was there a quick fix prior to the widening of 66th Avenue was completed. Mr. Joseph Bittle, Schulke, Bittle & Stoddard, LLC, Agent, opined the project would not be completed for at least a couple of years. Mr. Mora stated the widening of 66th Avenue would extend north and may or may not include a left turn lane in five years. A discussion followed.

Chairman Bruce opened the public hearing at 7:37 p.m.

Mr. Jerry Swanson, 3001 Ocean Drive, favored the project and felt P&Z should trust the professionals involved in the project.

Mr. Smith opined an applicant that comes into the County, deals with the staff on an ongoing basis, puts the money up front, meets all of the requirements, and goes with the recommendations by the staff could then be turned down by P&Z because of problems outside of the boundaries. He felt something should be done not to put P&Z and the applicant in this position.

Mr. John Krajewski, 1699 Whitmore Street, Sebastian, agreed the traffic was a problem in that area, but favored the project because it met the land use regulation.

A discussion ensued on concurrency, landscape buffers, and the estimated number of children that would impact the schools.

Chairman Bruce closed the public hearing at 7:48 p.m.

ON MOTION BY Ms. Keys, SECONDED BY Mr. Hamner, the members voted (5-2) to approve staff's recommendation. Dr. Baker and Mr. Fletcher opposed.

UNDER DISCUSSION, Chairman Bruce wanted the information conveyed to the BCC that the project does meet the criteria, but would generate a dangerous condition for the public with the traffic at County Road 510 and 66th Avenue.

Chairman Bruce read the following into the record.

C. Kashi PD Phase II: Request for preliminary PD plan/plat approval for a portion of Phase II (PODs A & K) of the Kashi PD. Kashi Church Foundation, Inc., Owner. MBV Engineering, Inc., Agent. Located between Roseland Road and the St. Sebastian River, west of the Roseland Gardens Subdivision. Zoning Classification: PD, Planned Development. Land Use Designation: Con-3, Conservation 3 (up to 2.5 units/acre). Density: 2.08 units/acre POD K, .94 units/acre overall project. (PD-07-05-04/2001070204-57823) **[Quasi-Judicial]**

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

Chairman Bruce opened the public hearing at 7:58 p.m. and since no one cared to speak, the public hearing was closed.

ON MOTION BY Ms. Keys, SECONDED BY Mr. Hamner, the members voted unanimously (7-0) to approve staff's recommendation for preliminary planned development plan/plat approval for Phase II.

Public Hearings

Chairman Bruce read the following into record.

A. Dasie Hope Center: Request for special exception use approval for an addition to a childcare facility. Indian River County, Owner. Schulke, Bittle & Stoddard, LLC, Agent. Located at 8435 64th Avenue, between CR510 and 83rd Street. Zoning Classification: RS-3, Residential Single-Family (up to 3 units/acre). Land Use Designation: L-1, Low Density 1 (up to 3 units/acre). (SP-MA-07-06-30/96010105-57984) **[Quasi-Judicial]**

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

A discussion ensued on the signs on the public notice for the Dasie Hope Center.

Chairman Bruce opened the public hearing at 8:03 p.m.

Mr. Bittle mentioned the issue with the signs being either stolen or removed by the County.

Mr. Deardeuff noted the sign was posted by a County Code Enforcement Officer at the turn around driveway.

Chairman Bruce closed the public hearing at 8:04 p.m.

ON MOTION BY Mr. Hamner, SECONDED BY Mr. Fletcher, the members unanimously (7-0) recommend to the Board of County Commissioners to grant special exception approval for the proposed Dasie Hope Center addition.

Chairman Bruce read the following into record.

B. Sun-Up Adult Care Facility: Request for special exception use approval for a community center use in the existing Sun-Up adult care building. Sun-Up of Indian River, Inc., Owner. Schulke, Bittle & Stoddard, LLC, Agent. Located at 2455 5th Street SW. Zoning Classification: RM-6, Residential Multi-Family (up to 6 units/acre). Land Use Designation: L-2, Low Density 2 (up to 6 units/acre). (SP-MA-07-04-20/2006050240-57486) **[Quasi-Judicial]**

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

Chairman Bruce opened the public hearing at 8:11 p.m. and since no one cared to speak, the public hearing was closed.

ON MOTION BY Mr. Hamner, SECONDED BY Mr. Fletcher, the members voted unanimously (7-0) to recommend to the Board of County Commissioners to grant Special Exception Use Approval for a Community Center Use in the Existing Sun-Up Adult Care Building.

Chairman Bruce read the following into record:

C. Kennedy 2007: Request to change the zoning for ±11.59 acres located east of US Hwy 1 and south of 79th Street, from CL, Limited Commercial district, to CG, General Commercial district. Kenneth P. Kennedy and Thomas P. Kennedy, Owners. Collins, Brown, Caldwell, Barkett & Garavaglia, Agent. (REZONE / 2006090171-58132) **[Quasi-Judicial]**

Ms. Rachel Clyne, IRC Long Range Planner, Current Development, reviewed the information contained in her memorandum, a copy of which is in on file in the Commission Office.

Mr. Christopher questioned the compatibility issues with the surrounding properties. Ms. Clyne referred the meeting packet which included a list of uses that may be allowed in General Commercial District (CG) but not in Limited Commercial (CL) and noted there would be only a few allowed in the CG that were not also allowed in CL. Mr. Keating further explained the compatibility issues. Chairman Bruce pointed out the new/used car dealers and drive-thru restaurants were the two key uses which stood out. A discussion followed and Mr. Boling noted in the Wabasso Corridor regardless of the zoning, outdoor

displays of automobile or motorized vehicles, boats or mobile homes for sale or rent were prohibited and only allowed if inside an enclosed building.

Chairman Bruce opened the public hearing at 8:22 p.m.

Mr. Doug Vitunac, Attorney representing the applicant, opined the RM-6 zoning district was appropriate for a transition between commercial and single family home developments.

Mr. Christopher clarified the applicant requesting the change did not know as of yet what type of business would be put there. Attorney Vitunac stated it provided flexibility to either later development or sale of the property. A discussion followed on compatibility use issues.

Mr. Glenn Grevengoed, PA, 2801 Ocean Drive, Vero Beach, was an Elder and Trustee for the Indian River Presbyterian Church which owns seven acres of land directly south of the proposed rezoning, had a few concerns regarding incompatibility with the church use.

A lengthy discussion ensued on the rezoning from CL to CG.

Mr. John Lambert, Ms. Cheryl Barkwell, Herbert Severance, Mr. John Reynolds, and Liz Mason, Hobart Landing, opposed the rezoning due to environmental concerns with the 15 acres of Conservation Land to the west, the permitting uses under CG not being compatible with the residential area and the access of the property to U.S. 1.

Mr. Thomas Kennedy, the applicant, opined the CG zoning was necessary in the area and asked for P&Z to move this item forward to the BCC.

Chairman Bruce called for a break at 9:06 p.m. and resumed the meeting at 9:13 p.m.

Mr. Robert Legler, 946 Painted Bunting Lane, Vero Beach, mentioned the church had filed a site plan and discussed access off of U.S. 1.

Mr. Ken Kennedy, the applicant, pointed out the site was very similar to the rezoning from CL to CG on another site approved by P&Z and noted there would be 15 acres between the proposed site and the residents of Hobart Landing. A discussion followed.

ON MOTION BY Mr. Christopher, SECONDED Mr. Fletcher, the members voted (6-1) to deny the request to rezone ±11.59 acres from CL, Limited Commercial District, to CG, General Commercial District. Mr. Christopher, Mr. Fletcher, Ms. Keys, Mr. Hamner, Dr. Baker and Chairman Bruce voted in favor of the motion. Mr. Smith voted in against.

Treasure Coast Community Rezoning Request

Chairman Bruce read the following into record

D. Treasure Coast Community Health: Request to change the zoning for ±1.43 acres located south of 9th Street, S.W. and approximately 850 feet west of 12th Avenue S.W., from CH, Heavy Commercial district, to CG, General Commercial district. Treasure Coast Community Health, Owner and Agent. (REZONE / 2005090174-50253) **[Quasi-Judicial]**

Ms. Rachel Clyne, IRC Long Range Planner, Current Development, reviewed the information contained in her memorandum, a copy of which is on file in the Commission Office.

Chairman Bruce opened the public hearing at 9:24 p.m. and since no one cared to speak, the public hearing was closed.

ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Hamner, the members voted unanimously (7-0) to recommend the Board of County Commissioners approve the rezoning from Commercial Heavy to General Commercial.

Commissioners Matters

Mr. Hamner wanted the proposed conditions on the sand mine to be moved forward into the Land Development Regulations.

Ms. Keys discussed the Intersection at 58 Avenue and State Road 60 and the proposed \$20 million in changes to the intersection. Ms. Keys asked for this item to be added as an agenda item at the June 14, 2007 meeting.

Mr. Smith referred to the letter sent by Mr. David Gunter, Indian River Soil and Water Conservation District and wondered if it would be discussed. Mr.

Keating mentioned a Workshop had been scheduled with St. Johns Water Management District on June 21, 2007. A discussion ensued.

Chairman Bruce stated he had been approached by numerous residents from Summer Place in regards to the resurfacing north of County Road 510 in which they were saying if it was not broke, why fix it. Mr. Keating replied it was a County project to put in turn lanes.

Planning Matters

Mr. Bill Schutt, IRC Senior Planner, reviewed the information contained in his memorandum of the Draft Evaluation and Appraisal Report (EAR) for the Introductory Element of the Indian River County Comprehensive Plan, a copy of which is on file in the Commission Office.

Mr. Sasan Rohani, IRC Chief, Long-Range Planner, reviewed the information contained in his memorandum of the Draft Data and Analysis Section of the Intergovernmental Coordination Element's Evaluation and Appraisal Report, a copy of which is on file in the Commission Office.

A lengthy discussion ensued on the Draft Evaluation and Appraisal Report for the Introductory Element of the Indian River County Comprehensive Plan. Mr. Keating asked for the P&Z members to review the EAR on the Introductory Element and bring back to the next meeting with any corrections or comments.

Mr. Boling gave a summary of staff's analysis of the Workshop on Improving the Quality of Developments.

Attorney's Matters

Mr. William Collins, IRC County Attorney, reported Top Hat and Tails had sought judicial review of the BCC's decision not to approve their kennel and the County had received an order to show cause for not granting approval. He indicated that Double R&D, Inc. Comprehensive Plan Amendment, north of County Road 510, had filed suit and the County filed a motion to dismiss. He added there were a number of pleadings filed in the Source matter, one was a motion to prohibit the County from hearing the issue was denied and the Source had requested a rehearing on that issue before the Court.

Adjournment

The meeting adjourned at 10:41 p.m.

Bob Bruce, Chairman

Date

Terri Collins-Lister, Staff Assistant IV

Date