

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, June 28, 2007 at 7:00 p.m. in the Commission Chambers of the County Administration Building, 1840 25th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the meeting agenda, backup material and the minutes on Indian River County website www.ircgov.com/Boards/PZC/2007. Please note listed at the end of each agenda item refers to the time on the recorded minutes.

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 Hamner and Dr. Richard Baker, Members-at-Large.

Absent was member: George H.C. Lawrence, District 5 Appointee and Ann Reuter, non-voting School Board Liaison (excused).

Also present were IRC staff: George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; Gale Carmoney, Senior Planner, Long Range Planning; Steven Deardeuff and Brian Freeman, Senior Planner, Current Development; and Terri Collins-Lister, Commissioner Assistant.

Call to Order and Pledge of Allegiance (:18)

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

Approval of the Minutes (:44)

ON MOTION by Ms. Keys, SECONDED BY Mr. Hamner, the members voted unanimously (6-0) to approve the June 14, 2007 meeting minutes as presented.

Items On Consent (:57)

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

Chairman Bruce read the following into record.

A. Bella Rosa: Request for modification of a turn lane approval condition for the Bella Rosa Development (fka Village Oaks). JLW Management Corp, Owner. Schulke, Bittle & Stoddard, LLC, Agent. Located on the south side of 26th Street, just west of 58th Avenue. Zoning Classification: RM-8, Residential Multi-Family (up to 8 units per acre). Land Use Designation: M-1, Medium Density (up to 8 units per acre). Density: 7.75 units per acre. **[Quasi-Judicial]**

B. Diamond Court West: Request for major site plan and preliminary plat approval for a 70-unit multi-family residential development to be known as Diamond Court West. Regatta Construction, LLC, Owner. Masteller & Moler, Inc., Agent. Located at the northwest corner of Indian River Blvd/41st Street intersection. Zoning Classification: RM-6, Residential Single Family (up to 6 units/acre). Land Use Designation: M-, Medium Density Residential (up to 8 units/acre). Density: 4.41 units/acre. 9SP-MA-06-12-64/SD-06-12-40/2006030269-564190 **[Quasi-Judicial]**

ON MOTION BY Mr. Hamner, SECONDED BY Mr. Fletcher, the members voted unanimously (6-0) to approve Item A, Bella Rosa and Item B, Diamond Court West, as presented

Items Not On Consent (2:19)

Chairman Bruce read the following into record.

A. Summerwalk: Request for major site plan and preliminary plat approval for a 128-unit multi-family residential development to be known as Summerwalk. VGS Homes, LLC, Owner. Schulke, Bittle & Stoddard, LLC, Agent. Located on the west side of 64th Avenue, north of CR 510. 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: 5.09 units/acre (SP-MA-06-07-29/SD-06-07-24/2005020284-53780) **[Quasi-Judicial]**

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

Discussion was held regarding:

- The Traffic Problem on County Road (C.R.) 510 and 66th Avenue
- The Plans for the Intersection at C.R.510 and 66th Avenue.
- A southbound exit out of 64th Avenue

- Turn lanes on 66th Avenue
- Environmental Issues

The following people spoke:

Joseph W. Schulke, P.E., Schulke, Bittle & Stoddard, LLC, was not aware of any complaints from residents on 64th Avenue regarding an entrance/exit and did not object to using the entrance as well. He discussed the environmental issues and the revised staff recommendation that was presented prior to the June 28, 2007 P&Z meeting.

Stephanie Salvilla, Bio-Tech Consulting Inc., discussed the environmental assessment of the Stassi Development Subdivision.

A lengthy discussion ensued on the environmental issues and Dr. Baker suggested the Florida Fish and Wildlife Conservation Commission (FWCCC) sign off on the project prior before being approved by the P&Z.

Chairman Bruce opened the public hearing at 7:47 p.m.

Jerry Swanson, 1048 East Polo Grounds Drive, agreed with Dr. Baker and spoke about the FWCCC.

Chairman Bruce closed the public hearing at 7:49 p.m.

ON MOTION BY Ms. Keys, SECONDED BY Mr. Fletcher, the members voted (5-1) to approve staff's recommendation to grant major site plan and preliminary plat approval with the following conditions. Dr. Baker opposed.

- **Prior to the issuance of land clearing and tree removal permits for the project, the applicant will need to obtain a technical assistance letter defining the Scrub Jay habitat and buffer area, then prior to any work being done inside that area, a Scrub Jay Habitat Conservation Plan by the U.S. Department of Fish and Wildlife Service or the Florida Fish and Wildlife Conservation Commission shall be obtained.**
- **There would be an exit on 64th Avenue**

Chairman Bruce read the following into record.

B. Treasure Coast Montessori School: Request for administrative permit approval for a pre-school/child care facility to be known as the Treasure Coast Montessori School. Treasure Coast Montessori School, Owner. Schulke, Bittle & Stoddard, LLC, Agent. Located at 6320 8th Street. Zoning Classification: A-1, Agricultural 1 (up to 1 unit/5 acres). Land Use Designation: AG-1, Agricultural (up to 1 unit/5 acres). (SP-MA-07-05-23/2001060109-57712) **[Quasi-Judicial]**

Mr. Steven Deardeuff, IRC Senior Planner, Current Development, 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 8:01 p.m.

The following people spoke.

Ms. Elizabeth Peachtree, owns the property west of the proposed pre-school/child care facility. She was opposed to the project because of the impact of the traffic.

Mr. Daryl Peterson, 6300 8th Street, opposed the project because of the increase of traffic with no deceleration lane and stated he was not informed of the proposed pre-school/child care facility.

A discussion ensued on the Type C buffer and a deceleration lane.

Ms. Sandy Hamrick, 2625 Atlantic Blvd., owner of Treasure Coast Montessori School, noted the maximum number of children allowed by Children Services at the proposed pre-school/child care facility was 81 children.

Mr. Robert Marshbanks 6296 8th Street, stated the area was zoned agricultural and felt pre-school/child care facility was incompatible with the zoning.

Ms. Rhonda Thomas, 6395 7th Lane, on behalf of her parents Max and Juanita Wiggins, read a letter from her parent's strongly opposing the project due to the impact of additional traffic and felt the proposed pre-school/child care facility would decrease their property value.

Mr. James Thomas, 6395 7th Lane, opposed the project because of the traffic on 8th Street.

Ms. Amy Thoma, 1769 Pointe West Way, Consultant for the Treasure Coast Montessori, explained the site was suitable for the proposed pre-school and noted another property was looked at however to construct a new facility it would be cost prohibitive, so they had to find an existing building.

Mr. Larry Hiegel, 6360 8th Street, pointed out there has been no communication in regard to the project and was concerned about the school bus stop with the increase of traffic.

Ms. Sue Marshbanks, 6296 8th Street, opposed commercial business being run out of agricultural area.

Mrs. Karen Swanson, 1048 Polo Grounds Lane, had been working with Treasure Coast Montessori and felt the project was a good use for the property.

A discussion ensued on the number of children and the hours of operation, the traffic on 8th Street, number of parking spaces at the sites, other permitted uses in an agricultural land use designation and a deceleration lane.

Chairman Bruce closed the public hearing at 8:37 p.m.

ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Hamner, the members voted (4-2) to adopt staff recommendation to grant administrative permit use approval for the proposed pre-school/child care facility as presented. Ms. Keys and Chairman Bruce opposed.

Chairman Bruce called for a break at 8:46 p.m. and resumed the meeting at 8:55 p.m.

PUBLIC DISCUSSION (1:47)

Chairman Bruce read the following into record.

A. Appeal by The Polo Grounds, LLC of a decision by community development staff to deny a temporary use permit application for a real estate sales trailer at 7635 N. Polo Grounds Lane [TUP-07-07-51/2004040038-58611] [Quasi-Judicial]

Mr. Stan Boling, IRC Planning Director, reviewed the information contained in his memorandum; a copy of which is on file in the Commission Office.

A lengthy discussion ensued regarding Land Development Regulations allowing a temporary real estate sales office.

Mr. Dolf Kahle, 1599 Gracewood Lane, appealed staff's decision to the P&Z and pointed out why the trailer should remain on site.

Chairman Bruce opened the public hearing at 9:10 p.m.

The following people spoke.

Mr. Ira Hatch, representing the Pointe West Homeowner Association, brought to P&Z's attention that under the master declaration of covenants and restrictions which applies to all of the Pointe West development, commercial use on lots was not permitted.

Mr. Kahle pointed out the intent of the regulations. He explained the Polo Grounds at Pointe West was not near the build out phase and felt leaving the trailer at the location was consistent with the intent.

Mr. Jerry Swanson, 1048 Polo Grounds Drive, felt a permit should not be issued at this time because there were only two lots remaining to be sold.

A discussion ensued on an acceptable time frame to remove the trailer. Mr. George Glenn, IRC Assistant County Attorney, commented if the P&Z denies the appeal for the permit, they could not set a time frame for the removal of the trailer.

Mrs. Theresa Schmalfluss, 1059 Polo Grounds Drive, stated the trailer was not an eyesore and would like to see the property sold to help her property value.

Chairman Bruce closed the public hearing at 9:31 p.m.

MOTION BY Mr. Fletcher, SECONDED BY Ms. Keys, the members voted unanimously (6-0) to support staff's decision to deny the appeal for Temporary Use Permit Application for a Real Estate Sales Trailer at 7635 North Polo Grounds Lane.

PUBLIC HEARINGS (2:26)

Chairman Bruce read into the record the following items.

A. Little Rising Star: Request for special exception use approval for a child care facility. Sally Alkayaly, Owner. W. F. McCain & Associates, Inc., Agent. Located at 2855 58th Avenue. Zoning Classification: RS-3, Residential Single-Family (up to 3 units/acre). Land Use Designation: L-2, Low Density (up to 6 units/acre). (SP-MI-07-04-19/2006070080-57427) **[Quasi-Judicial]**

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

Mr. Chris Pontello, W.F. McCain & Associates, Inc., indicated there was a maximum of 30 children proposed to be in the child care facility with six staff members.

Chairman Bruce opened the public hearing at 9:41 p.m. and since no one cared to speak, the public hearing was closed.

ON MOTION BY Mr. Hamner, SECONDED BY Ms. Keys, the members voted unanimously (6-0) to recommend the Board of County Commissioners grant special exception use approval for a child care facility as presented.

B. Bahia Honda Real Estate Investments IV LLC: Request to rezone ±6.67 acres located west of 90th Avenue and approximately 1,235 feet north of S.R. 60, from A-1, Agricultural-1 District (up to 1 unit/5 acres), to RM-8, Multiple-Family Residential District (up to 8 units/acre). Bahia Honda Real Estate Investments IV LLC, Owners. Kimley Horn and Associates, Agent. (RZON 2006060238-55223) **(Quasi-Judicial)**

Mr. Gale Carmony, IRC Senior Planner, Long Range Planning, 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 9:51 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 (6-0) to recommend that the Board of County Commissioners approve the request to rezone ±6.67 from A-1 to RM-8 as presented.

C. Royal Professional Builders’: Request to rezone approx. 29.63 acres located south of 33rd Street and approximately 1,650 feet west of 66th Avenue from A-1, Agricultural District (up to 1 unit/5 acres), to RS-3, Single-Family Residential District (up to 3 units/acre). Royal Professional Builders, Peter and Celia Liddell and Louie and Toby Fretwell, Owners. Schulke, Bittle & Stoddard, LLC, Agent. (RZON 2005070188-54077) **(Quasi-Judicial)**

Mr. Gale Carmoney, 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 discussion ensued on the buffer around the site.

Chairman Bruce opened the public hearing at 9:59 p.m.

Mr. Joseph Bittle, Schulke, Bittle & Stoddard, LLC, briefly mentioned the new agricultural requirements.

Chairman Bruce closed the public hearing at 10:00 p.m.

ON MOTION BY Mr. Hamner, SECONDED BY Ms. Keys, the members voted unanimously (6-0) to recommend that the Board of County Commissioners approve the request to rezone from A-1 to RS-3 as presented.

D. Redstick Golf Course Inc.’s: Request to Rezone ±1.11 acres located east of 58th Avenue and approximately 170 feet south of 85th Street, from A-1, Agricultural-1 District (up to 1 unit/5 acres), to RM-6, Multiple-Family Residential District (up to 6 units/acre). Redstick Golf Course Inc., Owner. Douglas Vitunac, Agent. (RZON 2007020134-57862) **(Quasi-Judicial)**

Mr. Gale Carmoney, IRC Senior Planner, Long Range Planning, 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 10:08 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 (6-0) to recommend that the Board of County Commissioners approve the request to rezone from A-1 to RM-6.

Commissioners Matters (2:58)

A discussion ensued on a County-wide Scrub Jay Program. Mr. Bob Keating, IRC Community Development Director, explained the process and noted it was very expensive to do a county wide program, but would coordinate with the FWCCC.

Ms. Keys discussed turn lanes in high traffic areas. It was determine to get Mr. Chris Mora, IRC Assistant Public Works, to attend the P&Z meeting on July 12, 2007 to answer any questions.

Planning Matters (3:04)

Mr. Boling reviewed the matrix which was generated from the April 25, 2007 Quality of Development Workshop. He asked for the P&Z to look over the matrix and provide direction to staff on how to proceed. A discussion followed.

Attorney's Matters

There were none.

Adjournment

The meeting adjourned at 10:27 p.m.

Bob Bruce, Chairman

Date

Terri Collins-Lister, Staff Assistant IV

Date