

## PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, August 9, 2007 at 7:00 p.m. in the Commission Chambers of the County Administration Building, 1840 25<sup>th</sup> 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.irccgov.com/Boards/PZC/2007](http://www.irccgov.com/Boards/PZC/2007).

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 H.C. Lawrence, District 5 Appointee; George Hamner and Dr. Richard Baker, Members-at-Large.

Absent was member: 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; Steven Deardeuff and Brian Freeman, Senior Planners, Current Development; Chris Mora, Assistant Director, Public Works and Darcy Vasilas, Commissioner Assistant.

### **Call to Order and Pledge of Allegiance**

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

### **Item On Consent**

Mrs. Vasilas administered the testimonial oath to all those present wishing to speak on any quasi-judicial items (2:28).

Chairman Bruce read the following into record.

- A. St. Augustine at Vero Beach:** Request for preliminary plat approval of a 57 lot conventional single-family subdivision to be known as St. Augustine at Vero Beach. Royal Professional Builders, Inc., Owner. Schulke, Bittle, & Stoddard, LLC, Agent. Located on the south side of 33<sup>rd</sup> Street, west of 66<sup>th</sup> Avenue. Zoning Classification: RS-3, Single-Family Residential (up to 3 units/acre). Land Use Designation: L-1, Low Density Residential (up to 3 units/acre). Density: 1.92 units/acre [**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 ability of the P&Z to require a buffer larger than the 25-foot buffer being proposed due to the abutting property having agricultural uses.

Mr. Joseph Schulke (15:30), representing Schulke, Bittle, and Stoddard, LLC, on behalf of the applicant, Royal Professional Builders, Inc., stated they were willing to put a notification on the plat that agricultural uses would be conducted on the adjoining property.

Mr. Robert Adair (18:13), Executive Director of The Florida Research Center For Agricultural Sustainability, Inc. located at 7055 33<sup>rd</sup> Street, noted his property abutted the subject property and proceeded to give a PowerPoint presentation. A copy of this presentation is on file in the Commission Office. He expressed his concerns that the 25-foot buffer being proposed would not be compatible with his agricultural research property. The reasons for this concern were spray drift, noise from the spraying and tractor activity, and odors from compost.

Mr. Russell Payne (34:36), 6820 33<sup>rd</sup> Street, neighbor of the subject property and manager of Cherry Lane Cattle Ranch, related there was originally supposed to be a dense buffer separating homes from agricultural land but it ended up being a fence that was, in his opinion, inadequate as a buffer. Mr. Payne stated there were spray applications in the early mornings and in the evenings that would produce noise and the odor emitted from fertilizers spread consisting of chicken manure.

Mr. Payne opined there had to be some concessions made to enable the property owners in both agricultural and residential uses to accommodate each other and be good neighbors.

Mr. Joseph Paladin (42:33), President of the Growth Awareness Committee, recommended Mr. Adair allow the applicant to run a 50-foot buffer by using their 25-feet plus 25-feet from Mr. Adair's property.

Mr. Robert Nall, 7102 33<sup>rd</sup> Street, stated his primary concern was the intersection at 33<sup>rd</sup> Street and 66<sup>th</sup> Avenue needed to be improved before work began. Discussion then ensued regarding the slated road improvements and Mr. Robert Keating, IRC Community Development Director, explained paving would

be required before the Certificate of Completion was issued, but paving before site work began could not be required.

Mr. Schulke reported his client would not be willing to purchase land from Mr. Adair, but may be willing to improve the buffering requirements even though the 25-foot proposed buffer met the requirements.

Discussion was held regarding the verbiage which could be added to the plat by the applicant to protect Mr. Adair in the agricultural use of his property, from future potential complaints from residential property owners.

Mr. Adair (58:23) offered to sell 25-feet of his property to allow the total buffer to be 50-feet.

Mr. Jerry Swanson, Ocean Drive, Vero Beach, was sworn in by Mrs. Vasilas. He opined the process should not be stopped when a developer had met all the requirements to a certain point and then to be turned down because rules were changed.

Mr. Schulke offered to compromise by installing a 6-foot opaque feature and a combination of a berm and continuous hedge.

Mr. Brian Quant (1:11), 7195 37<sup>th</sup> Street, was sworn in by Mrs. Vasilas. He stated he was a neighbor of Mr. Adair and asked what would happen if the agricultural property owners put in a chicken house, for instance, and complaints began coming in from the residential property owners.

Ms. Keys inquired if Mr. Adair could protect himself from future complaints. Attorney Glenn reiterated the notice on the final plat would inform residential property owners of the adjoining agricultural property and its uses. Mr. Keating suggested having an avigational easement, and Mr. Schulke responded his applicant would be willing to have such an easement as long as it would not impair his ability to build out to the property's full potential.

**ON MOTION BY Mr. Hamner, SECONDED BY Ms. Keys, the members voted (5-2) to recommend the Board of County Commissioners approve the request for preliminary plat approval as presented. Mr. Fletcher and Dr. Baker opposed.**

Mr. Fletcher opposed because he felt there would be potential safety issues. Dr. Baker opposed because he felt agricultural land should be protected.

## Approval of Minutes

**ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Hamner, the members voted unanimously (7-0) to approve the June 12, 2007 minutes as presented.**

Chairman Bruce called for a break at 8:19 p.m. and the meeting reconvened at 8:26 p.m.

## Item Not on Consent

Chairman Bruce read the following into record:

- A. East Coast Animal Medical Center:** Request for administrative permit use approval for a veterinary clinic and accessory kennel to be known as East Coast Animal Medical Center. Dr. Valerie Biehl, Owner. Knight, McGuire & Associates, Inc., Agent. Located at 6580 69<sup>th</sup> Street. Zoning Classification: A-1, Agricultural 1 (up to 1 unit per 5 acres). Land Use Designation: AG-1, Agricultural (up to 1 unit per 5 acres). **[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.

Ms. Keys divulged she visited the site this date and asked the owner, Dr. Valerie Biehl, questions.

Chairman Bruce opened the public hearing at 8:31 p.m.

Ms. Maria Mandina, 6730 69<sup>th</sup> Street and living on the west side of the site, supported the clinic and lauded Dr. Biehl's expertise in caring for horses noting this service and was greatly needed in this area.

Mr. Scott McGuire, representing Knight, McGuire & Associates, Inc., reviewed the site and showed the proposed Key West-style buildings and remarked the agricultural use was compatible with the zoning.

Mr. Brian Quant, 7195 37<sup>th</sup> Street, also commended Dr. Biehl's skills and said he was an avid proponent of maintaining agricultural uses in the area.

**ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Lawrence, the members voted unanimously (7-0) to recommend the Board of County Commissioners grant the request for administrative permit use approval as presented.**

### **Commissioners Matters (1:34)**

Mr. Smith had asked about the feasibility of having a computer generated notification system that could identify the proximity of certain types of zoning to applicants when applying for permits to reduce problems of not having projects approved. He felt it would alleviate some of the cases of property owners claiming they were not aware certain types of uses could happen in the future near their property.

Discussion was held regarding the pitfalls that may be encountered when using such a system and the problems of maintaining the database when changes were made in zoning or land use regulations. Mr. Robert Keating, IRC Community Development Director, stated the process would be problematic and may cause undue alarm to neighboring property owners.

#### **A. Update of Board of County Commissioner's Action on US Highway 1 (US 1) Capacity**

Mr. Chris Mora, IRC Assistant Public Works Director, gave a PowerPoint presentation on the action taken by the BCC at the July 17, 2007 BCC meeting. A copy of this presentation is on file in the Commission Office.

### **Planning Matters (2:10)**

Mr. Stan Boling, IRC Planning Director, reported the August 23, 2007 P&Z meeting would be cancelled. He reviewed the approvals made by the BCC at the July 17<sup>th</sup> and July 24, 2007 meetings.

### **Attorney's Matters (2:13)**

Attorney Glenn reported at the request of the BCC, a Citrus Greening Ordinance was being drafted which would prohibit the use of plantings instrumental in citrus greening. He added while they could not prohibit the sale of the plants, the actual plantings could be prohibited.

**Adjournment (2:14)**

The meeting adjourned at 9:14 p.m.

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Bob Bruce, Chairman

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Date

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Darcy Vasilas, Commissioner Assistant

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Date