

## PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, March 27, 2008 at 7:00 p.m. in the Commission Chambers of the County Administration Building, 1801 27<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.ircgov.com/Boards/PZC/2007](http://www.ircgov.com/Boards/PZC/2007).

Present were members: Chairman George Hamner, Member-at-Large; Donna Keys, District 1 Appointee; Gerard Weick, District 2 Appointee; Craig Fletcher, District 3 Appointee; Greg Smith, District 4 Appointee; George Lawrence, District 5 Appointee; Dr. Richard Baker, Member-at-Large; and Susan Olson, Alternate non-voting School Board Liaison.

Absent was Ann Reuter, non-voting School Board Liaison (excused).

Also present was IRC staff: George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; John McCoy and Steven Deardeuff, Senior Planners; Chris Mora, Assistant Director, Public Works; Henry Stephens, Press Journal; and Reta Smith, Recording Secretary.

### **Call to Order and Pledge of Allegiance** (6:20:13)

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

### **Approval of Minutes** (6:20:34)

**ON MOTION BY Ms. Keys, SECONDED BY Mr. Lawrence, the members voted unanimously (7-0) to approve the minutes of the meeting of March 13, 2008, as presented.**

### **Item on Consent** (6:20:57)

Chairman Hamner read the following into the record:

- A. Pointe West Town Center:** Request for Preliminary Plat Approval for a Commercial Subdivision to be known as Pointe

West Town Center. Pointe West of Vero Beach Ltd's, Owner. Neel-Schaffer, Inc., Agent. Located at the corner of Pointe West Drive and 16<sup>th</sup> Street. Zoning Classification: PD (Planned Development). Land Use Designation: M-1 (Medium density 1 up to up to 8 units / acre). [PD-08-04-01 / 99070081-60997] **[Quasi-Judicial]**

6:21:15

**ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Weick, the members voted unanimously (7-0) to approve the Consent Item.**

**Public Hearings** (6:21:31)

Chairman Hamner read the following into the record:

- A. Quail Ridge, Inc.:** Request to amend the text of the Transportation Element of the Comprehensive Plan to remove segments of 61st and 65th Streets from 74th Avenue to I-95 from the county's extended roadway grid map (fig 4.10).

Mr. Steven Deardeuff, IRC Senior Planner, Long-Range Planning, reviewed the information contained in his memorandum dated February 10, 2008, a copy of which is on file in the Commission Office (6:21:41).

Mr. Weick asked if there was any compensation for giving up the right-of-way.

Mr. Bob Keating, IRC Community Development Director, explained staff was proposing deleting lines from a map that were parts of a proposed roadway grid system, but there was actually no right-of-way to abandon. He noted the Quail Ridge development had low densities that did not need a high density grid network and there was little need for the roads on the extended grid system.

Mr. Keating advised the applicant was looking at doing some integrated conservation area set-asides and if the lines were not removed it would require them to design their project completely different because they would have to plan for the eventuality of the roads coming through. Mr. Keating noted staff wanted to keep the rest of the extended grid, but in this particular corridor the situation lent itself to deleting the roads.

Discussion followed.

Attorney Glenn stated the IRC Attorney's office had concerns as to whether the rationale presented constituted a substantial change in circumstances affecting the property, but they had not been aware of the proposed conservation area until this time.

Chairman Hamner opened the public hearing at 7:25 p.m., and since no one wished to speak the public hearing was closed.

Mr. Fletcher did not feel the proposed amendment was warranted based on a substantial change in circumstances affecting the subject property, adding if he could see the proposed conservation plan he may think differently. Ms. Keys wondered if the Comprehensive Plan (Comp Plan) change could be proposed after the P&Z saw the agricultural Planned Development (PD).

Mr. Keating stated staff could not bring a plan to the P&Z that was inconsistent with the Comp Plan. He noted a Comp Plan amendment took a long time and staff had met with the applicant a number of times and thought this was the best way to go.

Discussion ensued.

Chairman Hamner reopened the public hearing at 7:29 p.m.

The applicant, Mr. Steve Smith, related there would be 50+ acres of newly created uplands where the two roadways would have gone, and at least 60+ acres would be deeded to permanent conservation with an easement to the County. He gave his word the project would be the best low-density, high quality development in the County.

Chairman Hamner closed the public hearing at 7:31 p.m.

6:49:00

**ON MOTION BY Mr. Smith, SECONDED BY Mr. Lawrence, the members voted (6-1) to approve the request to amend the Transportation Element of the Comprehensive Plan. Mr. Fletcher in opposition.**

Chairman Hamner read the following into the record:

**B. Liberty Park:** Request to Rezone Approximately 596.33 Acres from A-1, Agricultural 1 (up to 1 unit/5 acres), RS-3, Residential Single-Family (up to 3 units/acre), RS-6, Residential Single Family (up to 6 units/acres), RM-3, Residential Multi-Family (up to 3 units/acre), RM-6, Residential Multi-Family (up to 6 units/acres), and RM-8, Residential Multi-Family (up to 8 units/acre), to Planned Development Traditional Neighborhood Design (PDTND) and Obtain Conceptual Planned Development Plan Approval For a Project to be Known as Liberty Park. Ryall Acquisition Group, LLC, Owner. Schulke, Bittle & Stoddard, LLC, Agent. The main development site is generally located at the southwest corner of 66<sup>th</sup> Avenue and CR510, with a smaller portion of the main site located on the southeast corner. There are four remote sites located in other parts of the county that are included with this PD request. Density: 1.95 units/acre [2004110163-53297/PD-06-06-06]

Mr. John McCoy, IRC Senior Planner, Current Development, reviewed the information contained in his memorandum dated March 11, 2008, which is on file in the Commission Office (6:50:04).

Mr. McCoy noted if this proposal was approved by the Board of County Commissioners (BCC), it would include a condition that in the event the project did not go forward and get built the land would revert to its present zoning within seven years.

Mr. Smith asked how much of the acreage used for transferring density could be developed without mitigation. Mr. McCoy responded probably all of the Vero Beach Highlands and 12th Street sites could be developed; however there would be a lot of permitting involved with the Breezy Village and Indian River Boulevard sites.

Discussion followed about the amount and type of acreage involved in the density transfer.

Mr. Chris Mora, IRC Assistant Public Works Director, described offsite improvements connected with various phases of the development (7:33:00).

Discussion ensued about traffic studies, intersection requirements, acceptable levels of service, and crosswalks to the development.

Ms. Keys noted the County's Land Development Regulations (LDR's) said no density transfer or density bonus could be applied to any residential development of a site or portion of a site designated as agricultural on the Comprehensive Land Use map. She observed there were 430 acres outside the urban service area designated as agricultural on the Land Use map, and wondered how we got past the LDR that said we could not do that.

Mr. McCoy explained the Comp Plan superseded or overrode the LDRs, and in this particular case Policy 18.3 was the one exception to the code section. He continued it actually encouraged density to be transferred to agricultural receiving sites, specifically to encourage Traditional Neighborhood Designs (TNDs).

Ms. Keys asked if the County should be looking at creating LDRs for TNDs in the near future. Mr. McCoy said staff had previously relied on the provisions of objectives 18.1, 18.2 and 18.3 to implement TNDs, but agreed there should be implementing legislation to provide the details in these circumstances.

Discussion followed on the benefits of TNDs.

Mr. Andrew Kennedy, 3001 Ocean Drive, introduced the design team (8:10:12). Mr. Kerry Godwin, Godwin & Associates, P.O. Box 940655, Maitland, Florida (8:10:56), gave a PowerPoint presentation, a copy of which is on file in the Commission Office.

Mr. Todd Bonnett, Bonnett Design Group, P.O. Box 948035, Maitland, Florida (8:12:37), came forward with a PowerPoint presentation, a copy of which is on file in the Commission Office.

Mr. Brian Curley, P&S Properties (8:16:01), gave a PowerPoint presentation, a copy of which is on file in the Commission Office.

Chairman Hamner observed local people were involved in the project, but noted it had started off with a different group and wondered if P&S would be developing it or if it was really for sale. Mr. Kennedy stated there had not been a change of ownership and it was their intention to remain with the project.

Chairman Hamner called a recess a 9:05 p.m. and the meeting reconvened at 9:15 p.m.

Chairman Hamner opened the public hearing at 9:16 p.m.

Mr. Stanley Kahn, 8325 66<sup>th</sup> Avenue (8:24:14), pointed out there would be a commercial area right next door to his residence. Mr. McCoy related there was a 30 foot buffer around the entire property. Chairman Hamner thought something bigger than a Type B buffer would be needed, and this could be added criteria on the site plan.

Mr. Stan Boling, IRC Planning Director, agreed this could be looked at in detail later on and staff would notify Mr. Kahn at that time.

Mr. Mark Tripson, 5020 12<sup>th</sup> Street (8:29:58), was curious about the 20 acre park to be dedicated at the corner of 12<sup>th</sup> Street and 58<sup>th</sup> Avenue, and wanted to know if there would be lights, etc.

Discussion followed about what the space could be used for.

Mr. Gilford Walker, 2442 Glenn Vista Boulevard (8:37:57), submitted a certified copy of an easement going into the middle of Phase Three of the project, and this is on file in the Commission Office. Mr. McCoy stated there would need to be alternate accommodations made by the developer to get the Walkers to sign off in extinguishing the easement and giving them other access rights.

Ms. Nancy Johannsen, 7100 77<sup>th</sup> Street (8:40:08), wondered if 70<sup>th</sup> Avenue would go from the development to 77<sup>th</sup> Street. Mr. McCoy related if this ever happened it would be a long time away.

Ms. Tammy Vogel, 7375 85<sup>th</sup> Street (8:42:36), understood there would be trails and walkways around her property. Chairman Hamner said there would be at least a Type "B" buffer and this would be coming to the P&Z at a later date.

Ms. Beverly O'Neill, 9790 61<sup>st</sup> Place (8:45:34), wanted to know if there would be public access from the set-aside to Breezy Village Mobile Home subdivision. Mr. McCoy confirmed the site would be conservation and the only access was from the terminus of 99<sup>th</sup> Street on the northeast corner.

Chairman Hamner closed the public hearing at 9:40 p.m.

Dr. Baker asked what access was planned for Ryall Park on the east side of 66<sup>th</sup> Avenue. Mr. McCoy stated there would be a paved driveway from 81<sup>st</sup> Street.

Ms. Keys wondered if the Indian River Boulevard site could be the first property getting a transfer of density, instead of Breezy Village as proposed.

Mr. Joseph Schulke, Schulke, Bittle & Stoddard, 1717 Indian River Boulevard (8:50:15), related the parcels were chosen to correlate with the phasing; however the Indian River Boulevard site could be bumped to the first phase along with Breezy Village and the park.

8:52:25

**ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Lawrence, the members voted (5-2) to approve staff's recommendation with the addition of having a passive use for the 12<sup>th</sup> Street park site; the sequency of the transfer of density; additional buffering for the adjacent residential parcels as discussed; and resolution of the easement issue. Mr. Smith and Dr. Baker in opposition.**

Mr. Smith stressed this was a great project, but he had voted against it because one of the basic premises of the Comp Plan was the urban service line. He wished the project was inside the urban service area; however he felt because this project pushed across the line it encouraged the loss of agricultural properties. Mr. Smith continued if the project did proceed he would like to see a much larger increase in the trade-off between the area outside the urban service area and the parcels inside the urban service area. He thought if you were going to provide green space inside the urban service area as a trade-off, the trade-off should be much closer to one-to-one.

Dr. Baker agreed with Mr. Smith and thought this set a dangerous precedent as far as the urban service line was concerned.

Mr. Keating observed this was an allowance in the Comp Plan and the urban service did not move.

**Commissioners Matters** (8:57:58)

Mr. Fletcher said Dr. Bob Adair had pointed out to him the cost to an applicant for a site plan project appeal was \$400; however if you were a neighbor the cost was \$800. He wondered why it was twice as much for a resident to appeal than it was for a developer.

Mr. Boling explained the application fees were based on how much staff time was involved, and since applicants had already paid fees for a site plan there was less staff time involved in an appeal from them because of what had already been done.

**Planning Matters** (9:00:04)

Mr. Boling gave an update on action taken by the BCC on matters that had previously been before the P&Z. He related the County had re-established its Affordable Housing Advisory Committee and the state said one of the members had to be a P&Z member. Mr. Weick agreed to be the P&Z representative on this committee.

**Attorney's Matters** (9:03:02)

Attorney Glenn advised the Interlocal Service Boundary agreement would be brought to the BCC at its April 15, 2008 meeting.

Their being no further business, the meeting was adjourned at 9:55 p.m.

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George Hamner, Chairman

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Date

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Reta Smith, Recording Secretary

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Date