

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, November 13, 2008 at 7:00 p.m. in the Commission Chambers of the County Administration Building, 1801 27th 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/2008.

Present were members: Vice Chairman **Craig Fletcher**, District 3 Appointee; **Donna Keys**, District 1 Appointee; **Gerard Weick**, District 2 Appointee; **Greg Smith**, District 4 Appointee; and **Dr. Richard Baker**, Member-at-Large.

Absent were Chairman **George Hamner**, Member-at-Large; **George Lawrence**, District 5 Appointee and **Carol Johnson**, non-voting School Board Liaison (all excused).

Also present was IRC staff: William G. Collins II, County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; John McCoy and Steven Deardeuff, Senior Planners; and Reta Smith, Recording Secretary.

Call to Order and Pledge of Allegiance (7:14:32)

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

Approval of Minutes (7:15:05)

ON MOTION BY Ms. Keys, SECONDED BY Mr. Smith, the members voted unanimously (5-0) to approve the minutes of the EAR Public Workshop of September 30, 2008, as presented.

ON MOTION BY Ms. Keys, SECONDED BY Mr. Weick, the members voted unanimously (5-0) to approve the minutes of the meeting of October 23, 2008, as presented.

Item Not on Consent (7:15:54)

Vice Chairman Fletcher read the following into the record:

- A. Shoppes at Vero Beach:** Request for major site plan and preliminary plat approval for a shopping center to be known as the Shoppes at Vero Beach. RM-Trion Shoppes at Vero Beach, Owner. Degirolmo & Associates, Inc., Agent. Located at the north side of SR60, east of 90th Avenue, and south of Paradise Park. Zoning Classification: CG, General Commercial. Land Use Designation: C/I, Commercial/Industrial. (SP-MA-08-10-37/2004050025-62230)
[Quasi-Judicial]

The secretary administered the testimonial oath to those present who wished to speak at tonight's meeting on any quasi-judicial items.

Mr. John McCoy, IRC Senior Planner (7:17:24), reviewed the information contained in his memorandum dated November 5, 2008, a copy of which is on file in the Commission Office. He clarified page three of the staff report said there were 3.34 acres that would become a conservation area; however a portion of the area where the mitigation would occur was already publicly owned, so the area would not become a conservation area because it already was. Mr. McCoy continued part of the area needed enhancement, which was what the applicant proposed to do as part of his mitigation for upland, so it was actually only 2.42 acres that would become a conservation easement with the other portion being an enhancement of already publicly owned property.

Mr. Weick noted the houses to the north of the subject property were fairly close to the setback and there was no berm (7:28:37). Mr. McCoy explained in that area there was a four foot black vinyl chain link fence and the rest was all vegetation to make a six foot opaque feature. He added there was also a requirement for loading docks to be screened with an eight foot wall to contain loading activities.

Vice Chairman Fletcher opened the public hearing at 7:17 p.m. and since no one wished to speak, the public hearing was closed.

Dr. Baker noted the wetlands to the west would be made into a dry retention area and wondered why we needed to have a dry retention when there were already nice wetlands at the site.

Mr. Brian DeGirolmo, the Civil Engineer on the project (7:36:23), explained the site was designed so stormwater would flow initially into the dry retention area in the northwest quadrant of the site and fill up there before it then overflowed into the wet retention area, and would eventually make its way to the south and outfall into the Department of Transportation canal.

Dr. Baker noted there were live oak trees clustered together in two areas in the center and the south of the site, and hoped the design could be changed somewhat to preserve the trees.

Discussion followed about mitigation.

Mr. Barney Lombardi, LM Development, 6051 North University Drive, Davie, Florida (7:44:34), representing the applicant, said he would love to do whatever was possible to conserve the oaks; however there were a number of design criteria they were faced with so there was very little flexibility. Mr. Lombardi stated if they tried to preserve the cluster of oak trees, there would have to be such an expansive area around them the site would not be developable to the extent that could warrant the economics involved.

Mr. Weick asked if the applicant had considered moving the trees.

Mr. Lombardi said they had thought about moving the trees but it was his understanding you would probably not be successful in transplanting trees of this nature. Dr. Baker and Mr. Weick related trees of that size had been moved for other projects.

Ms. Lisa Fraser, Environmental Planner at Kimley-Horn & Associates, 601 21st Street, Vero Beach (7:51:57), stated in accordance with County code she was to identify the upland area that was considered the best to be preserved. She related the majority of the site had been highly impacted by past use and there were a lot of invasive species on the site, also the area had been used by indigents. Ms. Fraser explained the pine flatwoods on the site came out to have the highest indicators of an intact natural system and that was where they wanted to concentrate the preservation efforts on, as well as the wetland to the west.

Discussion ensued.

Attorney Bruce Barkett, 756 Beachland Boulevard, Vero Beach (7:57:44), representing the applicant, said his client had authorized him to

tell the members they would commit to looking into moving the trees in question.

7:59:05

ON MOTION BY Mr. Smith, SECONDED BY Ms. Keys, the members voted (4-1) to approve the request according to staff's recommendation. Dr. Baker opposed.

Public Hearings (7:59:38)

Vice Chairman Fletcher read the following into the record:

- A.** Realtors Association of Indian River County, Inc's Request to Amend the Future Land Use Map to Redesignate \square .075 Acres From L-1 to C/I; and to Rezone the \square .075 Acres from RM-3 to CL. Plan Amendment Number: LUDA 2006060290-63102 RZON NUMBER: 2006060290-63103 **[Legislative]**

Mr. Steven Deardeuff, IRC Senior Planner (8:00:24), reviewed the information contained in his memorandum dated October 29, 2008, a copy of which is on file in the Commission Office.

Vice Chairman Fletcher opened the public hearing at 7:50 p.m. (8:05:42).

Mr. Robert Hamilton, 3135 67th Street, Winter Beach, Florida (8:05:58), noted Quay Dock Road was a historic road and it was his understanding it could not be used to access the site. Mr. Stan Boling, IRC Planning Director, clarified the site had frontage on U.S. Highway #1 (U.S. #1) and 67th Street as well as Quay Dock Road and the applicant had an option not to access Quay Dock Road.

Mr. Hamilton wanted to know if 67th Street would be repaved. Mr. Boling advised 67th Street would have to be improved at least to the driveway for the business and then a little beyond that for transition.

Mr. Hamilton asked if there were any plans for a northbound right turn lane off U.S. #1 into that area. Mr. Boling said the commercial site was fairly small and he would be surprised if there would be enough development to warrant a turn lane.

Mr. Hamilton related his family owned seven acres on the south side of the subject property and asked if the rezoning would affect his property or his taxes. Mr. Boling responded Mr. Hamilton's zoning would stay the same.

Vice Chairman Fletcher closed the public hearing at 7:54 p.m.

8:09:28

ON MOTION BY Ms. Keys, SECONDED BY Mr. Weick, the members voted unanimously (5-0) to approve staff's recommendation.

Vice Chairman Fletcher read the following into the record:

- B. Consideration of Amendments to Restrictions on Parking Commercial Vehicles in Residential Areas; LDR Chapters 901, 911, and 912 [Legislative]**

Mr. Boling reviewed the information contained in his memorandum dated October 24, 2008, a copy of which is on file in the Commission Office (8:10:26).

Ms. Keys suggested adding box trucks to the exclusion list. Mr. Boling observed most box trucks were nine feet or taller, and he felt the height dimension would probably be a good way to regulate this issue.

Mr. Smith noted many electricians or plumbers had what he would call box trucks, and wondered if those would be restricted. Both he and Vice Chairman Fletcher stressed they did not want to impact the small businessman who parked his truck at his home.

Discussion followed.

8:37:55

ON MOTION BY Mr. Weick, SECONDED BY Ms. Keys, the members voted (2-3) to approve staff's recommendation. Vice Chairman Fletcher, Mr. Smith and Dr. Baker opposed. The motion failed.

8:39:43

ON MOTION BY Ms. Keys, SECONDED BY Mr. Smith, the members voted (4-1) to approve staff's recommendation with the elimination of the rack restriction and have staff come up with some wording on booms. Mr. Weick opposed.

Commissioners Matters (8:40:16)

Ms. Keys recalled during recent meetings involving the Evaluation and Appraisal Report (EAR) there was discussion regarding changes on sewer hook-up requirements for the Barrier Island, and asked for clarification on this issue. Mr. Keating explained the EAR was only a guide to what would be done next year when the Comprehensive Plan (Comp Plan) was amended, and at this time there was no specific wording. He stated basically the EAR said the policy should be amended so hook up to sewer would be required when available; however this would be much more specific when the Comp Plan amendments were discussed.

Discussion followed about St. Johns River Water Management recommendations regarding monitoring wells in connection with mining regulations.

Planning Matters (8:46:31)

Mr. Boling reminded the members there would be a special hearing on mining regulations on Wednesday, November 19, 2008, and briefly described the upcoming backup for that meeting.

Attorney's Matters (8:49:38)

None.

There being no further business, the meeting was adjourned at 8:35 p.m.

Craig Fletcher, Vice Chairman

Date

Reta Smith, Recording Secretary

Date