

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, April 23, 2009 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/2009.

Present were members: Chairman **George Hamner**, Member-at-Large; **Donna Keys**, District 1 Appointee; **Sam Zimmerman**, District 2 Appointee; **Jens Tripson**, District 3 Appointee; **Greg Smith**, District 4 Appointee; **Pilar Turner**, District 5 Appointee; and **Dr. David Cox**, Member-at-Large.

Absent was **Carol Johnson**, non-voting School Board Liaison. (excused).

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

Call to Order and Pledge of Allegiance (6:06:45)

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

Approval of Minutes (6:07:26)

ON MOTION BY Ms. Turner, SECONDED BY Mr. Smith, the members voted unanimously (7-0) to approve the minutes of the meeting of April 9, 2009, as presented.

Items Not on Consent (6:07:47)

Chairman Hamner read the following into the record:

- A. Ridan Tower FL-1260:** Request for administrative permit use approval to construct a stealth wireless communications tower. Steven Cartwright, Owner. Ridan Industries, Inc., Agent.

Located approximately 1,200' east of 27th Avenue SW, just west and south of undeveloped portions of the Falcon Trace PD and just north of the St. Lucie County line. Zoning Classification: A-1, Agricultural 1 (1 unit per 5 acres). Land Use Designation: L-2, Low Density Residential (up to 6 units/acre). (SP-MI-08-10-41/2006050306-62312) **[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 (6:08:40), reviewed the information contained his memorandum dated April 14, 2009, a copy of which is on file in the Commission Office.

6:12:43

ON MOTION BY Mr. Smith, SECONDED BY Ms. Turner, the members voted unanimously (7-0) to approve staff's recommendation.

Chairman Hamner read the following into the record:

B. Harbor Point: Request for major site plan and preliminary plat approval to construct a 67,310 square foot shopping center to be known as Harbor Point. North American Properties S. E., Inc., Owner. Carter Associates, Inc., Agent. Located at the southeast corner of US Highway 1 and 53rd Street. Zoning Classifications: CG, General Commercial and RM-6, Residential Multi-Family (up to 6 units/acre). Land Use Designations: C/I, Commercial/Industrial and M-1, Medium Density Residential (up to 8 units/acre). (SP-MA-07-08-17/SD-07-08-08/2004040368-58924) **[Quasi-Judicial]**

Mr. John McCoy, IRC Senior Planner (6:13:23), reviewed the information contained his memorandum dated April 13, 2009, a copy of which is on file in the Commission Office.

Chairman Hamner noted there was a left-turn lane but no acceleration lanes and since U.S. Highway 1 would eventually be widened to six-lanes he thought this should be taken into consideration, where possible. Mr. Tripson mentioned there were a lot of sable palmettos and smaller oak trees on the site, and he hoped the applicant would utilize them on site where possible. Mr. McCoy advised the sable palmettos were part of the mitigation plan but the smaller oaks were not.

6:22:07

ON MOTION BY Ms. Keys, SECONDED BY Mr. Zimmerman, the members voted unanimously (7-0) to approve staff's recommendation.

Public Hearings (6:22:41)

Chairman Hamner read the following into the record:

- A.** Consideration of Proposed Amendments to Regulations for Changeable Copy and Electronic Message Signs within Special Corridors: Land Development Regulations Chapter 911 [**Legislative**]

Mr. Stan Boling, IRC Planning Director (6:22:57), reviewed the information contained his memorandum dated April 13, 2009 and gave a PowerPoint presentation, copies of which are on file in the Commission Office.

Chairman Hamner (6:37:01) noted neon lights were currently not allowed throughout the various Corridors and wondered if there would be any possible interpretation in this amendment to allow them. Mr. Boling confirmed neon signs were a separate prohibition altogether.

Discussion followed about changeable billboards and scrolling electronic message signs.

Ms. Keys (6:42:40) requested specific language be included stating scrolling signs would be prohibited in Corridors because of safety issues. Mr. Boling noted there were some signs that were grandfathered before the Corridor rules were adopted.

Mr. Zimmerman (6:51:32) recommended consideration be given to the proposed amendment not being applicable to the Barrier Island Corridor.

Chairman Hamner opened the public hearing at 7:45 p.m.

Mr. Gene Waddell (6:54:48) stated he had been on the State Road 60 Task Force since 1998 and was very proud of the way the road looked. He felt the present economic condition was temporary and did not see how bigger, brighter, gaudier signs would bring more business because people just did not have the money. Mr. Waddell cautioned the amendment would

open a Pandora's Box as far as aesthetics were concerned and erode away at standards that had been set for the Corridors.

Mr. Fred Mensing, 7580 129th Street, Roseland (6:59:09), read a letter from himself and one from Ms. Donna Parkins, 8066 141st Street, Sebastian, which are on file in the Commission Office. Let the record show both letters stressed the Friends of Historic Roseland were opposed to any changes in the signs covered by the Roseland Corridor Plan.

Discussion ensued about background colors.

Chairman Hamner closed the public hearing at 7:56 p.m.

Ms. Keys (7:06:26) wondered if the public objection had to do with LED lights, rather than changeable copy.

Chairman Hamner reopened the public hearing at 7:57 p.m.

Mr. Waddell (7:06:50) reiterated he was totally against the whole amendment.

Discussion followed.

Mr. Mensing (7:13:07) stated there was no question in his mind that Friends of Historic Roseland did not want either LED lighting or changeable signs in their area.

Chairman Hamner reclosed the public hearing at 8:03 p.m.

Mr. Zimmerman applauded the Board of County Commissioners' (BCC) efforts to help businesses, but looked at the amendment with skepticism because he did not think there was that much benefit to businesses versus the aesthetic cost to the community. Chairman Hamner acknowledged these were hard economic times; however he agreed with Mr. Zimmerman on this issue.

7:17:38

ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Tripson, the members voted unanimously (7-0) not to approve what was presented by staff because it was felt the amendment would not help business and would not be good for the overall ambience of the County.

Attorney George Glenn, IRC Assistant Attorney, (7:17:52) clarified the intent of the motion was to maintain the status quo and not adopt any changes.

Chairman Hamner read the following into the record:

B. Consideration of Proposed Amendments Providing for Temporary Suspension of Compliance with Regulations Not Directly Related to Public Safety: Land Development Regulations Chapter 902 [Legislative]

Mr. Boling (7:19:36) reviewed the information contained in his memorandum dated March 24, 2009, a copy of which is on file in the Commission Office.

Chairman Hamner (7:26:51) wondered why this issue would be addressed by the IRC Board of Zoning Adjustment (BZA) as opposed to the IRC Code Enforcement Board. Mr. Boling stated the BZA was recommended by the proponents of the change because it was an existing board constituted to grant waivers and variances.

Discussion ensued.

Mr. Zimmerman (7:32:48) felt the idea behind the amendment was good but in terms of practical application he thought authority for a waiver should reside with the IRC Community Development Director, rather than IRC Administrator. He suggested the decision whether to grant or deny the request for a temporary certificate of occupancy (CO) should be made within one or two business days, and if it was rejected the developer should be able to appeal it to the BZA within 10 business days.

Mr. Zimmerman recommended staff find a way to apply pressure to developers of a subdivision, rather than the homeowners, when dealing

with a Certificate of Completion (CC) because he felt that was punishing the wrong person.

Dr. Cox (7:45:37) was concerned the process to accomplish compliance might end up being more cumbersome and costly to the taxpayers. Mr. Boling thought it would not, provided the decision stayed at staff level.

Discussion followed.

Chairman Hamner opened the public hearing at 8:45 p.m.

Mr. Charlie Wilson, 1057 6th Avenue, Vero Beach (7:54:58), maintained staff was dead set against the amendment and had presented to the P&Z a watered-down version of what was proposed by IRC Commissioner Wesley Davis. He outlined at length why the IRC Administrator and the BZA had been selected for appeals and why he felt staff should not be involved.

Lengthy discussion ensued.

Mr. Keating stated staff supported this amendment and he thought Mr. Zimmerman's recommendations made it even better.

Mr. Joseph Paladin, President of Atlantic Coast Construction and Development and Black Swan Consulting (8:30:51), thought this amendment might be a bad policy because some individuals could take advantage of it. He did not think there was a problem with the existing CO and CC process and felt minor things could be corrected before having to go through the appeals process.

Chairman Hamner closed the public hearing at 9:26 p.m.

Mr. Smith said he was in favor of the amendment because it should help the small businessman to open as quickly as possible. Dr. Cox felt more comfortable with the proposition put forth by Mr. Zimmerman, rather than the mechanism outlined in the backup.

8 40:52

ON MOTION BY Mr. Zimmerman, SECONDED BY Ms. Turner, the members voted unanimously (7-0) to accept the proposed amendment with the following changes: (1) The IRC Community Development Director be substituted for the IRC Administrator as the person with the authority to issue or deny a temporary Certificate of Occupancy; (2) The decision to grant or deny be made within one or two business days; (3) If it was rejected the applicant could appeal to the IRC Board of Zoning Adjustment; (4) The IRC Board of Zoning Adjustment must meet within ten business days, or whatever time was reasonable, and as quickly as possible to decide the issue.

8:42:24

ON MOTION BY Mr. Zimmerman, SECONDED BY Dr. Cox, the members voted unanimously (7-0) to recommend the Board of County Commissioners ask staff to look at the Certificate of Completion issue, specifically to punish the developer rather than the home buyer.

Attorney Glenn asked if the previous motion be amended to say “the IRC Community Development Director or his designee”, because if Mr. Keating was not available, the authority should be able to be expanded to someone else.

8:46:38

ON AMENDED MOTION BY Mr. Zimmerman, AMENDED SECOND BY Ms. Turner, the members voted unanimously (7-0) to accept the proposed amendment with the following changes: (1) The IRC Community Development Director be substituted for the IRC Administrator as the person with the authority to issue or deny a temporary Certificate of Occupancy; (2) The decision to grant or deny be made within one or two business days; (3) If it was rejected the applicant could appeal to the IRC Board of Zoning Adjustment; (4) The IRC Board of Zoning Adjustment must meet within ten business days, or whatever time was reasonable, and as quickly as possible to decide the issue.

Commissioners Matters (8:47:50)

Chairman Hamner asked what was happening with the sand mining issue. Mr. Keating explained there would be at least one more Technical Review Committee meeting and it would eventually come to the P&Z.

Chairman Hamner called a recess at 9:40 p.m. and reconvened the meeting at 9:46 p.m.

Planning Matters (8:50:48)

Turn Lane Discussion

Mr. Chris Mora, IRC Assistant Public Works Director (8:51:15), gave a PowerPoint presentation on turn lanes, a copy of which is on file in the Commission Office.

Chairman Hamner observed a car would be decelerating any time a driver planned on making a turn off a high-speed road, and even a small deceleration lane would be better than having to slow down or stopping at the actual driveway. He continued when coming out of a development the driver would go from a dead stop into full traffic, and thought there should be a small area to begin acceleration and join the flow of traffic. Mr. Mora

explained green book standards had to be followed when building a turn lane; otherwise no engineer would sign off on it.

Discussion followed.

Attorney's Matters (9:15:19)

None.

There being no further business, the meeting was adjourned at 10:10 p.m.

George Hamner, Chairman

Date

Reta Smith, Recording Secretary

Date