

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, July 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.irccgov.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; **Dr. David Cox**, Member-at-Large and **Carol Johnson**, non-voting School Board Liaison.

Absent was **Pilar Turner**, District 5 Appointee (excused).

Also present was IRC staff: George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; Mark Zans, Senior Planner; and Reta Smith, Recording Secretary.

Call to Order and Pledge of Allegiance (6:21:09)

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

Approval of Minutes (6:21:54)

ON MOTION BY Ms. Keys, SECONDED BY Mr. Tripson, the members voted unanimously (6-0) to approve the minutes of the meeting of July 9, 2009, as presented.

Item Not On Consent (6:22:07)

Chairman Hamner read the following into the record:

- A. Realtors Association of Indian River County:** Request for site plan approval to construct an office building and related improvements within the Quay Dock Road historic road buffer. Realtors Association of Indian River County, Owner. Kimley-

Horn & Associates, Inc., Agent. The subject property is located at the southeast corner of US Highway 1 and Quay Dock Road. Zoning Classifications: CL, Limited Commercial, and RM-3, Residential Multi-Family (up to 3 units/acre). Land Use Designations: C/I, Commercial/Industrial, and L-1, Low Density 1 (up to 3 units/acre) **[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. Stan Boling, IRC Planning Director (6:22:56), reviewed the information contained in his memorandum dated July 15, 2009, a copy of which is on file in the County Commission Office. He noted the draft minutes of the March 19, 2009 meeting of IRC Historic Resources Advisory Committee (HRAC) were also included, and went over recommendations outlined in staff's report and proposed by the committee members.

Chairman Hamner (6:38:40) observed the proposed parking area was almost 40% more than required, and wondered how much traffic was expected. Mr. Boling responded staff had been told there would be more demand for parking than the code minimum because of periodic meetings on the site. He added staff would rather see automobiles parked behind landscaping than having to park off-site.

Ms. Lynn Larkin, 4017 Silver Palm Drive, member of the HRAC (6:41:26), stated the committee had some concerns the buffer would not be dense enough along historic Quay Dock Road.

Discussion followed.

Mr. Chris Crawford, 6336 4th Place, member of the HRAC (6:47:58), wanted the P&Z to consider the scale and proportion of the building and cautioned the members about setting some kind of precedent. Chairman Hamner noted if the building went to two stories it would probably fit on the property a lot easier; however this was something HRAC did not want. Mr. Crawford mentioned the HRAC minutes had not officially been approved because the committee had not met since March 19, 2009.

Dr. Cox (6:49:38) noted Section 933.08 of the code regarding the protection of scenic and historic roads, contained in the backup on file in the County Commission Office, stated it shall be illegal to engage in the erection of structures within the 30-foot buffer or designated protected area

of any designated historic road. He observed the first recommendation of the HRAC was for the applicant to consider lessening excess parking spaces or redesign to eliminate parking encroachment into the 30 foot protected area of Quay Dock Road. Dr. Cox continued page four of Mr. Boling's memorandum read "Staff's conclusion was the small buffer encroachment proposed was justified and potential impacts on Quay Dock Road would be mitigated by the project's consistency with the HRAC recommended project guidelines." He felt the recommendation HRAC made pertaining to the encroachment was inconsistent with staff's recommendation.

Dr. Cox related P&Z was being asked to grant an exemption to the code and he was concerned about cumulative impacts, taking into consideration how most of the County's historic roadways had been treated in the past. He expressed trepidation about chipping away at historic roadways as well as giving an exemption to the Land Development Regulation (LDR) that controlled this kind of activity and setting a precedent.

Mr. Zimmerman (6:53:29) wondered if the HRAC or P&Z could prevent the applicant from building a two-story building if they chose to do so. Mr. Boling responded if the applicant followed all the standard LDRs there was no requirement that would keep them from building a two-story structure. Mr. Zimmerman asked if it was a two-story building, could all the parking required by the applicant be put on the site without encroaching into the 30-foot protected area of the historic road.

Mr. James Vitter, Kimley-Horn and Associates, Inc. (6:54:24), representing the applicant, said yes they could. He pointed out the proposed buffer was denser and thicker on Quay Dock Road than would be required with a two-story building, which would mean more visibility of the parking lot and the building. Mr. Zimmerman concluded a two-story building would have a worse overall effect on the historic road than what was proposed.

Discussion ensued.

Mr. Tripson (7:00:20) opined when driving down Quay Dock Road he would rather see a five foot encroachment for the parking area, if he could see it, than see a two-story building through the trees. Mr. Boling noted because of the nature of the site he did not think there was a more efficient way to lay the project out and keep the building away from Quay Dock Road, yet still meet the fire code for circulation on site.

Dr. Cox (7:05:56) reiterated he was still not convinced we should be eroding the protection of our historic roads for a few parking spaces, and he did not feel it was a do-or-die situation for the ability of the applicant to function on the site with the loss of a handful of parking spaces. Mr. Smith (7:06:23) thought the concession of the parking was not that significant considering there could have been a two-story building along the historic road.

7:07:21

ON MOTION BY Mr. Smith, SECONDED BY Mr. Zimmerman, the members voted (5-1) to approve staff's recommendation. Dr. Cox opposed.

Chairman Hamner wanted the minutes to reflect it was not the intention of the P&Z to make this a precedent as far as historic roads were concerned. Mr. Tripson commended the applicant for leaving the native trees and planting extra native species on the site, which he said helped weigh his decision regarding the five foot encroachment.

Commissioners Matters (7:08:43)

None.

Planning Matters (7:08:57)

Mr. Boling briefly discussed the Waterway Village lawsuit on concurrency.

Attorney's Matters (7:11:07)

None.

There being no further business, the meeting was adjourned at 7:50 p.m.

George Hamner, Chairman

Date

Reta Smith, Recording Secretary

Date