

## PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, September 24, 2009 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.irccgov.com/Boards/PZC/2009](http://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; **Dr. David Cox**, Member-at-Large and **Carol Johnson**, non-voting School Board Liaison.

Absent was **Greg Smith**, District 4 Appointee and **Pilar Turner**, District 5 Appointee (both excused).

Also present was IRC staff: George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; Sasan Rohani, Chief of Long Range Planning; John McCoy, Senior Planner; and Reta Smith, Recording Secretary.

### **Call to Order and Pledge of Allegiance** (6:08:40)

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

### **Approval of Minutes** (6:10:18)

**ON MOTION BY Mr. Tripson, SECONDED BY Dr. Cox, the members voted unanimously (5-0) to approve the minutes of the meeting of September 10, 2009, as presented.**

### **Public Hearing** (6:10:41)

#### **A. County Initiated Request to Redesignate**

Property #1: Redesignate ± 27.97 Acres from L-1, Low-Density Residential-1 (up to 3 units/acre), and C/I, Commercial/Industrial, to C-1, Conservation-1 District (zero density), and Rezone those ± 27.97 Acres from A-1,

Agricultural-1 District (up to 1 unit/5 acres), and CL, Limited Commercial District, to Con-1, Conservation-1 District (zero density). Subject property is known as Canoe Launch Park/Ansin Tract located at 9700 Water Vliet Avenue. (LUDA 2009070035-64289) **[Legislative]**

Property #2: Redesignate  $\pm$  37.48 Acres from AG-1, Agricultural-1 District (up to 1 unit/5 acres), and R, Rural Residential District (up to 1 unit/1 acre), to C-1, Conservation-1 District (zero density), and Rezone those  $\pm$  37.48 Acres from A-1, Agricultural-1 District (up to 1 unit / 5 acres), to Con-1, Conservation-1 District (zero density). Subject property is known as South Prong Preserve/Shadowbrook Estates and Ryall Parcels located at 7775 85<sup>th</sup> Street and 7780 85<sup>th</sup> Street. (LUDA 2009070035-64289) **[Legislative]**

Property #3: Redesignate  $\pm$  70 Acres from C-2, Conservation-2 District (up to 1unit/2.5 acres), and L-2, Low-Density Residential-2 (up to 6 units/acre), to C-1, Conservation-1 District (zero density), and Rezone those  $\pm$  70 Acres from RS-6 Single-Family District (up to 6 unit/1 acre), and RS-1, Single-Family Residential District (up to 1 unit/1 acre), to Con-1, Conservation-1 District (zero density). Subject property is known as Oslo Riverfront Conservation Area (ORCA) Diamond Tract located at the east end of Oslo Road, south of the Oslo Road right-of-way. (LUDA 2009070035-64289) **[Legislative]**

Property #4: Redesignate  $\pm$  457.86 Acres from AG-2, Agricultural-2 District (up to 1 unit /10 acres), to Con-1, Conservation-1 District (zero density), and Rezone those  $\pm$  457.86 Acres from A-2 Agricultural-2 District (up to 1 unit/10 acres), to Con-1, Conservation-1 District (zero density). Subject property is known as Corrigan 460 Tract/Berry Groves Exchange located approximately 2 miles west of I95 and approximately 1.5 miles north of SR60. (LUDA 2009070035-64289).**[Legislative]**

Mr. Sasan Rohani, IRC Chief of Long Range Planning (6:10:57), reviewed the information contained in his memorandums, copies of which are on file in the Commission Office.

Chairman Hamner opened the public hearing at 7:08 p.m.

Mr. Lex Kromhout, 4150 Southwest 11<sup>th</sup> Place, Vero Beach (6:16:27), noted there were two tracts to the west of Property #4 that had been acquired prior to this purchase; and wondered if they would also be designated Conservation. Mr. Rohani confirmed the parcels in question would be included in the next Comprehensive Plan amendment in January, 2010, but they were not included in this group.

Chairman Hamner closed the public hearing at 7:10 p.m.

6:17:50

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

Chairman Hamner read the following into the record:

- B.** 510, LLC, Request to Amend The Comprehensive Plan to Redesignate ± 6.4 Acres From L-2, Low-Density Residential-2 (up to 6 units/acre), to C/I, Commercial/Industrial, and to Rezone Those ± 6.4 Acres From RM-6, Multi Family Residential District (up to 6 unit/1 acre), to CG, Commercial General; United Indian River Packers LLC, together with Request to Amend The Comprehensive Plan to Redesignate ± 6.4 Acres From C/I, Commercial/Industrial, to L-2, Residential-2 District (up to 6 unit/1 acre), and to Rezone Those ± 6.4 Acres From IL to RM-6, Multi Family Residential District (up to 6 unit/1 acre). Located north of CR510, south of 87<sup>th</sup> Street and east of 47<sup>th</sup> Avenue. (LUDA 2009080001-64301)  
**[Legislative]**

Mr. Rohani (6:18:52) reviewed the information contained in his memorandum dated August 27, 2009, a copy of which is on file in the County Commission Office.

Ms. Keys inquired if someone came in with a project for a commercial piece of property they wanted to develop and they owned a piece of residential property next to it, would they be able to use the residential property for the storm water management? Mr. Rohani said they could.

Chairman Hamner opened the public hearing at 7:15 p.m.

Mr. Allen Yarbrough, Pastor of the First Baptist Church of Wabasso, 4720 86<sup>th</sup> Street (6:23:03), noted the Wabasso Corridor regulations had certain stipulations regarding construction along the corridor. He opposed any changes to the land use designation of Subject Property #1 without having construction plans filed prior to any approval. Mr. Yarbrough advised 86<sup>th</sup> Place was neither paved nor maintained by the County and 86<sup>th</sup> Place east of 47<sup>th</sup> Avenue was a dead end without any outlet to County Road #510 (CR-510).

Mr. Yarbrough continued while Subject Property #1 may have wastewater service, his church and many of the neighboring homes were on septic tanks, and there was concern any building on the property may impede the septic systems and cause excess flooding on other sites. He took issue with the traffic study stating peak morning hours were 11:00 a.m. to 12:00 noon because every weekday morning between 7:15 a.m. and 8:15 a.m. there were cars backed up both east and westbound at the traffic light at CR-510 and U.S. Highway #1 (U.S. #1), and any increase in traffic due to commercial property would impact the roads. Mr. Yarbrough observed there were no commercial businesses on CR-510 from U.S. #1 to A-1-A, except for a Citgo gas station and a bait and tackle shop, which faced U.S. #1.

Chairman Hamner reminded Mr. Yarbrough the Board was not allowed to consider what would be going on the property, and noted property at Bristol Bay to the south of Subject Property #1 was designated commercial, and would likely eventually be developed as such.

Mr. Bob Keating, IRC Community Development Director (6:30:14), advised the applicant would have to comply with all of the Wabasso Corridor criteria to ensure whatever was built would be compatible and aesthetic with the area. He added a Type "B" buffer was required on the edges of the property, so there would be a landscaped area between any structures on the site and any adjacent residential areas. Mr. Keating related the traffic impact analysis addressed peak hours between 4:30 p.m. and 5:30 p.m. and basically showed there would not be any concurrency problems or congestion from the proposed redesignation.

Ms. Pat Mills, 4655 87<sup>th</sup> Street, Wabasso (6:35:24), stated if a fence or berm was constructed on the Subject #1 site she would not get any air because whatever went in there would be right at her back door, and she had concerns about the drainage. Chairman Hamner advised if the redesignation was approved, those things would be discussed when the applicant came back with a project design.

Ms. Shawn Michael, 4610 86<sup>th</sup> Place, Wabasso (6:39:23), said her front door would open up to whatever development went on Subject Property #1, and she objected to the redesignation.

Mr. Todd Howder, MBV Engineering, Inc., 2465 14<sup>th</sup> Terrace, Vero Beach (6:40:33), pointed out at issue tonight was approval for a swap of two parcels of property, and there were no plans at this point for future development. He stressed the applicant just wanted to make Subject Property #1 viable for some type of economic development in the future, and it was his intention to be a good neighbor and cooperate with area residents if and when any development was proposed.

Chairman Hamner closed the public hearing at 7:47 p.m.

Mr. Jim Davis, IRC Public Works Director (6:47:09), discussed right-of-way issues on proposed CR-510 improvements. Ms. Keys asked if the County had all the right-of-way needed on the north side of CR-510 from the beginning of Subject Property #1 to the end of Subject Property #1 at Massey Road. Mr. Davis responded not at this time, adding IRC staff would have to negotiate with the applicant to acquire the needed CR-510 right-of-way on the north side.

Mr. Zimmerman inquired if the redesignation of Subject Property #1 could be granted subject to an agreement for the required right-of-way. Attorney George Glenn, IRC Assistant County Attorney (6:52:19), advised the County could not ask for it but the applicant could offer it.

Dr. Cox understood this was a swap of property designation; however he needed to look at the merits of each of the parcels and think about them independently as far as compatibility was concerned. Neither he nor Mr. Tripson was sure Subject Property #2 was the best location for residentially-zoned property because of its proximity to the railroad tracks.

Lengthy discussion followed.

7:08:51

**ON MOTION BY Mr. Zimmerman to recommend the Board of County Commissioners approve the amendment subject to the condition that prior to final approval the Board would work very hard towards acquiring the necessary right-of-way for no cost.**

The motion died for lack of a second.

7:09:27

**ON MOTION BY Mr. Zimmerman, SECONDED BY Ms. Keys, the members voted (3-2) to recommend the Board of County Commissioners approve staff's recommendation subject to the Boards serious consideration, prior to approval, of acquiring the necessary right-of-way at no cost. Mr. Tripson and Dr. Cox opposed.**

Chairman Hamner noted the recommended failed because four votes were needed.

Mr. Boling advised before scheduling Item #4(A) concerning the Wild Turkey Mine on tonight's agenda, neither staff nor the applicant were aware two members would not be in attendance

Attorney Jonathon Ferguson, on behalf of Wild Turkey Estates of Vero Beach LLC (7:13:28), requested Item #4(A) be tabled to the October 8, 2009 P&Z meeting.

7:15:16

**ON MOTION BY Ms. Keys, SECONDED BY Mr. Tripson, the members voted unanimously (5-0) to table Item #4(A) until the October 8, 2009 meeting.**

Attorney Bruce Barkett, on behalf of SR60 Vero LLC (7:17:55), requested Item #3(C) be tabled to the October 8, 2009 meeting for the same reason stated by the previous applicant.

7:18:31

**ON MOTION BY Dr. Cox, SECONDED BY Mr. Zimmerman, the members voted unanimously (5-0) to table Item #3(C) until the October 8, 2009 meeting.**

**Commissioners Matters** (7:19:08)

None.

**Planning Matters** (7:19:19)

Mr. Boling reminded the members on September 30, 2009 from 9:00 a.m. to 11:00 a.m. there would be a public workshop on landscaping in the First Floor Conference Room in County Administration Building "B".

**Attorney's Matters** (7:20:23)

None.

There being no further business, the meeting was adjourned at 8:15 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