

## PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, December 9, 2010 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/2010](http://www.ircgov.com/Boards/PZC/2010).

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

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

Also present was IRC staff: Melissa Anderson, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; and Terri Collins-Lister, Recording Secretary.

### **Call to Order and Pledge of Allegiance**

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

### **Approval of Minutes**

**ON MOTION BY Mr. Hamner, SECONDED BY Mr. Tripson, the members voted unanimously (6-0) to approve the minutes of the meeting of October 28, 2010, as presented.**

### **Items On Consent**

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

- A. Windsor Sunset Cottages:** Request for preliminary PD plan/plat approval for a 10 lot fee simple residential townhome development to be known as Windsor Sunset Cottages. Windsor Properties, Inc., Owner. Schulke, Bittle & Stoddards, LLC, Agent. Located along Windsor's western perimeter, east of Jungle Trail and just south of Windsor's north boundary. Zoning Classification: RS-3, Residential Single-Family (up to 3 units/acre). Land Use Designation: L-1, Low Density Residential (up to 3 units/acre). Density: .97 units per acre (Windsor project). (PD-11-01-01 / 2005040112-65979) **[Quasi-Judicial]**
- B. Wild Wind Subdivision:** Request for preliminary plat approval for a 2 lot single-family subdivision to be known as Wild Wind Subdivision. Victor A. Mascitelli & Madonna G. Smith, Owners. Carter Associates, Inc., Agent. Located on the north side of historic Quay Dock Road, east of US Highway 1. Zoning Classification: RS-3, Residential Single-Family (up to 3 units/acre). Land Uses Designation: L-1, Low Density Residential (up to 3 units/acre). Density: 0.72 units per acre. (2009070030-64713 / SD-10-02-01) **[Quasi-Judicial]**

Chairman Smith asked the members if anyone wanted to pull any of the above items for discussion and Ms. Keys asked to pull Item B for question.

Ms. Keys wondered if it was something new to require a fire hydrant to be installed within 500 feet of a lot. Mr. Stan Boling, IRC Planning Director, stated the fire hydrant was a special condition because it was only two lots and there was no land development permit required whereas normally it was part of the land development permit process.

Ms. Keys questioned whether the required improvements - street lighting could be eliminated since it was on Quay Dock Road. Mr. Boling stated the County required some form of street lighting within the Subdivision Code; however, the type was not specified and a yard light in the front satisfied the requirement.

**ON MOTION BY Dr. Cox, SECONDED BY Mr. Hamner, the members voted unanimously (6-0) to accept the items on Consent as presented.**

## **ITEMS NOT ON CONSENT**

- A. LB Ranch:** Request for administrative permit use approval for a non-commercial kennel to be known as LB Ranch. Lori Bloom, Owner and Agent. Located at 2409 Old Dixie Highway SE. Zoning Classification: RS-6, Residential Single-Family (up to 6 units/acre). Land Use Designation: L-2, Low Density Residential (up to 6 units/acre). (AA-11-02-11 / 98070170-66092) **[Quasi-Judicial]**

Mr. Boling reviewed the information contained in his memorandum dated November 18, 2010, a copy of which is on file in the Commission Office.

Ms. Keys stated she had spoken with the neighbor closest to the kennel and he had no complaints. She inquired about the code enforcement complaint. Mr. Boling stated the complaint was regarding the issue of not having the required permits, but no nuisances were part of the complaint.

**ON MOTION BY Ms. Keys, SECONDED BY Mr. Hamner, the members voted unanimously (6-0) to approve staff's recommendation.**

- B. North Shore Club:** Request for preliminary PD plan/plat approval for a 7 lot single-family development to be known as North Shore Club. North Shore Club, LLC, Owner. Schulke, Bittle & Stoddard LLC, Agent. Located on the east side of SR A-1-A, within the overall Florida Beach Resort (Disney) PD. Zoning Classification: RM-6, Residential Multi-Family (up to 6 units/acre). Land Use Designation: (L-2, Low Density Residential (up to 6 units/acre). Density 71 units/acre. (PD-11-01-022003010058-66029) **[Quasi-Judicial]**

Mr. Boling reviewed the information contained in his memorandum dated November 23, 2010, a copy of which is on file in the Commission Office.

Dr. Cox raised the question whether it was a condition that the portion of the cleared lots seaward of the 1987 Coastal Construction Control Line could only be developed with a swimming pool or deck and wondered what structures could be constructed seaward.

Mr. Boling referred to the aerial of the North Shore Club Planned Development (PD) Single Family Development and noted there was a building line and a line for structures constructed seaward. He stated that structures

constructed seaward such as pools, decks, and patios were subject to approval by the Department of Environmental Protection. He affirmed that no structures could be constructed past the 1981 line because of protected dune vegetation, with the exception of dune walkovers.

**ON MOTION BY Ms. Keys, SECONDED BY Mr. Tripson, the members voted unanimously (6-0) to approve staff's recommendation.**

- C. Lost Tree Preserve:** Request for approval of an updated preliminary PD plan/plat for a development to be known as a Lost Tree Preserve. Lost Tree Village Corporation, Owner. Stephen Melchiori, Agent. Located on the north side of 65<sup>th</sup> Street, just west of the FEC railroad and south of 69<sup>th</sup> Street. Zoning Classification: PD, Planned Development. Land Use Designations: C/I, Commercial/Industrial and L-1, Low Density Residential (up to 3 units/acre). Density: 2.12 units per acre. (PD-10-08-01/99040238-65338) **[Quasi-Judicial]**

Mr. Boling reviewed the information contained in his memorandum dated November 8, 2010, a copy of which is on file in the Commission Office.

Ms. Keys asked whether there was a time in which the applicant would need to start Phase I of the development. Mr. Boling referred to the Phasing Schedule on page 6 of his memorandum and noted the completion date for Phase I was the year 2016, but there was not a commencement date. He indicated the completion dates could be modified to extend those dates.

Ms. Keys inquired about the applicant's alternatives if the project was not completed after the 17 years. Mr. Boling explained the phasing of the project was not the build out of the homes, but putting in the infrastructure. He added if the applicant went beyond the second phase they could come back in the year 2027 and get a preliminary PD approval for Phase 3.

Mr. Hamner asked what would happen if the request for approval of an updated preliminary PD plan/plat for a development to be known as a Lost Tree Preserve was denied. Mr. Boling replied that the applicant was required to build the plan and added the applicant already had the PD zoning of which was tied to the conceptual plan. He continued if the P&Z Commission denied the request, the applicant could appeal the decision to the Board of County Commissioners.

Mr. Zimmerman felt it was a strange policy of the County to approve a plan at this time which would be locked into place until the year 2027, not knowing how someone may want something developed at a future time. Mr. Boling stated it was not unusual to approve plans for development over a long period of time and mentioned other projects which had been approved by the County long before being set into place. He indicated with a project the size of Lost Tree Preserve, the applicant would be looking at design changes maybe multiple times prior to the year 2027 in order to respond to market conditions.

**ON MOTION BY Mr. Hamner, SECONDED BY Mr. Tripson, the members voted unanimously (6-0) to approve staff's recommendation with the conditions outlined in staff's report.**

### **Public Hearing**

- A. Pointe West School Site (Tract M):** Request to modify the approved planned development PD conceptual plan for the Pointe West School Site (Tract M). Pointe West of Vero Beach, Ltd., Owner. Onsite Management Group, Inc., Agent. Located on the north side of 16<sup>th</sup> Street, immediately west of the Westlake Estates Subdivision. Zoning Classification: PD, Planned Development. Land Use Designation: M-1, Medium Density Residential (up to 8 units/acre). (AA-11-02-15/200011008-66137) **[Legislative]**

Mr. Boling reviewed the information contained in his memorandum dated November 19, 2010, a copy of which is on file in the Commission Office.

Ms. Keys raised a concern for the residents at West Lake Estates in regard to the buffer being reduced by 150 feet. Mr. Boling noted it was a 200 foot building setback requirement which applied only to buildings and did not apply to driveways, parking areas, or drop off loops. He continued that parking areas and drop off loops would be located on the other side of the building and away from the subdivision.

Chairman Smith briefly discussed the verbiage in the PD Conceptual Plan for the Pointe West School Site that indicated the developer shall commit to accommodate drainage from 60% of the school site impervious area within the project's drainage system.

Chairman Smith opened the public hearing at 7:44 p.m.

Mr. James W. Herman, 7546 15<sup>th</sup> Lane, Vero Beach, questioned whether there was any type of buffering for sound contained in the PD plan. He felt the proposed bus pickup lane to be located on the south side would generate traffic on 16<sup>th</sup> Street. Mr. Boling stated the school site plan was not that far along, but he would get Mr. Herman's contact information and invite him to review the plan as it progressed.

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

**ON MOTION BY Mr. Hamner, SECONDED BY Mr. Tripson, the members voted unanimously (6-0) to approve staff's recommendation with the conditions outlined in staff's report.**

### **Commissioners Matters**

Mr. Hamner presented Chairman Smith with a plaque for his service and leadership on P&Z and wished him well on his future endeavors.

### **Planning Matters**

Mr. Boling stated that staff has enjoyed working with Chairman Smith on P&Z and wished him well.

Mr. Boling mentioned since the last P&Z meeting on October 28, 2010, the Palema Farm Special Exception Use for residential housing facility was approved by the BCC at their November 9, 2010 meeting.

### **Attorney's Matters**

None.

### **Adjournment**

Chairman Smith thanked staff and the P&Z Commission for recognizing him and stated he had enjoyed working with Mr. Keating and Mr. Boling and their staff as well as the P&Z Commission.

There being no further business, the meeting adjourned at 7:49 p.m.

Gregory W. Smith, Chairman

Date

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Terri Collins-Lister, Recording Secretary

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Date