

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, January 14, 2016 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 the Indian River County website www.ircgov.com/Boards/PZC/2015.

Present were members: Charles Rednour, District 1 Appointee; Chairman Alan Polackwich Sr., District 2 Appointee; Maria Caldarone, District 3 Appointee; Dr. Jonathan Day, District 4 Appointee; Brad Emmons, District 5 Appointee; Jordan Stewart and Todd Brognano, Members-at-Large.

Shawn Frost, non-voting School Board Liaison, was absent.

Also present was IRC staff: Bill DeBaal, Deputy County Attorney; Stan Boling, Community Development Director; Ryan Sweeney, Senior Planner of Community Development; William Schutt, Senior Economic Development Planner; John McCoy, Chief of Current Development; and Lisa Carlson, Recording Secretary.

Call to Order and Pledge of Allegiance

The meeting was called to order at 7:00 p.m. and all stood for the Pledge of Allegiance.

Election of Chairman and Vice Chairman

Mr. DeBaal explained that a Chairman and Vice Chairman are elected at the first meeting every January and opened the floor for nominations.

ON MOTION BY Mr. Brognano, SECONDED BY Mr. Stewart, the members voted unanimously (7-0) to re-elect Mr. Polackwich as Chairman.

ON MOTION BY Dr. Day, SECONDED BY Mr. Stewart, the members voted unanimously (7-0) to re-elect Mr. Brognano as Vice Chairman.

Additions and Deletions to the Agenda

There were none.

Approval of Minutes

ON MOTION BY Dr. Day, SECONDED BY Mr. Stewart, the members voted unanimously (7-0) to approve the minutes of the meeting of December 10, 2015, as presented.

Items Not on Consent

Chairman Polackwich read the following into the record:

- A.** The Willows: Request for major site plan and preliminary plat approval for a 92-unit single-family residential development to be known as The Willows. Willows Development, LLC, Owner. Schulke, Bittle & Stoddard, LLC, Agent. Located at the northeast corner of 74th Avenue and 16th Street. Zoning: RM-8 (Residential Multi-Family up to 8 units/acre). Land Use Designation: M-1 (Medium Density-1 Residential up to 8 units/acre). Density: 4.76 units/acre. **[Quasi-Judicial]**

Chairman Polackwich asked the Commissioners to reveal any ex-parte communication with the applicant or any conflict that would not allow them to make an unbiased decision. The members stated that they had not had any ex-parte communication.

The secretary administered the testimonial oath to those present who wished to speak at tonight's meeting on this matter.

Mr. Ryan Sweeney, Senior Planner of Community Development, reviewed information regarding the proposed site plan and gave a PowerPoint presentation, copies of which are on file in the Commission Office. He recommended that the board approve the site plan and preliminary plat approval request with the conditions listed in the staff report.

Chuck Mechling, representative for the Applicant, summarized the proposed site plan and answered questions regarding buffer areas.

ON MOTION BY Mr. Brognano, SECONDED BY Dr. Rednour, the members voted unanimously (7-0) to approve staff recommendations on this Quasi-Judicial matter.

Chairman Polackwich read the following into the record:

B. Sistler Non-Commercial Kennel: Request for administrative permit use approval for a non-commercial kennel to keep up to nine hens, three roosters and two turkeys. William Sistler, Sr. And Brenda Sistler, Owners. William Sistler, Jr., Agent. Located at 6556 51st Avenue. Zoning RS-3 (Residential Single Family up to 3 units/acre). Land Use Designation: L-1 (Low Density 1 – Residential up to 3 units/acre).
[Quasi-Judicial]

Chairman Polackwich asked the Commissioners to reveal any ex-parte communication with the applicant or any conflict that would not allow them to make an unbiased decision. The members stated that they had not had any ex-parte communication.

The secretary administered the testimonial oath to those present who wished to speak at tonight's meeting on this matter.

Mr. Ryan Sweeney reviewed information regarding the proposed administrative permit and gave a PowerPoint presentation, copies of which are on file in the Commission Office. He recommended that the board approve the administrative permit with the conditions listed in the staff report that prohibits roosters on the Subject Property.

William Sistler Jr., representative for the Applicant, assured the Board that there have been no complaints regarding his roosters in the three years that he's had them and went on to say that sound testing showed the roosters to be on the low side of the decibels allowed. He stated that his roosters have been trained to crow only at daybreak, midafternoon, and at nightfall.

Mr. Boling discussed the fact that in this situation, "noisy" not only refers to decibel levels but also to the type of noise itself, the times it occurs and the frequency. He continued, stating that roosters have always been considered noisy and that nuisance rooster noise was actually the impetus for the regulations.

ON MOTION BY Mr. Emmons, SECONDED BY Mr. Brognano, the members voted unanimously (7-0) to approve staff recommendations on this Quasi-Judicial matter.

Public Hearing

Chairman Polackwich read the following into the record:

- A.** MPM Seven, LP Request to Rezone +/- 15.18 acres from CL (Limited Commercial) and RMH-6 (Mobile Home Residential District) to CH (Heavy Commercial). **[Quasi-Judicial]**

Chairman Polackwich asked the Commissioners to reveal any ex-parte communication with the applicant or any conflict that would not allow them to make an unbiased decision. He disclosed that he did drive around the area in question and looked up the county zoning map on the internet. The other members stated that they had not had any ex-parte communication.

The secretary administered the testimonial oath to those present who wished to speak at tonight's meeting on this matter.

Mr. William Schutt, Senior Economic Development Planner, reviewed information regarding the proposed rezoning and gave a PowerPoint presentation, copies of which are on file in the Commission Office. He recommended that the board approve the rezoning request with the conditions listed in the staff report.

Chairman Polackwich reviewed the portion of the agenda package regarding the purposes of various zoning districts and expressed his struggle with approving heavy commercial zoning near what appears to be predominately residential areas, especially when CH is intended primarily to serve businesses rather than residents.

Mr. Boling responded that the pattern in the seven-mile stretch between Vero Beach and Sebastian along US Highway One and Old Dixie Highway is a strip pattern with a mix of CL, CG, CH and residential districts. He added that the subject property has CH to the south and east and Old Dixie/FEC/IL to the west.

Wesley Mills of Mills, Short & Associates, representative for the Applicant, assured the board that any future development projects would be compliant with landscape buffering requirements.

John Woods, resident of Hobart Landing subdivision which is across the street from the Subject Property, voiced concerns regarding environmental impact, specifically drainage issues. Staff took Mr. Woods' contact information and will notify him if and when a site plan application is filed for the Subject Property.

Bill Brehm, owner of Palm Paradise Mobile Home Park, which is directly adjacent to the Subject Property, pleaded with the Board to deny the rezoning request. He stated that his property is inhabited by senior citizens and has recently undergone many improvements. He maintained that if the rezoning proposal passes, the potential noise, light and gas pollution would be damaging to the health and welfare of his residents. He suggested that at the least, the RMH-6 zoned property that is part of the request be rezoned to CL rather than CH.

Glenn Burr, President of Hobart Landing Homeowners Association, voiced his concerns regarding the rezoning and stated that the community is hopeful that the board will deny the rezoning request.

Mr. Brad Emmons asked Mr. Boling if the mobile home park were conforming and designated residential, would staff recommend CH zoning next to it. Mr. Boling responded that staff would not recommend CH in that scenario.

Chairman Polackwich closed the public hearing and opened discussion, primarily regarding the areas surrounding the Subject Property and their predominant uses.

ON MOTION BY Ms. Caldarone, SECONDED BY Mr. Rednour, the members voted (6-1) to deny staff recommendations on this Quasi-Judicial matter. Mr. Stewart was the dissenting vote.

Commissioner's Matters

There were none.

Planning Matters

Mr. Boling advised that there would be no need for a January 28 meeting and that he expected the next meeting to be on February 11.

Attorney's Matters

There were none.

Adjournment

There being no further business, the meeting adjourned at 8:15 p.m.

Chairman Alan Polackwich

Date

Lisa Carlson, Recording Secretary

Date