

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, May 10, 2007 at 7:00 p.m. in the Commission Chambers of the County Administration Building, 1840 25th Street, Vero Beach, Florida.

Present were members: Chairman Bob Bruce, District 2 Appointee; Craig Fletcher, District 3 Appointee; Greg Smith, District 4 Appointee; and Dr. Richard Baker, Member-at-Large

Absent were members: George Christopher, District 5 Appointee; Donna Keys, District 1 Appointee; George Hamner, Member-at-Large and Ann Reuter, non-voting School Board Liaison (all excused).

Also present were IRC staff: William G. Collins, County Attorney; William DeBaal, Assistant County Attorney; Bob Keating, Community Development Director; Chris Mora, Assistant Director, Public Works; Stan Boling, Planning Director; Steve Blum, New Administrative Building Project Manager; Gale Carmony, Senior Planner, Long Range Planning; Brian Freeman, Senior Planner, Current Development; and Darcy Vasilas, Interim Executive Aide.

: 22

Call to Order and Pledge of Allegiance

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

Chairman Bruce announced Items 3.A, 3.C and 4.B were pulled from the agenda, noting 4.B was pulled permanently.

1:22

Approval of the Minutes

ON MOTION by Mr. Fletcher, SECONDED BY Mr. Baker, the members voted unanimously (4-0) to approve the April 26, 2007 meeting minutes as presented.

Item Not on Consent

Chairman Bruce read the following into record.

1:46

A. Emergency Operation Centers Wireless Communications Tower:
Request for administrative permit use approval to construct a wireless

communications monopole tower. Indian River County, Owner/Agent. Located at 4225 43rd Avenue. Zoning Classification: IG, General Industrial. Land Use Designation: PUB, Public. (AA-07-07-121/2006030050-58674) **[Quasi-Judicial]**

Mrs. Vasilas administered the testimonial oath to all those present wishing to speak on any quasi-judicial items.

Mr. Brian Freeman, IRC Senior Planner, Current Development, reviewed the information contained in his memorandum, a copy of which is in on file in the Commission Office.

Mr. Fletcher inquired about the lighting requirements near the Vero Beach Municipal Airport. Mr. Freeman stated the County's ordinance essentially defers to the Federal Aviation Administration requirements. Mr. Steve Blum, New Administrative Building Project Manager, was sworn in then stated there was a light on the tower which was required.

Mr. Fletcher asked if it was a steel tower and Mr. Blum replied in the affirmative and concluded the tower was designed to withstand winds up to 200 miles per hour.

Mr. Smith inquired on the cost of the tower. Mr. Blum confirmed the cost was \$150,000.

Chairman Bruce opened the public hearing at 7:09 p.m. and since no one cared to speak, the public hearing was closed.

ON MOTION by Mr. Fletcher, SECONDED BY Mr. Baker, the members voted unanimously (4-0) to approve the request for administrative permit use as presented.

10:15

Public Hearings

Chairman Bruce read the following into record.

10:39

A. County Initiated Request for Approval of a Small Scale Comprehensive Plan Future Land Use Map Amendment to Redesignate 1.32 Acres From C-1 to L-1 and to rezone those 1.32 acres From CON-1 to RS-3; and Redesignate 7.6 acres from REC to L-1; and to Redesignate 6.76 acres from L-1 to REC; and to Redesignate 2.42 Acres From L-1 to C-1 and rezone those 2.42 acres from RS-3 to CON-1. Properties are

located east of S.R. A1A between Wicklow Way and Hammock Way. State of Florida Board of Trustees, Windsor Properties Inc., and the Indian River County Board of County Commissioners, Owners. (LUDA 94120031-57958 and 2007020190-57963 and 98070105-57959; REZON 2007020190-57964 and 98070105-57961) **[Legislative]**

Mr. Gale Carmoney, IRC Senior Planner, Long Range Planning, reviewed the information contained in his memorandum, a copy of which is on file in the Commission Office.

A discussion ensued regarding the rezoning. Mr. Smith asked what was Windsor's reason for initiating this rezoning. Mr. William DeBaal, IRC Assistant County Attorney, explained Windsor's desire for the exchange was that their property then becomes contiguous. He briefed Windsor had agreed to deed restrict the property so there would be dune preservation, build the County a new park in essentially the same entrance point, install a new parking lot and donate \$1 million earmarked for recreational activities.

Chairman Bruce opened the public hearing at 7:22 p.m.

Mr. Bob Rountree, 2270 Sanderling Lane, was concerned about the proposed land use amendment that would reduce beach frontage from 1,500 to 175 feet.

Gene MacDonald, son of deceased property owner Paul McDonald, 2345 Sanderling Lane, was concerned about the proximity of the parking lot and wondered what was going on with the marked trees in the wooded area. Attorney DeBaal explained the marked trees had to do with an environmental survey that would need to be done and there were no plans as of yet, however felt Mr. Keith Pelan of Kimley-Horn and Associates, Inc. could address.

Mr. Keating cautioned when rezoning or during the Comprehensive Plan time not to look at site plans because it was subject to change. Mr. Pelan directed there was a site plan on file with the County.

Mr. Baker asked if 500 feet frontage of buffer was possible. Attorney Bruce Barkett stated the property belonged to the County and they could determine how much buffer there would be. Mr. Rountree asked when they could find out and referred to the map on the overhead. Mr. Baker inquired on the ocean width of the whole property. Mr. Carmoney estimated over 1,000 to 1,200 feet of oceanfront. Mr. Keating felt the appropriate forum to discuss any further buffers was when it would come before the BCC. Chairman Bruce mentioned P&Z should focus on the rezoning not the buffer.

Chairman Bruce closed the public hearing at 7:39 p.m.

43:04 **ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Smith, the members voted unanimously (4-0) to recommend the Board of County Commissioners approve the proposed land use amendment and the rezoning as presented.**

Chairman Bruce read the following into record.

43:47 **C. Consideration of Proposed Amendments to Section 913.10.2 of the Code of Indian River County to Lower the Rating on Bonds Securing Warranty of Subdivision Improvements (County-initiated) [Legislative]**

Mr. William G. Collins, IRC County Attorney, reviewed the information contained in his memorandum regarding a revision to Section 913.10.2 of the Code of Indian River County to lower the rating on surety bonds securing warranty of subdivision improvements from A.M. Best A+XI to A.M. Best A+VII.

Chairman Bruce opened the public hearing at 7:50 p.m. and since no one cared to speak, the public hearing was closed.

50:30 **ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Smith, the members voted unanimously (4-0) to recommend the Board of County Commissioners adopt the proposed ordinance amending Section 913.10.2 of the Code of Indian River County to reduce the minimum bond rating requirements to AM Best A+VII.**

Chairman Bruce read the following into record.

51:09 **D. Consideration of Proposed Amendments to Chapter 972 of the Code of Indian River County to Limit Temporary Vehicle Sales Locations (County-initiated) [Legislative]**

Attorney DeBraul reviewed the information contained in his memorandum to consider amendments to Chapter 972 of the Code of Indian River County to limit temporary Vehicle Sales locations. He noted the ordinance amendment would affect the temporary sales in the unincorporated areas of the County.

Chairman Bruce asked if there were any alternatives explored. Attorney DeBraal responded in the affirmative and noted that other types of ordinances in various cities were looked at. Chairman Bruce concluded his understanding was there were warranty issues. A discussion followed.

Mr. Baker wondered if any other committee had looked at the proposed amendment to the Code of Indian River County to limit vehicle sales. Attorney DeBraal mentioned the Professional Services Advisory Committee had looked at the proposed amendment and voted (6-1) to deny the ordinance.

Mr. Stan Boling, IRC Planning Director, explained the approved sites that were already approved for certain kinds of events noting the fairgrounds site was approved for special events and the County does not issue temporary use permits.

Mr. Baker questioned how many instances were there of complaints or problems in regards to the temporary sales of vehicles and boats. Attorney DeBraal said there had been one instance reported, however no complaints reported to the County Attorney's Office.

Chairman Bruce opened the public hearing at 7:59 p.m.

Mr. E. Fred Augenstein, the Ad Agency in Sebastian, distributed a packet which contained information of why P&Z should continue to allow offsite sales to continue throughout Indian River County, a copy of which is on file in the Commission Office.

Mr. Brian McNulty, Gator Chrysler-Suzuki, Melbourne, stated 25 to 30 cars were sold a month in IRC and detailed the process to obtain a temporary use permit. He opposed the proposed amendment.

Ms. Ursula Gunter, Director of Mall Marketing for IR Mall, had been in her position for five years and never had a complaint about a car dealer. She pointed out these events also draw people to the mall.

Chairman Bruce closed the public hearing at 8:14 p.m.

The P&Z members expressed their non-support of the proposed amendment. Mr. Fletcher asked Mr. McNulty if Gator Chrysler-Suzuki held these events in locations other than IRC. Mr. McNulty responded in the affirmative.

1:17:00

ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Smith, the members voted unanimously (4-0) to deny the amendments to the Code of Indian River County to Limit Temporary Vehicle Sales Locations in Chapter 972 as presented.

1:18:00

Commissioners Matters

Mr. Smith expressed concern regarding notification to individuals of a land use and rezoning change. A discussion followed.

1:19:00

Planning Matters

Mr. Boling referred to the Workshop on Improving The Quality of Developments held on April 25, 2007 and the two summaries from the April 26, 2007 P&Z that was handed out in which all of those ideas were being put into a matrix and grouped by topic. He added the matrix would be included in the packet for the May 24, 2007 P&Z meeting.

1:21:00

Attorney's Matters

Attorney Collins reported the court would be ruling on the Source Hearing within four to six weeks. He indicated that Double R&D, Inc. filed suit to review the decision made by the BCC to deny at the adoption stage for the Comprehensive Plan Amendment in the area north of County Road 510 and the proposed change to L1 Land Use Designation with RS3 rezoning. He mentioned Top Hat and Tails, the proposed animal kennel, in which it was turned down by both the P&Z and BCC was subject of a lawsuit.

1:24:00

Adjournment

The meeting adjourned at 8:24 p.m.

Bob Bruce, Chairman

Date

Darcy Vasilas, Interim Executive Aide

Date