

## PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, September 27, 2007 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/2007](http://www.ircgov.com/Boards/PZC/2007).

Present were members: Chairman Bob Bruce, District 2 Appointee; Craig Fletcher, District 3 Appointee (7:01 p.m.); Greg Smith, District 4 Appointee; George Hamner and Dr. Richard Baker, Members-at-Large; and Ann Reuter, non-voting School Board Liaison.

Absent were members Donna Keys, District 1 Appointee and George H.C. Lawrence, District 5 Appointee (both excused).

Also present was IRC staff: George Glenn, Assistant County Attorney; Jim Davis, Public Works Director; Bob Keating, Community Development Director; Stan Boling, Planning Director; Steven Deardeuff and Brian Freeman, Senior Planners, Current Development; and Reta Smith, Recording Secretary.

### **Call to Order and Pledge of Allegiance** (6:40:02)

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

### **Approval of Minutes** (6:40:29)

**ON MOTION BY Mr. Hamner, SECONDED BY Dr. Baker, the members voted unanimously (4-0) to approve the minutes of the meeting of August September 13, 2007, as presented.**

Mr. Fletcher arrived at 7:01 p.m.

### **Item on Consent** (6:40:40)

After discerning nobody wanted to pull the item, Chairman Bruce read the following into record.

- A Planet Pet:** Request for administrative permit use approval for a veterinary clinic in a commercial plaza. Dr. Melissa Mueller, Owner. Milton Construction, Inc., Agent. Located at 2190 45th Street. Zoning Classification: CG, General Commercial. Land Use Designation: C/I, Commercial/Industrial. (AA-07-11-180/2001060232-59796) **[Quasi-Judicial]**

(6:41:11)

**ON MOTION BY Mr. Hamner, SECONDED BY Mr. Smith, the members voted unanimously (5-0) to recommend the Board of County Commissioners grant the request for administrative permit use approval as presented.**

**Items Not on Consent** (6:41:30)

Chairman Bruce read the following into record:

- A. Sandridge on the Green:** (Re-considered from the September 13, 2007 meeting.) Request for preliminary plat approval of a 58 lot conventional single-family subdivision to be known as Sandridge on the Green. EDC, Inc., Owner. W. F. McCain & Associates, Inc., Agent. Located at 5010 69th Street. Zoning Classification: RS-6, Single-Family Residential (up to 6 units/acre). Land Use Designation: L-2, Low Density Residential (up to 6 units/acre). Density: 2.96 units/acre (SD-06-11-35/2006020268-55822 **[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. Steven Deardeuff, IRC Senior Planner, Current Development, reviewed the landscape design and information contained in his memorandum dated September 17, 2007, a copy of which is on file in the Commission Office. He confirmed staff had corrected the traffic concerns expressed at the previous presentation on September 13, 2007.

(6:46:37)

**ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Hamner, the members voted unanimously (5-0) to recommend the Board of County Commissioners grant preliminary plan approval for Sandridge on the Green, as presented.**

(6:47:00) Chairman Bruce read the following into record:

- B. Verizon 68818 (The Moorings):** Request for administrative permit use approval to construct a stealth wireless communications tower at The Moorings Club. SBA Network Services, Inc., Agent. Located at 100 Harbour Drive. Zoning Classification: RS-3, Single-Family Residential (up to 3 units/acre). Land Use Designation: L-1, Low Density 1 (up to 3 units/acre). (SP-MA-07-09-26/99090118-59345) **[Quasi-Judicial]**

Mr. Brian Freeman, IRC Senior Planner, Current Development, reviewed the information contained in his memorandum dated September 17, 2007, a copy of which is on file in the Commission Office.

Mr. Hamner recalled there had been conversation in the past about using the light poles around the football field at St. Edwards School (St. Ed's), and wondered if the applicant had pursued that avenue. Mr. Freeman noted the applicant had been looking at trying to locate a tower in the area for a number of years, but he did not think an agreement had been worked out between them and the school. Mr. Stan Boling, IRC Planning Director, thought it would be possible in the future to have this facility and also one at St. Ed's, adding staff felt the 100 foot range could work visually in this area but they would not want to see anything much taller.

Chairman Bruce opened the public hearing at 7:16 p.m.

Mr. Frank Spitzmiller, Chief Advancement Officer at St. Ed's (6:56:33), confirmed the school was interested in pursuing the possibility of a tower and was still finalizing the funding. He hoped whatever the County did in regard to today's application would not preclude the opportunity of them using one of their light poles as a tower at a later date.

Mr. Boling felt it was likely two carriers could get fairly decent coverage with 100 foot height, adding in the case of St. Ed's a tower would have to be shown to be technically justified and would depend on the coverage characteristics.

Attorney Jana Loda of Holland & Knight, 1 East Broward Boulevard, Suite 1300, Fort Lauderdale, Florida, representing the applicant, offered to answer any questions.

Discussion followed about the range of stealth towers.

Chairman Bruce closed the public hearing at 7:23 p.m.

(7:02:08)

**ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Smith, the members voted unanimously (5-0) to recommend the Board of County Commissioners grant the request for administrative permit use approval as presented.**

**Public Hearings** (7:02:08)

Chairman Bruce turned the chair over to Mr. Hamner because he was more familiar with both of the topics than he was. Acting Chairman Hamner read the following into record:

- A** Consideration of Proposed Amendments to Two Provisions of Title IX - Land Development Regulations - Regarding the Prohibition of Citrus Greening and Caribbean Fruit Fly Host Plants [**Legislative**]

Attorney George Glenn, IRC Assistant County Attorney, reviewed the information contained in his memorandum of September 18, a copy of which is on file in the Commission Office. He clarified the County had always required a notice listing Caribbean fruit fly host plants; however technically it was not in the code but only in selected provisions of the Comprehensive Land Use Plan. He continued staff was taking this opportunity to actually incorporate the notice into the code and add the two citrus greening host plants to the list through the EAR process.

Mr. Boling advised the proposal concerned final plats and any type of development requiring landscaping, but there was no way to address single family homes. He noted whenever staff had asked for certain plants to be removed from landscape plans they had received 100% voluntary compliance from the developers.

Attorney Glenn referred to updated Attachment #4 to his memorandum of September 27, 2007, contained in the backup on file in the Commission Office. He related a list of prohibited plantings would be added to Section 926.05 under General Requirements for Landscaping.

Acting Chairman Hamner gave a brief explanation of greening.

Acting Chairman Hamner opened the public hearing at 7:32 p.m. and since no one wished to speak, the public hearing was closed.

(7:12:55)

**ON MOTION BY Mr. Bruce, SECONDED BY Mr. Fletcher, the members voted (5-0) to recommend the Board of County Commissioners adopt the proposed LDR amendment as presented.**

(7:13:34) Vice Chairman Hamner read the following into record:

- B. Consideration of Proposed Amendments to the Excavation and Mining Regulations of LDR Chapter 934 for Mines in Agricultural Areas [Legislative]**

Mr. Brian Freeman reviewed the information contained in his memorandum dated September 18, 2007, a copy of which is on file in the Commission Office.

Mr. Smith said he had heard there would soon be a new application for a mine on 82<sup>nd</sup> Avenue in an area where there were already two sand mines. He asked if increased types of materials were used to maintain the roads if there was mining activity involving a lot of truck traffic in the wet season

Mr. Davis explained the County's standards for unpaved roads were usually adequate for everyday traffic, but once a mining operation was introduced in the area the roads deteriorated quickly. He acknowledged if two or three mines were operating in the same area and all using the roads, many times it ended up with some finger-pointing and the County having to bring all the mining operators together to try to develop a maintenance routine equitable for everyone concerned.

Discussion followed.

Acting Chairman Hamner opened the public hearing at 7:45 p.m. and since no one wished to speak, the public hearing was closed.

(7:26:56)

**ON MOTION BY Mr. Fletcher, SECONDED BY Mr. Bruce, the members voted unanimously (5-0) to recommend the Board of County Commissioners adopt the proposed LDR amendment as presented.**

Acting Chairman Hamner passed the gavel back to Chairman Bruce.

### **Commissioners Matters** (7:27:14)

Dr. Baker reviewed information he had distributed about a land exchange between the St. Johns River Water Management District (SJRWMD) and the Corrigan property, a copy of which is on file in the Commission Office. He urged the P&Z to recommend the BCC address this issue by asking State representatives and the Governor to make sure the County had some input if conservation lands were going to be exchanged to a private entity.

Discussion ensued.

(7:33:34)

**ON MOTION BY Dr. Baker, SECONDED BY Mr. Smith, the members voted unanimously (5-0) to recommend the Board of County Commissioners ask its legislative delegation to initiate legislation at the State level to require the St. Johns River Water Management District or any other entity that owned conservation land to give the local government the first right of refusal to purchase the land in a case where they were looking at surplussing, trading or otherwise disposing of the property.**

A discussion followed about the reasons for the land swap.

### **Planning Matters** (7:38:20)

Mr. Boling advised Dr. Bob Adair had filed an appeal on the St. Augustine at Vero Beach project, which was the scheduled to be heard by the BCC on October 2, 2007.

### **Attorney's Matters** (7:39:52)

Attorney Glenn reviewed information contained in his memorandum dated September 27, 2007, regarding interpretation of State Statute 913.07(4)(H)(2), which is on file in the Commission Office.

**Adjournment** (7:43:54)

The meeting adjourned at 8:05 p.m.

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Bob Bruce, Chairman

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Date

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Reta Smith, Recording Secretary

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Date