

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, December 13, 2007 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 Indian River County website www.ircgov.com/Boards/PZC/2007.

Present were members: Vice Chairman George Hamner, Member-at-Large; Donna Keys, District 1 Appointee; Gerard Weick, District 2 Appointee; Craig Fletcher, District 3 Appointee; Greg Smith, District 4 Appointee; Dr. Richard Baker, Member-at-Large; and Ann Reuter, non-voting School Board Liaison.

Absent was George Lawrence, District 5 Appointee (excused).

Also present was IRC staff: William G. Collins II, County Attorney; George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; Roland DeBlois, Environmental Planning & Code Enforcement Chief; John McCoy and Brian Freeman, Senior Planners; Henry Stephens, Press Journal; and Reta Smith, Recording Secretary.

Call to Order and Pledge of Allegiance (7:16:41)

Vice Chairman Hamner called the meeting to order. He introduced the newest P&Z member, Mr. Gerard Weick, and then led all in the Pledge of Allegiance.

Approval of Minutes (7:17:30)

ON MOTION BY Mr. Fletcher, SECONDED BY Ms. Keys, the members voted unanimously (6-0) to approve the minutes of the meeting of November 8, 2007, as presented.

Items on Consent (7:17:45)

Vice Chairman Hamner read the following into the record:

- A, Macho Products:** Request for preliminary plat approval for a subdivision to be known as The Macho Products Subdivision. Macho Products, Inc., Owner. MBV Engineering, Inc., Agent. Located north of CR512 on the west side of 102nd Terrace. Zoning Classification: IL, Light Industrial. Land Use Designation: C/I, Commercial Industrial. **[Quasi-Judicial]**
- B. Salt of the Earth Ministry:** Request to use non-paved stabilized parking for a proposed church. Salt of the Earth Ministry, Inc., Owner. MBV Engineering, Inc., Agent. Located at 3190 45th Street. Zoning Classification: CL, Limited Commercial. Land Use Designation: C/I, Commercial Industrial. (SP-MA-07-11-41/2007040131-59932) **[Quasi-Judicial]**

(7:18:01)

ON MOTION BY Ms. Keys, SECONDED BY Mr. Fletcher, the members voted unanimously (6-0) to approve the Consent Agenda.

Vice Chairman Hamner announced Item #4(A) concerning the Wild Turkey request for major site plan approval etc. been pulled from the agenda.

Public Hearings (7:19:27)

- A.** Consideration of Proposed Moratorium for Mines in Agricultural Areas. **[Legislative]**

Vice Chairman Hamner related the Board of County Commissioners (BCC) had requested the P&Z consider a proposed moratorium for mines in agricultural areas, due to consideration with agricultural/residential areas. He mentioned as a point of order, the members would be discussing only the moratorium and not about specific mining applications or Land Development Regulations.

County Attorney William G. Collins II reviewed his memorandum dated December 7, 2007, and the proposed draft ordinance, copies of which are on file in the Commission Office. He outlined at the present time the intent of the ordinance was to have a six month moratorium to develop more effective regulations with respect to mining operations in lands zoned agricultural one, two and three in the unincorporated area of the County.

Attorney Collins stated his intent was to make the ordinance as broad as possible, but the Board might think there should be a narrower moratorium or certain exceptions. He noted as an example, a number of existing mines were required to get an annual renewal of their operating permits, and it was possible the Board might want to consider exempting them from a moratorium.

Vice Chairman Hamner wondered what would happen when renewal of an existing mine came up after the regulations were changed. Attorney Collins confirmed provisions of the permits would have to be in compliance with whatever new regulations came out of the moratorium.

Discussion followed about the current permit renewal procedure for existing mines and what might occur in the future. (7:30:23)

Mr. Stan Boling, IRC Planning Director, recapped there were three mining operations specifically approved for material to be used only for the State Road 60 (SR60) widening project west of Interstate 95 (I-95). He continued there were six more mines currently operating in the unincorporated area of the County, and their renewals were due in a September/October timeframe.

Attorney Collins understood a strategic task force had been set up in Tallahassee to look at pre-empting all mining regulations to the State level, and there was a possibility if the County adopted new regulations the task force could have some legislative ideas the State might want to impose on a statewide level.

Vice Chairman Hamner opened the public hearing at 7:30 p.m. (7:42:57)

The following individuals spoke in favor of the County having a moratorium on mining operations:

Attorney Michael O'Hare, representing various Homeowners Associations (7:44:51)

Robert Adair, Chairman of the IRC Agricultural Advisory Committee (7:49:07)

David Knight, 80 Royal Palm Point, Vero Beach (8:06:21)

Dr. David Cox (8:07:54)

Jens Tripson, Pelican Island Audubon Society (8:11:30)

Amy Banov, 69th Street, Vero Beach (8:12:02)

John Higgs, Chairman, Indian River Neighborhood Association (8:14:55)

Victor Knight, 82nd Avenue, Vero Beach (8:20:41)
Ital Veron, 1700 Ocean Drive, Vero Beach (8:25:33)
Nancy Wood, Indian River Green Team (8:29:21)
Linda Mitchell, Two Bridges Equestrian Community, 65th Street, Vero Beach (8:33:41)
Susan Boyd (8:39:56)
Deborah Ecker, 550 Riomar Drive, Vero Beach (8:46:26)
Nathan D'Ambrosia, 8166 25th Street, Vero Beach (8:47:43)
Councilmember Dale Simchick, City of Sebastian (8:48:45)
Mike Ziegler, 3375 12th Street, Vero Beach (8:52:55)
Tim Glover, President, Friends of the St. Sebastian River (8:53:19)
Don Simon, 8080 24th Street, Vero Beach (9:00:31)
Fran Denhardt, Ranchland Mobile Home Park, Vero Beach (9:02:13)
George Latour, 2332 Vero Beach Avenue, Vero Beach (9:03:12)
Tom Cowan, President, Fly-In Ranches Homeowners Association (9:05:26)
Virginia Turner, Natural Resources Board, City of Sebastian (9:08:03)
Councilmember Ken Daige, City of Vero Beach (9:10:31)
Martha Redner, 9 River Oak Drive, Sebastian (9:22:07)
Jim Gallagher, 766 Holden Avenue, Sebastian (9:23:30)

The following individuals spoke against the County having a moratorium on mining operations:

Larry Hegel, 6360 8th Street, Vero Beach (8:54:11)
Joseph Paladin, Vero Beach (8:35:17)
Attorney Jonathan Ferguson, law firm of Rood, McCowskey (9:13:00)

Vice Chairman Hamner closed the public hearing at 9:14 p.m.

(9:27:10)

ON MOTION BY Mr. Fletcher, SECONDED BY Dr. Baker, to recommend the Board of County Commissioners impose a six month moratorium on sand and limestone mining on property zoned agricultural one, two and three.

Mr. Boling explained from time to time staff-level approval was necessary when an existing mining operation made a change to a minor aspect of a project or for mining incidental to construction for excess fill. Mr. Fletcher felt those types of things belonged at staff level, adding he was simply talking about new mining or anything in the pipeline.

Discussion followed about possible exceptions to the motion.

(9:40:02)

ON AMENDED MOTION BY Mr. Fletcher, AMENDED SECONDED BY Dr. Baker, the members voted unanimously (6-0) to recommend the Board of County Commissioners impose a six month moratorium on sand and limestone mining on property zoned agricultural one, two and three, with the exemption of mining incidental to construction; minor site plan changes requiring administrative approval; mining solely used for the State Road 60 widening project; and renewals of already existing sand mines, although they would be subject to any new regulations passed during the moratorium.

Vice Chairman Hamner called a recess at 9:30 p.m. and reconvened the meeting at 9:38 p.m. He read the following into the record:

B. Consideration of Proposed LDR Amendments to Chapter 973 Public Nuisances. [Legislative]

Mr. Boling reviewed the information contained in his memorandum dated December 4, 2007, a copy of which is on file in the Commission Office. (9:45:04)

Mr. Boling outlined the proposal would change the height standard of weeds from 18 inches to 12 inches. He related the existing criteria addressed single family lots located on a platted lot or tract in a subdivision where 50% of the lots were developed. He explained this did not include Vista Gardens and Vista Royale because they were not platted; however the proposed change would apply the same weed maintenance regulations to multi-family developments.

Assistant County Attorney George Glenn gave a PowerPoint presentation describing the proposed abatement process, and a copy is on file in the Commission Office. (9:56:58)

Mr. Roland DeBlois, IRC Chief of Environmental Planning and Code Enforcement, explained the public nuisance ordinance covered more than

just overgrown weeds and the abatement might involve more than just mowing grass, depending on the situation.

Dr. Baker did not understand how weeds of 12 inches in height could be considered a serious threat to public health, safety and welfare. Lengthy discussion ensued.

Vice Chairman Hamner opened the public hearing at 10:14 p.m. and since no one wished to speak, the public hearing was closed.

(10:21:37)

ON MOTION BY Ms. Keys, SECONDED BY Mr. Smith, the members voted (5-1) to recommend the Board of County Commissioners adopt the proposed amendment. Dr. Baker in opposition.

Dr. Baker felt abandoned groves overgrown with exotic species should be included.

Vice Chairman Hamner read the following into the record:

C. Pointe West of Vero Beach, Ltd: Request to modify the approved planned development (PD) conceptual plan for Pointe West. Pointe West of Vero Beach, Ltd., Owner. On-Site Management, Agent. Located between SR 60 and 8th Street, east of 82nd Avenue and west of 66th Avenue. Zoning Classification: PDTND, Planned Development Traditional Neighborhood Design. Land Use Designations: M-1, Medium Density 1 and AG-1, Agricultural (up to 1 unit per 5 acres) (PD-07-12-10 / 98050151-60234) **[Legislative]**

Mr. Brian Freeman, IRC Senior Planner, reviewed the information contained in his memorandum dated November 30, 2007, a copy of which is on file in the Commission Office. (10:22:32)

Brief discussion followed.

Vice Chairman Hamner opened the public hearing at 10:26 p.m.

Mr. Chuck Mechling, 1999 Pointe West Drive, Vero Beach, explained they were taking the same footprints as the neighbors to the west of the development and changing the usage. He pointed out if the

County wanted to decrease the number of trips, they would have to allow commercial services in settings more adjacent to residential areas, and the adjustment was within the original traffic study.

Vice Chairman Hamner closed the public hearing at 10:27 p.m.
(10:33:53)

ON MOTION BY Mr. Weick, SECONDED BY Ms. Keys, the members voted unanimously (6-0) to recommend the Board of County Commissioners approve the conceptual PD plan modifications with the proposed conditions.

Commissioners Matters (10:34:27)

There were none.

Planning Matters (10:34:31)

Mr. Boling reported the BCC had tabled the concurrency issue until its meeting of January 8, 2008. He referred to a map he had passed out showing agriculturally exempt areas inside the urban service area boundary, a copy of which is on file in the Commission Office.

Attorney's Matters (10:36:11)

There were none.

Vice Chairman Hamner reminded everyone there would be an election of a new Chairman at the first meeting in January, 2008.

Adjournment (10:36:31)

There being no further business, the meeting adjourned at 10:30 p.m.

George Hamner, Vice, Chairman

Date

Reta Smith, Recording Secretary

Date