

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, April 10, 2014 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/2014.

Present were members: **Chairman Sam Zimmerman**, District 2 Appointee; **Charles Rednour**, District 1 Appointee; **Dr. Jonathan Day**, District 4 Appointee; **Brad Emmons**, District 5 Appointee; **Jordan Stewart** and **Todd Brognano**, Members-at-Large; and **Carol Johnson**, non-voting School Board Liaison.

Absent was **Maria Caldarone**, District 3 Appointee (excused).

Also present was IRC staff: Bill DeBaal, Deputy County Attorney; Stan Boling, Community Development Director; John McCoy, Chief, Current Development; and Reta Smith, 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.

Approval of Minutes

ON MOTION BY Mr. Brognano, SECONDED BY Dr. Day, the members voted unanimously (6-0) to approve the minutes of the meeting of March 27, 2014, as presented.

Public Hearing:

Chairman Zimmerman read the following into the record:

- A.** Consideration of County-Initiated LDR (Land Development Regulation) Amendment to Create Section 911.29, Special Overlay Regulations for the West Gifford Industrial and Commerce (WGIC) Area on 163 Acres of Property in West Gifford Zoned IG (General Industrial) **[Legislative]**

Mr. Stan Boling, IRC Community Development Director, reviewed the information contained in his memorandum dated April 2, 2014 and gave a PowerPoint presentation, copies of which are on file in the Commission Office.

Mr. Boling explained there was a long history connected to the initiative before the members tonight and reviewed what had transpired with Prestige Concrete and a proposed concrete batch plant in West Gifford. He described the meetings, workshops and mediation efforts that had taken place between the County and Gifford property owners, residents and community leaders to address good sustainable commercial/industrial growth in the area.

Mr. Boling advised at a meeting on February 18, 2014, the Board of County Commissioners (BCC) had directed staff to initiate the formal LDR amendment process to adopt overlay regulations and invoked the pending ordinance doctrine to apply the proposed regulations to any development applications filed prior to adoption of the final regulations. He clarified the proposed overlay regulations before the PZC were to retain the IG zoning with a modification in the list of allowed uses to eliminate or prohibit 15 uses, none of which existed on the 163 acres, and the proposed addition of 39 uses, as contained in his report.

Mr. Boling stated there were four basic options for the three most contentious uses in the IG district; those being concrete batch plants, mulch operations and demolition debris sites:

- Permitted Uses
- Administrative Permit Uses
- Special Exception Uses
- Prohibited Uses

Mr. Boling related staff believed concrete batch plants and demolition debris facilities should be treated as special exception uses, and reviewed the criteria required under that process. He indicated there was a narrower list of concerns regarding new or expanded mulch facilities, and staff proposed to treat them as administrative permit uses that would have to meet the necessary criteria.

Mr. Boling reviewed the aesthetic upgrade requirement for the seven junk yards fronting 45th Street, noting the County planned on installing landscaping along 45th Street east of 43rd Avenue. He concluded his presentation by recommending that the PZC recommend that the BCC adopt the proposed WGIC overlay regulations.

Attorney Bill DeBaal, IRC Deputy County Attorney, gave a brief recap of what had transpired during the mediation meetings.

Chairman Zimmerman felt it was better to have a wall rather than landscaping for junk yards and noted there was a greater cost associated with the aesthetic improvement of a wall, rather than landscaping. He wondered if some sort of consideration could be given for the County to help out financially as an incentive for a wall to be erected sooner, as opposed to landscaping going in before 2016.

Mr. Boling said nothing had been discussed about providing County incentives under the current proposal, and noted the County and other municipalities normally installed landscaping along roadways in the right-of-way and not on private property. Attorney DeBaal suggested it might be possible to provide reuse water at a lower cost if an owner opted to do landscaping.

Chairman Zimmerman opened the public hearing at 7:37 p.m.

The following individuals spoke in **support** of staff's recommendation:

- **Attorney Marcy Oppenheimer Nolan**, representing the Progressive Civic League of Gifford
- **Joe Idlette III**, 4570 57th Avenue, President of the Progressive Civic League of Gifford
- **Freddie Woolfork**, 4590 57th Avenue
- **Tony Brown**, 4159 57th Court
- **Donald Harte**, 4295 45th Lane, Vice-President of the Progressive Civic League of Gifford
- **John Marr**, Tulip Lane
- **Keith Tagg**, owner of Mr. Scrap, Inc., 4455 45th Street
- **Crystal Boujol**, 8 Vista Gardens Trails, #102

The following individuals spoke in **opposition** to staff's recommendation:

- **Kathleen Jaskolski**, 5211 Eleuthra Circle
- **Jeff Thompson**, 2327 Seville Avenue, owner of Vero Millwork, Inc.
- **Tony Esposito**, 624 23rd Street, S.E., salvage yard owner
- **Lottie Nicholson**, 4526 49th Avenue

Chairman Zimmerman closed the public hearing at 8:36 p.m.

Chairman Zimmerman thanked IRC staff for all the hard work and effort they had put forth on this issue during the last five years.

Discussion followed about the length of time it took to obtain fence and wall permits. Mr. Brognano suggested staff could put together a packet for applicants to take to their engineers to help expedite the process, and Mr. Boling promised to assist in any way possible.

Property rights and the Bert Harris Act were discussed.

Dr. Day said he was in favor of recommending the BCC contribute something monetarily to assist junk yard owners in constructing a wall. Chairman Zimmerman suggested leaving the existing requirement of landscaping or a wall by June, 2016; however the County could offer expedited review and waiver of any fees, along with some sort of financial compensation as an incentive to the property owners if they chose to build a wall in a much quicker time frame.

Discussion ensued.

ON MOTION BY Mr. Emmons, SECONDED BY Dr. Day, the members voted unanimously (6-0) to recommend that the Board of County Commissioners adopt the proposed West Gifford Industrial and Commerce overlay regulations as presented by staff.

ON MOTION BY Dr. Day, SECONDED BY Mr. Stewart, the members voted unanimously (6-0) to recommend to the Board of County Commissioners that for existing businesses requiring improvements to their property by June, 2016 the County:

- **put together a package to expedite the permitting process for a wall**
- **wave permitting fees for a wall**
- **assist in some way with the financial burden of erecting a wall**
- **offer an incentive to reduce the time element of installing a wall**

Commissioner's Matters

There were none.

Planning Matters

Mr. Boling updated the members on recent action taken by the BCC on planning matters that had been before the PZC. He related it did not appear there would be any items for the April 24, 2014 meeting and it would likely be cancelled.

Attorney's Matters

There were none.

Adjournment

There being no further business, the meeting adjourned at 8:51 p.m.

Chairman Sam Zimmerman

Date

Reta Smith, Recording Secretary

Date