

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, May22, 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; **Maria Caldarone**, District 3 Appointee; **Dr. Jonathan Day**, District 4 Appointee; **Jordan Stewart** and **Todd Brognano**, Members-at-Large.

Absent were **Brad Emmons**, District 5 Appointee and **Carol Johnson**, non-voting School Board Liaison (both excused).

Also present was IRC staff: Bill DeBaal, Deputy County Attorney; Stan Boling, Community Development Director; John McCoy, Chief of 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 Mr. Rednour, the members voted unanimously (6-0) to approve the minutes of the meeting of April 10, 2014, as presented.

Public Hearings:

Chairman Zimmerman asked the Commissioners to reveal any ex-parte communication they had with the applicant or any contact that would not allow them to make an unbiased decision. All Commissioners replied 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.

Chairman Zimmerman read the following into the record:

- A. Family Dollar – Gifford Mixed Use:** Hutton Growth One, LLC's request to rezone approximately 3.32 acres from RM-10 (Residential Multi-Family up to 10 units per acre) to PDMXD (Planned Development Mixed Use District) and to obtain conceptual PD plan approval for a project to be known as Family Dollar – Gifford Mixed Use. Hutton Growth One, LLC, Owner. Campo Engineering, Inc. Agent. Located at the southeast corner of 45th Street and 43rd Avenue. Land Use Designation: M-2 (Medium Density 2 – Residential up to 10 units per acre). Density: 10 units/acre. [2005080302-71772 / PD-14-03-02] **[Quasi-Judicial]**

Mr. John McCoy, IRC Chief of Current Development, reviewed the information contained in his memorandum dated May 5, 2014 and gave a PowerPoint presentation, copies of which are on file in the Commission Office. He concluded with staff's recommendation that the PZC recommend that the Board of County Commissioners (BCC) approve the proposed Planned Development Mixed Use District (PDMXD) rezoning and the conceptual PD plan with the conditions listed in staff's report.

Chairman Zimmerman asked if the proposed multi-family ever had to be built.

Mr. Stan Boling, IRC Community Development Director, responded for a smaller site such as this, the commercial component was the maximum that could be built on the site and it could be done without a time frame for building of any of the residential, however if construction of the project did not occur within a seven-year period the site would revert to the RM-10 zoning district. He related community leaders had been involved in the process and were supportive of the project, noting there had been talk of building multi-family for the elderly or even some type of assisted living facility.

Dr. Day asked if the entrances and exits would be regulated by stop signs or traffic signals. Mr. McCoy stated there would be stop signs and pavement markings with a yield sign for the left turn lane.

Chairman Zimmerman opened the public hearing at 7:17 p.m.

Mr. Freddie Woolfork, 4590 57th Avenue and Mr. Joe Idlette, 4570 57th Avenue, spoke in favor of the project.

Mr. Matthew Campo of Campo Engineering, Inc., representing the applicant, mentioned the facility would carry food products, etc. and would also serve as a convenience store for the community.

Chairman Zimmerman closed the public hearing at 7:25 p.m.

ON MOTION BY Mr. Brognano, SECONDED BY Dr. Day, the members voted unanimously (6-0) to recommend that the Board of County Commissioners approve the proposed PDMXD rezoning and the conceptual PD plan with the conditions contained in staff's report.

Chairman Zimmerman read the following into the record:

- B. Consideration of Amendment to Land Development Regulations (LDRs) Section 901.03 Definitions to Establish the Definition of a "Commercial Service Street" and to Modify the Definition of "Yard, Front" to Specify the Appropriate Yard Designations for Properties that Abut a Commercial Service Street [Legislative]**

Mr. Boling reviewed the information contained in his memorandum dated May 13, 2014 and gave a PowerPoint presentation, copies of which are on file in the Commission Office. He indicated the LDR amendment was focused on one particular street segment and was designed to recognize the unique characteristics of 50th Avenue; however if adopted the ordinance could also apply to any similarly situated street if the criteria were met and it was so designated by the BCC.

Mr. Boling felt the existing LDR street types in the code did not reflect the 50th Avenue situation and an LDR change should address the entire segment rather than trying to set up a property-by-property variance approach. He specified the existing LDRs defined six road types: a principal arterial road, a minor arterial road, a collector street, a subdivision collector road, a minor or local street and a marginal access street, and the proposed amendment would add a seventh type of street as a commercial service street. He reviewed the definition criteria of a commercial service street and concluded with staff's recommendation that the PZC recommend that the BCC adopt the proposed ordinance.

Chairman Zimmerman opined the amendment was very close to spot zoning and wondered why this was not being done by variance. Mr. Boling thought the amendment would apply to other properties because the property to

the north of this particular site was in a similar situation and could easily be renovated and redeveloped, and he thought it made sense to have the characteristic of the whole street looked at to treat all of the properties on the east and west side of 50th Avenue the same in terms of setbacks.

Discussion followed.

Chairman Zimmerman opened the public hearing at 7:42 p.m. and since no one wished to speak, the public hearing was closed.

ON MOTION BY Mr. Brognano, SECONDED BY Mr. Stewart, the members voted unanimously (6-0) to recommend that the Board of County Commissioners adopt the proposed ordinance.

Commissioner's Matters

Chairman Zimmerman asked if the BCC had asked staff to start to compile information to respond to the environmental report tied to the proposed high speed railroad.

Mr. Boling advised because the All Aboard Florida (AAF) project was seeking a government loan an Environmental Impact Statement (EIS) was required for the segment running from West Palm Beach to Orlando and every affected local government staff was learning about the process. He stated the BCC had approved hiring an outside engineering and environmental expert and legal counsel to work for the County and with staff of the cities and other local governments in the region to assist with the EIS process.

Mr. Boling noted the EIS process normally had a 45-day comment period; however the County had asked for a 90 or preferably a 180-day comment period, and so far the response had been to allow 75 days. He did not know when the EIS would be issued and it was felt the process could take years with public hearings and a lot of people looking at every facet and making comments. Mr. Boling mentioned information was constantly being added and updated on the County's web site.

Discussion ensued.

Planning Matters

Mr. Boling updated the members on recent action taken by the Board of County Commissioners (BCC) on planning matters that had been before the

PZC. He did not foresee a PZC meeting being held on June 12, 2014; however it seemed likely there would be a meeting on June 26, 2014.

Attorney's Matters

There were none.

Adjournment

There being no further business, the meeting adjourned at 8:00 p.m.

Chairman Sam Zimmerman

Date

Reta Smith, Recording Secretary

Date