

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, September 22, 2022 at 7:00 PM in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may view a video of the meeting and/or review the meeting agenda, backup material and minutes on the Indian River County website www.ircgov.com/Boards/PZC/2022.

Present were the following members: Chairman **Dr. Jonathan Day**, District 4 Appointee; **Mr. Mark Mucher**, District 5 Appointee; **Mr. Curtis Carpenter**, District 3 Appointee; **Mr. Jordan Stewart**, Member-at-Large; **Mr. Chip Landers**, Alternate Member; and **Teri Barenborg**, non-voting School Board Liaison were present.

Mr. Alan Polackwich, Sr., District 2 Appointee; **Ms. Beth Mitchell**, District 1 Appointee; and Vice Chairman **Mr. Todd Brognano**, Member-at-Large were absent.

Also present were IRC staff members: Mr. William DeBraal, Deputy County Attorney; Mr. Phil Matson, Community Development Director; Mr. Ryan Sweeney, Chief of Current Development; Mr. Steven Hitt, Principal Environmental Planner; Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning; Recording Secretary, Ms. Lisa Plesnarski, Commissioner Assistant.

Call to Order and Pledge of Allegiance

Chairman Day called the meeting to order at 7:00pm and all stood for the Pledge of Allegiance.

Additions and Deletions to the Agenda

There were none

Approval of August 25, 2022 Minutes

ON MOTION BY Jordan Stewart, SECONDED BY Chip Landers, the members voted unanimously (5-0) to approve the minutes of August 25, 2022 as presented.

Public Hearing

Chairman Day read the following into record:

A. Consideration of Brattain Property of Indian River County LLC's Request for Land Development Regulation (LDR) Amendments to Sections 901.03, 911.10, and 971.13 to Allow Automobile Parking and Storage in the PRO, OCR, MED, CN, and CL Zoning Districts [LDRA-21-09-01 / 2003060269-90131]

Chairman Day asked if any members had any ex-parte communication or conflict that would not allow them to make an unbiased decision. There were none.

The secretary administered the testimonial oath to those present who wished to speak.

IRC Chief of Current Development Mr. Ryan Sweeney gave some background about the request to allow automobile storage. Mr. Sweeney explained that after receiving several inquiries, staff determined it would be best to request a change in all lower intensity commercial districts to allow automobile parking and storage as an administrative permit use. Mr. Sweeney gave a brief overview of the LDR process and the public hearing requirement.

Mr. Sweeney gave an analysis of the proposed ordinance and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr. Sweeney explained how the proposed ordinance will change three different LDR sections and reviewed the required criteria and approvals. Mr. Sweeney concluded his presentation by recommending approval based on the criteria listed in the staff report.

Chairman Day asked if there were any Commissioner questions. Mr. Stewart asked why the parking areas are to be paved, noting that grass field parking is sometimes allowed. Mr. Sweeney responded this is because the intention is for the storage to function as a parking lot and daily use is expected. Mr. Sweeney also clarified that this does not apply to residential single family or multi-family districts. There was discussion about light duty trucks and the definition of a commercial vehicle.

Chairman Day opened the floor for public comment.

Mr. Joseph Paladin of Black Swan Consulting was present representing Brattain Property of Indian River County, LLC and said he was available to answer any questions. Mr. Paladin said he thinks the project will be aesthetically pleasing and noted there will be upgraded buffers as well as an attractive entryway. Mr. Paladin also explained that the perimeter will be landscaped so that fencing and trucks cannot be seen. Mr. Paladin said the project engineer was also present to answer any questions.

There being no further comments Chairman Day closed the floor for public comment.

Mr. Landers asked if the amendment was applicable to another entity in the event this company sells the land. Mr. Sweeney responded that the proposed LDR amendment is a Countywide amendment and is applicable if a site plan is in compliance and meets the criteria. In response to a Commissioner question, Mr. Sweeney explained that trailer parking is not specifically excluded but that standard rules would apply in regard to commercial vehicles.

Chairman Day re-opened the floor for public comment.

Mr. Bob Bruce of Indian River Neighborhood Association was present and said he thinks the Type C buffer should be changed to a Type B buffer.

Chairman Day closed the floor for public comment.

There being no further Commissioner questions, Chairman Day called for a Motion.

ON MOTION BY Chip Landers, SECONDED BY Jordan Stewart, the members voted unanimously (5-0) to recommend approval of the requested amendments to Land Development Regulations Sections 901.03, 911.10, and 971.13.

Public Hearing

Chairman Day read the following into record:

B. Consideration of a Request by David L. Cox, Ph.D., to Amend Land Development Regulation (LDR) Section 932.07, Piers, Docks and Boat Slips, by Revising the Size Restrictions on Unwalled Boat Shelters to be Consistent with Florida Department of Environmental Protection (FDEP) and Other Jurisdictional Agency Requirements [LDRA-22-05-01 / 2022020086-91934]

Chairman Day asked if any members had any ex-parte communication or conflict that would not allow them to make an unbiased decision. There were none.

IRC Principal Environmental Planner Steven Hitt reviewed information about the request to amend Land Development Regulation (LDR) Section 932.07 and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr. Hitt gave some background and history of amendments to the County LDR's regarding size limitations of unwalled shelters and boat slips. Mr. Hitt gave a brief overview of Florida's state law requirements and administrative code regarding limitations to private single family dock facilities. Mr. Hitt explained that previous LDR amendments were passed which gave limitations that corresponded to the size of the dock and added a one foot overhang provision. Mr. Hitt explained how this has not been fully consistent with State requirements. Mr. Hitt gave some examples of how this has created unintended consequences, including incentivizing maximum dock sizes.

Mr. Hitt reviewed the proposed amendment. Mr. Hitt highlighted the unchanged LDR requirements and discussed criteria being kept which include aquatic seagrass limitations, limitations on height, and dock setback and extension limitations. Mr. Hitt discussed staff findings and potential benefits of the proposed amendment as well as Commissioner options. Mr. Hitt explained the proposed changes will be consistent with other State jurisdictional agencies. Mr. Hitt ended his presentation by recommending the language of the amendment be adopted as proposed.

Mr. Mucher asked how these regulations relate to any municipality regulations. Mr. Hitt explained that this would only affect the unincorporated portion of the County. Mr. Hitt showed a map that highlighted the general location of marginal docks and moorings. There was discussion about size limitations. Mr. Hitt was asked about feedback from area dock builders. Mr. Hitt responded that a lot of shelters are canvas walled and they do not see many covered boat shelters. Mr. Hitt further discussed State versus County restrictions and in response to a Commissioner question, explained the revised proposal is more restrictive than State restrictions in some aspects and not in others.

Chairman Day opened the floor for public comment.

Mr. Chris Pinson of Indian River Docks, LLC was present and discussed challenges presented when constructing a boat cover. Mr. Pinson described how people are building more dock as a work around to the current size restrictions. In response to a Commissioner question, Mr. Pinson said that the proposed amendments solve these problems. Mr. Pinson also noted that in regard to permitting, most HOA's have their own regulations and restrictions and, therefore, there are many situations where this is not applicable.

Dr. David Cox was present and stated he is partners with Mr. Pinson. Dr. Cox said that the State and Federal regulations are more restrictive than the County regulations. Dr. Cox discussed water depths and maximum structure guidelines. Dr. Cox said that he has difficulty explaining the County regulations to customers and that the regulations are difficult to interpret as currently written. Dr. Cox said he feels adopting the language of the proposed amendment would solve problems and would not make the requirements less stringent.

Mr. Joseph Paladin, representative of the Land Use Committee of the Indian River Neighborhood Association, was present and said he supports the staff recommendation to adopt the amendment.

There being no further comments Chairman Day closed the floor for public comment.

There being no further Commissioner questions, Chairman Day called for a Motion.

ON MOTION BY Jordan Stewart, SECONDED BY Chip Landers, the members voted unanimously (5-0) to approve staff's recommendation to adopt the proposed amendment to Land Development Regulation Section 932.07.

Commissioners Matters

There were none.

Planning Matters

There was a vote to change the Planning and Zoning Commission meeting start time to 6:00 PM, effective December 8, 2022.

ON MOTION BY Chip Landers, SECONDED BY Mark Mucher, the members voted unanimously (5-0) to approve a change to the Planning and Zoning Commission meeting start time to 6:00 PM, effective December 8, 2022.

Community Development Director Phil Matson was present and pointed out the benefits of moving the start time.

Attorney's Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 7:55pm.