

**A. 53<sup>rd</sup> Street / US 1 Commercial Subdivision (Replat):** Request for preliminary plat approval to replat a portion of the 53<sup>rd</sup> Street / US 1 commercial subdivision. Vero Investment 53, LLC, Owner. Indian River Donuts, Inc., Applicant. Todd N. Smith, P.E. Inc., Agent. Located at the southwest corner of 53<sup>rd</sup> Street and US Highway 1. Zoning: CG, General Commercial. Land Use Designation: C/I Commercial/Industrial. (SD-17-11-07/2007090011-79977) [**Quasi-Judicial**]

Chairman Polackwich asked the Commissioners to reveal any ex-parte communication with the applicant or any conflict that would not allow them to make an unbiased decision. The members stated that they had not had any ex-parte communication.

**ON MOTION BY Mr. Brognano, SECONDED BY Mr. Landers, the members voted unanimously (5-0) to approve staff recommendations on this Quasi-Judicial matter.**

## **Public Hearings**

Chairman Polackwich read the following into the record:

**A. CONTINUATION FROM JANUARY 25, 2018:** Schwerin and Others Request to Rezone +/- 17.94 acres from MED to CG (RZON-99070136-80287) and County's Request to Rezone +/- 0.20 acres from MED to CG (RZON-2018010067-81006). [**Quasi-Judicial**]

Chairman Polackwich stated that as this public hearing is continued from the last Board meeting and was not closed, anyone that was sworn in at that time is still under oath. He asked that anybody present that was not sworn in at the last meeting and wishes to testify take the oath at this time. Nobody came forward.

Chairman Polackwich asked the Commissioners to reveal any ex-parte communication with the applicant or any conflict that would not allow them to make an unbiased decision. Mr. Landers disclosed that has represented clients regarding rentals in the Casa Bella neighborhood and has a sales listing there as well but that this would not prohibit him from making a fair decision regarding this request. Chairman Polackwich disclosed that he drove by the Casa Bella neighborhood since the last meeting but that it would not prevent him from deciding the matter based on the facts and evidence. Ms. Waldrop disclosed that she had two rental listings in the Casa Bella neighborhood but that it would not

prohibit her from making a fair decision regarding this request. None of these disclosures were challenged.

Mr. William Schutt, Senior Economic Development Planner, reviewed information regarding the two separate but related requests for rezoning approval and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. He noted that this case was heard on January 25, 2018 by this Commission with a focus on notice requirements, and although it has since been reconfirmed that Staff followed the correct notice procedures as set forth in the code, the Board agreed to a continuation of the hearing at the request of nearby residents.

Mr. Stan Boling, Community Development Director, continued the PowerPoint presentation and reviewed criteria from Policy 1.43 Future Land Use Element as well as the history of zoning in the area surrounding the proposed rezoning request. He discussed a joint meeting between the Applicant and representatives of the Casa Bella Homeowners Association that took place on February 6, 2018 resulting in an agreement for a proposed “alternative zoning map” that would remove the eastern eight acres from rezoning. He also detailed Staff’s initiation of rezoning the +/- 0.20 acres owned by the Colley family that it is surrounded by the Schwerin and Others property. He recommended that the Commissioners recommend that the BCC approve the “alternative rezoning request” of +/- 10.14 acres from MED to CG.

Mr. Boling proceeded to answer questions from the Commissioners regarding dimensions of the proposed “alternative zoning map” and how the depth compares to nearby commercial properties along US Highway 1.

Mr. Bruce Barkett, Representative for the Applicant, and Mr. Kasey Feltner, attorney representing the Casa Bella Homeowner’s Association, disclosed their proposed agreement to not rezone the eastern eight acres of the subject property and to place private restrictions on the remaining +/- 10.14 acres that would be rezoned to CG.

Mr. Landers voiced his concerns regarding owners of the neighboring MED zoned properties later requesting rezoning for portions of their properties. Mr. Boling responded by citing criteria from Policy 1.43 Future Land Use Element which would be a basis for denying such requests.

Chairman Polackwich inquired as to what will likely become of the eastern eight acres of the property that would remain MED zoned as well as nearby MED zoned properties. Mr. Boling advised that the County wants to be sure that there is enough MED zoned area near the hospital available for health-related industry

to expand. Dr. Richard Moore, cardiologist at Indian River Medical Center, spoke of future plans to expand medical facilities at the remaining MED zoned properties.

**ON MOTION BY Mr. Landers, SECONDED BY Mr. Stewart, the members voted unanimously (5-0) to approve staff recommendations on this Quasi-Judicial matter to rezone the western 10.14 acres, to include the Colley piece, from MED to CG and deny the rezoning of the eastern eight acres from MED to CG.**

Chairman Polackwich read the following into the record:

**B. Kane Request to rezone +/- 2.009 acres from RS-1 to RS-3 and +/- 4.827 acres from RS-1 to CON-2 (RZON-201708084-80032). [Quasi-Judicial]**

Chairman Polackwich asked the Commissioners to reveal any ex-parte communication with the applicant or any conflict that would not allow them to make an unbiased decision. The members stated that they had not had any ex-parte communication.

Mr. William Schutt, Senior Economic Development Planner, reviewed information regarding this rezoning request and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. He entered a letter into evidence from a nearby property owner that spoke in agreement of the rezoning request. He recommended that the Commissioners recommend that the BCC approve the rezoning request from RS-1 to RS-3 and CON-2.

The secretary belatedly administered the testimonial oath to those present who wished to speak at tonight's meeting on this matter and Mr. Schutt reaffirmed his presentation.

Representative for the Applicant, Mr. Scott McGuire of the civil engineering firm Knight McGuire & Associates Incorporated, testified that this request will simply bring the Subject Property into conformance with similar properties on the south barrier island.

Mr. Kevin Ellis, property manager of the adjacent Subject Property, conveyed his concerns regarding this request concluding that he is not in favor of it moving forward.