

INDIAN RIVER COUNTY, FLORIDA
M E M O R A N D U M

TO: Jason E. Brown; County Administrator

THROUGH: Stan Boling, AICP; Community Development Director

FROM: John W. McCoy, AICP; Chief, Current Development

DATE: April 24, 2018

SUBJECT: **Mark Almeter and Iain Plank's Request for Special Exception Use Approval for a Private Airstrip [SP-SE-17-04-05 / 2004040060-78578]**

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of May 8, 2018.

DESCRIPTION & CONDITIONS

Masteller & Moler, Inc. on behalf of Mark Almeter and Iain Plank, has submitted an application for major site plan and special exception use approval to construct a new private airstrip (not open to the public) along the property line shared by Mr. Almeter and Mr. Plank. The subject site consisting of the Almeter and Plank properties is approximately 76.8 acres in size and is located between 130th Avenue SW and 138th Avenue SW, immediately north of the Indian River County/St. Lucie County boundary, approximately 7 miles west of I-95 (see attachment #2). The site is zoned A-2, Agricultural-2 (up to 1 unit per 10 acres), a zoning district in which special exception use approval is required for a private airstrip. The proposed private airstrip will consist of approximately 7 acres which includes a 1,415' long and 60' wide grassed airstrip with a 575' over-run area at each end. The proposed east/west airstrip is centered on the Almeter/Plank shared property line and is intended to provide easy access to remote agricultural properties for out of town owners.

In this case, the applicants have applied for concurrent site plan and special exception use approval. Consistent with the land development regulations (LDRs), staff has conditionally approved the site plan application subject to BCC (Board of County Commissioners) approval of the special exception use request.

It should be noted that County staff coordinated with both the St. John's Improvement District and St. Lucie County staff during the development review process. Neither agency had any comments related to the project.

Pursuant to Section 971.05 of the land development regulations (LDRs), the Board of County Commissioners is to consider the appropriateness of the requested use for the subject site and the compatibility of the use with the surrounding area. The Board is now to consider the special exception use request, and is to approve, approve with conditions, or deny the use request.

PLANNING AND ZONING COMMISSION ACTION

At its meeting of September 28, 2017, the Planning & Zoning Commission (PZC) voted 5-0 to recommend approval of the special exception use request as recommended by staff (see attachment #4). As part of the notification process for the PZC public hearing at least one adjacent property owner expressed interest in using the air strip, which helps address compatibility issues (see section 12 in this report). After the September 28, 2017 PZC meeting, the applicants developed a reciprocal easement (“airstrip easement”) to allow an adjacent property owner to use the air strip. That easement has now been executed and provides for maintenance operations, use, and indemnification (see attachment #5). If the special exception use is approved by the County, then the easement will be recorded in the public records and a recorded copy will be provided to the County. The applicants have also indicated a willingness to allow the other adjacent property owner the same reciprocal easement agreement. By offering use of the airstrip to adjacent owners under a reciprocal agreement, the applicants are providing a potential benefit to those owners rather than simply creating potential impacts on adjacent properties.

ANALYSIS

1. **Size of Development:** Overall site size: 76.8 acres
 Area of development: 7 acres

Note: The proposed airstrip bisects two parcels (Almeter parcel and Plank parcel) running east/west along the common property line. Since the improvement straddles the property lines, a reciprocal easement for use of the airstrip needs to be established and remain in effect for the life of the airstrip. The easement needs to be recorded prior to site plan release.

2. **Zoning Classification:** A-2, Agricultural-2 (up to 1 unit per 10 acres)
3. **Land Use Designation:** AG-2, Agricultural-2 (up to 1 unit per 10 acres)
4. **Building Area:** Proposed: 0 square feet

Note: No new building is proposed. There is an existing agricultural building and stabilized parking area on the southern parcel which does not appear to be in conflict with the proposed airstrip and which will remain.

5. **Impervious Area:** Proposed: 0 square feet

Note: There is no new impervious area proposed with this application. The airstrip is proposed to be grassed for use by light aircraft.

6. **Open Space:** Required: 80%
 Proposed: 99.8%

7. **Traffic Circulation:** Access to the proposed project is provided via a stabilized two-way driveway connection to 130th Avenue SW, which is a semi-improved dirt road located within St. Johns Improvement District (SJID) right-of-way. The site is accessed from 130th Avenue SW which connects to an extension of 9th Street SW (Oslo Road).

8. **Off-Street Parking:** No new parking is proposed or required.
9. **Landscape Plan:** No additional landscaping is required related to this request.
10. **Stormwater Management:** The applicants submitted a preliminary stormwater management plan that has been reviewed and conditionally approved by Public Works. The subject site is located within a flood zone, which requires the applicants to balance the cut and fill for the airstrip. Prior to site plan release, the applicants will need to demonstrate that the cut and fill balance is addressed.
11. **Utilities:** The project will not include any bathroom facilities. Therefore no well or septic permits are required or proposed. The County Department of Utility Services and the Department of Health have acknowledged that the site will not include any utility provisions, and have approved the associated project site plan.
12. **Compatibility:** LDR section 971.05(9) establish general criteria for special exception uses which includes some general compatibility measures. It has been staff's experience that airstrips can result in compatibility problems for the airstrip operation and for the adjacent properties. To address potential compatibility issues, during review of the application, staff sought to limit the intensity of the use and have the applicants coordinate with adjacent property owners. Staff proposed and the applicants accepted conditions limiting the use of the airstrip to the property owners (Almeter and Plank) and any other eligible adjacent property owners, limiting the number of flights, restricting the type of aircraft using the facility (small single engine aircraft), and requiring consent/acknowledgment from the property owners east and west of the airstrip or allow use of the airstrip by those owners subject to reasonable conditions. Conditions addressing those compatibility items are contained in staff's recommend action at the end of this report.
13. **Specific Land Use Criteria:** Pursuant to LDR section 971.43(1)(c), the following criteria for private airstrips apply to this project:
 1. *Evidence shall be furnished of the acquisition of property for air rights over all land at the ends of all runways where the required glide path of aircraft for the class of the airport is thirty-five (35) feet or less elevation from the ground;*

Note: The applicants have demonstrated that planes using the airstrip will be above 35' at the subject site's perimeter property lines.
 2. *All buildings and structures except for hangars and garages shall be at least thirty (30) feet from the property line;*

Note: No new structures are proposed. The existing agricultural building on the south parcel is located over 130' from any property line and 500' from the nearest end of proposed runway.
 3. *All airport drives and parking areas shall have a paved surface pursuant to Chapter 954. This shall not apply to airstrips;*

Note: This is a private airstrip not open to the public, and the paved access/parking criterion is not applicable.

4. *All applicable FAA and state regulations shall be met;*

Note: The applicants have provided a conditional approval issued by the FAA. In addition to the FAA, a notice of construction is required through the Florida Department of Transportation. This notice needs to be filed prior to site plan release.

5. *Letters from appropriate fire and rescue agencies shall be submitted ensuring that protective services can be provided at an adequate level.*

Note: The applicants have provided written verification from Indian River County Emergency Services that the subject site is located within the area they serve and that protection services can be provided at an adequate level.

6. *Section 971.43(1)(b) requires additional information related to airstrips. This information includes the layout of the airstrip and related improvements, information on type and location of aircraft to be stored, fueling and service areas, noise generation information, land use information, and certification of Federal Aviation Administration compliance.*

Note: The applicants have provided relevant information including a noise study that documents the LDR noise criteria will not be exceeded by operation of the proposed light aircraft. In addition, it was noted that there will be no service or re-fueling area/facilities for aircraft.

14. Surrounding Land Use and Zoning:

North: Agricultural / A-2

East: Agricultural, 130th Avenue SW / A-2

South: SJID Canal, St. Lucie County (Citrus Groves) / AG-5 (St. Lucie County Zoning)

West: 138th Avenue SW, Agricultural / A-2

All conditions recommended by staff have been accepted by the applicants.

RECOMMENDATION

Based on the analysis above, staff recommends that the BCC grant special exception use approval for a private airstrip, with the following conditions:

1. Airstrip operations shall be limited to the following:
 - a. Small single engine aircraft.
 - b. Ten take-offs per week.

2. No aircraft service or re-fueling area or facility is allowed on site.
3. Prior to site plan release, the applicants shall provide:
 - a. A recorded reciprocal easement for the proposed airstrip that covers its location along the shared property line, as shown on the project site plan, and allows for use by adjacent property owners subject to the terms of the reciprocal easement (see attachment #5). That easement must remain in place for the duration of the airstrip.
 - b. Consent or acknowledgments from property owners immediately east and west of the proposed airstrip, or offer for use of the airstrip by those property owners subject to reasonable conditions.
 - c. Documentation that the cut and fill balance criteria will be met to the satisfaction of Public Works.
 - d. Provide FDOT Notice of Construction.

ATTACHMENTS

1. Application
2. Location Map
3. Site Plan
4. Excerpt from approved September 28, 2017 PZC Meeting Minutes
5. Airstrip Easement