

## PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, February 8, 2018 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/2015](http://www.ircgov.com/Boards/PZC/2015).

Present were members: Chairman Alan Polackwich Sr., District 2 Appointee; Vice Chairman Todd Brognano, Member-at-Large; Mr. Chip Landers, District 3 Appointee; Ms. Angela Waldrop, District 5 Appointee; and Mr. Jordan Stewart, Member-at-Large.

Mr. Patrick Grall, District 1 Appointee; Dr. Jonathan Day, District 4 Appointee; and Mr. Shawn Frost, non-voting School Board Liaison, were absent.

Also present was IRC staff: Mr. Bill DeBaal, Deputy County Attorney; Mr. Stan Boling, Community Development Director; Mr. William Schutt, Senior Economic Development Planner; Ms. Cheryl Dunn, Environmental Health Manager; Mr. Vincent Burke, Utility Services Director; Mr. Roland DeBlois, Environmental and Code Enforcement Chief; Mr. Steven Hitt, Senior Environmental Planner; and Ms. Lisa Carlson, 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.

### **Additions and Deletions to the Agenda**

There were none

### **Approval of Minutes**

**ON MOTION BY Mr. Brognano, SECONDED BY Ms. Waldrop, the members voted unanimously (5-0) to approve the minutes of the January 25, 2018 meeting as presented.**

### **Items on Consent**

Chairman Polackwich read the following into the record:

- 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.

Mr. Roland DeBlois, Environmental and Code Enforcement Chief, provided background of the County's 1990 adoption of the more conservative CON-2 zoning as opposed to the previous default RS-1 designation for properties along the wetlands, and that the RS-1 zoning functions as a 'holding zoning' until an estuary wetlands survey is prepared to determine specific CON-2 boundaries.

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

Chairman Polackwich read the following into the record:

- C.** An ordinance of Indian River County, Florida, amending the text of the sanitary sewer sub-element, future land use element, and coastal management element of the County's Comprehensive Plan and providing codification, severability, and effective date. **[Legislative]**

**Part 1:** Sanitary sewer sub-element amendments and related amendments to the Future Land Use Element.

Mr. William Schutt, Senior Economic Development Planner, detailed proposed edits relating to sanitary sewer in the Future Land Use Element and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. He recommended that the Commissioners recommend that the BCC approve the proposed Future Land Use Element Comprehensive Plan text amendments for transmittal to state and regional review agencies.

Ms. Judy Orcott, Chairperson of the Lagoon Committee for Indian River Neighborhood Association, reported that the County's fertilizer ordinance has been proven to reduce the amount of nitrogen levels in the lagoon. She addressed the approximate 35,000 septic systems in the County and the time and financial obstacles involved in either improving these current systems and treatment methods or ideally connecting to County sewer. She explained that the septic systems installed prior to 1983 have only a six-inch separation between the ground water and the drainfield whereas those installed after 1982 require twenty-four inches, adding that approximately half of the County's septic systems have only the six-inch separation. She recommended that as older systems are issued repair permits, they be required to raise the drainfield to the current code of twenty-four inches. She inquired about possible mandatory connections as sewer infrastructures are created and stated her hope for higher annual goals for

the County to convert septic systems to sewer connections. She concluded by discussing the biosolids that are allowed to be spread on Indian River County farmland and ultimately end up in our water systems.

Ms. Cheryl Dunn, Environmental Health Manager, discussed permits for repairs, modifications and new septic systems that her office is responsible for administering. She explained that her department can “encourage” homeowners to meet the twenty-four-inch separation between the drainfield and groundwater but that it is voluntary and unenforceable at this time for septic systems installed before 1983. She indicated that as the septic contractors typically pull repair permits, there is little to no communication between the homeowner and her department until final inspections are performed. She described the significant cost to individual homeowners to raise the drainfields, adding that for some smaller properties it could be challenging because there may not be enough lawn space available. She advised that while there are currently no funds or incentives offered for homeowners to upgrade their drainfield or treatment systems, her wish is that they will become available at least for areas that while sewer connection is not a reality, sewage may be impacting the lagoon.

Mr. Vincent Burke, Utility Services Director, outlined mandates for new subdivisions and commercial development to connect to county sewer as well as determinations of mandatory connection for failed septic systems. He compared the costs to repair or upgrade existing septic systems to that of connecting to County sewer or the ultimate cost to the environment if neither option is chosen. He stated that the creation of new sewer infrastructure includes not only the price of sewer lines and pump systems, but the destruction of roadways, making these projects a public works issue as well. He concluded that his department continues to apply for grants from the State, District and the National Estuary Program (NEP) and that additional funding could shorten the timelines needed to connect communities to the County sewer system.

Extensive discussion followed regarding County staff’s commitment to pursue and identify opportunities to address goals, objectives and policies relating to sanitary sewer connections and septic systems.

**ON MOTION BY Mr. Stewart, SECONDED BY Ms. Waldrop, the members voted unanimously (5-0) to approve staff recommendations on this Legislative matter with language added regarding the County’s commitment to pursue and identify opportunities.**

**Part 2:** Coastal management element amendments and related amendments to the Future Land Use Element.

Mr. Steven Hitt, Senior Environmental Planner, detailed proposed edits relating to coastal management in the Future Land Use Element and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. He recommended that the Commissioners recommend that the BCC approve the proposed amendments to the Coastal Management Element and Future Land Use Element for transmittal to state and regional review agencies.

Discussion followed regarding sea level rise projections as they relate to coastal high hazard area policies and safety plans.

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

Chairman Polackwich read the following into the record:

**D. Consideration of Land Development Regulation (LDR) amendments to Chapters 910, 913, 914, 952 and 971 regarding traffic study requirements, subdivision and site plan review processes and Staff level approval authority for certain uses. [Legislative]**

Mr. Stan Boling, Community Development Director, reviewed information regarding the proposed LDR amendments. He referenced the Development Review and Permit Process Advisory Committee that was established by the BCC and began meeting in October of 2017 and he went on to detail their proposed Staff supported amendments. He recommended that the Commissioners recommend that the BCC adopt all five ordinances amending Chapters 910, 913, 914, 952 and 971 of the LDR regulations.

Discussion followed regarding staff level approvals, sign posting notice policies and appeal processes. It was suggested that notification signs be posted even when there are Staff level approvals for the eight uses proposed to go from PZC approval to staff level approval.

Ms. Debbi Robinson, Development Review and Permit Process Advisory Committee Chairperson, recapped the committee's task of streamlining the land development process while still protecting the public's safety, welfare and interests. She clarified that the Staff level approvals would pertain only to permitted uses that generally come to the Board on the Consent agenda, adding four weeks to the process as well as a disproportionate amount of staff time.

**ON MOTION BY Mr. Landers, SECONDED BY Mr. Brognano, the members voted unanimously (5-0) to approve staff recommendations with added sign notifications for the eight uses proposed to go from PZC approval to staff level approval.**

**Commissioner's Matters**

There were none.

**Planning Matters**

Mr. Stan Boling stated the likelihood of a meeting on February 22, 2018.

**Attorney's Matters**

There were none.

**Adjournment**

There being no further business, the meeting adjourned at 9:56 p.m.