

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, JANUARY 6, 2022, 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

PRESENT: Chairman, Jeb Bittner; Vice Chairman, Jose Prieto; Members: Robin Pelensky and Alternate Member, Jeff Stassi **Also Present:** Jason Jeffries, Planning and Development Director; Cheri Fitzgerald, Principal Planner; Gayle Lafferty, Senior Planner; City Attorney, John Turner and Heather McCarty, Records Retention Specialist

Today's meeting was called to order at 1:30 p.m.

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

None

II. PUBLIC COMMENT

None

III. PUBLIC HEARING

[Quasi-Judicial]

- A. Site Plan Application Submitted by Submitted by Tom Cavanaugh for Park Pointe Apartments Vero, LLC to Construct a Total of 349,727 Square Feet of Buildings Including 189-Unit Multiple-Family Residential Apartment and Townhome Buildings with Accessory Buildings (Garages, Covered Carports, Amenity Center and Leasing Office) Located at the Southeast Corner of Indian River Boulevard and 41st Street (#SP21-000004)**

The Chairman read Site Plan Application #SP21-000004 submitted by Tom Cavanaugh by title only.

There were no ex parte communications reported.

The Records Retention Specialist swore in staff and all witnesses testifying for today's hearing en masse.

Mrs. Cheri Fitzgerald, Principal Planner, who has been sworn in, went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). Based on the findings outlined in staff's report, staff recommends approval of the site plan subject to the conditions outlined in the staff report. She wanted to point out one (1) condition that was specific to this project was that the drainage easement will need to be approved and recorded prior to the issuance of the development order for the project.

Mr. Bittner asked if the buffer on the east side naturally drains into the conservation area.

Mr. Jeffries said the land is naturally flowing eastward towards the river. Mrs. Fitzgerald noted that was one of the reasons there is a drainage easement required.

Mr. Bittner asked when there is stormwater management of this nature adjacent to a conservation area, is there a maintenance agreement that is submitted as to who will maintain it. Mr. Jeffries said the applicant is responsible for maintaining it since it is on their property.

Mr. Bittner asked if the elevation approval is part of today's site plan approval. Mrs. Fitzgerald said they are all part of this approval.

Mr. Kevin Roberson, with Kimley-Horn and Associates, who has been sworn in, was present to answer any questions of the Board members. He explained that the entire project discharges first into a dry retention pond and that overflows to a wet retention pond. There is a north-south ditch that all of the site today currently drains to and that is being kept in its entirety. He said they are very far along with their St. John's River Water Management District (SJRWMD) permit. He added that there is no maintenance agreement required if it's a single entity. He said the applicant is required to maintain it.

Mr. Roberson said on the drainage easement, they have been working with Indian River Land Trust over the last couple months to obtain that easement. They will be bringing it to Planning staff and Public Works for review.

Mr. Roberson referred to condition #8 on the phasing. He asked if they could insert "commence" in front "within 2 years" for phase 1. Mr. Jeffries said their code requires that the project has to be completed within two (2) years of the issuance of the development order, with the ability of a one (1) year extension by the Planning Director.

Mr. Roberson said they are six (6) to eight (8) months away from starting construction.

Mr. Jeffries reiterated that the development order would not be issued until they receive the approved drainage easement.

Mr. Roberson said they would like to ask that they extend it to three (3) years for phase 1 and four (4) years for phase 2. Mr. Jeffries added that he could still extend both of those deadlines one (1) year further.

Mr. Bittner asked about the landscape plan. Mrs. Fitzgerald stated that the landscape plan exceeds or meets the Code requirements and is included in their backup materials.

Mr. Bittner opened and closed the public hearing at 1:55 p.m., with no one wishing to be heard.

Mrs. Pelensky asked about traffic. Mrs. Fitzgerald said that the applicant prepared a traffic analysis report, which is provided in their backup and they have documented that the level of service standards will be met on Indian River Boulevard and other roadways that they were required to analyze.

Mr. Jeffries pointed out that Indian River Boulevard is a County road, so they had to get a

County permit in terms of connection to the County road.

Mr. Bittner asked if a CORE permit was required. Mr. Roberson answered yes, a CORE permit is required through Florida Department of Environmental Protection (FDEP) and they are very close to obtaining that as well.

Mr. Roberson noted on traffic, they have one connection to the project and it is off of 41st Street.

Mr. Prieto made a motion that they approve Site Plan Application #SP21-000004 submitted by Tom Cavanaugh for Park Pointe Apartments Vero, LLC to construct a total of 349,727 square feet of buildings including 189-unit multiple-family residential apartment and townhome buildings with accessory buildings (garages, covered carports, amenity center and leasing office) located at the Southeast corner of Indian River Boulevard and 41st Street based on competent substantial evidence with the conditions stated in the staff report. The development order will not be issued until the drainage easement is recorded with Indian River Land Trust and condition #8 is changed to within three (3) years for Phase 1 and within four (4) years for Phase 2. Mr. Bittner seconded the motion.

Mrs. Pelensky asked about sidewalks and if they are required in a development of this size.

Mrs. Fitzgerald answered they are and it is subject to the size of the development. Mr. Jeffries added that there will be sidewalks outside in the right-of-way as part of the right-of-way requirements.

The motion on the floor passed 4-0, with Mr. Stassi voting yes, Mrs. Pelensky yes, Mr. Prieto yes, and Mr. Bittner yes.

[Quasi-Judicial]

- B. Variance Application Submitted by Danna Small, DLS Environmental Service, on Behalf of Arthur J. And Gail K. Shinnors, to Reduce the Required Side Property Line (Riparian) Setback for Docks in Section 31.05 (A)(5) from 15 Feet to 0.5 Feet on the South Property Line (Riparian) and from 15 Feet to 11.5 Feet on the North Property Line (Riparian), Located at 89 Cache Cay Drive (#V21-000006)**

The Chairman read Variance Application #V21-000006 submitted by Danna Small by title only.

There were no ex parte communications reported.

The Records Retention Specialist swore in staff and all witnesses testifying for today's hearing en masse.

Ms. Gayle Lafferty, Senior Planner, who has been sworn in, went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes).

Mr. Jeffries wanted to point out that these are properties at the end of a canal with riparian

rights and they had to show they have a hardship, which is the unusual shape of the property. He added they do have a right to access the water and to place the dock and the boat lift where they have shown they need a reduction of the side yard setback.

Mr. Bittner noted this would be placing the boat lift within six (6) inches of a lot line to the south, which he is not comfortable with. Mr. Jeffries said that the neighboring dock is within their riparian rights and is an existing condition.

Mr. Bittner commented that it will compound and if this is granted, what happens when that neighbor wants to come in and put in a dock and a boat lift who also has a right of access.

Mr. Jeffries explained they need to provide a survey showing their riparian rights. He said this dock would be within their riparian area, it's just because of the unusual shape of the property that they're not meeting the side yard setback. He thinks they could attempt to draft a Code to deal with the nature of this at the end of these coves.

Mr. Bittner asked about the property to the north. Mr. Jeffries said he would have to look into that further. He pointed out that no one has made a complaint to the City.

Mrs. Pelensky asked if that property owner has been notified. Mr. Jeffries answered yes and they have been notified of this variance hearing.

Mr. Pete Sweeney, Counselor for the applicants, was at today's hearing to answer any questions. He said that he was also present today representing the property owner to the south, Mr. Scott Alexander, and the property owner to the north has signed a letter of concurrence for the set-back waiver. He pointed out that both neighbors have signed that they are in agreement of moving forward with this project. He reviewed the aerial photo of the proposed dock and the existing riparian lines and the lot lines. He wanted to reiterate that both property owners are in favor of this and also FDEP has already provided their blessing.

Mr. Bittner commented about the fact that they have the neighbors on both sides approving it. He asked if to final the permit, is there an as-built required to make sure that the south-west post is six-inches from the line. Mr. Jeffries said they could make that a condition of their approval.

Mr. Sweeney pointed out in the included departmental backup, there is a note that if the variance is approved, the applicant is still required to submit the final proposed dock plan for technical review for compliance.

The Chairman opened and closed the public hearing at 2:20 p.m., with no one wishing to be heard.

Mr. Prieto made a motion to approve Variance Application V21-00006, submitted by Danna Small, DLS Environmental Service, on behalf of Arthur J. And Gail K. Shinnors, to reduce the required side property line (Riparian) setback for docks in Section 31.05 (A)(5) from 15 feet to 0.5 feet on the South property line (Riparian) and from 15 feet to 11.5 feet on the North property line (Riparian), located at 89 Cache Cay Drive based on substantial and competent evidence and the condition that an as-built is required. Mrs. Pelensky seconded the motion and it passed 4-0, with Mr. Stassi voting yes, Mrs. Pelensky yes, Mr. Prieto yes, and Mr. Bittner yes.

[Legislative]

C. A Resolution of the City Council of Vero Beach, Florida, Adopting the “Three Corners, Vero Beach Report” and Directing the City Staff to Prepare a Charter Amendment Ordinance and Take Steps to Implement the Plan; and Providing for an Effective Date

Mr. Jason Jeffries, Planning Director, went through a Power Point presentation with the Board members (attached to the original minutes). Staff’s recommendation is that this is consistent with the Comprehensive Plan and they recommend approval of the Resolution.

Mr. Bittner asked about the current ownership. Mr. Jeffries said the land would probably be leased and that it would be for a 99-year lease.

Mr. Bittner asked if their Financial Consultant asked for any material changes. Mr. Jeffries felt they were just some minor recommendations, including moving the sand volleyball courts away from the restaurant and more use of the marina, including overnight dockage convenient to the hotel.

Mr. Bittner asked if the dockage is going to be private and not a City managed facility. Mr. Jeffries answered that would be determined through the RFP process.

Mr. Bittner brought up the building height of Big Blue and one of the concepts that showed taking advantage of the tower height and asked if that was still a possibility. Mr. Jeffries answered it could be and could be worked out in the details in the Land Development Code.

Mrs. Pelensky asked when they are talking to developers, would they come in and do a portion of this. Mr. Jeffries thinks it is the City’s goal to identify a master developer for the entirety of the former Power Plant site. He said the City has already entered into an MOU for the wastewater site.

Mrs. Pelensky asked if they have talked to any developers that seem really interested. Mr. Jeffries said they have talked to about a dozen developers and there are several that would be a really good fit and seem very interested. He added that all that feedback was included in a memo provided to the Three Corners Steering Committee.

Mr. Jeffries said the request of staff to them today is to make a review based on if the Master Concept Plan is consistent with the Comprehensive Plan.

Mrs. Pelensky asked when a developer comes in to make it happen, how much involvement will the City and the residents have in fine tuning the master plan.

Mr. Jeffries explained it is going to be a part of the site plan process. He said they would have a lot of input still and this Board is going to be very involved now that it’s going in to this process.

Mr. Bittner made a motion that the Planning and Zoning Board recommends approval of a Resolution of the City Council of Vero Beach to adopt the “Three Corners, Vero Beach Report” and directing the City staff to prepare a Charter Amendment Ordinance and take steps to implement the plan; and providing for an effective date. Mr. Stassi seconded the motion.

At 2:58 p.m., the Chairman opened and closed the public hearing with no one wishing to be heard.

The motion passed 4-0, with Mr. Stassi voting yes, Mrs. Pelensky yes, Mr. Prieto yes, and Mr. Bittner yes.

IV. PLANNING DEPARTMENT MATTERS

Mr. Jeffries said their next meeting will be on January 20, 2022 and they will be discussing a text amendment they are developing for the Airport and also having a discussion on docks and coves.

V. BOARD MEMBERS' MATTERS

Mr. Bittner noted for the record, that Ms. Shaghnessy, Mr. Lauer and Mr. Perry all had excused absences for today's meeting.

VI. ADJOURNMENT

Today's meeting adjourned at 3:00 p.m.

/hm