

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, JANUARY 12, 2023 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, Jeb Bittner; Vice Chairman, Jose Prieto; **Members:** Robin Pelensky and Jeff Stassi **Also Present:** Planning Director, Jason Brown; Principal Planner, Cheri Fitzgerald; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absence: Elliese Shaughnessy

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

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

None

II. ELECTION OF OFFICERS

A. Chairman

Mr. Stassi nominated Mr. Jeb Bittner for Chairman of the Planning and Zoning Board. Mr. Prieto seconded the nomination.

There were no other nominations.

Mr. Jeb Bittner was unanimously appointed Chairman of the Planning and Zoning Board.

B. Vice-Chairman

Mr. Stassi nominated Mr. Jose Prieto for Vice Chairman of the Planning and Zoning Board. Mrs. Pelensky seconded the nomination.

There were no other nominations.

Mr. Jose Prieto was unanimously appointed Vice Chairman of the Planning and Zoning Board.

III. APPROVAL OF MINUTES

A. Regular Meeting – December 1, 2022

Mr. Prieto made a motion to approve the minutes of the December 1, 2022 Planning and Zoning Board meeting. Mr. Bittner seconded the motion and it passed unanimously.

IV. PUBLIC COMMENT

Mr. Al Benkert said that he would like a Citywide zoning change on residential property. What he was proposing was that they look at putting the setback requirement on second floor residential areas at 10-feet and on third floors at 15-feet. He also proposed that they look at reducing the current height restrictions so that it does not go above a tree canopy. The reason that he was requesting this

was because someone built a house next to him and he has a 42-foot wall 10-feet away from his property line.

Mr. Jason Jeffries, Planning Director, said they would be discussing this under item 6-B) on today's agenda.

Mrs. Tayloe Francisco said that she was concerned about current zonings for buildings, such as the storage building that was being built on State Road 60. She asked how they could prevent this from happening again. She felt that Vero Beach deserved a better Comprehensive Plan or some sort of an overlay plan to create more of a downtown core area, rather than a large industrial storage house. She asked how they could get this on their agenda.

Mr. Jeffries said they would be discussing this under item 6-A) on today's agenda.

V. PUBLIC HEARINGS

[Quasi-Judicial]

A. **Site Plan Application Submitted by Mills, Short & Associates, LLC, for the Construction of a Three Story 72,642 Square Feet Storage Facility, a 2,500 Square Feet Restaurant and a 4,200 Square Feet Car Wash Located at 1801 US 1 (#SP22-000003)**

The Chairman read Site Plan Application #SP22-000003 submitted by Mills, Short and Associates, LLC by title only.

Mr. Prieto reported that he received a telephone call from a concerned citizen who was asking what was going on with this.

Mr. John Turner, City Attorney, asked was it about this site plan specifically. Mr. Prieto answered yes.

Mr. Turner asked did you give an opinion. Mr. Prieto answered no.

Mr. Turner asked would anything in your conversation have to do with his decision today. Mr. Prieto answered no.

Mr. Turner questioned so your mind is open and your decision was not influenced. He said that he was not sure that this was ex parte communication. It was not someone from the applicant's position or an organization that might be opposed to it, but a citizen of the public.

Mr. Prieto said that was correct.

Mr. Turner said that would not come within the realm of ex parte communication.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff and those present 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). Staff recommends approval with the conditions listed in staff's report.

Mr. Pete Sweeney, Attorney representing the applicant, said staff did an excellent job evaluating this project. He reported that the applicant was in agreement with staff's recommendations for conditions of approval. He said that this property is where the old Press Journal building is located. He said this is a very large parcel of land in the heart of U.S. 1. They believe that this was an excellent redevelopment project and was within the confines of what the current Land Development Regulations of the City allows. He said this building has been vacant and dilapidated for the better part of two (2) decades and this was an excellent project that will reactivate that site.

Mrs. Pelensky asked Mr. Sweeney to expand on his statement that this was an excellent project for the community.

Mr. Sweeney said the first reason was that as people travel north on U.S. 1 this was the first thing that people see as they enter into the City limits. There have been multiple issues with vagrancy, homelessness, trash, etc. For that reason alone, he felt this was a life, health, and safety improvement for the community. Also, one (1) of the most important things the City, County, and all the residents are concerned about is stormwater and there is a sophisticated stormwater plan for this project that would upgrade it significantly.

Mr. Westley Mills, of Mills, Short, and Associates LLC, Engineer of record, who has been sworn in, said that he was present today to answer any questions of the Board.

Mr. Bittner felt that the elephant in the room was another large structure visible from a major thoroughfare. He said screening was very important. He asked how many shrubs they would be planting in front of the project. He said one (1) diagram shows two (2) feet spacing and in the text it states two and a half feet. He wanted it clarified because that makes a difference between 235 shrubs and 94 shrubs.

Mr. Mills said that he was not the Landscape Architect for the project, but at a minimum it would match the Code requirements. He said that 622 shrubs were required and they would have 1,200 shrubs.

Mr. Bittner said that he was concerned about people driving by and looking down the tunnel of a car wash. He asked if the Board could put a condition on this that the trees are maintained at a certain height.

Mr. Mills noted that the front of U.S. 1 has sight triangles so they could not have any obstructions.

Mrs. Pelensky said they are to be maintained at two (2) or three (3) feet.

Mr. Bittner asked if they could maintain them higher.

Mr. Mills answered no, because they would obstruct the sight distance of two (2) roads.

Mr. Bittner said a two (2) or three (3) foot hedge was not going to block the view a 10-foot opening. He asked if there was a "silver bullet" that keeps the unattractive appearance of a car wash tunnel from being visible.

Mr. Mills answered not within the Code.

Mr. Bittner asked if there were any kiosks or drive through overhangs visible.

Mr. Mills said there would be pay stations within the islands where the entrance takes a bend.

Mrs. Pelensky referred to the island to the north of the drive throughs. She suggested that they put in a few more Palm Trees so that there is a little more buffering when looking at the site from U.S. 1.

Mr. Mills said that he would take note of that and speak with the Landscape Architect.

The Chairman opened the public hearing at 2:14 p.m.

Mr. John Turner, City Attorney, explained that this was a quasi-judicial proceeding and the public does not have the same rights as they would in a regular public meeting. He said they would call now for any rebuttal or if there were any parties in opposition. He said they could be cross examined or can ask questions.

Mr. Bittner asked if there was anyone present who was claiming to be an affected party of this site plan application and wanted to make a comment now is the time.

Mr. Turner explained to the audience present for today's hearing that if they were a neighbor abutting the property then they would be considered an affected party.

Mr. Jeffries read into the record under Code Section 65.21, the definition of an affected party, *"a property owner or occupant with standing to challenge a land development order or amendment to a Code or Comprehensive Plan is determined by Florida Statutory or Case Law."*

Mr. Al Turo, who has been sworn in, said that he is the President of the Villamar Condo Association, which is located on 18th Street, which is across the street from this site. He was concerned that this project was going to increase traffic on 18th Street. He said if this project is approved they are going to need some traffic safety. He said that he was concerned about the quality of life for their residents. He asked the Board in their considerations that they think about them.

The Deputy City Clerk swore in Mrs. Sherri Padgett.

Mrs. Sherri Padgett (spelling may be incorrect), who has been sworn in, said that she is a resident of Villamar Condominiums. She agreed that there needed to be some development where the old Press Journal building was located. She asked if there has been any consideration for landscaping along 18th Street. She said that she did not want them to feel that they were forgotten about. She said they are a retirement community and they are concerned about the traffic and about safety. She asked that the Board considers the Villamar community.

Mr. Bittner noted that there would be significant landscaping screening along the entire frontage of 18th Street.

Mr. Bittner questioned the level of service impact.

Mr. Jeffries said this project did not trip the threshold for additional traffic studies. He asked Mr. Mills to go through the details with the Board.

Mr. Mills explained that the threshold is if you exceed 400 trips per day that warrants a traffic study. The net trip generation for this project was 146. They did do a traffic analysis as part of the project. He said most of the traffic would be coming in from U.S.1 and exiting on U.S.1

Mr. Jeffries noted that the City Engineers look at the impact of local streets when any site plan is being reviewed.

Mr. Prieto made a motion to approve the Site Plan Application submitted by Mills, Short and Association, LLC, for the construction of a three story 72,642 square foot storage facility, a 2,500 square foot restaurant and a 4,200 square foot car wash located at 1801 US 1, #SP22-000003, based on competent substantial evidence. Mr. Bittner seconded the motion and it passed 4-0 with Mr. Stassi yes, Mrs. Pelensky yes, Mr. Prieto yes and Mr. Bittner yes.

[Quasi-Judicial]

B. Minor Subdivision Application Submitted by Mills, Short & Associates, LLC, for a Proposed Non-Residential Platted-Over Subdivision Located at 1801 US 1 (#SD22-000006)

The Chairman read Minor Subdivision Application #SD22-000006 submitted by Mills, Short and Associates, LLC by title only.

Mr. Prieto noted again that he received a telephone call regarding this project.

Mr. Turner asked Mr. Prieto if he had any preconceived ideas that might interfere or make his decisions impartial. Mr. Prieto answered no.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff and those present for today's hearing en masse.

Mrs. Fitzgerald went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). The staff recommends approval based on the conditions listed in staff's report including the property owner's covenants and restrictions.

Mr. Bittner said this was a single parcel subdivided into tracks and now it is going to be subdivided into three (3) separate parcels. He asked if there is separate ownership in these covenants, what happens if lot one (1) decided not to maintain the shrubs. He asked who enforces this.

Mr. Jeffries said that was probably a better question for the applicant, but it is in the conditions within the Property Association.

Mr. Bittner asked has staff reviewed them.

Mr. Jeffries answered yes. He said the information was submitted and staff had some concerns with some of the language in it, such as an automatic termination clause after 30-years, which this issue has been resolved. He said that they submitted the revised documents and staff just needs to finish reviewing it. He explained that they wanted the ability to terminate if they were to redevelop again, but the City just didn't want it to terminate automatically. He said as part of the approval they could make that a condition to make sure

the ongoing maintenance does not fall back on the City.

Mr. Pete Sweeney, Attorney, explained that the property was going to be separated into individual lots and to make sure that the City doesn't have to maintain things they have a Master Property Association (MPA). He said they do have long term tenants or owners of the parcels, but to make sure the parcels are maintained they have the MPA.

Mr. Stassi made a motion that the Minor Subdivision Application submitted by Mills, Short and Associates LLC for a proposed non-residential platted over subdivision located at 1801 U.S. 1, #SD22-000006 be approved based on competent substantial evidence and the conditions of the revisions of the revised property owner's association documents for maintenance. Mrs. Pelensky seconded the motion and it passed 4-0 with Mrs. Pelensky voting yes, Mr. Stassi yes, Mr. Prieto yes and Mr. Bittner yes.

VI. DISCUSSIONS

A. Permitted Uses In Commercial Districts

Mr. Jeffries went over staff's report accompanied by a Power Point presentation (attached to the original minutes).

Mr. Bittner said they have two (2) facilities being built that were not well received by the general public. One is currently under construction and the one that is going to start construction based on today's meeting. He asked what is the fastest route to make these changes. He asked would it be a text amendment.

Mr. Jeffries answered yes.

Mr. Bittner opened and closed public comments on this item at 3:26 p.m.

B. Neighborhood Protection

Mr. Jeffries went over staff's report accompanied by a Power Point presentation (attached to the original minutes).

Mr. Bittner referred to staff's report where it mentioned an increased demand in business activity in business districts. He said that he did not see this as a need to create and expand into residential neighborhoods for commercial uses. He thinks this was an inaccurate statement because what has been coming before the Board to go from business back to residential.

Mr. Jeffries said that he would look at that again.

C. Annual Report

Mr. Jeffries gave a brief update on the Annual Report (on file in the City Clerk's office).

Mr. Bittner made a motion to approve the Annual Report. Mr. Prieto seconded the motion and it passed unanimously.

VII. PLANNING DEPARTMENT MATTERS

Mr. Jeffries reported that the next Planning and Zoning Board meeting would be held on Thursday,

February 2, 2023 at 1:30 p.m., in the City Hall, Council Chambers.

VIII. BOARD MEMBERS' MATTERS

None

IX. ADJOURNMENT

Today's meeting adjourned at 3:56 p.m.

/sp