

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, MARCH 3, 2022 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, Jeb Bittner; Vice Chairman, Jose Prieto; Members: Steven Lauer, Robin Pelensky, Theodore Perry, and Alternate Members, Elliese Shaughnessy and Jeff Stassi **Also Present:** Planning and Development Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

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

Mr. Jason Jeffries, Planning and Development Director, handed out to the Board members a copy of the minutes from the neighborhood meeting that was held regarding the Conditional Use and Site Plan application submitted by Kendall Academy Preschool Center, which is item IV-A) on today's agenda (attached to the original minutes).

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

Mr. Jeffries reported that the only change to the agenda was the information that he just handed out to the Board members.

II. APPROVAL OF MINUTES

A. Regular Meeting – January 20, 2022

Mr. Perry made a motion to approve the minutes of the January 20, 2022 Planning and Zoning Board meeting. Mr. Prieto seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARING

[Quasi-Judicial]

A. A Conditional Use and Site Plan Application Submitted by Kendall Academy Preschool Center to Convert the Eastern Residential Unit to a Day Care Use and Join the Parcel with the Existing Day Care Located at 575 & 613 Royal Palm Boulevard (#SP20-000008)

The Chairman read the Conditional Use and Site Plan Application submitted by Kendall Academy Preschool Center by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff and all witnesses testifying for today's hearing en masse.

The Chairman noted that all diagrams, photographs and other exhibits referred to during testimony for the Board to consider must be marked for identification and kept by the City Clerk.

Mr. Jeffries, who has been sworn in, went over staff's report accompanied by a Power Point presentation (attached to the original minutes). Staff recommends approval of the site plan and conditional use with the conditions listed in staff's report.

Mr. Lauer asked if the parking was grandfathered in.

Mr. Jeffries reported that there were site plan approvals previously. He noted that it was 1980 when the daycare use was put in and there were different standards at that time.

Mr. Lauer said so what Mr. Jeffries is stating is that even though they are annexing the duplex and claim they are not going to increase the number of students, it was not going to affect the parking requirements. He said that he drives by this area three (3) or four (4) times a week and the only parking appears to be in front of the building. He said the comments at the neighborhood meeting was regarding the parking situation and he wondered why they were not addressing it.

Mr. Jeffries reported that the Code currently states under daycare facilities they are required to have 1.5 parking spaces per licensed employee (Code Section 63.04 – Parking Ratios). He explained that the number of licensed employees is driven under the State Code by the number of students. Therefore, if the number of students are not increasing they are not increasing the number of licensed employees. He reported that staff was told that they were not changing the number of students.

Mr. Bittner said they are approved to have 150 students and asked how many students were currently enrolled.

Mr. Jeffries said that would be a question for the applicant.

Mr. Bittner asked is the duplex on two (2) separate lots.

Mr. Jeffries said it is a single lot duplex.

Mr. Bittner asked if both parcels have the same zoning and the same land use designation, what is the benefit that is being conferred by proposing a unity of title.

Mr. Jeffries explained that it is protection to the City to ensure that a property that is developed in unity with another parcel that they don't get sold separately and then both parcels become non-conforming.

Mr. Bittner asked if a traffic study was done.

Mr. Jeffries answered no. He explained that they used existing data from the Florida Department of Transportation, which stated that the current level of service for Royal Palm Boulevard was Level C.

Mr. Bittner said he knows it is seasonal, but over the past 30-days if you try to get through the traffic light, you can sit through two (2) or three (3) cycles of the light.

Mr. Jeffries explained that level of service is not the intersections, but the roadway segments. He noted they are not increasing the number of students so this project does not trip any type of traffic review where intersections would be reviewed.

Ms. Shaughnessy asked is the driveway in front of the duplex going to be used for loading and unloading.

Mr. Jeffries answered no.

Mr. Joseph Schulke, of Schulke, Bittle and Stoddard, who has been sworn in, handed out to the Board members a copy the floor plans and the full site plan submittal (marked as Exhibit A, attached to the original minutes). He explained that he gave the Board members a copy of the full site plan submittal because for some reason the landscape plan omitted some of the trees. He noted that they would be putting in a fence eight (8) feet from the property line with a hedge, as well as adding more trees. He reported that Mr. Albert Blanco purchased the property about a year ago with the hope of using the duplex to expand the daycare facility. The reason to expand the facility was not to increase the number of students or teachers, but to spread the classrooms out. He explained that currently they have two (2) classrooms with three (3) teachers with one (1) of the teachers floating back and forth between the two (2) classes. There are more students per classroom than his clients would like. They would use the duplex for an additional classroom for the floating teacher to have a permanent classroom to teach. They are not adding any more teachers or students. It is simply to provide better service. He reported that the classroom area would be approximately 300-square feet and the other side of the duplex would be an apartment with about 1,200 square-feet. He then showed on the screen the site plan with areas highlighted (marked as Exhibit B-1, attached to the original minutes). He explained that the yellow and blue highlighted area shown is the exiting duplex. The blue area would be the classroom and the yellow area would be the apartment. The red and pinkish area in the back of the building shows the existing pad and from there they would be extending the sidewalk around the eight (8) parking spaces that goes to the existing campus and that is where they would have the interconnection with the students. The area shown in dots is the playground area, which stops 38-feet from the west property line where there is an existing multi-family building and it would be fenced and shrubs planted, as well as having Oak Trees. He noted that the daycare is capped at 150 students and they have been capped at 150 students since the site plan was approved in 2004. He then showed on the screen the site plan they received from the City dated 2004 where he circled the area showing the facility services 150 children (marked as Exhibit B-2, attached to the original minutes). He then showed on the screen an aerial view of the property (marked as Exhibit B-3, attached to the original minutes). He referred to the comment by Mr. Lauer regarding the neighborhood meeting where there were concerns about the traffic. He reported that Omni Financial, which is located across the street, attended the neighborhood meeting and they have since spoke with the property owner and they are working together to try to find a potential solution. He said they are not adding any more students or any more teachers so they are not adding any more traffic.

Mrs. Pelensky asked who would be living in the apartment.

Mr. Schulke said the property owner lives in Miami and comes here often, so this will give him a place to stay while he is here.

Mr. Jeffries noted that this would still have to go through the building permit review process.

Mr. Lauer referred to the neighborhood meeting. He asked what were the concerns raised regarding parking and the drop off area.

Mr. Schulke said they were concerned about 5th Avenue.

Mr. Lauer asked how does the traffic flow when picking up or dropping off the children.

Mr. Schulke said the parents go through the circle driveway to drop off the children or they stop on the side of the road. They would then either make a three (3) point turn or go through the Omni Financial parking lot area.

Mr. Lauer referred to Exhibit B-3. He said it looks like all the cars were parked somewhere other than the designated parking spaces.

Mr. Schulke pointed to the area where the parking spaces were being used. He noted that there is a gravel driveway in the front and sometimes people are parking there. He noted that the original site plan of 2004 shows that eight (8) parking spaces were required.

Mr. Lauer said that his only concern is about the parking and the entire look of the parking lot. He said when he drives by the area there are cars parked all different directions and it looks like a mess.

Mr. Bittner asked how many students are currently enrolled.

Mr. Albert Blanco, property owner, who has been sworn in, said they are currently at capacity with approximately 150 students. The constraint is that they have three (3) Pre-K classes that are being operated in two (2) classrooms. He said this project would allow the third teacher to have her own classroom. He noted that the neighborhood's concern was during the peak pickup and dropoff times, which occurs in a 30-minute window between 8:30 a.m. and 9:00 a.m. and 4:30 p.m. and 5:00 p.m.

The Chairman opened and closed the public hearing at 2:24 p.m., with no one wishing to be heard.

Mrs. Pelensky noted that every public school has the same issue.

Mr. Lauer thought it was great that they were adding additional class space, but he would like to see something done about the parking, as well as the dropoff and pickup area before the Board approves this.

Mrs. Pelensky disagreed. She said they are discussing the building specifically. She said just because some neighbors said something doesn't mean the Board are the ones to tell them they need to fix it.

Mr. Prieto agreed. He said they have the number of parking spaces that are required.

Mr. Bittner asked Mr. Lauer if his concern was parking on Royal Palm Boulevard.

Mr. Lauer answered no. He said that he sees some cars parked all different directions in the gravel area in front of the building. He thought that was the only parking that was available. He would hope that the Board would use their digression to make it more appealing to the eye as people drive down that street.

Mrs. Pelensky felt that if it was not appealing to the eye, it might be a Code Enforcement problem.

Mr. Bittner said that he understands Mr. Lauer's comment about the physical appearance, but he did not know if it was germane to what the Board was doing today.

Mr. Prieto made a motion that the Board approves the Conditional Use and Site Plan application submitted by Kendall Academy Preschool Center to convert the eastern residential unit to a daycare use and join the parcel with the existing daycare located at 575 and 613 Royal Palm Boulevard (SP#20-000008), based on the conditions being met in staff's report based on competent substantial evidence. Mr. Perry seconded the motion and it passed 4-1 with Ms. Shaghnessy voting yes, Mrs. Pelensky yes, Mr. Lauer no, Mr. Prieto yes, and Mr. Bittner yes.

V. DISCUSSION OF BOAT COVERS OVER DOCKS

Mr. Jeffries briefly went over a Power Point presentation regarding boat covers with the Board members (attached to the original minutes). He reported that at some point staff would be working on improving the text relating to the single-family, multi-family zoning districts. He asked the Board members as staff is working on this if they wanted them to also consider standards for boat dock covers.

The Board members agreed that would be a good idea.

Mrs. Pelensky asked that the Code Enforcement Officers not fine anyone in the interim.

Mr. Jeffries said they could hold off on any enforcement until they get this done.

Mr. Jan Jelmy, owner of Helmet House Construction, said it would be wonderful if the City and the County could be in agreement on issues like this because, as an example, Castaway Cove is divided between the City and the County and the County allows boat covers, but the City does not. He said that he cannot find anything in the Code to direct him how to get a permit to have a boat cover. He said the Code Enforcement Officer would give him different Codes that had to do with land or outbuildings, but there was nothing specifically mentioned when it comes to this subject. He would be thankful in getting this information in the Code.

VI. PLANNING DEPARTMENT MATTERS

Mr. Jeffries reported that the next Planning and Zoning Board meeting will be held on March 17, 2022.

Mr. Jeffries referred to the Three Corners property. He reported that the City Council recently adopted the Master Concept Plan, the referendum language, and the Request for Information (RFI) would be going out on March 10, 2022.

VII. BOARD MEMBERS' MATTERS

Mr. Lauer asked if the Food Truck Ordinance passed.

Mr. Jeffries answered yes.

Mrs. Pelensky and Mr. Bittner reported that they would not be attending the March 17, 2022, Planning and Zoning Board meeting, as they would be out of town.

VIII. ADJOURNMENT

Today's meeting adjourned at 2:52 p.m.

/sp