

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, APRIL 1, 2021- 1:30 PM  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

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

**Excused Absences:** Richard Cahoy and Elliese Shaghnessy

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

**I. PRELIMINARY MATTERS**

**A. Agenda Additions and/or Deletions**

None

**II. APPROVAL OF MINUTES**

**A. Regular Meeting – March 4, 2021**

**Mrs. Pelensky made a motion to approve the minutes of the March 4, 2021 Planning and Zoning Board meeting. Mr. Prieto seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

[Legislative]

- A. An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 69, Telecommunication Tower and Antenna Siting, Section 69.06, Development Standards, to Revise the Height Standards for Antenna Array(s) Attached to Antenna Support Structure (Communication Tower) and Revise the Requirement for Emergency Communication Towers to Accommodate Collocation of Other Wireless Communication Service Providers; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date (#Z21-00004-TXT)**

The Chairman read the proposed Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, went over staff's report accompanied by a Power Point presentation (attached to the original minutes). Staff recommends Planning and Zoning Board approval.

The Chairman opened and closed the public hearing at 1:42 p.m., with no one wishing to be heard.

**Mr. Prieto made a motion to approve the Ordinance. Mr. Bittner seconded the motion and it passed 5-0 with Mr. Perry voting yes, Mr. Bittner yes, Mr. Prieto yes, Mrs. Pelensky yes, and Mr. Lauer yes.**

**[Quasi-Judicial]**

**B. Site Plan Application Submitted by Communications International for the Construction of a 100-Foot Monopole Wireless Communication Tower Located At 3301 Bridge Plaza Drive (#SP20-000009)**

The Chairman read Site Plan Application #SP20-000009 submitted by Communications International 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.

The Chairman announced that all diagrams, photographs and other exhibits referred to during the testimony or which you would like the Board to consider must be marked for identification and kept by the City Clerk.

Mr. Jeffries went over staff's report accompanied by a Power Point presentation (attached to the original minutes). Staff recommends approval of the site plan subject to the conditions listed in staff's report.

Mr. Ted Stone, Director of Emergency Services, who has been sworn in, explained that this communication tower connects all the other communication systems for emergency services they have in Indian River County, which includes all law enforcement, lifeguards, etc. It is an all-encompassing communication system. He said they recently did a massive upgrade on the system to be in compliance with the FEC requirements. He reported that they have had a continued transmit/receive issue on the barrier island and this tower will eliminate it.

Mr. Lauer asked where is the communication currently located on the beachside.

Mr. Stone said they don't have a tower on the beachside. They have a tower on 12<sup>th</sup> Street and Old Dixie and they have a tower located in the Hobart area that covers the beachside. That is the reason communications are so spotty.

Mr. Lauer said that Mr. Jeffries mentioned during his presentation that they have exhausted all the different towers on the beachside in order to avoid putting up a separate tower. He asked who they contacted and why were they not willing to cooperate with the City and the County.

Mr. David Currey, Police Chief, who has been sworn in, said this has been an issue for many years. He noted that this includes all public safety in Indian River County, not just in the City. He reported that the first location they looked at was The Village Spires. They met with their Board in 2017 and were told no. In 2018, they met with Costa d'Este who agreed and then in the 11<sup>th</sup> hour he received a telephone call that they decided against it. In 2019, they spoke with management of the Kimpton Vero Beach Hotel and Spa, which didn't go anywhere from the start. Then they got together and came up with locating the tower at Fire Station II (proposed site).

Mr. Lauer asked how much would the tower protrude above the Barber Bridge.

Mr. Stone reported that in their investigation, the tower could not be seen until the downward approach from the bridge. He thinks the bridge and tower height were pretty close to each other.

There was no one from the public in attendance to be heard.

Mr. Lauer said that he understands the need for communication, but was concerned that they would be affecting the aesthetics of the beach by putting up a non-stealth tower at that location. He would rather have a stealth tower as opposed to a non-stealth tower.

Mrs. Pelensky asked what is involved in making a stealth tower, such as a tower that looks like a tree.

Mr. Jeffries said that he has seen these along I-95 and you still notice that the towers are above the trees.

Mr. Lauer felt the aesthetics of the beach would be affected. He didn't know what the additional cost would be to make the tower look like a tree, rather than a cell tower, but that is his concern.

Mr. Bittner shared the Chairman's concern regarding aesthetics. He asked the City Attorney if the City has any imminent domain where a tower could be built on one (1) of the private buildings on the beach.

Mr. John Turner, City Attorney, said they have to keep in mind the type of tower, if the tower meets Code, etc. He said they just can't put a tower on someone's property without their approval or they could go through imminent domain if it is for public purpose and pay them fair market value.

Mrs. Pelensky asked could the tower be located in the back corner of the Dog Park.

Mr. Jeffries answered no because it is zoned differently.

Mr. Bittner asked could the tower be located at the end of Royal Palm Pointe.

Mr. Jeffries answered not by the current Code. He said there were original legislative reasons why they were not permitted in a Park, which would have to be researched.

Mr. Bittner said it would have been nice to have had something that would have showed what this would look like from the bridge.

Mr. Jeffries reported that staff did request that, but they never received it from the applicant.

Mr. Lauer said that he would be in support of the location, but would just like to see what it looked like other than a cell tower.

Mr. Jeffries said that he doesn't know what would be involved in turning the tower into a stealth. He noted that there is an entirely different set of criteria for stealth towers.

Mr. Prieto felt the important thing is that they have dead spots that need to be addressed.

Mrs. Pelensky asked how much would it set them back if the Board made a recommendation to see what a stealth would look like.

Mr. Stone said that he could probably get a quote within 45 to 60 days.

Mrs. Pelensky said that she didn't think making it look like a tree was going to make any difference aesthetically.

Mr. Prieto agreed.

Mr. Lauer said with no other comments, he would call for a motion.

**Mr. Prieto made a motion that the Board approves Site Plan Application #SP20-000009 submitted by Communications International for the construction of a 100-foot Mono-pole Wireless Communication tower located at 3301 Bridge Plaza Drive based on competent substantial evidence. Mr. Perry seconded the motion and it passed 4-1 with Mr. Perry voting yes, Mr. Bittner yes, Mr. Prieto yes, Mrs. Pelensky yes, and Mr. Lauer no.**

## **V. PLANNING DEPARTMENT MATTERS**

Mr. Jeffries reported that the public hearings for the Cultural Arts Village will be before the City Council in April. He then gave a brief update on the Three Corners.

## **VI. BOARD MEMBERS' MATTERS**

Mr. Lauer said that he has mentioned this five (5) or six (6) times and that is that he thinks there is a real problem with parking downtown and they need to address the grandfathering issues that came up during a recent site plan approval for a project on 14<sup>th</sup> Avenue. It is only going to get worse.

## **VII. ADJOURNMENT**

Today's meeting adjourned at 2:26 p.m.

/sp