

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, JUNE 3, 2021 - 1:30 PM  
CITY HALL, COUNNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Steve Lauer; Members: Jeb Bittner, Jose Prieto, Alternate Member #1, Richard Cahoy and Alternate Member #2, Elliese Shaghnessy **Also Present:** Planning and Development Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

**Excused Absences:** Robin Pelensky and Theodore Perry

**I. PRELIMINARY MATTERS**

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

Mr. Jason Jeffries, Planning and Development Director, reported that staff will be requesting, at the request of the applicant, that the Board continues item 4-B) on today's agenda to the June 17, 2021, Planning and Zoning Board meeting.

**II. APPROVAL OF MINUTES**

**A) Regular Meeting – May 6, 2021**

**Mr. Prieto made a motion to approve the minutes of the May 6, 2021 Planning and Zoning Board meeting. Mr. Bittner seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

**[Quasi-Judicial]**

**A. Minor Subdivision Application Submitted by Katherine M. McConvey, on Behalf of 786 Date Palm, LLC, for a Proposed Subdivision of Existing Residential Lots 7,8,9, and 10, Block 6, Veromar Plat 3, which are Considered a Single Residential Lot Under Unity of Title, to be Subdivided into Two Residential Parcels Located at 786 Date Palm Road (#SD20-000005)**

The Chairman read by title only the Minor Subdivision Application #SD20-000005 submitted by Katherine M. McConvey.

There were no ex parte communications reported.

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

The Chairman noted that any and all exhibits, drawings, diagrams or photographs to be introduced as evidence are to be marked by the Clerk.

Mr. Jason Jeffries, Planning and Development Director, 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 of the Subdivision Plat at 786 Date Palm Road, subject to submittal of quit claim or warranty deed matching the approved lot split and the demolition of the existing single-family structure.

Mr. Bill Schulke, of Schulke, Bitter, and Stoddard, who has been sworn in, said that they agree with everything in staff's report.

The Chairman opened the public hearing at 1:43 p.m.

The Deputy City Clerk swore in Ms. Alahana (spelling may be incorrect).

Ms. Alahana, who has been sworn in, said that she and her sister owns the property behind this property and she is curious as to what is going on with this property.

Mr. Lauer explained that what is before the Board today is to split the property into two (2) lots as opposed to having four (4) lots.

The Chairman closed the public hearing at 1:46 p.m., with no one else wishing to be heard.

**Mr. Bittner made a motion for the final approval for the Subdivision Application based on competent substantial evidence presented in the applicable Code provisions that the Board approves the Minor Subdivision Application submitted by Katherine M. McConvey, on behalf of 786 Date Palm, LLC, and the new owners for a proposed subdivision of existing residential Lots 7, 8, 9, and 10, Block 6, Veromar Plat 3, which are considered a Single-Residential lot under Unity of Title to be subdivided into two (2) residential parcels located at 786 Date Palm Road. Mr. Prieto seconded the motion and it passed 5-0 with Ms. Shaghnessy voting yes, Mr. Cahoy yes, Mr. Prieto yes, Mr. Bittner yes, and Mr. Lauer yes.**

**[Legislative]**

- B. An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 62, Article IV, Industrial District, and Article VII, Airport Master Plan Land Use Zones, to Add Craft Distilleries to the List of Permitted Uses in the M, Industrial and ALI-1, Airport Light Industrial Zoning Districts; Amending Chapter 60 (Appendix. Definitions) to Add a Definition of Craft Distillery; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date (#Z21-000007-TXT)**

Mr. Jeffries asked for a motion to continue the hearing to the June 17, 2021, Planning and Zoning Board meeting.

**Mr. Bittner made a motion to continue item 4-B) – Ordinance amending the Land Development Regulations by amending Chapter 62 to the June 17, 2021, Planning and Zoning Board meeting. Mr. Prieto seconded the motion and it passed unanimously.**

**V. PLANNING DEPARTMENT MATTERS**

None

## VI. BOARD MEMBERS' MATTERS

Mr. Bittner said at their last meeting they discussed having a workshop meeting on the Tree Ordinance.

Mr. Jeffries said that he would first like to take it before the City Council as a discussion item and then he would bring it before the Planning and Zoning Board.

Mr. Lauer said that he has a question regarding the awkward situation the Board had at their last meeting with Mrs. Pelensky arriving two (2) minutes late. He asked why did they have to prohibit her from participating at the meeting. He asked is that a rule.

Mr. John Turner, City Attorney, said it is in the City's Ordinance.

Mr. Lauer asked which Ordinance. He said that he would like to know what the Ordinance states. He said that he can understand her not being able to vote, but he thought it was awkward that she was not able to participate in the meeting at all.

At this time, Mr. Turner researched the City's Code.

Mr. Prieto said the Board used to receive an update on things, such as the Three Corners project, the Cultural Arts Village, etc.

Mr. Jeffries reported that the Cultural Arts Village is done and has been approved by the City Council. He reported that the Steering Committee completed their work and the City Council approved their recommended Plan for the Three Corner's project.

At this time, Mr. Turner read into the record, Code Section 2-106 (h)(2) – Commission and Board Procedures, Absence of Members, *“A tardy member shall not be seated after the meeting begins unless the full designated number of regular members for the Commission or Board has not been seated after the inclusion of the alternate members. A Commission or Board member shall be considered absent if not present at the time the meeting commences unless such absence is with the approval of the Commission or Board.”*

Mr. Lauer said then they could have approved Mrs. Pelensky being a minute late.

Mr. Turner recalled that there was not an exception that was noted to allow her to be seated. He said really the question is can they waive that.

Mr. Lauer said that is correct. He said the last sentence just read seems that the Board could ...

Mr. Turner said that is for an absence. The Code states, *“A tardy member shall not be seated after the meeting begins unless the full designated number of regular members for Commission or Board has not been seated after the inclusion of the alternate members.”* As he recalls, that was not the case.

Mr. Lauer said that he doesn't understand what that sentence means.

Mr. Turner said all the regular members of the Board had been seated at the time. He said the Board could approve an absence, but he was not sure the Board could waive the tardy requirement and

allow the member to participate because they are not even supposed to be seated.

Mr. Bittner said then the start of the meeting is when the gavel is dropped, so if the Board is aware that a member is going to be late they can delay dropping the gavel.

Mr. Turner said that is a procedure that the Chairman can handle, but when there is not an advanced warning that the member is going to be late the Ordinance states that the member is not to be seated.

Mr. Cahoy questioned that a member could participate as a member of the public.

Mr. Turner said that is correct.

At this time, Mr. Jeffries gave a Power Point presentation on the Community Plan for the Three Corners that was recommended by the Steering Committee (attached to the original minutes).

Mr. Bittner asked that the Board members receive a copy of the presentation.

Mr. Cahoy asked for an update on parking regulations.

Mr. Jeffries explained that currently the priorities have been the Three Corner's project and the Tree Ordinance. The parking issue is next on his list of priorities.

## **VII. ADJOURNMENT**

Today's meeting adjourned at 2:17 p.m.

/sp