

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, AUGUST 4, 2022 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, Jeb Bittner; Vice Chairman, Jose Prieto; Member, Jeff Stassi and Alternate Member, Elliese Shaughnessy **Also Present:** Planning and Development Director, Jason Jeffries; Senior Planner, Gayle Lafferty; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absences: Theodore Perry and Robin Pelensky

Today's meeting was called to order at 1:31 p.m.

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

Mr. Jason Jeffries, Planning Director, reported that they have a request from a member of the Tree and Beautification Commission to give a presentation and he would suggest that they allow her to speak under item 5-B) on today's agenda. There also is a business owner who would like to speak under item 5-C).

II. APPROVAL OF MINUTES

A. Regular Meeting – June 16, 2022

Mr. Prieto made a motion to approve the minutes of the June 16, 2022 Planning and Zoning Board meeting. Mr. Stassi seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARING

[Quasi-judicial]

- A. Variance Application Submitted by James and Tenee Casaccio to Reduce the Required Side Property Line (Riparian) Setback for Docks in Section 31.05(a)(5) from 15 Feet to 9.9 Feet on South Property (Riparian) Line and from 15 Feet to 8.1 feet on North Property (Riparian) Line and Allow Boat Lift Located 0.5 Feet from South Property (Riparian) Line Located at 205 Greytwig Road (V22-000006)**

The Chairman read Variance Application #V22-000006 submitted by James and Tenee Casaccio 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.

Mr. Jason Jeffries, Planning Director, and Ms. Gayle Lafferty, Senior Planner, who have been sworn

in, went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes).

Mr. Bittner noted for the record that the neighbor to the north is supporting this variance.

Mr. Joseph Bittle, Applicant, of Schulke Bittle and Stoddard, who has been sworn in, reported that they received the permits from the Department of Environmental Protection and the Army Corp of Engineers and they did receive approval from both neighbors.

The Chairman opened and closed the public hearing at 1:41 p.m., with no one wishing to be heard.

Mr. Prieto made a motion to approve the Variance Application submitted by James and Tenee Casaccio to reduce the required side property line (riparian) setback for docks in Section 31.05 (a)(5) from 15-feet to 9.9-feet on south property (riparian) line and from 15-feet to 8.1-feet on north property (riparian) line and allow boat lift located 0.5-feet from south property (riparian) line located at 205 Greytwig Road, Application #V22-000006 based on competent substantial evidence. Ms. Shaughnessy seconded the motion and it passed 4-0 with Ms. Shaughnessy voting yes, Mr. Stassi yes, Mr. Prieto yes, and Mr. Bittner yes.

V. DISCUSSIONS

A. Proposed Landscaping Ordinance

Mr. Jeffries gave a Power Point presentation on the proposed Landscaping Ordinance (attached to the original minutes). He reported that he previously gave the Board documentation on the proposed Landscaping and Tree Protection Ordinance and since then he has separated them so that there would be two (2) Ordinances, one (1) for landscaping and one (1) for tree protection.

Mr. Bittner said the single biggest asset they have are the historic Live Oak Trees and in order to protect them mitigation should be equitable so that the first choice would not be to pay a mitigation fee, but to use every effort they can to protect and/or relocate the trees.

Mr. Bittner questioned if the Ordinance should contain the how to of planting, pruning, spacing, etc. He felt that it should exist in another document.

Mr. Jeffries said the City could develop a technical manual that would be referenced in the Ordinance.

Mr. Prieto asked in a residential situation where there is a historic tree, would that automatically trigger the site plan to come before the Board for approval or would it be approved at the Planning Director's level.

Mr. Jeffries explained that the draft Ordinance is designed in a way that they should try to design the site around the historic tree. If they can't then the decision to allow the removal of the tree would have to come from the Board.

B. Proposed Tree and Palm Protection Ordinance

Mr. Jeffries gave a Power Point presentation on the proposed changes to the Tree and Palm Protection Ordinance (attached to the original minutes).

Mr. Bittner asked what is the next step on the proposed Ordinance.

Mr. Jeffries said staff would continue to make sure the language is working as intended, as well as testing it by comparing it to the current Ordinance as tree applications come in. Then the Ordinance would be sent to the City Attorney for legal review.

The Chairman opened the floor for public comments at 2:16 p.m.

Mrs. Katherine Booth, Chairman of the Tree and Beautification Commission, asked Mr. Jeffries how many historic trees he expects to find in the City that were going to be affected by this revised Tree Protection Ordinance.

Mr. Jeffries explained that if someone has a Live Oak Tree that is over 36-inches of diameter of breast height (dba) and they are proposing to remove it, staff would let them know that it is not allowed and suggest that they design their proposed development around the tree. If they cannot do that they would have to make their case before the Planning and Zoning Board. He further explained that the proposed Ordinance has a provision where they could request a setback variance in order to preserve the tree.

Mrs. Booth doubted they were going to have many of these trees. She said they are going to have most of their trees unprotected by an Ordinance that says it is for tree protection, but actually the title was deceiving and does not do what it should do. She said the Tree and Beautification Commission passed and recommended deletion of the Pruning Code due to the harm to the trees in 2020. Last year they were before the Planning and Zoning Board and here they are with the Ordinance still being studied by staff years later. She then discussed the presentation that she recently gave to the City Council on native plant landscaping and tree care (presentation on file in the City Clerk's office). She hoped they would delete the pruning section of the Tree Protection Ordinance as it exists now, as well as in the revised Landscape Ordinance.

Mr. Prieto asked does the proposed Ordinance cover tree pruning in single-family lots.

Mr. Jeffries answered yes.

Mr. Prieto asked would he have to ask for permission to prune his bushes.

Mr. Jeffries answered no. He referred to page 23, Section 72.34 of the Ordinance. He noted that this section currently exists in the Code, however the one (1) issue that was not in the current Ordinance was related to what they call hurricane cutting involving Palm Trees. The proposed Ordinance has language to prevent hurricane cutting. He explained that no one would have to come to the City to get approval, but if someone was to violate the rules and harm the tree there would be enforcement action. He is still working on how to deal with affective enforcement action.

Mr. Prieto said it seemed like they were opening a can of worms in that someone couldn't trim a limb off an Oak Tree for fear that they would be doing something that might be violating the Code.

Mr. Jeffries said that it would be reasonable enforcement and they could possibly tier it. He said that he would look into it.

Mr. Richard Baker, President of the Pelican Island Audubon Society, said it was good that they were

looking at redoing the Ordinances. He said it is really needed. He noted that Alachua County has one of the best landscaping and tree Ordinances founded. He said that he would like to see them remove some of the non-native plants and encourage native plants.

Mrs. Katherine Booth gave the Board a handout regarding Section 72.47 of the Code (on file in the City Clerk's office). She said there are models to look at in regards to best management practices. She reported that Sanibel Island and Satellite Beach require all native landscaping and the City of Sebastian has an Ordinance that requires native plant landscaping only along their riverfront.

C. Permitted Uses in Commercial Districts

Mr. Jeffries gave a Power Point presentation on commercial districts (on file in the City Clerk's office). He noted that that Miracle Mile is in the C-1B zoning district, which does not allow residential uses. He said because of the change in the economy with Amazon, the internet, etc., and post COVID, people are not working in offices as much and the demand for office space is less. He noted that the Vision Plan talks about Miracle Mile being a mixed use area. He said that Mr. Chad Leonard is present to discuss this.

Mr. Chad Leonard reported that his family owns the Vero Beach Book Center and they own the building it is currently in as well as the building on Indian River Boulevard where the Book Center used to be located. He said they almost have all of the old building rented, with the exception of a small office space located on the second floor. He said that his wife came up with the idea of converting that space into an apartment and live there temporarily while they sell their house and invest in another business. He asked Mr. Jeffries if that was permitted and was told that it was not. He said that he asked Mr. Jeffries about variances or any kind of an exception and he was told that the best way to be able to do this was by a text amendment to the Code. He said Royal Palm Pointe, the Downtown, and the beachside has residential/commercial. He said that he is in support of this text amendment.

VI. PLANNING DEPARTMENT MATTERS

None

VII. BOARD MEMBERS' MATTERS

None

VIII. ADJOURNMENT

Today's meeting adjourned at 2:57 p.m.

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