

PLANNING AND ZONING BOARD MINUTES
THURSDAY, AUGUST 17, 2023 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

PRESENT: Chairman Jeb Bittner; Vice Chairman, Jose Prieto; **Members:** Robin Pelensky, Timothy Velde, Jason Ground, Alternate Member, Elliese Shaughnessy and Alternate Member, Jake McCrae **Also Present:** Planning Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

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

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A. Regular Meeting – August 3, 2023

Mr. Prieto made a motion to approve the minutes of the August 3, 2023 Planning and Zoning Board meeting. Mr. Ground seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARING

Mr. Jason Jeffries, Planning Director, went over staff's report accompanied by a Power Point presentation with the Board members regarding the five (5) proposed Ordinances listed on today's agenda (attached to the original minutes). Staff recommends approval of the proposed Ordinances.

Mr. Jeffries noted that he handed out to the Board members revised copies of the proposed Ordinances listed as item IV-A) and IV-B) on today's agenda (on file in the City Clerk's office).

[Legislative]

- A. An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 62, Article I, P-1 And P-2 Park Districts; Article II, POI Professional, Office, and Institutional District; and Article III, Commercial Districts, to Revise the Permitted Principal, Accessory and Temporary Uses, Revise the Accessory Structures, and Clarify the Development Standards for the Park, Conservation, Office, Institutional, and Commercial Zoning Districts; Amending Section 62.503, Permitted and Prohibited Uses, to Revise the Permitted Uses for the Ocean Drive/Cardinal Drive Overlay District; Changing the Heading of Chapter 60 (Appendix) to Chapter 60, Article IV, Definitions; Amending Chapter 60, Article IV,**

Definitions, to Amend, Delete or Add Use Definitions; Providing for Term Capitalization; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date.

Mr. Jeffries went over the changes that were included in the revised copy of the proposed Ordinance with the Board members (attached to the original minutes).

Mr. Bittner referred to Section 62.27 (c) (1) of the proposed Ordinance. He said it states that they could provide either a screening landscape buffer or a screening wall. He said under the landscape requirements they have four (4) years for the plantings to reach a height of five (5) feet. Therefore, someone would have to live next to a nuisance for four (4) years before they have any screening. He suggested that they provide both, a screening landscape with a screening wall with the landscape being on the exterior side of the wall. He asked the Board members and staff to consider changing it from providing "either" a screening landscape buffer or a screening wall to "both" a physical barrier and a landscape barrier. He referred to Section 62.27 C 2 – i), "*six (6) small-scale canopy trees*" and Section 62.27 C 2 – ii), "*twenty (20) shrubs; a minimum of three (3) feet in height at the time of planting and be species capable of reaching a height of five (5) feet without four (4) years.*" He said that 20 small shrubs at 100-feet and shade trees were great, but it does not screen the area.

Mr. Ground felt that was an added burden. He said it seemed like an excessive requirement for a minor nuisance.

Mr. Bittner said it doesn't have to be a concrete wall, it could be a fence. He said that he understood the cost implications on the business owner, but he would like them to also take into consideration an individual who purchased a house that was next to residential property and then the property becomes commercial.

Mr. Ground said that he was a fan of blended zones. He felt that having a mix of commercial and residential was a good thing. He said there could be a situation where there was something about a business that was an excessive nuisance.

Mr. Bittner agreed. He said that he was also a fan of blended use, but only when it was planned blended use.

Mr. Ground questioned where this would occur.

Mr. Jeffries reported that it was occurring along State Road 60, west of downtown where they have office uses adjacent to single-family. He said there were also areas where commercial use was abutting single-family on Beachland Boulevard and there were a few locations along A1A. He noted that this would only be required where commercial use was adjacent to a single-family residential zoning district.

Mrs. Pelensky felt that having a wall was a burden on the businesses. She felt that the number of shrubs should be increased from 20 to 25 per 100-feet and the height should be increased from three (3) feet to four (4) feet at the time of planting.

Mr. Bittner noted that this would not happen in commercial districts or POI districts where it is up against other commercial properties. It would only occur where commercial use is against single-

family residential areas. He said this is occurring along State Road 60 where more houses were converting to POI and they have their parking, dumpsters, etc., against the residential house on the other side. He said the house behind them could have been there for 30 or 40 years now they have a business there. He felt that in this instance they should consider requiring a fence and a wall. He said that he was going to propose this in the sole instance of a joint property line of commercial use and detached single-family residential.

The Chairman opened and closed the public hearing at 2:17 p.m., with no one wishing to be heard.

Mr. Bittner made a motion that the Board recommends approval to the Ordinance to the City Council with an amendment to amend the landscape requirement portion that increases the height and quantity of planting material and an amendment that a physical barrier, a wall or a fence, be included with the landscape requirements in the sole situation where the commercial use is adjacent to residential single-family detached development.

Mr. Velde asked how often would that happen.

Mr. Jeffries said the locations where it would apply would be along State Road 60 where they have POI zoning that is directly adjacent to single-family, on the Beachland Boulevard corridor and there were some locations along A1A.

Mr. Bittner said if the consensus of the Board was that they were just okay with the landscaping requirement then he would let someone else make a proposal.

Mr. John Turner, City Attorney, said the Chairman made a motion in amended form and that is what is on the table and the motion needs a second in order to proceed.

The motion died for lack of a second.

Mr. Bittner made a motion that the Board recommends approval with just the change to the landscape standards of quantity and size of material for the buffering.

Mrs. Pelensky felt they should take out the requirement for years of growth. She said if the plantings were put in at four (4) feet they would not need four (4) years. She recommended that they change it to five (5) feet at planting.

Mr. Bittner clarified that the motion is that the Board recommends approval to the City Council with an amendment to the landscape portion of 25 shrubs per 100-feet planted at a minimum height of five (5) feet at the time of planting. Mr. Prieto seconded the motion and it passed 5-0 with Mr. Ground voting yes, Mrs. Pelensky yes, Mr. Velde yes, Mr. Prieto yes and Mr. Bittner yes.

[Legislative]

- B. **An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 67 to Rename the Chapter Title to Use Specific Standards and Add Specific Standards for Permitted, Accessory, and Temporary Uses and Structures; Deleting Chapter 31, Boats and Waterways; Deleting Chapter 38, Article II, Satellite Dish Antennas; Deleting Section 64.13, Home**

Occupation; Deleting Section 64.14, Community Gardens; and Deleting Chapter 78, Dog-Friendly Dining, to Move Accessory Use and Structure Standards to Chapter 67; Amending Section 64.10, Site Plan Review Standards and Conditions, to Move Accessory Use Standards to Chapter 67; Providing for Term Capitalization; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date.

Mr. Jeffries briefly went over the changes that were included in the revised copy of the proposed Ordinance with the Board members (attached to the original minutes). He reported that this Ordinance was deleting certain Sections of the Code and moving and consolidating them into one Chapter.

The Chairman opened and closed the public hearing at 2:31 p.m., with no one wishing to be heard.

Mr. Prieto made a motion that the Board approves the Ordinance as presented by staff. Mr. Bittner seconded the motion and it passed 5-0 with Mr. Ground voting yes, Mrs. Pelensky yes, Mr. Velde yes, Mr. Prieto yes, and Mr. Bittner yes.

[Legislative]

- C. **An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 60, Article I, General Provisions, to Clarify General Provisions Related to the Land Development Regulations; Creating Chapter 60, Article III, Interpretation, to Add Rules for Interpreting the Land Development Regulations; Providing for Term Capitalization; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date.**

Mr. Jeffries briefly went over the proposed Ordinance with the Board members (on file in the City Clerk's office).

The Chairman opened and closed the public hearing at 2:36 p.m., with no one wishing to be heard.

Mr. Bittner made a motion that the Board recommends approval to the City Council. Mr. Prieto seconded the motion and it passed 5-0 with Mr. Ground voting yes, Mrs. Pelensky yes, Mr. Velde yes, Mr. Prieto yes, and Mr. Bittner yes.

[Legislative]

- D. **An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Section 63.04, Parking Ratios, to Revise the Parking Ratios for Allowed Uses; Providing for Term Capitalization; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date.**

Mr. Jeffries went over the proposed Ordinance with the Board members (on file in the City Clerk's office).

The Chairman opened the public hearing at 2:38 p.m.

Mrs. Brooke Malone encouraged the Board to look at this through brood filtered eyes for the future to keep people from paving everything. She said they need to create spaces that would incorporate public use of transportation of bicycles, pedestrian zones, etc.

Mr. Bittner asked Mrs. Malone if she was for these changes or against them.

Mrs. Malone said that she was in favor of these changes.

The Chairman closed the public hearing at 2:47 p.m., with no one else wishing to be heard.

Mr. Ground made a motion that the Board recommends approval of the Ordinance as presented by staff. Mr. Prieto seconded the motion and it passed 5-0 with Mr. Ground voting yes, Mrs. Pelensky yes, Mr. Velde yes, Mr. Prieto yes, and Mr. Bittner yes.

[Legislative]

- E. An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Creating Section 64.13, Conditional Use Review, to Consolidate Review Procedures for Conditional Uses; Providing for Term Capitalization; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date.**

Mr. Jeffries reported that this Ordinance would consolidate all the conditional review standards into one (1) Section of the Code (Ordinance on file in the City Clerk's office).

The Chairman opened and closed the public hearing at 2:51 p.m., with no one wishing to be heard.

M. Bittner made a motion that the Board recommends to the City Council approval of the Ordinance as presented by staff. Mr. Velde seconded the motion and it passed 5-0 with Mr. Ground voting yes, Mrs. Pelensky yes, Mr. Velde yes, Mr. Prieto yes, and Mr. Bittner yes.

V. PLANNING DEPARTMENT MATTERS

Mr. Jeffries reported that the Board's September 7, 2023 meeting would be cancelled.

Mr. Turner reported that the Board unanimously recommended approval of the boat barn facility at the Marina and it went to the City Council for their consideration. The organization that challenged the site plan approval filed a case in the Circuit Court and the Circuit Court has found in favor of the City.

VI. BOARD MEMBERS' MATTERS

Mr. Prieto informed the Board members and staff that he was resigning his position on the Board. He stated that his circumstances have changed and he did not have the time to dedicate what a Board member should. He said that it was an honor and a privilege to serve on this Board.

VII. ADJOURNMENT

Today's meeting adjourned at 2:58 p.m.

/sp