

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, AUGUST 18, 2022 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

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

Unexcused Absence: Theodore Perry

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 – August 4, 2022

Mr. Stassi made a motion to approve the minutes of the August 4, 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. Site Plan Application Submitted by MBV Engineering, Inc for the Construction of a 4,000 Square Foot Medical Office Building Located at 1995 39th Avenue (#SP22-000001)

The Chairman read Site Plan Application #SP22-000001 submitted by MBV Engineering, Inc. by title only.

Mr. Prieto reported that he received notice for today's public hearing because he owns property across the street from this site.

Mr. John Turner, City Attorney, asked Mr. Prieto if he had contact with any of the applicants, owners, or principles.

Mr. Prieto answered no.

Mr. Turner said, but you do have familiarity with the application and the property.

Mr. Prieto said that is correct.

Mr. Turner asked the Board if they had any objections to allowing Mr. Prieto to participate in this case. There were none. Mr. Turner said with no objections, the Board may proceed.

There were no other ex parte communications reported.

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

Ms. Gayle Lafferty, Senior Planner, who has been sworn in, went over staff's report accompanied by a Power Point presentation with the Board members (on file in the City Clerk's office). Staff finds the site plan application meets the provisions for site plan approval and recommends approval as outlined in the staff report.

Mr. Bill Pittsley, of MBV Engineering, who has been sworn in, was present to answer any questions of the Board.

Mrs. Pelensky questioned the 10-foot landscape buffer against residential.

Ms. Lafferty reported that there is a 10-foot landscape strip required on all sides, there is a larger setback for the building and they exceed what is required.

Mr. Prieto made a motion to approve the Site Plan Application submitted by MBV Engineering, Inc. for the construction of a 4,000 square foot medical office building located at 1995 39th Avenue (#SP-0000001) based on competent substantial evidence. Mr. Bittner seconded the motion.

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

Mrs. Katherine Booth said it looked like there was a 15-foot buffer between residential zones in the Landscape Ordinance revisions.

Mr. Jeffries said the Landscape Code requires a five (5)-foot buffer adjacent to property lines for parking lots.

The Chairman closed the public hearing at 1:44 p.m., with no one else wishing to be heard.

On a roll call vote, the motion passed 5-0 with Ms. Shaughnessy voting yes, Mr. Stassi yes, Mrs. Pelensky yes, Mr. Prieto yes and Mr. Bittner yes.

V. DISCUSSIONS

A. Proposed Landscaping Ordinance

Mr. Jeffries went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). He reported that there has not been any changes to the draft Ordinance from what was presented to the Board at their last meeting. He said that he would bring back before the Board a revised draft of the proposed Ordinance at their next meeting. His goal is to start the public hearing process in October.

Mrs. Pelensky referred to Section 72.15 - Off-street parking area landscaping. She said they discussed this at a previous meeting about putting a canopy tree in nine (9)-feet of soil that is

surrounded by a curb does not work.

Mr. Jeffries explained that there were some things that staff was still researching.

Mrs. Pelensky asked if there is a requirement for a canopy tree and the tree goes into these islands, would it be possible to allow compact parking spaces.

Mr. Jeffries answered yes.

Mrs. Pelensky referred to page 16, item (5), where it states in part, "*Shrubs used for the required screening of properties, uses, or storage areas shall be a minimum of three (3) feet in height at the time of planting and be species capable of reaching a height of six (6) feet within four (4) years.*" She said some native plantings are difficult to get at a height of two (2) feet at planting from nurseries. She said the Florida Association of Native Nurseries (FANN) is trying to address that. She reported that Cherry Lake Farms in Orlando was the leader with FANN and they are working on getting codes and nursery stock so that they match.

Mr. Jeffries said that he would look into it.

The Chairman opened the floor for public comments at 2:19 p.m.

Mrs. Katherine Booth said the beginning of the statement under Section 72.16, (a)(1), "*All plant material shall be Florida Grade No. 1*" was very important. Page 14 has a table of different shapes of plants, which is important for the Board to note. She referred to page 15 stating that large native canopy trees were not the right plants for the spaces, such as an island or under a utility line. She asked that the Board consider using small native trees instead of ornamental lawn native trees to help with the biodiversity of the native tree canopy. She then referred to page 15, Section 72.16, "*Lawn turf shall not be used as a landscape area material in more than 50% of the required landscape areas.*" She asked for a reduction in turf to a maximum of 25% to reduce chemicals in the Lagoon and to reduce irrigation of potable water.

The Chairman closed public comments at 2:21 p.m., with no one else wishing to be heard.

B. Proposed Tree and Palm Protection Ordinance

Mr. Jeffries said the Board previously went through the proposed Tree and Palm Protection Ordinance in detail. He asked the Board members if they had any additional comments or questions.

Mr. Bittner felt that the penalties should be equal or exceed the cost of mitigation.

Mr. Jeffries said that staff is still researching this in that the City does require double mitigation, however the City's mitigation costs does not match up with what it costs to move a large Oak Tree.

Mr. Bittner referred to page 19, Section 72.30 (i)(1) of the proposed Ordinance, where it states in part, "*All amounts paid into the fund shall be reserved solely for the removal of invasive plants, purchase, relocation, costs directly related to tree planting, installation of tree-related irrigation systems, or maintenance of trees and palms on public property and rights-of-way within the City or costs related to the City Forester.*" He said that he thought maintenance was in the City budget. He felt that "maintenance" should be stricken.

Mrs. Pelensky agreed.

Mr. Bittner felt that the tree permit application fees should cover the City's costs so that the Tree Fund is truly a Tree Fund and not an administrative fund.

Mr. Jeffries said that he would look into it.

The Chairman opened the floor for public comments at 2:35 p.m.

Mrs. Katherine Booth read a prepared statement. She said they have the opportunity to protect the City's trees from pruning that causes a slow death of the trees. She said the pruning portion of the Ordinance is not necessary.

The Chairman closed public comments at 2:42 p.m., with no one else wishing to be heard.

Mr. Prieto referred to page 24, Section 72.34 item 4-b) – Harmful pruning practices, where it states, *“No specimen tree, protected tree or palm, or tree or palm required by an approved site plan or landscape plan shall be subjected to topping, tipping, or other excessive pruning practices.”* He asked who defines “excessive pruning.”

Mr. Jeffries said that he would put in some additional language that refers to industry standards, as well as the City Forester.

C. Permitted Uses in Commercial Districts

Mr. Jeffries reported that he would be bringing back before the Board a “use matrix.”

The Chairman opened and closed public comments at 2:48 p.m., with no one wishing to be heard.

VI. PLANNING DEPARTMENT MATTERS

Mr. Jeffries reported that the September 1, 2022 Planning and Zoning meeting has been cancelled. Their next meeting will be held on September 15, 2022.

VII. BOARD MEMBERS' MATTERS

Mr. Bittner said there probably would be a referendum on the Marina. He asked that Mr. Jeffries add to their next agenda discussion on how this would affect them.

Mr. Turner said they may or may not be able to do that under State Statute.

VIII. ADJOURNMENT

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

/sp