

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, OCTOBER 5, 2023 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Members: Tim Velde, Jason Ground, T. P. Kennedy, Alternate Member, Elliese Shaughnessy and Alternate Member, Jake McCrae **Also Present:** Planning Director, Jason Jeffries; Cheri Fitzgerald, Principal Planner; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absences: Jeb Bittner and Robin Pelensky

Mr. John Turner, City Attorney, called today's meeting to order at 1:30 p.m. He said the Board would need to elect a Chairman Pro-Tem to run today's meeting. He asked the Board members for a nomination for a Chairman Pro-Tem.

Mr. Ground was unanimously appointed Chairman Pro-Tem for today's meeting.

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A. Regular Meeting – August 17, 2023

Mr. Ground made a motion to approve the minutes of the August 17, 2023 Planning and Zoning Board meeting. Mr. Velde 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; Requested by Global View Investments, LLC to Voluntarily Annex Property Located at 2301 43rd Avenue, Containing 4.23 Acres More or Less, Pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date.**

The Chairman Pro-Tem read the Ordinance by title only.

Mr. Jason Jeffries, Planning Director, reported that this is an application for a voluntary annexation. He noted that this public hearing is just for the property being brought into the City.

Mrs. Cheri Fitzgerald, Principal Planner, 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 annexation to the City Council.

Mr. Pete Sweeney, Attorney representing the applicant, complimented staff for their assistance and

support of this annexation. He said this is in compliance with the City's Comprehensive Plan and it also provides some significant benefits to the City for a four (4) acre annexation that is currently on the municipal boundaries that would allow growth in an area that is well known to be an important focal point for the City being by Dodgertown and the Airport. He asked that the Board approves it and moves it forward to the City Council.

Mr. McCrae asked what are the plans for the property.

Mr. Sweeney felt that would be an appropriate question for the next two (2) items on today's agenda regarding the future land use and the zoning. He said when they see the requested zoning they are asking for they would see either single-family or multi-family dwellings.

The Chairman Pro-Tem opened the public hearing at 1:42 p.m.

Mr. Jeff Zugal (spelling may be incorrect) said that he lives right behind this property. He asked that they make sure they have a neighborhood workshop when they get into the planning phase of the project. He asked if the project would be multi-stories or single-story. He said this was a major concern because he butts right up to this property.

Mr. Jeffries said those were more concerns about the land use and the zoning designation so those questions would be answered when they get to those items on today's agenda.

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

Mr. Kennedy moved that the Board approves the Ordinance of the City of Vero Beach, Florida requested by Global View Investments, LLC to voluntarily annex property located at 2301 43rd Avenue, containing 4.23 acres more or less, pursuant to the voluntary annexation provisions of Section 171.044 Florida Statutes, providing for an effective date to the City Council for adoption. Mr. Velde seconded the motion and it passed 5-0 with Mr. McCrae voting yes, Ms. Shaughnessy, Mr. Kennedy yes, Mr. Velde yes, and Mr. Ground yes.

[Legislative]

- B. An Ordinance of the City of Vero Beach, Florida Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation of Voluntarily Annexed Property from Indian River County Designation L-2, Low Density Residential-2 to City of Vero Beach Designation RM, Residential Medium for the Property Located at 2301 43rd Avenue, Containing 4.23 Acres More or Less; Providing for an Effective Date.**

The Chairman Pro-Tem read the Ordinance by title only.

Mrs. Fitzgerald 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 Comprehensive Plan Future Land Use Map designation to the City Council.

Mr. Velde asked in moving it from the County to the City, would there be any negative impact on the screening and blockage for the residential houses. He asked is the County's requirements for landscaping less or more than the City's requirements that would negatively impact the people around them.

Mr. Jeffries said that he was not familiar with the County's screening provisions.

Mr. Velde asked Mr. Jeffries in his experience, were they close or was the City more stringent in the landscaping requirements.

Mr. Jeffries thought they were about the same.

Mr. Velde said that his only concern was if it would negatively impact the neighbors by taking the property out of the County and bringing it into the City.

Mr. Jeffries reported that the City recently improved their landscape and buffering requirements.

Mr. Pete Sweeney, Attorney representing the applicant, felt that Mr. Velde's questions were appropriate. He felt the fact that the Board's recommendation to annex this property into the City gave the City the ability to help mold the buffering requirements. He said this does meet the Comprehensive Plan goals, policies, and objectives.

The Chairman Pro-Tem opened and closed the public hearing at 1:59 p.m., with no one wishing to be heard.

Mr. Kennedy made a motion that the Board sends the Ordinance of the City of Vero Beach, Florida amending the Comprehensive Plan Future Land Use Map by changing the Future Land Use designation of voluntarily annexed property from Indian River County designation L-2, Low Density Residential to City of Vero Beach designation RM, Residential Medium for the property located at 2301 43rd Avenue, containing 4.23 acres more or less, providing for an effective date to the City Council for approval. Mr. Ground seconded the motion and it passed 5-0 with Mr. McCrae voting yes, Ms. Shaughnessy yes, Mr. Kennedy yes, Mr. Velde yes, and Mr. Ground yes.

[Quasi-Judicial]

- C. An Ordinance of the City of Vero Beach, Florida Amending the Official Zoning Map by Changing the Zoning District Designation of Voluntarily Annexed Property from Indian River County Designation RS-6, Single-Family Residential to City of Vero Beach RM-10, Medium-High Density Multiple-Family Residential, for the Property Located at 2301 43rd Avenue, Containing 4.23 Acres More or Less; Providing for an Effective Date.**

The Chairman Pro-Tem read the Ordinance by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff and the audience present for today's hearing en masse.

Mrs. Fitzgerald, 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 zoning map amendment to the City Council.

Mr. Jeffries, who has been sworn in, said a question came up previously in today's meeting regarding a neighborhood meeting. He explained that most likely this site would have more than five (5) units and the City's Code requires a neighborhood workshop. He said during the site plan process, the applicant would have to hold a neighborhood workshop, which they would have to notify property owners within 500-feet of the property. At that meeting, the property owners would have an

opportunity to review the proposed plans for the site and provide any input or comments that they have. He explained that a summary of that neighborhood workshop would have to be provided at the time of the site plan application, which staff would review to make sure that any concerns were addressed through staff's review process. He said they would have to meet the City's landscape requirements and setbacks.

Mr. Pete Sweeney, Attorney representing the applicant, who has been sworn in, said whatever would be built on the property would require site plan submission, review and approval consistent with the City's Code. This would require a neighborhood workshop and the applicant would need to reach out to everyone within 500-feet in every direction of the development.

The Chair Pro-Tem opened and closed the public hearing at 2:11 p.m., with no one wishing to speak.

Mr. Ground made a motion that the Board recommends approval by the City Council of the Ordinance of the City of Vero Beach, Florida, amending the Official Zoning Map by changing the Zoning District designation of voluntarily annexed property from Indian River County designation RS-6, Single-Family Residential to City of Vero Beach RM-10, Medium-High Density Multiple-Family Residential, for the property located at 2301 43rd Avenue, containing 4.23 acres more or less, providing for an effective date to the City Council based on competent substantial evidence. Ms. Shaughnessy seconded the motion and it passed 5-0 with Mr. McCrae voting yes, Ms. Shaughnessy yes, Mr. Kennedy yes, Mr. Velde yes and Mr. Ground yes.

Mr. Jeffries stated that the next two (2) items on today's agenda were related to the First Methodist Church. They are for a Future Land Use Map amendment and a rezoning request. He reported that he sends his child to their Day Care and has reviewed this. He did not believe there to be a conflict of interest under the Florida Statutes on Ethics related to public officials and employees or under the American Institute of Public Certified Planner's Code of Ethics. The direct analysis was prepared by Mrs. Fitzgerald and this in no way would affect his ability to perform the public duties of his position.

[Legislative]

- D. An Ordinance of the City of Vero Beach, Florida Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation from RM, Residential Medium and C, Commercial to MX, Mixed Use, Located at 1750 20th Street and Adjoining and Nearby Properties to the South of 21st Street, West of 18th Avenue and North of 20th Street, Containing 2.74 Acres More or Less; Providing for an Effective Date.**

The Chairman Pro-Tem read the Ordinance by title only.

Mrs. Fitzgerald 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 Future Land Use Map amendment to the City Council.

Mr. Pete Sweeney, Attorney representing the applicant, referred to the slide showing the Future Land Use Map and the Downtown Study Area in the Power Point presentation. He stated that on the left side of the slide (Future Land Use Map) all the hatched areas represented the total of the parcel. He said even though they were all under the control and ownership of the Church, they don't have the exact same Future Land Use designation. The far right area that is elongated was one (1) parcel of developed Church property that had split Future Land Use. He said this was from a bygone era when

State Road 60 was expanded. He said this proposed change would accomplish three (3) things. The first is regarding the Comprehensive Plan to try to have conformity. The second was it would all be uniform across the property to the east and southeast all across the property. The third was that it would not implicate the residential neighborhoods. They believe this was consistent with the Comprehensive Plan and would be appropriate to designate to MX, Mixed-Use.

Mr. Kennedy asked what brought on the change of use by the Church.

Mr. Sweeney stated that there were multiple different zonings and there was an educational aspect that the Church maintained and they could not expand their school because they were on multiple parcels with different zoning designations.

Mr. Jeffries said the Church currently has a Day Care and they were looking to expand it to a private school, however because the Church is in the Multi-Family district it was not permitted. He said there were three (3) different zonings on their property.

The Chairman Pro-Tem opened the public hearing at 2:28 p.m.

Mrs. Linda Hillman said that she lives a stone throw from the Church. She said that she wanted her comments on the record for future use if it comes up. She said that she and her neighbors were concerned because the biggest cause of expansion and removal of affordable housing in their neighborhood was the Methodist Church, the Community Church, and the Baptist Church. She said they all came before the City and streets were given away to them. She said the Baptist Church added a Day Care Center, the Community Church expanded to a bigger Church area and the Methodist Church knocked down a nine (9) unit apartment building that had people living there to put in a parking lot. Her concern is that there was a four (4) unit apartment building on this property and the tenants were not aware of this change. She was concerned that the Church would want to remove the affordable housing in the future. She said it was her understanding that if this building was to be removed, something similar with housing would have to replace it. She asked Mr. Jeffries to correct her if she was wrong or to explain this further.

Mr. Jeffries did not think under public comments that she could request this. He said that question would have to be directed to the Board.

Mrs. Hillman asked the Board if the Planning Director could answer her question.

Mr. Rob Barton (spelling may be incorrect) said that his daughter attends this Day Care Center. The different land uses sounded like it was way out of date and needed to be corrected. He said they need to be able to make whatever adjustments that need to be made.

Reverend Rebecca Callahan, Associate Pastor of First Methodist Church, said there was no intention to take down any residential housing. She said they can't go in and repair the two (2) story building that they use for Sunday School classes to bring it up to Code for their students. The way it is zoned currently they cannot use the building for their students. She said they were not going to tear anything down. They want to use the building as it is, but have it renovated and brought up to Code. She said they just want to renovate the two (2) story building so they could expand their school.

The Chairman Pro-Tem closed the public hearing at 2:36 p.m., with no one else wishing to be heard.

Mr. Jeffries noted that the applicant could respond to any of the comments if they wish.

Mr. Sweeney said that he did not want to respond.

Mr. Jeffries asked the Board if they wanted him to answer Mrs. Hillman's questions.

Mr. McCrae answered yes.

Mr. Jeffries said with the adoption of the Comprehensive Plan in 2018, the City now has stricter policies related to the abandonment of streets, especially streets that serve a grid pattern in Original Town. Therefore, the type of abandonments that used to occur in the City could not occur going forward because of the policies in the Comprehensive Plan. In terms of the properties they own, this is a Residential Medium land use, which allows a variety of residential uses and the Mixed-Use designation also allows residential uses, as well as certain community facilities. He noted that no matter what the zoning is, property owners have the right to tear down a property and rebuild it as long it conforms with the existing zoning. He said this Future Land Use Map amendment does not change that situation because it is allowed under both designations. He pointed out that the first criteria was to address the need and is it consistent with the public interest. He said what they have is a Church that provides a certain community service. It was not a need to City government, but a need to the community. He said they are proposing Day Care and educational services that are needed in the community. He felt it was important to point out the need and that it was consistent with the public interest to provide those services.

Mr. Ground moved that the Board sends to City Council the Ordinance of the City of Vero Beach, Florida, amending the Comprehensive Plan Future Land Use Map by changing the Future Land Use designation from RM, Residential Medium and C, Commercial to MX, Mixed Use, located at 1750 20th Street and adjoining nearby properties to the south of 21st Street, west of 18th Avenue and north of 20th Street, containing 2.74 acres more or less, providing for an effective date. Mr. McCrae seconded the motion and it passed 5-0 with Mr. McCrae voting yes, Ms. Shaughnessy yes, Mr. Kennedy yes, Mr. Velde yes, and Mr. Ground yes.

[Quasi-Judicial]

- E. Ordinance of the City of Vero Beach, Florida Amending the Official Zoning Map by Changing the Zoning District Designation from RM 10/12, Multiple-Family Residential and C-1B, Commercial to DTW, Downtown District, for the Properties Located at 1750 20th Street and Adjoining and Nearby Properties to the South of 21st Street, West of 18th Avenue and North of 20th Street, Containing 2.74 Acres More or Less; Providing for an Effective Date.**

The Chairman Pro-Tem read the Ordinance by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff and the audience present for today's hearing en masse.

Mrs. Fitzgerald, 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 zoning map amendment to the City Council.

Mr. Pete Sweeney, Attorney representing the applicant, who has been sworn in, showed the Board a map that was presented at their community workshop (attached to the original minutes). He said they could see the building as it stands has split zoning, which was not logical. He said this request was consistent with bringing it into appropriate zoning so that they have uniform zoning. He asked

that the Board recommends approval for the rezoning to the Downtown District.

The Chairman Pro-Tem opened and closed the public hearing at 2:49 p.m., with no one wishing to be heard.

Mr. Kennedy made a motion that the Board approves to be sent on to the City Council the Ordinance of the City of Vero Beach, Florida amending the Official Zoning Map by changing the Zoning District designation from RM 10/12, Multiple-Family Residential and C-1B, Commercial to DTW Downtown District, for the properties located at 1750 20th Street and adjoining and nearby properties to the south of 21st Street, west of 18th Avenue and north of 20th Street, containing 2.74 acres more or less, providing an effective date based on competent substantial evidence presented today. Mr. Velde seconded the motion and it passed 5-0 with Mr. McCrae voting yes, Ms. Shaughnessy yes, Mr. Kennedy yes, Mr. Velde, yes, and Mr. Ground yes.

V. DISCUSSION OF THREE CORNERS PROJECT

Mr. Jeffries gave a Power Point presentation on the Three Corners project (attached to the original minutes).

A. Proposed Comprehensive Plan Amendment

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

B. Proposed Land Development Regulations Amendments

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

VI. PLANNING DEPARTMENT MATTERS

Mr. Jeffries gave a brief overview of the Planning Department's Work Plan.

VII. BOARD MEMBERS' MATTERS

None

VIII. ADJOURNMENT

Today's meeting adjourned at 3:36 p.m.

/sp