

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, OCTOBER 19, 2023 - 1:30 PM  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT: Members:** Jason Ground, Timothy Velde, T. P. Kennedy, Alternate Member, Elliese Shaughnessy and Alternate Member, Jake McCrae **Also Present:** Principal Planner, Cheri Fitzgerald; Senior Planner, Gayle Lafferty; Planning Director, Jason Jeffries; 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., and the Deputy City Clerk performed the roll call.

Mr. Turner said the Board would need to elect a Chairman Pro-Tem to run today's meeting. He said that Mr. Ground did an outstanding job serving as Chairman Pro-Tem at their last meeting and felt that it would be appropriate to nominate him again.

**Mr. Kennedy nominated Mr. Jason Ground as Chairman Pro-Tem for today's meeting. Mr. Velde seconded the motion and it passed unanimously.**

**I. PRELIMINARY MATTERS**

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

None

**II. APPROVAL OF MINUTES**

**A. Regular Meeting – October 5, 2023**

**Mr. Velde made a motion to approve the minutes of the October 5, 2023 Planning and Zoning Board meeting. Mr. Kennedy seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

**[Quasi-Judicial]**

**A. Minor Subdivision Application Submitted By J. Russell Flinchum for a Lot Split of an Existing Residential Consolidated Lots of Record into Two Residential Lots Located at 608 Cypress Road (#SD23-000001)**

The Chairman Pro-Tem read the Minor Subdivision application submitted by Mr. J. Russell Flinchum 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. Cheri Fitzgerald, Principal Planner, 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 residential lot split at 608 Cypress Road.

Mr. Jason Jeffries, Planning Director, who has been sworn in, stated that the applicant has the opportunity to make a presentation, however they are waiving that opportunity.

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

**Mr. Kennedy made a motion that the Board approves Minor Subdivision application submitted by J. Russell Flinchum for a lot split of an existing residential consolidated lots of record into two (2) residential lots located at 608 Cypress Road (#SD23-000001) based on competent substantial evidence. Mr. Velde seconded the motion and it passed 5-0 with Mr. Mr. McCrae voting yes, Ms. Shaughnessy yes, Mr. Kennedy yes, Mr. Velde yes and Mr. Ground yes.**

**[Quasi-Judicial]**

**B. Variance Application Submitted by Russell Carson and Kimberly Eungard to Reduce the Required Side Yard Setback from 10 Feet to 5 Feet to Allow Accessory Structures within 10 Feet of the Primary Structure Located at 555 19<sup>th</sup> Place (#V23-000007)**

The Chairman read Variance Application #V23-00007 submitted by Mr. Russell Carson and Mrs. Kimberly Eungard by title only.

Mr. Kennedy reported that he owns a rental house on 19<sup>th</sup> Place and he did receive notice of the hearing.

Mr. Turner asked Mr. Kennedy if that would make any difference in the decision that he would make.

Mr. Kennedy answered no.

Mr. Turner asked if he could be fair and impartial.

Mr. Kennedy answered yes.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff and the audience present 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 (attached to the original minutes).

Mr. Jeffries, who has been sworn in, said if the Board grants the variance staff recommends that the

variance would only apply to the accessory structure, not the primary structure.

Mr. McCrae asked if he was correct that there was a fence blocking their neighbor from this.

Mr. Jeffries said that was correct.

Mrs. Kimberly Eungard, Applicant, who has been sworn in, said the owner of the fence was their neighbor who they felt was the only ones who were affected. She said that she supplied staff with a letter from them stating that they were totally fine with this.

The Chairman Pro-Tem opened and closed the public hearing at 1:50 p.m., with no one wishing to be heard.

**Mr. Ground made a motion that the Board approves Variance application submitted by Mr. Russell Carson and Mrs. Kimberly Eungard to reduce the required side yard setback from 10-feet to five-feet to allow accessory structures within 10-feet of the primary structure located at 555 19<sup>th</sup> Place (#V23-000007) based on competent substantial evidence.**

Mr. Jeffries said the variance would be that they could place the accessory structure five-feet from the property line without being 10-feet from the primary structure.

**Mr. Ground added to the motion to allow them to place an accessory structure five-feet from the property line. 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]**

- C. A Site Plan Application Submitted By Schulke, Bittle & Stoddard, LLC on Behalf of Windward Partner, LLC for Construction of a New Three Story Building to Include 2,444 Square Foot of Retail Space, 7,650 Square Foot of Office Space and a 2,444 Square Foot Restaurant with an Additional 760 Square Foot Outdoor Seating Area Located at 1410 Highway A1A and 916 Turtle Cove Lane (SP22-000002)**

The Chairman read Site Plan application submitted by Schulke, Bittle and Stoddard, LLC 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.

Ms. Lafferty, who has been sworn in, went over staff's report accompanied by a Power Point presentation (attached to the original minutes). Staff finds that the site plan application meets the provisions for site plan approval and recommends approval with the conditions outlined in staff's memorandum.

Mr. August Schwartz, Landscape Architect, who has been sworn in, said that he did not have a presentation and was present to answer any questions. He said the condominium association next door was very active and he was sure that they had a lot of questions.

The Chairman Pro-Tem opened the public hearing at 2:01 p.m.

Ms. Celia Johnson said that she is a resident of Beachwalk Condominium, which is next door to this property. She said that she was confused about the size of the fence on whether it was going to be four (4) feet or six (6) feet. She said the residents of Beachwalk Condominium are in favor of the fence being six (6) feet.

Mr. Schwartz said the reason for the fence was because the residents of Beachwalk Condominium asked for it. He said if they want a six-foot fence that is what they would get.

Mr. Anthony DeChellis, owner of Windward Partners LLC, who has been sworn in, said whatever they want between the two properties including landscaping was fine with him. He said they would make them happy.

Mr. Josh Boyd, who has been sworn in, said that he was a close neighbor to this property. He said that he was very excited about this project. He asked what support would the City offer to residents for the overflow of workers on the project. He said that he had some concerns about workers parking wherever they want within the neighborhood. He asked what enforcement the City has if they were to park in his yard.

Mr. Jeffries said that was not a site development issue, but more of an issue of enforcement of the City's right-of-way regulations. He said there was some enforcement measures that the Public Works Department has in terms of use of right-of-ways.

Mr. Turner said they have Public Works Department Enforcement, Code Enforcement and Law Enforcement.

Mr. Boyd said so it would be law enforcement if someone was to park on private property.

Mr. Jeffries said someone could not use his (Mr. Boyd's) property without his permission.

Mr. Boyd said that he was pumped about this project, however he was concerned about people parking all over.

Mr. Jeffries said staff could note this issue during their pre-construction meetings that would be held between the Public Works Department and the contractors once they receive their building permits.

The Chairman Pro-Tem closed the public hearing for affected parties at 2:10 p.m., with no one wishing to be heard.

Mr. Turner said there were no other affected parties wishing to be heard so they would now move to public comments.

The Chairman Pro-Tem opened and closed public comments at 2:11 p.m., with no one wishing to be heard.

Mr. DeChellis said this is a 1.15 acre piece of property so the construction workers would have plenty of places to park.

**Mr. Kennedy made a motion that the Board approves the Site Plan application submitted by Schulke, Bittle and Stoddard LLC on behalf of Windward Partner LLC, for construction of a new three (3) story building to include 2,444 square feet of retail space, 7,650 square feet of office space and a 2,444 square foot restaurant with an additional 760 square foot outdoor seating area located at 1410 Highway A1A and 916 Turtle Cove Lane (SP33-000003) based on competent substantial evidence. Mr. McCrae seconded the motion and it passed 5-0 with Mr. McCrae voting yes, Ms. Shaughnessy yes, Mr. Kennedy yes, Mr. Velde and Mr. Ground yes.**

## **V. NEIGHBORHOOD MEETING FOR THE THREE CORNERS PROJECT**

- A. A Proposal by the City of Vero Beach, Florida to Amend the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation from GU, Government Use to MX, Mixed Use and P, Park, Located at 17 17th Street, Known as the Former City Power Plant Site, North of the Alma Lee Loy (17th Street) Bridge, West of the Indian River, and East of Indian River Boulevard and the City Wastewater Treatment Plant, South of the Alma Lee Loy (17th Street) Bridge, West of the Indian River, and East of Indian River Boulevard; to Guide Development Consistent with the Master Concept Plan Presented in the Executive Summary of the Three Corners, Vero Beach Report, Containing 37.22 Acres More or Less; Providing for an Effective Date.**

Mr. Jeffries reported that this is a neighborhood workshop meeting on the Three Corners project. He said that anyone wanting to speak on this would need to sign in. He then gave a Power Point presentation (attached to the original minutes).

Mr. Anthony DeChellis referred to the environmental study. He asked to what extent has a remediation plan been devised at Big Blue and the grounds underneath it.

Mr. Jeffries said there have been Phase I environmental studies done on the property. He reported that when the City took down the oil tanks there was environmental work done, when Florida Power and Light (FPL) took down the old substation there was environmental testing done, etc. He said the City was in the process of having another Phase I and Phase II comprehensive study done.

Mr. Stu Keeler, Executive Director of Youth Sailing Foundation, said they were anxious to get the Comprehensive Plan completed. He said that they have the funds to build their building and are ready to go.

The Chairman Pro-Tem closed the neighborhood workshop at 2:47 p.m., with no one else wishing to be heard.

Mr. McCrae asked is there an access walkway from the north side to the south side.

Mr. Jeffries answered yes, which would be under the bridge.

## **VI. PLANNING DEPARTMENT MATTERS**

Mr. Jeffries reported that there would not be a meeting on November 2<sup>nd</sup> meeting.

**VII. BOARD MEMBERS' MATTERS**

None

**VIII. ADJOURNMENT**

Today's meeting adjourned at 3:03 p.m.

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